

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**JULY 5, 2011**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, July 5, 2011, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID and SCHMIDT were present. Council Member THORNHILL was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of June 20, 2011 were approved unanimously by voice vote on a motion by Mr. Kespohl and a second by Mr. Dudley.

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

Mayor McDavid noted the scheduled public comment request had been withdrawn. Mayor McDavid made a motion to move B157-11 from the consent agenda to old business, to add REP119-11 to the reports section of the agenda, and to approve the agenda with those changes. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**SPECIAL ITEMS**

**R110-11 Approving the by-laws of the Worley Street Park Neighborhood Association.**

The resolution was read by the Clerk.

Ms. Anthony asked if staff made sure a neighborhood association did not overlap with another neighborhood association when it officially asked to be recognized.

Verna Laboy stated she was the PedNet Communication Coordinator and noted the Council did not have to worry about overlap as they had worked closely with the Office of Neighborhood Services. She explained she co-chaired the Neighborhood Association Revitalization Action Team, and the group targeted areas in the community that did not have recognized neighborhood associations. She introduced the Worley Street Park Neighborhood Association officers and members that were present and noted they were excited about making their neighborhood a safer and more livable community.

Mr. Kespohl asked if the neighborhood association was entirely within the First Ward. Mr. Schmidt replied he believed all of it was in the First Ward.

The vote on R110-11 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: THORNHILL. Resolution declared adopted, reading as follows:

## APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

## SCHEDULED PUBLIC COMMENT

### **Anthony D. Conway: Flash flooding due to storm water run off.**

Mr. Conway withdrew his request to speak.

## PUBLIC HEARINGS

### **B167-11 Authorizing construction of improvements to the tennis courts at Shepard Boulevard Elementary School; calling for bids through the Purchasing Division; authorizing an agreement with the Columbia Public School District.**

The bill was given second reading by the Clerk.

Mr. Matthes and Mr. Griggs provided a staff report.

Mayor McDavid opened the public hearing.

Carole Kennedy, 704 Wildwood Drive, stated she was the spokesperson for the Show-Me Pickleball Club and urged the Council to authorize changes to these courts, which included striping for pickleball. She provided a history and description of the game, and explained it could be played by people of all ages. She appreciated the fact the Parks and Recreation Department had striped the courts at Grindstone, Oakland Park and Shepard, but asked the Council to consider dedicated pickleball courts in the future. Tennis players preferred not to have courts striped with pickleball lines and pickleball players preferred shorter nets than used for tennis. She suggested the City consider converting the sand volleyball courts at Oakland to dedicated pickleball courts.

Ms. Hoppe asked who should be contacted if someone was interested in pickleball. Ms. Kennedy replied anyone interested could contact her at 573-445-2168.

Karl Skala, 5201 Gasconade Drive, understood new and refurbished tennis courts normally did not include backstops for practice, and asked if these courts would have practice boards. Mr. Griggs replied these courts would not include backstops.

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

Ms. Hoppe stated she believed this was a much needed improvement as the courts were in terrible condition. In addition, it was a great partnership between the City and the schools in terms of improving school playgrounds that were open for public use.

Ms. Anthony asked if staff had considered using the sand volleyball courts at Oakland for new pickleball locations. Mr. Griggs replied it was an option and explained that area had originally been set aside for future tennis courts. Ms. Anthony noted she had received a few e-mails from pickleball players requesting more space and suggested it be moved up the priority list.

B167-11 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: THORNHILL. Bill declared enacted, reading as follows:

### **B168-11 Authorizing construction of improvements at Again Street Park; authorizing an agreement with the Columbia Public School District.**

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mr. Schmidt commented that he understood the bridges to the connectors to Pinewood and Ridgewood were gone due to stormwater issues and asked if there were plans to reinstall them as they were important for connectivity to the park. Mr. Griggs explained they removed the bridges because tree limbs had created a dam, which had caused several homes along Pinewood to flood during heavier rains. The plan was to clear a space when it dried up so the water and limbs could travel through without impediment.

Mayor McDavid opened the public hearing.

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

B168-11 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: THORNHILL. Bill declared enacted, reading as follows:

**(A) Voluntary annexation of property located on the east side of Creasy Springs Road, north of West Prairie Lane and south of Blue Ridge Road (3624 Creasy Springs Road).**

Item A was read by the Clerk.

Mr. Matthes and Mr. Zenner provided a staff report.

Mayor McDavid opened the public hearing.

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

**OLD BUSINESS**

**B136-11 Amending Chapter 29 of the City Code as it relates to scenic roadway area overlay.**

The bill was given third reading by the Clerk.

Mr. Matthes provided a staff report.

Ms. Hoppe made a motion directing staff to prepare amendments to ordinance Sections 29.21.2(f), (g), (h) and (i) and to provide the updated ordinance language to the Planning and Zoning Commission to consider while they also reviewed Sections 29.21.2(c) and (j), so they could provide a recommendation to Council on all of it at one time, and to prepare an amendment to Chapter 25 – Subdivision Regulations, so “scenic road” was a separate category. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

Ms. Anthony stated she appreciated Ms. Hoppe’s work on this issue and believed the delay was appropriate as it would allow them to get it right. She felt this would be valuable for Rock Quarry and any other road that was designated as a scenic roadway in the future.

Ms. Hoppe thanked the Planning and Zoning Commission and staff for their work thus far as it had provided something for Council and the public to consider.

Ms. Hoppe made a motion to withdraw B136-11 since a new bill would be considered by Council in the future for consideration. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

**B156-11 Approving the Final Plat of College & Walnut Subdivision, a Replat of Lots 17, 18 and Part of Lot 13 of Hubbell Place Addition located on the west side of College**

**Avenue, between East Walnut Street and East Ash Street; authorizing a performance contract; granting variances from the Subdivision Regulations.**

The bill was given second reading by the Clerk.

Mr. Zenner provided a staff report.

Ms. Anthony asked if the H-3 Downtown Charrette Report had been considered by the Planning and Zoning Commission when it made its decisions regarding the variances. Mr. Zenner replied he did not believe the H-3 Report was evaluated. He noted this was a platting action and the H-3 Report was just a report and not policy as this point. He explained correspondence from the Downtown Columbia Leadership Council (DCLC) had been provided in the reports section of the agenda with regard to a coordinated effort between Stephens College, the City and the developer to attempt to construct median improvements along College that would mirror something similar to Range Line as it went through campus, and that was not discussed at the meeting. The Planning and Zoning Commission simply looked at the issue of the platting and the variances at hand related to that platting action.

Mr. Kespohl understood Ash Street was currently a bike boulevard, but it might not always be a bike boulevard, and asked if an easement for Ash Street for a left turn lane should be considered in case it was needed for the future. Mr. Zenner replied the building plan was currently being evaluated by staff and the building was shown to be out to the right-of-way line that existed on Ash today. The negotiations that were arrived at in terms of the Walnut Street frontage and right-of-way were predicated on the Ash Street improvement.

Mr. Kespohl asked if there was room for a left turn lane on Ash. Mr. Zenner replied a turn lane could potentially be installed if modifications to off-set the centerline of the right-of-way on Ash was moved northward. Mr. Kespohl understood the street was only two blocks long and dead ended at both ends, and reiterated they did not know what would be along there in the future.

Mr. Schmidt commented that he believed this was exactly the kind of development they wanted to see downtown and thought these easement arrangements were reasonable. He noted there was parking on that two block section of Ash, so they would still have room for future growth.

Ms. Hoppe asked if staff had discussed the H-3 Report with the developer to determine if he was interested and willing to create a development that was consistent with what that report envisioned. Mr. Zenner replied they had discussed the Downtown Charrette's design parameters and vision for development on that corner, but did not believe they discussed this in terms of roadway improvements on College.

Mr. Schmidt commented that he believed 10 feet for the sidewalk improvement on College was sufficient, even though it did not match the 25 feet on the other side.

Ms. Hoppe asked if there would be room for trees as there had been a suggestion for a College treescape. Mr. Zenner replied he understood landscaping along the face of the building on College would be accommodated and the additional 10 feet they were obtaining would allow for boulevard and sidewalk improvements. He pointed out the funding and participation to facilitate actual completion of vision had not been discussed.

Doug Cohnen, 810 Cherry Street, asked if Council had considered what the future developments, north of downtown, would do to rent prices and for clarification on those future

developments. He understood there would be 100 new residential units and asked if this and other developments would raise rent prices. He wondered if there were any future developments planned for the north part of downtown. Mr. Schmidt replied he was not aware of anything other than what had been reported in the *Missourian*.

Ms. Anthony commented that she was concerned with the variances due to the lack of interaction between that review process and the H-3 Downtown Charrette Report as it included intersection enhancements for College and Walnut and College and Broadway. She felt communication between the developer and the DCLC was needed in terms of the enhancements. She did not believe the H-3 Report should be ignored, and asked if any of these variances would counteract recommendations of the H-3 Charrette Report. Mr. Zenner replied he was unaware of any counteraction that would be had by the approval of the plat. He noted the facilitation of off-site improvements within public road rights-of-way and the plat that was providing the right-of-way necessary to facilitate the improvements were two separate issues. In addition, the applicant had presented its concept to the DCLC for review at the time of zoning. He reiterated staff viewed the facilitation of the improvements and the review of the plat as independent issues.

B156-11 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: THORNHILL. Bill declared enacted, reading as follows:

**B157-11 Approving the Final Plat of Hunthill Subdivision 2, a Replat of the East Half of Lot 15, Block 3, Hunthill Subdivision located on the south side of Lowe Street and the north side of Pearl Avenue; granting a variance from the Subdivision Regulations relating to sidewalk construction along a portion of Lowe Street and Pearl Avenue.**

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Ms. Anthony made a motion to amend B157-11 per the amendment sheet. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Steve Heying stated he was a land surveyor with offices at 1202 Madison Street and was available to answer any questions.

B157-11, as amended, was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: THORNHILL. Bill declared enacted, reading as follows:

**B162-11 Authorizing construction of the Old 63 Grindstone Pedway project between Grindstone Nature Area and Ashland Road and from Bluffdale Drive to and along Moon Valley Road; calling for bids through the Purchasing Division.**

**B163-11 Authorizing the acquisition of easements for construction of the Old 63 Grindstone Pedway project between Grindstone Nature Area and Ashland Road and from Bluffdale Drive to and along Moon Valley Road.**

The bills were given second reading by the Clerk.

Mr. Matthes provided a staff report.

Ms. Hoppe commented that the ordinance indicated the north section went from Bluffdale Drive to Moon Valley Road, but technically there was already had a pedway on

Bluffdale, north to the bridge. She asked if the wording should be changed to south of the bridge over the Hinkson, close to Bluffdale. Mr. Glascock replied Bluffdale was just used as a locator, so he did not believe the description needed to change. Ms. Hoppe thanked staff and the public for working out the details as she believed this was a great project as it would connect to Stephens Lake to the north and to the Grindstone area to the south of Stadium, and would be well used.

B162-11 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: THORNHILL. Bill declared enacted, reading as follows:

B163-11 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: THORNHILL. Bill declared enacted, reading as follows:

**B169-11 Authorizing an agreement with the Columbia Public School District to allow for the grading of a portion of the Clary-Shy Park located at Ash Street and Clinkscals Road for storm water management purposes; authorizing the City Manager to execute a drainage easement.**

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mr. Schmidt noted the area involved seemed flat and asked if they would be digging a big hole. Mr. Griggs replied it actually sloped downward to an area near an existing stormwater detention basin in the northwest corner of the ARC property, and as the Farmers Market's plans progressed or something more was done on the ARC property, such as an ice rink, basketball facility, etc., the whole area would be redone in terms of stormwater.

Mr. Schmidt asked if there was any thought to making it a permeable surface. Mr. Griggs replied it was a School District project, so he did not know.

B169-11 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: THORNHILL. Bill declared enacted, reading as follows:

**B172-11 Amending Chapter 5 of the City Code relating to animals and fowl.**

The bill was given second reading by the Clerk.

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

Christina McCullen, 5772 E. Limoges Drive, stated she was a member of Spay, Neuter and Protect (SNAP), which was a branch of Columbia Second Chance that dealt with feral and stray cats, and noted they practiced trap, neuter and return (TNR) on a voluntary basis. She explained TNR consisted of trapping cats, neutering or spaying them and returning them to their original location, and had been proven to be the most effective way to reduce the feral cat population in the long run, which was one of their goals. She explained she had been working with the Board of Health throughout this process, but felt the resulting ordinance would actually harm attempts to control the population of feral and stray cats. Over 37,000 feral cats were estimated to be in Columbia and the estimated cost per cat was \$150 to trap and eradicate them. A discounted TNR program would cost around \$60.00 per cat and resulted in a substantial savings for the City and the cats, since they would not be killed.

Mr. Schmidt asked for clarification on the TNR program. Ms. McCullen replied TNR stood for trap, neuter and return, which was the worldwide standard for dealing with feral animals. They were trapped humanely given a rabies vaccination, spayed or neutered, ear tipped to identify them as animals that had been spayed or neutered and vaccinated, and released. She explained that once the animals were released, they would go back to their original colony and would guard that territory and prevent new cats from moving in that area. This was called the vacuum effect and was well documented. She thought the Board of Health had recognized that trap, neuter and return was the best method for handling the feral cat problem in Columbia. Their concerns involved the number of regulations that would be placed upon the TNR effort. The requirements would be very costly and more than would be required for any pet cat. She believed they would cripple the trap, neuter and return methods in Columbia. She explained SNAP was a volunteer organization that gathered money through donations, and if they were expected to spend over \$100 per cat, they would run out of money quickly. She also felt it was a huge burden to place on people that did not want to see these cats starve or reproduce when they used their own money or received assistance from SNAP to spay or neuter the cats.

Mayor McDavid asked how many cats SNAP annually trapped, neutered and returned. Ms. McCullen replied she thought they had altered over 500 cats over the life of SNAP, which was a relatively new organization.

Mr. Schmidt asked if there were other organizations like SNAP. Ms. McCullen replied she thought they were the only organization doing trap, neuter and return in town. She noted veterinarians helped them out with reduced fees, the Humane Society provided them the barn cat special, which was the lowest rate in town, to fix many of the animals, and Columbia Second Chance donated the traps. Mayor McDavid commented that if it cost \$60 to trap, neuter and release, the cost would be over \$2 million for 37,000 cats. Ms. McCullen agreed, but noted the discounted trap, neuter and return method would still save the City over \$3 million versus the catch and kill method.

Mr. Kespohl asked if Ms. McCullen was concerned with the \$25 permit fee a person would need to pay to keep feral cats. Ms. McCullen replied she believed it would discourage people from attempting TNR because many people did not want others to know where their colonies were located due to fear of the colonies being killed. She noted she was not aware of anyone who would register for the permit. They were also concerned with the annual requirement to trap and test the cats as it was very expensive and time consuming since they had to anesthetize them and try to get a reluctant cat inside a trap.

Ms. Hoppe understood testing would have to be done twice to be reliable due to false negatives. Ms. McCullen replied that was correct and explained it was not practical to keep a feral cat caged for 30 days and was not recommended by any national organization that did trap, neuter and return. She also pointed out that this test was not required for pet cats that were outdoors.

Holly Oswald, 1602 Boyd Lane, stated she was a member of SNAP and had several concerns with regard to Article 6 of the ordinance as it was not practical. She suggested Columbia's ordinance be based on the recommendation of Alley Cat Allies, a national organization with expertise in this area. She noted feral cats had always been in Columbia

and their numbers would continue to grow unless they were spayed and neutered. The ordinance would make TNR more costly, difficult and time consuming and would discourage good Samaritans. She agreed people would not want to provide the location of colonies as they were worried someone would harm their cats. She reiterated the ordinance change would make it hard on the caretakers as some caretakers paid for all of the veterinarian expenses for feral cats. She commented that she was not sure who would track the licensing, but noted Animal Control was already overburdened. As an animal lover, she would love to be able to provide all of the services listed in the ordinance except for testing as it was not reliable. She pointed out it was difficult to trap a cat and trapping them annually was nearly impossible. In addition, the disease rate for feral cats was not greater than pet cats. She suggested the Council review the Alley Cat website and noted they would recommend focusing on spay and neuter efforts.

Ms. Hoppe asked if the ordinance recommended by Alley Cat Allies had been presented to the Board of Health. Ms. Oswald replied they did not specifically provide the Alley Cat Allies recommendations. They presented their own recommendations and mentioned they had used Alley Cat Allies as a reference. She believed the ordinance needed to help people who were spaying and neutering feral cats.

Shannon Kasman, 904 N. Eighth Street, stated she was a twelve year board member with Columbia Second Chance Animal Rescue and commented that this was the height of kitten season and she was receiving 15-20 calls per day from people that had found kittens. She noted that trap, neuter and release worked, and it would cost more to euthanize animals in shelters. In addition, there was a vacuum effect, and the removal of animals would only allow others to come to the same area. She had seen the numbers in colonies go down with the use of trap, neuter and release methods, and did not feel they needed to retest and spend more money on the same cat year after year. She thought they should use that money and effort toward other cats that had not been trapped, neutered and released. She suggested the Council to table this bill as it needed more work.

Ila Irwin stated she was the Chair of the Board of Health and noted the Board had identified this as an issue as a result of people taking care of more than four animals and the existing ordinance indicating no one could have more than four animals. She explained the Board worked with advocacy groups, the Humane Society and Animal Control in an effort to address the feral cat issue, and that it had taken 2 ½ years to complete. They created subcommittees and reviewed the issues of tethering, chickens and feral cats. They also reviewed various ordinances, and decided this ordinance best represented the efforts to control unwanted populations of animals. The goal was to not have unwanted animals put down. They did not want to trap and kill animals. They wanted to have them spayed and neutered, but they also wanted pet owners and pet caretakers to be responsible.

Ms. Hoppe commented that the Council had received a letter from Nancy Peterson, the Cat Program Manager for the Humane Society of the United States, which addressed each section and raised some important points with regard to microchipping versus tipping, and asked Ms. Irwin if she had seen the letter. Ms. Irwin replied she had not seen the letter, but noted microchipping would allow anyone to know the cat had received its rabies vaccine and was spayed or neutered, so it would not have to be revaccinated. She understood

Animal Control had a bid of \$6 or \$10 for microchipping, which was less expensive than revaccinating. Mr. Dudley asked if ear clipping or a tattoo would be cheaper. Ms. Irwin replied microchipping would allow them to know whether the animal had received its vaccinations. Mr. Dudley understood the same could be done with a tattoo. Ms. Irwin replied a tattoo would not necessarily indicate the animal had been vaccinated.

Mr. Schmidt asked if the issue was people trying to take care of cats, but were not taking care of them properly. He asked for clarification on the motivation. Ms. Irwin replied one of the issues was the public health concern for rabies. Another issue was the concern of caretakers taking care of more than four animals, so they wanted something in the ordinances to protect those caretakers so they could continue to do the good work they did.

Mr. Dudley understood 37,000 feral cats were in the community and asked what they were eating. Ms. Irwin replied she did not know.

Michael Szewczyk, 1404 Highlands Court, stated he was the physician representative on the Board of Health and explained the feral cat ordinance was a result being asked to look into the issue of four animals per household. He explained the Board created a subcommittee and invited two SNAP representatives to discuss the issues with them. The minutes indicated those representatives had voiced concern about euthanasia, but were open to regulations that included a registration fee and permit, parameters for feeding, neutering, trapping, testing, vaccinating, ear clipping and possibly the use of microchips to identify cats. He noted the main reason the Board felt this was important was due to the rabies health concern. Since 1992, cats were the single highest source of rabies in domestic animals, and in Missouri, last year, no domestic dog was identified as having rabies, but cats were identified as having rabies. Based on a study in Dallas, 25 percent of bites were from cats, and in Columbia 20-100 cat bites per year would require medical attention based on that percentage. People with cat or dog bites were required to get rabies vaccinations, which consisted of five expensive shots per person unless the animal could be quarantined, which could not be done with feral cats. Some people did not have insurance and the homeowner that might be supporting the feral cat was not held responsible. The Board felt it was great for someone to have feral cats as long as they were responsible for those cats. If they were going to feed them and give them an advantage over other wild animals, they believed they should be responsible for the cats. The ordinance was a way to make people responsible for their activities while protecting neighbors and the public health of neighbors. They saw the need to get the cat colonies permitted so their locations were known and they could be vaccinated for rabies. He explained the reason microchipping was important was because feral cats tended to live for seven years after being neutered, which meant the cats would need to be revaccinated. The rabies status of a cat would not be known by a notched ear. He noted the issue of feral cats was growing problem in Columbia and an increased number of people were asking for traps from the Health Department. He understood this was an emotional issue as cats were lovable creatures that no one wanted to euthanize, but pointed out stray dogs were removed from the streets. He thought it was just as appropriate for them to do something to take stray cats off of the street, especially since they were the leading domestic animal with rabies in Missouri.

Ms. Hoppe asked what would be done with the 36,500 cats SNAP could not address. Mr. Szewczyk replied the \$60 discounted program was based on free care by veterinarians and community volunteers collecting the cats. It was a 50 percent reduction in cost, and the real cost was about the same for the trap, neuter and release method as the catch and euthanize method. He reiterated dogs were euthanized if they were not adopted, but cats were treated differently even though they were not native and there were complications when releasing them back to the wild. He noted this was a growing problem that needed to be addressed as it had not been an issue 50 years ago.

Ms. Hoppe asked for his thoughts on the vacuum effect where a neutered feral cat population kept other cats from joining the area, which reduced the overall population. Mr. Szewczyk replied he understood the effect, but had not seen evidence of it since the cats were coming from someplace.

Mr. Schmidt asked how much City personnel would be needed to address these regulations and what other costs would be involved. Mr. Szewczyk replied the City did not have enough staff to take care of the cat problem, whether they did nothing, started catching and euthanizing all of the feral cats or adopted this ordinance. The Health Department currently loaned people traps to take care of the cat problem themselves. He believed the passage of this ordinance, although expensive for the homeowner, would shift responsibility to the homeowner caring for the feral colony, which would help reduce the amount of work for staff because those cats were being handled by the homeowner instead of the Health Department.

Atish Sen, 5772 E. Limoges Drive, stated he practiced trap, neuter and return and these regulations would make it impossible to do a significant amount of trapping with his limited financial resources. He agreed spaying and neutering and rabies vaccinations were important, but did not believe microchipping and the other vaccinations were necessary. The passage of this legislation would mean less people would help with the control and management of feral cats in the community. He noted feral cats were the result of irresponsible and transient owners. While he agreed the rabies vaccine was a good idea, he pointed out the Center of Disease Control did a study of 38 rabies cases from 1990 to 2006, and none of those cases were a result of cats. He understood raccoons were a bigger problem. He was glad this issue was being addressed by the City, but felt too much regulation would be a detriment to their goal. He agreed an ordinance was needed, but did not agree with microchipping, some of the vaccinations and the repeated catching of feral cats. He explained it would be difficult to trap a cat more than once as they were smart. He suggested this ordinance be revisited due to the requirements it would impose.

Nathan Voris stated he was the veterinarian member of the Board of Health and noted he firmly believed the group represented tonight and the Board of Health both had the best interest of cats in mind. He understood statements had been made indicating yearly or three year rabies vaccinations were nearly impossible and believed that was a problem. If the cats could not be captured on a regular basis, public health could not be protected, and protecting public health was of utmost importance. He explained there were many reports indicating encounters with feral cats were the cause of rabies in humans and provided an example in which it was suspected. He referred to the May 1, 2011 issue of the Journal of the American

Veterinary Medical Association (JAVMA), which reported TNR efforts did not reduce feral cat populations and indicated managed population actually grew, and as the populations grew, the risk factors for many diseases increased. The testing recommendations in the ordinance came from the feline veterinary practitioners group in terms of a 2008 position statement that suggested every cat be tested at least once for feline leukemia and the feline immunodeficiency virus and periodically depending on risk factors. The biggest risk factor was large groups, infected cats and outdoor living. With regard to Ms. Hoppe's question on testing, he agreed the old test had many false negatives and false positives, but the sensitivity of tests currently available were 92-95 percent, so 92-95 percent of cases would not have false negatives. In addition, the specificity was 98 percent, so 98 percent of the cases that were positive were truly positive.

Ms. Anthony asked if there was a human risk to the feline leukemia. Mr. Voris replied no and explained it was not a zoonotic disease. There was a significant risk in terms of the health and welfare of cat colonies though. Ms. Anthony asked if it spread from animal to animal. Mr. Voris replied it did. He noted it spread fairly easily and some cats, such as the young, immature cats, would become infected more easily than older cats. In addition, any cat that had a one year or greater contact with an infected cat would likely become infected. The disease destroyed the immune system, so from the health and welfare aspect of the cat, this disease was concerning.

Ms. Anthony wondered if they should they be concerned about the feral cats infecting regular pets. Mr. Voris replied yes. He explained any pet that was allowed access to the outdoors and came in contact with an infected cat was susceptible.

Ms. Hoppe understood Mr. Voris had indicated trap, neuter and release did not reduce the population, but she believed if the cats were neutered and not reproducing, the population would be reduced over time. Mr. Voris stated that was expected in the study and was found to not be true. The study indicated that once cats were neutered, they stayed with the group and were not as aggressive, so there was an ingress of more cats and an egress of less cats in terms of the colony.

Ms. Hoppe understood Mr. Voris indicated the City had a duty to protect public health in relation to rabies and asked if the City had a duty to take care of the existing 37,000 feral cats in the community. Mr. Voris replied the City did have that responsibility from a public health aspect. He commented that he believed this ordinance was a stop gap measure. He thought the City needed to step up its efforts in Animal Control in general. The original reason for this was because the Humane Society was strained in the services it could provide. He believed this needed to be addressed on a more permanent basis from a financial standpoint for Animal Control.

Ms. Anthony asked if Mr. Voris was referring to euthanizing the animals. Mr. Voris replied he was not referring to euthanizing the animals. He was referring to Animal Control measures in general. He explained there were many methods and ways of dealing with these problems, and the first part of it was responsible pet ownership and having the ability to take care of the pets that were brought in the City.

Mr. Dudley asked Mr. Voris if the City should treat feral cats in the same manner it treated feral dogs as they were euthanized if not adopted. Mr. Voris replied if they could not

be taken care of in a humane manner to provide for the health and welfare, he believed it was much more humane to euthanize an animal than to continue allowing them to suffer through lackluster efforts in terms of their health care.

Mr. Schmidt asked why this was an issue with feral cats and not feral dogs. Mr. Voris replied feral dogs were readily picked up within the City.

Mr. Voris provided a copy of the reports he had referred to for the record.

John Betz, 2003 S. Deerborn Circle, commented that he understood New York City and San Francisco had become believers in trap, neuter and release within the last few years as it was successful. He had heard about hypothetical problems from some of the speakers, but there was not a lot of data tied to those comments. He had seen places where there were 10-15 cats, and a few years later, there were only 2-3 due to TNR efforts. In addition, he had not seen increases in colonies. He thought the City should partner with those that knew how to manage the TNR program, such as SNAP, as they were trying to eliminate the huge numbers of these animals. He suggested the Council review what was done in other communities, such as New York and San Francisco as he felt there was a better way than catching and killing the animals.

Gailene Jackson, Randy Lane, stated she and her husband trapped and released cats, and had about 20 of them neutered and spayed. They were now down to four cats within that colony. She felt this ordinance would put a huge burden on people that cared about cats and agreed it was difficult to trap cats. She did not understand the need for some of the requirements and wondered why they were not trapping raccoons and squirrels. She asked the Council to reconsider this ordinance.

Ms. Anthony commented that she was convinced there was a need for some regulation based upon the testimony of the Board of Health representatives and commended them for trying to put together reasonable and rational regulation, but noted she saw room for compromise. There was no disagreement on anything unrelated to feral cats, so she wondered if they could move forward on those sections of the ordinance while they further discussed the issue of feral cats.

Mayor McDavid agreed with the comments of Ms. Anthony and noted he was also troubled by the enforceability of the ordinance. He commented that the message he was receiving from the ordinance and the Board of Health was that if someone was supporting a large group or clowder of cats in the wild, the cats would procreate, so that person was not responsibly managing the health of the cats by just providing food and water. He stated he planned to vote in favor of this ordinance, but also believed there was room for the registration fee to be waived if the colony was registered as this would allow the City to have a record of the colony.

Mayor McDavid made a motion to amend B172-11 by removing the \$25 permit fee for cat colony caretakers.

Mr. Schmidt stated he would support the removal of the fee requirement and noted he was also concerned with enforcement. He asked what would happen if someone did not register a colony. Ms. Browning replied the issue of enforceability was a challenge. She explained the number of calls they currently received on cats far exceeded their resources. There were six officers that covered all of Boone County for seven days a week and 24 hours

a day. A cat on the loose would likely be gone by the time an officer responded to a call, so the practical application of the policy was to loan the caller traps and teach them how to use the traps. It was a bad situation because the Humane Society could not afford to take in the cats either. Fundamentally, they had insufficient resources to deal with these kinds of animal issues. She noted she was concerned that with this ordinance, if a colony was registered and a neighbor called to complain, City staff would only be able to say it was a registered colony and offer them a trap, so there was a potential for someone to invest resources to spay, neuter, etc., but still lose the cat if it were trapped. Ms. Browning noted the comments tonight indicating it would be difficult to trap a cat more than once was a great concern to her from the rabies perspective. Animals needed to be vaccinated and people were currently cited for failure to vaccinate their animals. This was the biggest issue from her perspective.

Mayor McDavid commented that he believed passing this ordinance without the fee requirement would imply the City expected responsibility from people who were managing feral cats as there was a public interest. He did not know if it was enforceable, but at least they were making a statement.

The motion made by Mayor McDavid to amend B172-11 by removing the \$25 permit fee for cat colony caretakers was seconded by Mr. Schmidt and approved unanimously by voice vote.

Ms. Hoppe commented that she thought the Council should consider passing the ordinance without Article VI, which dealt with feral cats, as suggested by Ms. Anthony. She thought the ordinance should address those things that were absolutely necessary without making it financially difficult for caretakers to do the work they were doing as that work helped solve the problem of feral cats. She noted there had been a feral cat population managed by SNAP where she had worked, and no new cats came to that colony over five years, so she believed the program was successful.

Ms. Hoppe made a motion to amend B172-11 by deleting Article VI, which dealt with feral cats. The motion was seconded by Mr. Schmidt.

Mr. Kespohl suggested the City might want to provide funding to SNAP based on the number of cats they caught, neutered and released, if it helped control the population of feral cats. Ms. Browning replied funding for that activity had been part of a budget supplemental request submitted four years, but was not ultimately funded. Mr. Kespohl suggested Ms. Browning resubmit the request.

Ms. Browning commented that she was not sure the Board of Health would be able to come back to Council with a different recommendation. She suggested they waive the registration fee, but still ask people to register so staff was able to communicate with caretakers, and that they waive the microchip requirement because she was not sure they would catch a feral cat, scan it and release it back to the colony. She explained the \$6 cost was for Animal Control and she was sure a veterinarian would charge more. With regard to the feline leukemia and feline immunodeficiency virus tests, she suggested those be done prior to any spay and neuter investment. If the tests came back positive, she believed the cat should be euthanized. If it came back negative, the cat could be spayed or neutered and vaccinated for rabies while it was sedated. Mayor McDavid stated he would prefer the Board

of Health discuss this compromise prior to Council making the decision. Ms. Browning was agreeable.

Mayor McDavid stated he planned to vote against the potential amendment of removing Article VI from the ordinance due to his respect for the Board of Health and because the passage of this portion of the ordinance did not preclude anyone from providing another idea or amending the ordinance.

Mr. Kespohl commented that although this ordinance might not be perfect and might need to be amended, he believed they needed to do something.

The motion made by Ms. Hoppe and seconded by Mr. Schmidt to amend B172-11 by deleting Article VI, which dealt with feral cats, was defeated with by voice vote with only Ms. Hoppe and Mr. Schmidt voting in favor of it.

Ms. Hoppe made a motion to amend B172-11 by removing the microchip implantation requirement as she believed tipping and the registry would allow them to track the necessary information on feral cats. The motion failed for a lack of a second.

Mr. Dudley made a motion to amend B172-11 by adding a requirement to treat feral cats like feral dogs if the feral cat population reached 40,000. Mayor McDavid did not believe they could get an accurate measurement or count. The motion failed for a lack of a second.

B172-11, as amended, was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, ANTHONY, MCDAVID, SCHMIDT. VOTING NO: DUDLEY, HOPPE. ABSENT: THORNHILL. Bill declared enacted, reading as follows:

## **CONSENT AGENDA**

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

- B155-11**     **Voluntary annexation of property located west of Wellington Subdivision and north of Mexico Gravel Road (4415 Mexico Gravel Road); establishing permanent A-1 zoning.**
- B158-11**     **Approving an increase in the maximum number of dwelling units allowed on property zoned PUD-7 located on the northwest corner of Oakland Gravel Road and Vandiver Drive; approving a revised statement of intent.**
- B159-11**     **Vacating a portion of a sanitary sewer easement on property located at 520 South College Avenue.**
- B160-11**     **Authorizing construction of the Providence Pedestrian Crossing Project north of Park Street, across from Douglass High School; calling for bids through the Purchasing Division.**
- B161-11**     **Authorizing the acquisition of easements for construction of the Providence Pedestrian Crossing Project north of Park Street, across from Douglass High School.**
- B164-11**     **Authorizing a Right of Use Permit with The Links at Columbia, LLP for construction, operation and maintenance of a private telecommunication line in a portion of the Clark Lane right-of-way.**
- B165-11**     **Appropriating funds for the purchase of land for the construction of the Short Street parking garage.**
- B166-11**     **Accepting conveyances for utility purposes.**

- B170-11 Authorizing an agreement with Columbia Associates Architecture for the design and construction of the Atkins Memorial Park Baseball Complex concession/restroom building.
- B171-11 Authorizing a PCS antenna co-location agreement with New Cingular Wireless PCS, LLC for the lease of space at Fire Station No. 5 located at 1400 Ballenger Place.
- B173-11 Appropriating tax increment financing (TIF) application fees received from Broadway Lodging, LLC.
- R99-11 Setting a public hearing: construction of the Scott's Branch Trail from Weaver Drive to Dublin Park or along Scott's Branch corridor through the western edge of the Audubon Society property and the Bonnie View Nature Sanctuary.
- R100-11 Setting a public hearing: construction of a 20-car porous surface parking lot at the southern terminus of Plymouth Drive in Fairview Park.
- R101-11 Setting a public hearing: considering an amendment to the FY 2011 Action Plan for CDBG and HOME funds.
- R102-11 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for Child Care Asthma Quality Improvement.
- R103-11 Authorizing Amendment No. 4 to the agreement with the Missouri Department of Health and Senior Services for the Missouri Heart Disease and Stroke Prevention Program.
- R104-11 Authorizing a provider services agreement with Alliance for Community Health, LLC, d/b/a Molina Healthcare of Missouri, for reimbursement of certain healthcare services for qualified low income citizens.
- R105-11 Authorizing an agreement with Midwest Sports Productions for sports development funding under the Tourism Development Program for the Tiger Classic Youth Basketball Tournament.
- R106-11 Authorizing an agreement with the County of Boone relating to the 2011 Edward Byrne Memorial Justice Assistance Grant.

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

**NEW BUSINESS**

- R107-11 Authorizing a commercial warehouse lease agreement with Landmark Bank, N.A. for additional warehouse space for the Columbia Terminal (COLT) Transload Facility.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Ms. Hoppe asked if the City needed this space now. Mr. Johnsen replied yes, and explained this would be short term lease for a transient situation. He did not expect the lease to last very long and it was a month by month lease arrangement.

The vote on R107-11 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: THORNHILL. Resolution declared adopted, reading as follows:

**R108-11 Authorizing an agreement with Thumper Productions, LLC for the 2011 Roots 'N Blues 'N BBQ Festival; closing certain streets for the festival; and excluding certain streets from the provisions of the open container ordinance during the festival.**

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Chris Martin, 101 Rothwell Drive, commented that he did not like to see all of the drinking downtown during this festival. He explained he did not mind drinking as he drank on occasion, but felt it got out of hand. He stated he liked this festival and what it brought to the community, but he thought the excessive drinking sent a bad message to young people. He had two little girls and enjoyed taking them downtown, but did not want them around people whose drinking was out of hand.

Ms. Anthony asked if police were patrolling the festival for unruly behavior. Ms. Rhodes replied yes.

Mayor McDavid understood the festival paid for police protection. Ms. Rhodes replied that would be outlined in the written operations agreement, which was forthcoming.

Mayor McDavid stated he planned to support this as it was a great event and something he hoped would continue growing.

The vote on R108-11 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: THORNHILL. Resolution declared adopted, reading as follows:

**R109-11 Establishing the Downtown Parking Task Force.**

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid commented that he believe there were five changes that would challenge the City's management of downtown parking, and those included the recent parking meter increases to fund the Short Street garage, the loss of 70 parking spaces that were currently serving Stephens College at Walnut and College, the purchase of the Youzeum building by Columbia College as it would increase student flow, the dramatic increase of downtown apartments, which was in progress, and the underutilization of the Fifth and Walnut parking garage. He was concerned with the lack of consensus and the frank differences of opinion by the downtown business owners concerning parking, and the fact Columbia was using outdated and confusing technology to collect revenue and provide enforcement. In addition, the City's parking assets were inconsistently used as some garages were oversubscribed and the new garage was undersubscribed. He asked Council to approve this resolution to allow him to appoint a Downtown Parking Task Force to globally review downtown parking. The task force would specifically review rates throughout the downtown on streets, surface lots and garages, review technology to collect fees and recommend technology updates, and propose marketing the garages via shuttles, trolleys, transit, bicycles and differential rate structures consistent with a solvent parking utility. It

would be an advisory task force with a narrow composition and a mission to solicit ideas and consensus from those most impacted by downtown parking changes. The task force would be asked to provide a report to Council within eight months of appointment, and any and all recommendations would require broad public input and Council approval. He noted the goal of the taskforce was to enhance cultural and economic activity in the downtown area consistent with Columbia vision statements.

Ms. Hoppe commented that the charge of the task force listed in Section 2 (c) was less detailed than the statement made by Mayor McDavid and suggested that detail be included in the resolution.

Mayor McDavid noted he planned to make that clear to the task force, and also thought the task force should address how to provide the current status of a bus through a web or phone application and create a business plan to make the headway for buses shorter and more convenient, if that was possible.

Ms. Hoppe made a motion to amend R109-11 by adding “via shuttles, trolleys, transit, bicycles and differential rate structures” to the existing language in Section 2(c). The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

Ms. Anthony asked if the marketing and use of parking cards would be discussed. Mayor McDavid replied he believed the issue of technology went beyond the parking cards. He thought they should look at the use of credit cards and smart phones. He understood San Francisco received a \$25 million grant and was going to suggest the task force use that as a model. He pointed out this would all have to pass the business model test, which was why he wanted highly engaged people on the task force. Ms. Anthony wanted to ensure what they currently had was marketed since this report would not be done for eight months. Mr. Matthes commented that he believed there were a number of things that could be done in the interim, but noted the parking card technology was essentially obsolete.

Mr. Schmidt stated he believed the creation of this task force was a wonderful managerial innovation as they would be building for the future. He noted this was about allocating scarce resources and making downtown a fun and special place, and the task force could provide additional advice on something they might not have specifically requested.

The vote on R109-11, as amended, was recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: THORNHILL. Resolution declared adopted, reading as follows:

Mayor McDavid appointed Skip Walther, who would be Chair, Adam Dushoff, Mike McClung, Deb Sheals, John Ott, Richard King, Erin Keltner, Diane Lynch, Bob Hutton, Jim Joy, Ian Thomas, Larry Monroe, Randy Gray and John Glascock to the Downtown Parking Task Force.

## **INTRODUCTION AND FIRST READING**

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

- B174-11 Rezoning property located on the north side of Smith Street, between Fay Street and North College Avenue (1207 Smith Street), from District O-1 to District C-1.
- B175-11 Rezoning property located on the southwest corner of Broadway and West Boulevard South (1000, 1002 and 1004 West Broadway, 3 West Boulevard South) from District R-1 to District C-P.
- B176-11 Rezoning property located on the southeast corner of the intersection of Vandiver Drive and Range Line Street from District R-1 to District C-3.
- B177-11 Rezoning property located on the southeast corner of Coats Street and North Boulevard (1200 Coats Street) from District R-3 to District C-P; approving a revised Kardon C-P Plan.
- B178-11 Authorizing an annexation agreement with Arthur Schneider.
- B179-11 Renaming a portion of Scott Boulevard, located south of Rainbow Trout Drive and north of West Millbrook Drive, to Callie Drive.
- B180-11 Renaming a portion of Scott Boulevard, located between Georgetown Drive and the entrance to the Daniel Boone Little League Sports Complex, to Merideth Drive.
- B181-11 Renaming a portion of Lemone Industrial Boulevard, located east of its eastern right-of-way line and west of Maguire Boulevard, to Emily Drive.
- B182-11 Accepting conveyances for access to storm water facilities, temporary construction, temporary access and sewer purposes.
- B183-11 Appropriating funds in the Water and Light Department for the purchase of the Columbia Terminal (COLT) Transload Facility.
- B184-11 Accepting conveyance; authorizing payment of differential costs for construction of a water main serving Crosscreek Center, Plat 1 (Phase 1); approving the Engineer’s Final Report.
- B185-11 Accepting conveyances for utility purposes.
- B186-11 Appropriating funds for Share the Light Program.
- B187-11 Appropriating funds for personnel expenditures in the Department of Economic Development.
- B188-11 Authorizing construction of a 20-car porous surface parking lot at the southern terminus of Plymouth Drive in Fairview Park; calling for bids through the Purchasing Division.

**REPORTS AND PETITIONS**

**REP106-11 Intra-Departmental Transfer of Funds Request.**

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

**REP107-11 Fifth and Walnut Parking Garage Commercial Space.**

Mr. Matthes provided a staff report.

Mr. Kespohl asked if the 3,600 square feet the City would be finishing involved the REDI space, the incubator space or parking utility space. Mr. Glascock replied it included all of the spaces.

Mr. Schmidt asked if that cost was just the \$30,000 or the \$30,000 plus another \$220,000. Mr. Glascock replied it would cost \$30,000 for design and the construction would

cost another \$200,000-\$250,000. Mr. Matthes explained that would finish the parking utility space and the incubator space could share bathrooms and HVAC with it.

Mayor McDavid noted this was very expensive administrative space, and he looked forward to the day when the retail demand was sufficient so City offices could move elsewhere.

Mr. Schmidt made a motion directing staff to proceed with this recommended proposal. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**REP108-11 Hominy Creek Trail Phase 2: Trail Alignment on Three Parcels at the East End of the Project.**

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

Mr. Schmidt commented that he liked the route along the creek better, but understood that might not be possible. Mr. Glascock noted the Parks and Recreation Department staff was agreeable.

Mayor McDavid asked how the purchase of the land would be funded. Mr. Glascock replied the portion for the trail would come from GetAbout project money and the balance would be funded by the corridor preservation fund for CIP street projects.

Mayor McDavid made a motion directing staff to proceed with negotiations for the purchase of the Frech tract and to bring forward an ordinance to acquire the K-9/3 Chix easements as needed for the construction of the Hominy Creek Trail Phase 2 project. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**REP109-11 Recycling Bin Pilot Project.**

Mr. Matthes provided a staff report and noted it had been provided for informational purposes.

**REP110-11 Inaccurate Information Presented in the Columbia Transit Survey Summary Released on June 17, 2011.**

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

**REP111-11 Bluff Boulevard Curve and Signing.**

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

Ms. Hoppe thanked staff as it was something she asked for long ago.

Mr. Glascock suggested Council communicate small requests similar to this of \$1,000 or less to the City Manager's Office through Ms. Rhodes, so they might be able to address it in a more timely manner.

**REP112-11 Right-in Right-out – Wilson's Bridge; Forum at Victoria Park and Wilson's.**

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

Ms. Anthony asked if Council had to go through interested party meetings to move forward with the Victoria Park and MKT driveway portion. Mr. Glascock replied it needed to be added to the CIP. Mr. Matthes noted this project would go through the normal process. Ms. Anthony felt that was a problem because there was no urgency. She believed this

particular corner was extremely dangerous and thought it needed to be discussed during the budget process as \$120,000 seemed inexpensive for making that dangerous situation safer.

Mr. Kespohl asked if a round-a-bout could be placed at Woodrail Avenue and Forum Boulevard. Mr. Glascock replied there was room to put a round-a-bout at that location, but he was not sure it would be supported. Mr. Kespohl asked if it would solve the problem. Mr. Glascock replied it would solve the problem, but would also be more expensive than this proposal. He explained this proposal would function like a round-a-bout, but could be done with mostly paint. Mr. Kespohl stated he was looking for a permanent solution for the problem. Mr. Glascock noted the permanent solution would be a new bridge and four lanes. Mr. Kespohl asked if that would provide a left turn lane. Mr. Glascock replied yes because the bridge would be widened for a left turn lane.

Mr. Schmidt recalled a potential project where there would have been a jug-handle under the bridge with GetAbout money. Mr. Glascock replied that was for a bike lane. Mr. Schmidt recalled a one vehicle lane was proposed under the bridge to eliminate a left turn coming from the south. Mr. Glascock replied that project was off of the GetAbout list. Ms. Hoppe recalled the conclusion of those discussions being that the bridge should be widened.

Ms. Anthony commented that she believed they needed to make this a priority even if it was an interim solution. Mr. Glascock stated money would need to be located for this project. Ms. Hoppe suggested Ms. Anthony advocate for this when the Council discussed the CIP and next year's budget.

Ms. Anthony made a motion directing staff to conduct interested party meetings for an access management project on Forum Boulevard between the Wilson's Total Fitness Center driveway and Shoreside Drive, and to budget \$120,000 for left turn lanes on Forum Boulevard at the Victoria Park and MKT driveways. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

#### **REP113-11 May 2011 Stormwater Variance Summary.**

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

#### **REP114-11 Tree Trimming.**

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

Ms. Anthony commented that she had been distressed with what she considered aggressive tree trimming and understood the City trimmed trees every three years as opposed to every 18 months or so due to the associated costs. She noted she was not sure whether the costs merited a reduction of this cycle.

Mr. Johnsen pointed out there were other impacts with changing the cycle than just the direct cost of increasing vegetation management crews. If the clearances between the trees and lines were reduced, the frequency of outages would likely increase, and the costs associated with restoring those lines would need to be considered. He thought it would also impact the frequency and duration of outages. The three years was fairly standard for this part of the United States due to the type of weather incurred.

Mr. Schmidt stated he was in favor of the more aggressive cutting of trees. He understood a few years ago, the bulk of the St. Louis area lost its power in an ice storm while

Columbia did not, and it was a result of tree trimming policies. Mr. Johnsen explained Columbia did not receive the ice St. Louis did for that particular storm, but the Missouri Public Service Commission did mandate a lot more aggressive tree trimming from Ameren in response to those outages. He pointed out he did not believe Columbia would have sustained the same damage as St. Louis due to its tree trimming policy.

Ms. Hoppe recalled reading about the ability to trim different types of trees based on their growth rate at different levels and asked if that was done in Columbia. Mr. Johnsen replied yes and explained it was called species specific trimming.

Ms. Anthony suggested they remember this when discussing the new transmission lines.

Ms. Hoppe asked if the City required developers to plant certain trees near lines if they were above ground or if the lines were all underground now. Mr. Johnsen replied all of the new distribution circuits were underground.

**REP115-11 Infrastructure Task Force: Final Report to City Council and Minority Report.**

Mr. Matthes provided a staff report.

Mayor McDavid commented that he felt this fit in well in terms of the timing with the citizen's survey as it clearly indicated infrastructure should be the number one priority.

Ms. Anthony understood the Infrastructure Task Force still had a role in the comprehensive plan, but had to wait until that process was further along before they could be involved.

**REP116-11 Memorandum from Downtown Columbia Leadership Council regarding TIF District(s).**

Mr. Matthes provided a staff report.

Mayor McDavid stated he was not comfortable with this suggestion. He commented that TIF's were inherently controversial and wanted to see them limited to a case by case basis. He felt it was hard to justify the entire area as being blighted. He understood the cost was only \$50,000-\$75,000, but thought they needed to be frugal, particularly if they intended to go before the voters with any kind of tax increase in the future.

Mr. Schmidt commented that a lot of these TIF districts would be in the First Ward and a benefit would be that they would end up with something they would not otherwise have had. He agreed they needed to be careful when speaking of blighted area as government was getting involved with development, but thought they should explore it, and asked if it could be explored without the associated costs.

Mayor McDavid stated he wanted to know staff's opinion prior to making a decision, and suggested this be discussed as part of the budget process.

Mr. Schmidt wondered if they could proceed with the idea without spending money on the study. Mr. Matthes suggested the Council refer this issue to him and staff could then formally review the proposal and determine how it might be done at a lesser cost.

Mr. Schmidt stated he would like to explore this as he believed there were many areas in the First Ward that might meet the blight specification and could benefit from this.

Ms. Hoppe commented that she believed it would be valuable to identify areas that could use TIF's instead of relying on private developers to make the case as it would assist private developers, but wondered if it could be done without spending \$50,000 - \$75,000. Due to the current economy, she was not sure anything could happen immediately anyway.

Mayor McDavid stated he was confident there were entrepreneurs with good ideas who, if they could find money, would come to Council for TIF's. He did not believe they needed the City to provide a synopsis.

Mr. Schmidt wondered if there would be cases where the government would have to take a lead on the TIF district based on the types of properties involved. Mr. Matthes commented TIF was a very powerful tool that could deliver the results they wanted or could be used in ways they did not want it used. He thought they needed to be surgical in their review and believed staff could provide some scenarios. Mr. Schmidt reiterated he wanted to keep the dialogue alive.

Mr. Kesphl asked if they established a TIF district if each individual or property owner within the district would have to provide an application fee and deposit like was currently done. Mr. St. Romaine replied that was something they would need to discuss, but if they utilized the increment generated from the district, he did not believe they would want to change the application fee. If a private developer wanted to utilize the funds to benefit a particular project, he was not sure why they would waive the fee.

Mr. Schmidt stated he was interested in exploring places they could use TIF's in the First Ward that were not in the downtown. Mr. St. Romaine pointed out the Council adopted a policy two years ago that indicated the downtown was the only place TIF's could be utilized. They would need to explore the possibility of expanding the area.

Mr. Matthes understood Council wanted staff to provide feedback on this topic. Mayor McDavid stated that was correct.

**REP117-11 Memorandum from Downtown Columbia Leadership Council regarding College & Walnut intersection improvements.**

Mr. St. Romaine provided a staff report and noted a work session would be scheduled on this topic.

**REP118-11 Citizen Survey – Final Report.**

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

Mayor McDavid stated he believed this was an extremely useful report and noted he was impressed with the high regard that citizens had for customer service in the city in general and the low regard the citizens had with streets. He wanted to see this survey repeated in a couple years, the citizen satisfaction with the Police Department above the national average, and the employee engagement within the Police Department substantially improved. He believed they learned a lot from surveys like this and understood some internal surveying had been initiated as well, which he thought was terrific.

**REP119-11 Dinner Train Contract.**

Mr. Matthes provided a staff report.

Mr. Schmidt asked why staff needed Council direction. Mr. Boeckmann replied the existing contract indicated the City had to approve any assignment of the agreement.

Mayor McDavid made a motion authorizing the City Manager to approve the assignment from Central States Rail Associates to Columbia Star Dinner Train, Inc. The motion was seconded by Mr. Schmidt and approved unanimously by voice vote.

#### **COMMENTS BY PUBLIC, COUNCIL AND STAFF**

John Clark, 403 N. Ninth Street, asked the Council to reject the application for rezoning involving the Great Hangups property on July 18 on the basis that application was not substantially different than the one rejected in October. If denied, the applicant could come to Council and ask Council to vote in open session to allow the application to proceed. After it was rejected in October, this was not done. It was done in-house by an opinion of the City Counselor instead. He also asked the City Manager to direct the City Counselor to prepare a written opinion with legal research and documentation to back up the opinion that the application was substantially different as he did not believe it was substantially different and the policy of waiting 12 months was not adhered to, which was not fair to the parties involved and staff in terms of time spent and associated costs. He believed that policy should have been construed extremely narrowly and the process that occurred did not serve the City well.

Chris Martin, 101 Rothwell Drive, stated he was interested in a review of the current ordinances related to telecommunications within the community as he worked in that industry and was concerned with the difficulty in obtaining permission to build new wireless facilities in the area. He wondered what interest the Council had in improving and revisiting the current ordinances as they were outdated in terms of current technologies.

John Husky stated he was the night manager of Economy Cab and wanted the Council to seriously reconsider the cab stand law currently in place. The pick up and drop off points needed to be in front of bars. He felt the downtown area was now an unsafe place to operate. If the City did not want residents drinking downtown, he wondered why 14 bars were in one area. He asked the Council to manage this situation.

Greg Ahrens, 1504 Sylvan Lane, stated he visited the tomb of Thomas Jefferson and an unknown individual had left American flags at his tomb again on the Fourth of July.

Mr. Ahrens commented that he understood the Home Depot and Walmart met the building code standards, but did not survive in the Joplin tornado, and that 200 people in the section of Walmart that was built with concrete block had survived. He suggested the Council ask staff to review the situation in Joplin and determine what could be done in Columbia to make these types of buildings safer. He also wanted to encourage everyone to take tornado warnings seriously.

Carrie Gartner, 11 S. Tenth Street, asked Council to direct staff to consult with both the Downtown Columbia Leadership Council and the Downtown Community Improvement District Board when they evaluated and created a TIF district. TIF districts were very

complicated and they did not always work well with CID's, especially when CID's were used the way they used theirs, rather than just as a bonding tool. She thought they also needed to ensure they were not chasing after the same funding sources and duplicating efforts. In addition, they needed to ensure the needs of the downtown constituency were being met. She noted the CID represented 300 property owners, 500 businesses and entities and about 300 residents. Although she could not guarantee they would always speak with one voice, she thought they were good with coming up with solutions that really benefited their members and downtown as a whole. She felt bringing them into the process along with the Downtown Columbia Leadership Council was important.

Karl Skala, 5201 Gasconade Drive, stated he was a minority member of the Infrastructure Task Force and pointed out the exhibit titled Transportation Infrastructure Financing Options in the minority report was created by the development strategies group the City hired in 2005 and included information on other communities and an excise tax capacity analysis. Pages 12-16 included impact fees of excise taxes obtained from the National Association of Realtors for 130 cities in 25 states. He noted it suggested the excise tax for Columbia could be set above average or at least as high as the average of all 130 cities, and suggested if the ratio was set at 2.57, which was the average, it would equal about \$3,000.

Mr. Schmidt wondered if the taxi stand proposal was a solution looking for a problem. Mayor McDavid asked if they would be receiving a report on this pilot project. Mr. Matthes indicated they would.

Ms. Hoppe understood a recent survey involving the bus system indicated people were interested in extending the evening hours of the bus system and were willing to pay substantially more than the present fares for evening service, and that there was a recommendation to create pilot program at a cost of approximately \$22,000. She asked for a report regarding the possibility of the pilot program to include potential funding sources. Some suggestions for funding involved money from the Convention and Visitors Bureau as evening hours might attract and be used by visitors, grants from the Robert Johnson Foundation United for Healthy Neighborhoods, funds from the Council reserve, and money generated by an increase in fees.

Mayor McDavid understood 300 people had indicated they would not pay more than 50 cents, so they would potentially lose a third of their customers with a \$1.00-\$1.50 increase. He noted the City was losing \$1.00 per rider a year, and thought they should do what they could to turn a profit.

Mr. Matthes stated staff would provide a report and pointed out transit systems were difficult financially because they rarely paid for themselves. He was convinced the demand was there for more bus service, but the issue was how it would be funded.

Ms. Hoppe asked Chris Martin, who spoke about telecommunications, to contact her or any of the other Council Members regarding his ideas for ordinance changes.

Ms. Hoppe commented that she had received complaints with regard to fireworks to include the Beta and Sigma Chi houses, which were apparently shooting off fireworks until

3:00 a.m. She understood the newspaper reported 377 complaints due to private fireworks and stated she wanted a report regarding those complaints and how many citations were issued. If citations were not issued, she wanted to know why in case ordinance changes were needed.

Mayor McDavid asked if the rezoning involving the Great Hangups property satisfied the legality of the charter by being substantially different. Mr. Boeckmann stated he believed it had substantially changed. The proposed uses had been expanded and there were many more conditions than there were previously.

Mayor McDavid made a motion that the Council go into closed session at 5:30 p.m. on July 18, 2011 in Conference Room 1A/1B of City Hall to discuss personnel matters as authorized by Section 610.021 (3) and (13) of the Revised Statutes of Missouri. The motion was seconded by Dudley with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: THORNHILL.

Mayor McDavid commented that he felt they were reading too much about the relationship of the Citizens Police Review Board (CPRB) and the Police Department in the newspaper. He understood there were differences of opinion regarding the role and scope of the CPRB, but felt the relationship was too adversarial and acrimonious. He wanted to see a more collaborative and affirmative relationship. As a result, he wanted a report regarding the Police Chief's analysis of the current status of the CPRB and specific recommendations for Council action with respect to the CPRB. He also invited the CPRB to submit a report including their analysis of the status of the CPRB and specific recommendations they had for Council action. He thought it was time for the Council to review the relationship.

Ms. Anthony noted she had spoken with several people that had been involved in the drafting of the legislation that created the CPRB and understood they were disappointed because they had hoped the CPRB would have set policies and administrative procedures prior to jumping into their work. She thought they might need a third party facilitator to help discussion between the Police Department and the CPRB regarding purpose, scope, policies and procedures.

Mayor McDavid stated he would prefer to see both reports, and noted the analysis of both reports might show a facilitator was needed.

Mr. Kesphl commented that taxi cab owners and drivers that visited him this week did not believe the taxi cab stand was working in the downtown. One driver brought in a ticket he was issued because he was stopped in the street on his way to a cab stand when some people piled into his cab. In addition, sometimes patrons of a bar wanted a specific cab company and they were no longer allowed to do that. They had to go to the cab stand and get into whatever cab was next. He thought the ordinance needed to be reviewed and understood they would be receiving a report toward the end of July. He provided a letter from one of the cab company owners to the City Manager to review.

Mr. Kespohl stated he had a citizen complaint about the restrictions on swimming in Stephens Lake Park who felt adults that knew how to swim and used good judgment should be able to use the entire lake. He understood the problem was that there was not a lifeguard at that location and thought the City should consider having a lifeguard there. He asked staff to look into this possibility.

Mr. Kespohl understood there was an interested parties meeting scheduled for the waterline east of Woodridge Subdivision and asked when that meeting would take place as he wanted to attend.

Mr. Kespohl stated he received an e-mail from a citizen with regard to the intersection of McKee Street and Clark Lane being closed while crews were working on Clark Lane, and suggested a stop sign be placed at the intersection of Ria and McKee instead of a yield sign because more and more people would be using the alternate route that involved that intersection. He asked staff to consider placing a stop sign there on a temporary or even permanent basis.

Ms. Anthony stated she had attended a lunch with Phi Psi Fraternity representatives and requested an update on where the City was in terms of property being taken for access into the Grasslands. The problem was only getting worse for the neighbors in the Grasslands in terms of trying to get out on to Providence to make a left hand turns during the rush hour since the middle turn lane was also being used as a travel lane.

The meeting adjourned at 10:28 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk