

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JUNE 6, 2011**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, June 6, 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 MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY and HOPPE were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of May 16, 2011 were approved unanimously by voice vote on a motion by Mr. Thornhill and a second by Ms. Hoppe.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid made a motion to move R78-11 from the new business portion of the agenda to the old business portion of the agenda, so it could be discussed prior to B89-11, and to approve the agenda with that adjustment. The motion was seconded by Mr. Kesphol and approved unanimously by voice vote.

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon receiving the majority vote of the Council, the following individual was appointed to the following Commission.

PLANNING AND ZONING COMMISSION

Lee, Andy, 4802 New Castle Drive, Ward 5, Term to expire May 31, 2012

SCHEDULED PUBLIC COMMENT

Sam Robinson, PedNet Director of Healthy Community Initiatives: Background on the Unite 4 Healthy Neighborhoods initiative, the community focus on youth advocacy, and the recent delivery of the Alliance for a Healthy Generation's "EmpowerME4Change" program.

Sam Robinson, Director of Healthy Community Initiative for the PedNet Coalition, provided a handout and explained the PedNet Coalition and the Health Department were promoting policy and environmental changes to reduce childhood obesity in the underserved areas of Columbia. These efforts were supported by the National Alliance for a Healthier Generation through the EmpowerME4Change program. Fifteen Columbia youth, ages 12 to 18, were selected to participate in the program, and had the opportunity to learn about local

government, public policy, advocacy and how to build environments that supported healthy and active lifestyles.

Brayden Austin commented that she believed it was important for young adults and children to have a safe place to go to in order to stay active and get away from screen-time. She thought kids needed a chance to play outside and to feel safe as it promoted activity. She felt the community needed to work together to help kids feel safe.

Tonisha Wofford stated she believed there needed to be a clean-up committee and signs were needed to remind people to keep areas where children played clean. She also thought screen-time should be limited to less than an hour and that the temptation to stay indoors would be less if there was a good place to play outside.

Nakita Cade noted many students did not eat healthy at school. She commented that most kids did not eat regular lunches because they did not think the food was good, could not afford the lunch, were allergic to the food or wanted something quick, but felt students needed to drink water, milk or juice and have a vegetable or fruit with every meal.

Mr. Robinson stated he was happy these kids decided to choose to live a healthy and active lifestyle, and noted this was part of the Unite 4 Healthy Neighborhoods initiatives. He thanked the City for its support of these initiatives.

PUBLIC HEARINGS

B140-11 Authorizing construction of improvements to Nifong Park, including construction of the Maplewood Barn and improvements to the remaining historical buildings and the expansion of an existing parking lot; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

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

Mayor McDavid opened the public hearing.

Michael Scott stated he was the President of the Board of Directors for Maplewood Barn Community Theatre and encouraged the Council to allow the bid process to begin for the new Maplewood Barn. He noted it had been 14 months since the fire and they had received a lot of support during that time, and although their initial goal was \$50,000, they had raised \$60,000.

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

Mayor McDavid stated it was great to see so many groups working together and noted he was pleased with the Parks and Recreation Department's commitment in getting the barn reconstructed.

Ms. Hoppe commented that she appreciated the fact Maplewood Barn had taken some of the input and comments of the Historic Preservation Commission into consideration during this process. She thanked all of the groups that had worked to raise money and believed the entire community would benefit as a result.

B140-11 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Construction of the Hinkson Creek Outfall Replacement 5G7A project.

Item A was read by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid opened the public hearing.

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

Mr. Thornhill asked for the timeline for completion. Mr. Glascock replied it would be completed this summer.

Mr. Thornhill made a motion directing staff to proceed with final plans, specifications and construction of the Hinkson Creek Outfall Replacement 5G7A Project. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

OLD BUSINESS

R78-11 Authorizing an agreement with Broadway Lodging, LLC for the acquisition of property located on Short Street adjacent to Walnut Street and for the construction of a parking garage.

The resolution was read by the Clerk.

Mr. Matthes and Mr. St. Romaine provided a staff report.

Mayor McDavid asked when they would have enough information to determine what the parking garage should look like. Mr. St. Romaine replied the next step would be for Council to hold a work session with Walker Parking to review the initial concept designs. In addition, Council direction would be needed to address questions involving whether Short Street would go through the garage, how many spaces the parking garage would hold, whether it should include retail, etc.

Mr. Kespohl asked how much had been expended on this project to date. Mr. St. Romaine replied around \$13,000. Mr. Kespohl understood the concept design would cost \$57,000. Mr. St. Romaine stated that was correct.

Carrie Gartner stated she was the Executive Director of Downtown Community Improvement District (CID) and noted they had provided 10 recommendations based on the understanding that \$600,000 needed to be raised. She pointed out the surveys and input from businesses indicated people did not want extended hours to 9:00 p.m. and employees needed an affordable off-street place to park. She noted the recommendations were based upon the Short Street garage being built.

Mr. Thornhill asked how much the extended hours were estimated to generate. Ms. Gartner replied \$120,000.

Mr. Kespohl commented that he was concerned about the estimated cost of the garage continually changing. He did not know how much money was needed. Mr. Blattel explained the current estimate included \$7 million to construct the garage, \$500,000 for engineering, \$1.25 million for the land and \$425,000 for contingencies for a total bond issuance of \$9.175 million. Based on this, the revenue needed for the principal and interest payments was \$760,000 per year. Mr. Kespohl asked if that amount included the extended hours. Mr. Blattel replied the extension of hours was not a part of the revenue proposal. The \$750,000 included the amount the City would make from renting spaces in the parking garage when it was actually built and five of the CID recommendations. Mr. Kespohl

understood the CID proposal would raise \$600,000. Mr. Blattel replied that was correct. The CID proposal was for \$600,000 and the other \$150,000 needed to get to \$750,000 was the actual revenue generated from the spaces within the garage based upon a 75 percent occupancy rate at that garage. Mr. Kespohl understood \$750,000 took care of the principal and interest on the \$9.175 million. Mr. Blattel stated it did over a 20 year period.

Mr. Kespohl asked how maintenance, staffing, lighting and repairs would be addressed. Mr. Blattel replied it would be covered by the \$24,000 they had remaining from parking, any increase in occupancy from 75 percent to 100 percent and any other factors. He noted the calculations were based upon a rental rate of \$60 per month, but some of those spots might cost \$100 per month. The parking utility had been operating at a positive net income, so there was money in that account as well.

Mr. Schmidt understood the amount of the bond would have a contingency built into it and asked if that contingency could be used to pay the principal if it was not needed for the project. He noted it appeared as if there was a contingency built in two places. It was in the amount borrowed and in the coverage of the debt payment. Mr. Blattel stated that was correct. The contingency provided the City the ability to operate the garage for 3-4 years even if their estimates were inaccurate, so if they did not use it toward construction, they could use it to assist in that situation.

Mr. St. Romaine pointed out these were estimates and noted the \$7 million estimate to construct the garage included several thousand square feet of retail, which would provide a substantial savings if removed from the design.

Mayor McDavid commented that the Council needed to be engaged in the process and make decisions on the size of the garage, whether or not it included retail and what to do with Short Street. He was happy they would soon have a work session as it would provide staff a feel for what the Council wanted.

Mr. Kespohl asked if the rate increases would be passed on to the Short Street garage if Council chose to raise the garage rates as proposed by the CID tonight. Mr. Blattel replied the CID proposal did not include any garage rate increases. The recommendation involved rate increases for parking meters and surface lots. The actual rental space rates in the garages would not change.

Mr. Schmidt understood the garage would have different rates for different spaces depending on how they were sold. Mr. St. Romaine explained all of the garage rates were currently the same, but that could change since the rates for the Fifth and Walnut garage were being discussed.

Mayor McDavid understood the City had enough money to purchase the parking lot and construct the garage, and that they also had a commitment to build the hotel.

Mr. Thornhill understood the debt service the City had accommodated had always covered the bond issuance regardless of what the Council thought was the cost to construct the garage. Mr. Blattel stated that was correct.

The vote on R78-11 was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

B89-11 Amending Chapter 14 of the City Code relating to parking meter rates, parking garage hourly rates, and hours of operation.

The bill was read by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid made a motion to amend B89-11 per the amendment sheet. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

Mr. Boeckmann suggested the Council delay voting on this bill for two weeks due to the significance of the changes and because not many people had been given the opportunity to review the revised language to ensure it reflected what was intended.

Mr. Thornhill made a motion to table B89-11, as amended, to the June 20, 2011 Council Meeting. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Hoppe understood anyone parking in the garages currently had to pay to use the shuttle and wondered if they would want to provide free bus service at the parking garages in an effort to increase the use of the parking garages. She was not sure they could expect people to pay to park and pay to use the bus system.

Mayor McDavid commented that he viewed this parking rate bill as an interim fix and noted he would appoint a broad-based downtown parking task force to globally look at parking within the downtown. He wanted them to review the rates, determine if there should be differential parking meter rates, whether the right technology was being used, if there should be a greater differential within the parking garages, if the orbiter should have a lesser headway, if there should be a cost associated with the orbiter, etc. He believed the task force should be advisory and include downtown stakeholders, such as members of the CID, residents of the downtown, people associated with the colleges, etc. He wanted people who could advise the City on how it could globally construct the parking utility so it would best meet the needs of downtown merchants, students and consumers.

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

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe commented that the language in the bill was not clear in terms of the number of adjacent property owners that would be included in the stakeholder advisory group. If it implied only one adjacent property owner would be included, she did not feel that was sufficient. Mr. Teddy replied he did not read it as having a quota from each group. It was just advisory language indicating the group should consist of that general composition. He felt there was some ability to appoint more than one adjacent property owner.

Ms. Hoppe referred to Section 29-21.2(h)(2), which discussed routine maintenance, such as trimming bushes and trees for any obstructions in sight lines, etc., that could be done without approval of the advisory group. She gave an example of a utility significantly trimming and removing trees along a segment of Rock Quarry because the utility did not know it was a scenic road until they were told by some neighbors, and noted she did not believe the ordinance was clear in terms of what trimming meant for a utility. She believed it

needed to be significantly limited. Mr. Teddy explained the phrase was “necessary cutting and trimming” and there was not a dimensional standard. In addition, whether it would be considered as an exception was dependent upon one’s definition of necessary, and that was usually determined by the utility’s tree trimming policy. He did not see anything in the existing or proposed ordinance that indicated utilities would be subject to a higher standard.

Ms. Hoppe referred to Section 29-21.2(h)(5) where it indicated periodic edging out and creating an unpaved shoulder would be considered routine maintenance, and asked how that interacted with Section 29-21.2(i)(5), which indicated the removal or cutting of trees, shrubs and other vegetation within the untraveled portion of the road would not be allowed without going through the committee, and asked if the unpaved shoulder was the traveled portion of the road where they could cut trees or if it was the untraveled portion of the road where they could not cut or remove trees without going through the process. Mr. Teddy replied he believed something that did not require the widening of a travel path would allow resurfacing in place, so the dimension of the existing roadway, without an alteration to its grade or alignment, would be exempt. If it required the removal of trees or stone features, it would possibly require more public involvement. He thought there was room for judgment, and if there was a safety issue where a reasonable person saw something that could be a hazard to motorists, the obstruction could be moved per their discretion. Ms. Hoppe believed it implied the Public Works Department could remove trees if it decided to create an unpaved shoulder where there currently was not a shoulder. Mr. Glascock explained he interpreted it to mean anything inside the ditch line toward the centerline of the road, such as the edge drop-offs that needed to be addressed to create a smoother surface, was allowed, but the area outside of the ditch toward the trees would require committee involvement. Ms. Hoppe commented that there were no trees growing in the ditches and believed the language needed to be more specific.

Mr. Matthes suggested staff be allowed to come back with language that more clearly identified and addressed Ms. Hoppe’s areas of concern.

Mr. Thornhill asked Ms. Hoppe if she had a suggestion on how she wanted it reworded. He thought Council might need to provide better direction in order to satisfy her concerns. Ms. Hoppe replied she thought they should obtain public input tonight and table the item to allow staff time to address any questions or problems.

Mr. Schmidt wondered if the Council was trying to legislate something that could not be legislated. He thought the ordinance was meant to preserve the scenic character of the road and felt vigilance of the residents might be needed. Ms. Hoppe stated that if certain things were allowed by ordinance, they would happen, and she did not believe the residents should be required to deal with any problems.

Ms. Hoppe made a motion to table B136-11 to the July 5, 2011 Council Meeting. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

Vicky Riback Wilson, 3201 Blackberry Lane, commented that she had been a member of the Grindstone/Rock Quarry Neighborhood Association since its inception, and noted members of other neighborhoods in the City had indicated they wanted to eventually be included in scenic road designations, so she hoped the Council would not consider this issue as only being related to Rock Quarry Road. She explained she had two major concerns.

She did not feel the scope, role and composition of the advisory committee was clear and believed broadening it beyond just the Rock Quarry Neighborhood Association in terms of neighborhood association representation would be advisable if there were other neighborhoods that wanted to eventually be included. She explained she was also concerned about the exemptions as they had already had a significant cutting of trees and vegetation under the utility, agricultural and sight line exemptions. These exemptions would allow for unregulated decimation of the vegetative buffer and trees depending on additional development in the area, Boone Electric's unilateral determination of necessary and individual property owners' decisions on what might be needed for an agricultural exemption. She suggested the language be tightened up and better guidelines be included with regard to the advisory committee.

Julie Youmans, 2101 Rock Quarry Road, stated she was President of the Rock Quarry Road Neighborhood Association and commented that Rock Quarry Road was a unique and special part of geography that contributed to the problems they were trying to solve and the creation of the scenic road ordinance. Columbia was lucky to have this finger of messy Ozark limestone cliffs and rocks in the urban neighborhood as it was a geological centerpiece for the entire State. She believed specifics needed to be written and settled in ordinances as citizens did not know the details and could not be vigilant all of the time. In addition, it then put them in a confrontational relationship with the City. She noted she was also concerned about the inclusion of bicycle facilities as she believed it would be a shame to remove trees and change the configuration of the landscape for the sake of a pedway or broad sidewalk with lots of clearance because the road was so steep that bikers would not use it. She suggested the Council ask bicyclists what they felt about the three hills on that road. She believed there was also a safety issue in terms of joints shifting. She hoped they would not put a lot of money, effort and design into a bicycle-way people would not use and that the City would consider a different and more innovative blueprint.

Ms. Hoppe understood Ms. Youmans was recommending language be included in the ordinance for the exploration of creative or alternative bicycle pathways to serve the area. Ms. Youmans stated that was correct and clarified she was suggesting the exploration of a different route, which was not along the roadway, or a structure different than the current City model of wide concrete sidewalks with clearance on each side, such as something right on the side of the road.

B138-11 Amending Chapter 14 of the City Code to provide for five-hour metered parking on a section of Paquin Street, between Hitt Street and College Avenue.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid asked about the derivation of this request as it began in 2009 and other streets in the area were not metered. Mr. Glascock replied he understood Paquin Towers had made this request because their parking lot was not large enough to handle visitor parking and students tended to park and remain parked on the street at the same location for long periods of time. This would create turnover and provide visitors of Paquin Towers a place to park.

Stephanie Berg, 1205 Paquin Street, stated she was not in favor of this ordinance. She understood the reason for the parking meter was to provide for turnover. Although she did not have visitors during the hours classes were scheduled, her visitors had never had a problem accessing parking on that street. She personally did not believe there was a need for the parking meters.

Ms. Hoppe understood the residences had sufficient off-street parking. Mr. Glascock stated that was correct. He noted these meters would be enforced until 6:00 p.m.

Mayor McDavid asked if the residents of Paquin Towers were still in favor of this. Mr. Glascock replied they were still in favor of it, and noted the University was neutral on the proposal.

B138-11 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE. 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.

- B135-11 Voluntary annexation of property located on the north side of Mexico Gravel Road, west of Canyon Ridge Drive; establishing permanent A-1 zoning.
- B137-11 Amending Chapter 14 of the City Code to prohibit parking on a portion of Garth Avenue.
- B139-11 Accepting conveyances for utility purposes.
- B141-11 Authorizing the City Manager to execute license agreements with the Missouri Highways and Transportation Commission for the Hominy Trail West Connections under Route WW and U.S. Route 63.
- B142-11 Appropriating federal forfeiture funds for the purchase of equipment for the Police Department.
- R72-11 Setting a public hearing: voluntary annexation of property located west of Wellington Subdivision and north of Mexico Gravel Road (4415 Mexico Gravel Road).
- R73-11 Authorizing an adopt a spot agreement with Quest – Columbia Public Schools.
- R74-11 Authorizing Amendment No. 1 to the agreement with HDR/Archer Engineering, Inc. for engineering services relating to the design of the Hominy Branch Outfall Relief Sewer Project.
- R75-11 Authorizing Amendment No. 1 to the agreement with Environmental Rate Consultants, Inc. for professional services for the Columbia Storm Water Utility Cost of Service Study.
- R76-11 Authorizing an amended and restated interconnection agreement with Midwest Independent Transmission System Operator, Inc. relating to the purchase of the Columbia Energy Center.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY,

ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

R77-11 Authorizing an agreement for professional engineering services with Geosyntec Consultants for the ambient monitoring and assessment project for the Columbia Regional Wastewater Treatment Facility.

The resolution was read by the Clerk.

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

The vote on R77-11 was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE. 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.

- B143-11 Amending Chapter 14 of the City Code to provide reserved parking for police vehicles in the downtown area.**
- B144-11 Authorizing construction of the Hinkson Creek Outfall Replacement 5G7A sanitary sewer project; calling for bids through the Purchasing Division.**
- B145-11 Authorizing a municipal agreement with the Missouri Highways and Transportation Commission for intersection improvements at Route B and Brown Station Road.**
- B146-11 Authorizing application for FY 2012 transit planning, operating and capital assistance grants.**
- B147-11 Appropriating funds for sidewalk construction along a portion of Scott Boulevard as part of the Scott Boulevard construction project.**
- B148-11 Accepting conveyances for sewer and temporary construction purposes.**
- B149-11 Accepting a conveyance for utility purposes.**
- B150-11 Authorizing an agreement with The Curators of the University of Missouri to allow use of University property for the Fourth of July Celebration and Fireworks Display.**
- B151-11 Authorizing an antenna site license agreement with The Curators of the University of Missouri to allow access to the KOMU-TV tower to improve radio coverage for Public Safety Joint Communications.**
- B152-11 Accepting the FY 2010 Missouri Homeland Security Regional Response System Grant; authorizing a grant agreement; appropriating funds.**
- B153-11 Accepting a Youth Community Coalition Grant from the Missouri Division of Alcohol and Drug Abuse to be used by the Police Department for enforcement activities; appropriating funds.**
- B154-11 Approving Application and Guidelines for the Neighborhood Response Demolition Program; authorizing agreements to buy, maintain and sell real estate through the Neighborhood Response Demolition Program; authorizing the purchase of property at 200 Oak Street and adjacent property.**

REPORTS AND PETITIONS

REP92-11 Intra-Departmental Transfer of Funds Request.

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

REP93-11 Appointment of Downtown Community Improvement District (CID) Board of Director Member.

Mr. Matthes provided a staff report.

Mr. Dudley made a motion to appoint Thomas Brinker to the Downtown Community Improvement District Board. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP94-11 Downtown Orbiter to Parking Garages.

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

Mr. Kespohl asked if there were any plans to market this to students of the University. Mr. Glascock replied the City already marketed to students. Mr. Kespohl asked if that included promoting students to park in City garages. Mr. Glascock replied it included parking in the garages and using the City's transit system.

Mayor McDavid understood the Orbiter did not go to the front of Boone Hospital. Mr. Glascock stated it went down Williams. Mayor McDavid noted the map indicated it went on Ann Street, but the front door was on Williams. Mr. Glascock stated he would need to look into that further and thought it might be due to construction.

Ms. Hoppe noted the route was circuitous and asked if there were any plans to put up signs or add a special logo to the bus so people knew the downtown shuttle pick-up spots. Mr. Glascock replied that was something staff could look into. He noted they tried to hit all of the garages in the downtown area regardless of ownership and the route was on a 20 minute headway instead of a 40 minute headway like the other buses.

Mayor McDavid asked if the bus stopped running at 6:00 p.m. Mr. Glascock replied he did not know. Mayor McDavid commented that he believed this route had the potential for expansion in the evening hours. In addition, he thought they could abort the loop and go from the Fifth and Walnut garage through downtown to campus and return. He believed this would add to the commerce of the downtown. Mr. Glascock noted they needed to consider whether this route was free if one parked in the parking garage as mentioned earlier by Ms. Hoppe. They could consider a trolley, and if they did, they would need to have at least two so there was a spare. Mayor McDavid stated he would ask the parking utility task force to investigate this. Mr. Matthes thought that was a good idea and noted most cities that provided a downtown shuttle funded it through parking ramps.

Mr. Dudley asked how close the Orbiter kept to the 20 minute route. Mr. Glascock replied it depended on traffic. Mr. Dudley commented that he thought it would be difficult to drive that route in 20 minutes. Mr. Glascock noted the drivers did a pretty good job of maintaining the 20 minute headway.

REP95-11 American Flag at 5th & Walnut Garage.

Mr. Matthes provided a staff report.

Mr. Dudley made a motion directing staff to proceed with installing a flag on top of the Fifth and Walnut parking garage. The motion was seconded by Mr. Thornhill.

Mr. Dudley commented that a number of people had approached him regarding donations from the community to reduce the \$13,000 cost to the City. He wondered if they should install only the National flag or if they should also include posts for a State flag and City flag, and asked how tall the standards would be. Mr. Glascock replied it would be taller than 60 feet. Mr. Dudley stated he was not sure that all of the posts would need to be that tall.

Mr. Kespohl understood there were still funds in that garage project cost to install the flags and asked what would happen to those funds if they were not used. Mr. Glascock replied the funds would go back into the parking utility if they were not used.

Mayor McDavid stated he considered himself patriotic, but noted he did not want to spend money on this, so he did not plan to support it.

Ms. Hoppe commented that she also considered herself to be patriotic, but believed there were a sufficient number of flags in the area and listed the locations, which included the Police Station and the Federal Post Office. In addition, there had been concern from the public regarding the height of the parking garage and whether it merged with the skyline. She feared having flags on top of this parking garage would place even more attention to its height. Also, the initial cost was substantial and included an annual cost of \$600 if they only had one flag. She supported the use of these funds for other more functional purposes.

Ms. Anthony understood the City was not even covering its utility cost at the garage and they would add to it with lighting for the flag. She felt this would not be the best spent money at this time.

Mr. Thornhill agreed the flag would draw more attention to the garage and suggested they not do that.

The motion made by Mr. Dudley and seconded by Mr. Thornhill directing staff to proceed with installing a flag on top of the Fifth and Walnut parking garage was defeated by voice vote with only Mr. Dudley voting in favor of it.

REP96-11 Street Closure Requests.

Mr. Matthes provided a staff report.

Mayor McDavid made a motion to approve the street closures as requested. The motion was seconded by Mr. Schmidt and approved unanimously by voice vote.

REP97-11 Proposed Vanwood Way right-of-vacation.

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

Mr. Dudley made a motion directing staff to proceed with the vacation request by providing a recommendation to the Planning and Zoning Commission. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP98-11 Richland Heights Water Utility Easement.

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

Mayor McDavid understood staff planned to go to the neighborhood, and if there were no objections, staff would replant trees that would fit within the requirements of the original plan. Mr. Johnsen stated that was correct and clarified the same variety of tree would not be replanted since they had outgrown the restriction in the original plan.

Mr. Thornhill asked if the owners were satisfied with the direction the City was going in terms of reimbursement or associated costs. Mr. Johnsen replied they would be negotiating with regard to damages and replacement or differential costs during the easement acquisition process.

Mayor McDavid commented that if they satisfied the 1997 agreement by replanting the trees, he did not believe there should be a problem.

Mr. Kespohl noted he had reviewed the Council Meeting minutes from 1997 and understood Mr. Overton had agreed to install a 12 foot fence and a row of evergreens to screen the fence, but the height of the vegetation had not been specified. He asked if that had been specified elsewhere. Mr. Teddy replied the ordinance that approved that mobile home park final development plan included a screening plan and it specified the installation of a 12 foot solid fence and plantings that were six feet off of the fence line, 10 feet on center spacing, and had a height that would not exceed 20 feet.

Mr. Kespohl noted the memo indicated the trees were within six feet of the power line and he did not believe they were within six feet. Mr. Johnsen replied the calculation was based upon the vertical distance, which was the distance from the bottom of the lines to the top of the trees. It was the height distance.

Mr. Kespohl understood all of the screening would be removed and asked if it would be moved over or put back where it was. Mr. Johnsen replied they would put the fence and trees back where they were, but they would be planting trees that would be less than 20 feet at their mature height.

Mr. Thornhill asked if the current trees were mature. Mr. Johnsen replied they were mature and were 25 feet tall. Mr. Thornhill asked if it was too complicated to trim the trees down. Mr. Johnsen explained the trees were within Central Electric Cooperative's easement, so they would be the ones that would trim them.

Mr. Kespohl asked if Central Electric Cooperative was requesting the trees be removed. Mr. Johnsen replied yes.

Mayor McDavid asked why the trees could not be cut down to 19 feet in height. Mr. Johnsen replied the City needed to remove the trees and fence in order to install the waterline, and Central Electric Cooperative had asked that the City plant replacement vegetation that met the intent of the plan approved in 1997, which was for vegetation that had a mature height of less than 20 feet.

Mayor McDavid understood it was the intent of staff to talk to the neighborhood in an effort to come to an agreement with regard to the type of vegetation planted. Mr. Johnsen stated that was correct.

Mr. Kespohl understood seven properties would be affected if the City installed the waterline on the west side and asked if the City had the easement authority to install the

waterline. Mr. Johnsen replied the City did not have a waterline easement, but there were electric line easements there. The City was in the process of acquiring the waterline easements. He understood the different utilities needed separate easements. Mr. Kespohl understood the City would have to acquire easements on the west side. Mr. Johnsen stated that was correct.

Mayor McDavid understood this was informational and that staff would try to come up with an agreement with the neighborhood. If staff and the neighborhood were unable to agree, it would come back to Council for further discussion. Mr. Johnsen agreed and noted they were essentially trying to broker an agreement between the neighborhood and Central Electric Cooperative.

Steve Wendling, 2012 Chapel Ridge Road, commented that his mother-in-law, Ms. Overton, owned the Richland Heights Mobile Home Court and he had managed the property since August of 1987, when it was first acquired by Mr. Overton. He pointed out the trees were not cedars. They were canaerti junipers and designed to be 18-20 feet. He had measured them today and they were about 20-21 feet in height. He explained Ms. Overton did not object to installing something that was agreeable with the Homeowners Association, but was requesting she not be responsible for maintaining those trees.

Allen Hahn, 3711 Woodridge Court, stated he was Chair of the Woodridge Neighborhood Association and noted the trees and fence were a result of an agreement and served as a break between the two neighborhoods. They were pleased with the way it looked and wondered why the trees could not be trimmed to meet the specifications. Mayor McDavid explained the trees needed to be removed because the waterline needed to be installed. The removal of the trees did not have anything to do with the specifications. Mr. Johnsen stated that was correct and noted the City's easement would be over the tree area. The waterline would be installed under the screening infrastructure. The fence and trees would be removed and the City would put the fence back, but the vegetative screening that was planted would have to have a mature height of less than 20 feet. Mayor McDavid understood there was no way to do this without taking the trees out. Mr. Johnsen stated they could move the waterline easement, but that might create more problems.

Mr. Hahn noted a neighbor had sent him an e-mail indicating that if the fencing and/or trees were removed, the City should replace them exactly as they had been removed or the City needed to build the waterline on the other side, so it would be the least disturbing to what currently existed.

Margaret Guthrie, 400 Cedar Lane, stated her property backed up to the easement and noted Central Electric Cooperative had trimmed a lot of those trees in December. She asked the Council to consider replanting the trees and trimming them to the required height. Mr. Johnsen replied they City had to remove the trees in order to install the waterline and Central Electric Cooperative had requested they plant trees that would mature to less than 20 feet in height. Ms. Guthrie asked for the height of the trees that would be planted by the City after the waterline was installed. Mr. Johnsen replied it would depend on the variety of tree and explained they planned to work with the Neighborhood Association to determine what they would plant.

Mayor McDavid suggested this conversation be continued with the Woodridge homeowners, and pointed out his expectation was for an agreement where everyone was satisfied.

REP99-11 Free Power Company (FPC) Photovoltaic Lease Update.

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

Mayor McDavid asked if they were still planning on six megawatts in the first year. Mr. Johnsen replied that was the goal. He explained they would probably report to Council on a regular basis as there were future projects being discussed currently by the Water and Light Advisory Board.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mayor McDavid commented that he believed everyone on the Council had been unsettled with the way the Reapportionment Committee members were selected as it had been a fragmented process without a lot of communication, and as a result, it did not reflect the diversity of the community.

Mayor McDavid made a motion to amend R66-11A, which created the Reapportionment Committee, by adding another at-large member that represented the demographic diversity of Columbia. He suggested the Council provide nominations to the City Clerk by June 15, 2011, so the Council could select the additional at-large member at its June 20, 2011 Council Meeting. The motion was seconded by Mr. Kespohl.

Ms. Hoppe understood the Committee would then consist of eight members. Mayor McDavid stated that was correct, and noted if the recommendations of the Committee resulted in 4-4 vote, the final decision would be made by Council. Ms. Hoppe understood he was recommending a permanent change to this Committee. Mayor McDavid replied yes.

The motion, made by Mayor McDavid and seconded by Mr. Kespohl, to amend R66-11A, which created the Reapportionment Committee, by adding another at-large member that represented the demographic diversity of Columbia was approved unanimously by voice vote.

Ms. Anthony understood the State Legislature passed House Bill 430, which included language that might drastically compromise local control of billboards in terms of size, height, spacing, lighting and digital billboards. She did not believe the bill had been signed by the Governor and thought there might be an opportunity to write a letter asking him to veto the bill. She asked staff to provide a report indicating how this bill would affect the City's local control of billboards.

Mr. Thornhill asked staff to provide a report on the necessity and possibility of speed control methods on Prairie View Drive. He had been approached by a few of the residents on that street in terms of high speeds and wanted to know what could be done and how much it would cost.

Mr. Schmidt explained there was quite a bit of interest in his neighborhood for various traffic calming techniques and that his neighborhood willing to participate in experiments of

inexpensive methods that might have an affect on speeds. He understood they had spoken to City staff and suggested experimental techniques be added to the report requested by Mr. Thornhill.

Mr. Kespohl noted he was contacted by a constituent regarding the weed ordinance as they had to periodically contact the City on an annual basis to get some lots mowed. He thought the weed ordinance should be revised to fine someone for a third complaint and allow for a higher fine for additional violations in an effort to discourage people from not mowing their lots.

Mr. Kespohl commented that he wanted staff to look at 4313 and 4307 Rice Road in terms of potential ordinance violations. There were two vehicles, a boat, motor home and a trailer parked at one of the residences and a big pile of construction material in the back yard of the other residence.

Mr. Kespohl explained he asked for clarification regarding the difference between budgeted income and budgeted expense as there was a \$6 million difference this year. He was told there was a \$6 million encumbrance carried over from last year to 2011. He reviewed the list of encumbrances and believed it was only \$3.9 million, so there was a difference of \$2.1, which he was told were transfers into the general fund. He was also told the \$3.9 million encumbrance showed up as an expense in 2010, and if that was the case, he wondered why it was also showing up as an expense in 2011. He noted he was waiting to hear back on that question.

Ms. Hoppe stated she was contacted about an erosion problem near Gans Creek where the Department of Conservation was involved in some construction. She noted the erosion construction silt fence issue had been resolved, but a few other issues had been raised. She believed a City sewer pump station had been recently erected south of the Gans Creek Recreational Center, off of Gans Creek Road, and there were no plantings, vegetation or trees surrounding the pump station. She asked for a report on the possibility and cost of providing some landscaping so the pump station was not visible to the surrounding residences and park.

Ms. Hoppe understood Gans Creek Road, which was south of the Gans Creek Recreational Area, was owned by the County and maintained by the City. She believed there was an issue with the speed limit as it was a 35 mph gravel road and asked staff to provide a report regarding the accidents on that road and whether the speed limit could be changed.

Ms. Hoppe commented that a conflict of interest issue on a commission had recently been raised and asked staff to provide a report including the conflict of interest ordinance and laws that applied to the Council and to its commissions. She also asked that a comparison with other similar communities be provided as part of the report and suggested Lawrence, Kansas and other university towns.

Mr. Schmidt suggested they keep in mind the fact they were building for the future and needed an overall solution to the overall situation with regard to the parking garage, and that this was not just about the Short Street garage and hotel. He thought the Council shared that vision and hoped the public kept that in mind. He was also looking forward to the task force mentioned previously by Mayor McDavid as he believed that would help them move from minutia to policy.

The meeting adjourned at 9:02 p.m.

Respectfully submitted,

Sheela Amin
City Clerk