

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
MAY 2, 2011**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, May 2, 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 ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL and DUDLEY were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the special meeting of April 11, 2011 and the regular meeting of April 18, 2011 were approved unanimously by voice vote on a motion by Mr. Dudley and a second by Mr. Thornhill.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

Swearing In of Mike Matthes as New City Manager.

The City Clerk administered the oath of office for the Office of City Manager to Mr. Matthes. Mayor McDavid congratulated Mr. Matthes. Mr. Matthes stated Columbia was a fantastic community and he was pleased to be joining the organization and the community.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

Valorie Livingston, Executive Director and Mike Grellner, President of Boys & Girls Club Board of Directors: Boys & Girls Club announcement launching Capital Campaign efforts to expand in the community to serve more At Risk youth in Columbia.

Mayor McDavid explained Ms. Livingston and Mr. Grellner had withdrawn their request to speak.

PUBLIC HEARINGS

(B) Construction of the Old 63 Grindstone Pedway project between Grindstone Nature Area and Stadium Boulevard and between Bluffdale Drive and Moon Valley Road.

Item B was read by the Clerk.

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

Mayor McDavid opened the public hearing.

Michelle Windmoeller stated she represented the PedNet Coalition and wanted to thank everyone that had been involved in this compromise as they were happy to see this project move forward. It would open up trail connections and provide better access in that part of Columbia.

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

Ms. Hoppe thanked staff and Ms. Kline for being willing to meet so they could come up with an acceptable alternative. She pointed out the original plan was estimated to cost \$2.4 million, while the estimate for the revised plan was \$1.7 million. She noted this would be a well used connection north to Stephens Lake and south to the Grindstone.

Ms. Hoppe made a motion directing staff to proceed with the plans and specifications for this project. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

B116-11 Authorizing construction of the East Pointe Subdivision electric and water main loop closure project.

The bill was given second reading by the Clerk.

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

Mayor McDavid asked how this project would be funded. Mr. Johnsen replied it would be funded through the enterprise revenue funds.

Mayor McDavid opened the public hearing.

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

Ms. Hoppe stated this had been discussed at the East Pointe Neighborhood Association meeting and she had not received any negative feedback. She thought they understood this would reduce outages and increase reliability.

B116-11 was given third reading with the vote recorded as follows: VOTING YES: ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

B117-11 Authorizing the acquisition of easements for construction of the East Pointe Subdivision electric and water main loop closure project.

The bill was given second reading by the Clerk.

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

Ms. Hoppe understood the one easement staff had been unable to obtain had been from Hollywood Theaters and asked how long they had been trying to reach them. Mr. Johnsen replied staff had been trying since January. They were having trouble getting through the corporate structure of Hollywood Theaters. Ms. Hoppe commented that she believed this project would benefit Hollywood Theaters. Mr. Johnsen agreed and noted he had tried to relay that information to representatives of Hollywood Theaters.

Mr. Schmidt understood the other easements had been donated. Mr. Johnsen stated that was correct. Mr. Schmidt asked if Hollywood Theaters would be compensated for its easement. Mr. Johnsen replied it would be a part of the discussion process, but they hoped it would be donated since this project would improve their water and electric reliability.

Mayor McDavid opened the public hearing.

Gregg Martin stated he was representing Miller’s Imaging and they were in support of this project as they had donated the largest easement. They understood if the electricity was lost, they would not be able to fully operate as their battery back-up system would only run for one hour. It was important for them to have a better and stronger power source.

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

B117-11 was given third reading with the vote recorded as follows: VOTING YES: ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

OLD BUSINESS

B108-11 Authorizing the issuance of Revenue Bonds for Water and Electric system improvements and for the purchase of the outstanding shares of the Columbia Energy Center.

The bill was given second reading by the Clerk.

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

Mr. Dudley made a motion to amend B108-11 per the amendment sheet. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

B108-11, as amended, was given third reading with the vote recorded as follows: VOTING YES: ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

B109-11 Rezoning property located on the southeast corner of Coats Street and North Boulevard (1200 and 1206 Coats Street and 808 North Boulevard) from Districts C-P and R-3 to District C-3.

The bill was given second reading by the Clerk.

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

Ms. Anthony asked for examples of C-3 uses that could adversely impact the adjacent residential property. Mr. Teddy replied moving from C-1 to C-3 would add rent-a-centers, car washes, storage and sales, kennels, animal hospitals, etc. as allowed uses.

George Smith provided a handout and stated he was an attorney with Johnston and Smith, LLC, representing Tom and Pam Kardon. He noted kennels were limited to two acres in size, and this site was less than two acres, so it would not be an allowed use on this site if zoned C-3. He explained zoning in this area was not consistent for its uses. C-3, C-P and C-1 existed in the area and were adjacent to residential areas. The adjacent uses along the Business Loop were almost exclusively C-3, and the only C-P zoning was the block the Kardon’s owned. The entire area to the north was C-3 and M-1 as well. He pointed out this was a commercial area and did not understand why the zoning district for this site should be affected by the residential area to the south since there was residential to the south of C-1, C-P and C-3 zoning already. He asked the Council to consider the fact that the neighbors did not oppose this rezoning. He explained the Kardon’s had developed a C-P plan, which was compliant with C-3 requirements and stormwater regulations, and pointed out Mr. Kardon did not plan to do anything other than what he had proposed on the property. He noted the purpose of C-P zoning was to provide for commercial and recreational activities that warranted special considerations due to the scale of potential impacts, and he did not believe

this proposed use was of sufficient scope to meet the purpose and major objectives of C-P zoning. The purpose fell under C-3 as its principle land uses were sales and service activities. It was an auto parts place and auto repair place, which he wanted to expand. It included commercial parking and inoperable vehicles would not be stored there. C-3 required a ten foot buffer between it and residential properties. The Kardon's would provide a 30 foot buffer, so there was an adequate buffer and green zone. He thought the use was appropriate and reiterated C-3 was the appropriate zoning.

Mr. Schmidt understood Mr. Kardon had developed a C-P plan and asked if that was only for the lot that was currently zoned C-P. Mr. Smith replied Mr. Kardon had originally applied for C-P, but that request had been withdrawn. Mr. Teddy stated that was correct and noted it had not gone all of the way through the hearing process. Mr. Schmidt asked why they had not move forward with C-P. Mr. Smith replied because C-P was over-zoning for the area and would create inconsistent zoning in the area. He pointed out Autozone was able to expand since the property near it was zoned C-3. Mr. Schmidt asked how the lot south of Autozone became C-3 as it looked like it was a residential lot. Mr. Teddy replied that was the depth of the zoning on the original zoning map. In 1957, when the districts were changed from highway commercial to general business, there was no change to the mapping of that district. Mr. Schmidt assumed the end was Coats Street. Mr. Teddy stated that perhaps the circumstances were such that frontage on what was now Business Loop was considered true highway commercial frontage while the property that laid south of North Boulevard was considered more residential in character since it was not directly accessible to the Business Loop.

Mr. Kespohl understood that Mr. Teddy thought the lot that was now zoned C-P had been zoned C-3 at one time. Mr. Teddy stated it was C-1 and then rezoned to C-P. Mr. Kespohl asked if all of the lots had been C-3 at one time. Mr. Teddy replied that at an early stage, the Business Loop frontage, east of Hickman High School, was zoned C-3 or a predecessor district. Mr. Kespohl understood this applied only to properties that fronted the Business Loop. Mr. Teddy stated that was correct. He noted the block that ran along North Boulevard and south on Coats and Eighth had evolved more recently in terms of commercial zoning.

Thomas Kardon stated he was the owner of Thomas Imports and explained he had resided in Columbia for 40 years and was not planning to leave. He noted everyone around him had C-3, but he had to start with C-P. He had tried to get another access on North Boulevard, but the City indicated he would need to go through the zoning process again in order to do so. It took too long to go through C-P process and there were too many other requirements associated with it. He pointed out Autozone had purchased the lot behind it in order to expand and they did not have to come before Council. If he had C-3 zoning, he could have just provided plans to the City and moved forward. He noted the plans had been completed and explained he had spent approximately \$26,000 for engineering services, the fence for the residential property and for the demolition of the home, but had not been able to build yet. C-3 was better for him and would not require him to go through this process again if he made a mistake and wanted to change access or anything else. If he would have had C-3, the building would have already been constructed. He noted he needed additional

parking and need more room for parts and to work on cars. He noted his shop had supported six families three years ago and still supported six families. He reiterated he needed C-3 so he did not have to go back through the process and stated small businesses, such as his, needed the Council's support.

Ms. Hoppe asked if staff had recommended C-P or C-3 when he began the process 16 months ago. Mr. Kardon replied staff had recommended C-P, but there were a lot of problems with C-P, which was why he was asking for C-3. He noted the plans had been completed a year ago, but the Fire Department had indicated the house was too close and would not allow room for fire trucks, which he did not understand since the fire trucks would be on the street. This delayed the process 2-3 months, and then he was told green area was needed. The property would have 40 percent green space. He noted the City only collected \$72 for the residential property, but they would collect \$4,200 if he was able to construct his building. He explained this would create work for those in the construction industry and help his business as well.

Linda Rootes, 402 N. Eighth Street, provided a handout and explained the Board of Directors for the North Central Columbia Neighborhood Association was opposed to this rezoning request. Mr. Kardon had discussed the project with the Board on several occasions and they first learned he was pursuing C-3 zoning instead of C-P zoning on March 8, 2011. After a lengthy discussion, the Board took the official stand of opposition primarily because C-3 zoning allowed several uses, which she listed, deemed detrimental to the stated mission of preserving a viable residential neighborhood in the area. She stated they hoped the Council would agree with the unanimous decision of the Planning and Zoning Commission that open C-3 zoning was inappropriate next to residential zoning in neighborhoods.

Dan Cullimore, 715 Lyon Street, stated he thought the world of Mr. Kardon and his business, and supported his desire to expand his business at this location, but noted he was concerned with providing open C-3 zoning. He would prefer C-P zoning as it was more appropriate. The areas around the subject property had an inappropriate historic zoning for the location. He commented that a church was immediately to the south of the proposed lot for the expansion of Autozone and it served as a buffer to the neighborhood. There was no such buffer at the location where Mr. Kardon planned to expand except for 30 feet of green space and a parking lot. He also noted that the zoning would be with the property even when Mr. Kardon no longer owned the property. He hoped this area would continue to be a residential neighborhood with some mixed use, and not something that would radically change the north end of that block for the foreseeable future.

John Clark, 403 N. Ninth Street, urged the Council to follow the recommendations of the Planning and Zoning Commission and staff and deny this application. In addition to many of the reasons already stated, he thought there were three other long and short term planning reasons to reject any C-P application for the foreseeable future. He believed it would be a disaster to do anything that would increase traffic due to the way the intersection of Business Loop, Coats and North Boulevard was configured. He felt the intersection should be redesigned before they helped people further invest in the area because it would make it more difficult to redesign the area. In addition, this was in opposition to the North Central plan, which was based on the preservation of a viable, sustainable, stable residential

community and crucial to residents of the neighborhood and the vitality of a revitalized downtown. He asked the Council to vote against this request.

Mr. Schmidt stated he liked Mr. Kardon and agreed they should encourage business in-fill, but was concerned about what would happen after Mr. Kardon no longer owned the property. He believed this use would fit in and understood why Mr. Kardon did not want to zone the property C-P as that part of the process that required him to come back to the Council with changes to his plan was broken, but noted the staff, the Planning and Zoning Commission and the neighborhood association had recommended denial. As much as he wanted to help small business, he was hesitant in supporting this rezoning request.

Ms. Anthony commented that she would support the recommendation of the Planning and Zoning Commission. She explained Mr. Kardon's argument was compelling. In addition, he had a business that was well liked by the neighbors and the community. The issue for her was the permanency of the zoning. She felt C-3 zoning in this particular area was too intense and not appropriate for the neighborhood. Although she believed Mr. Kardon's project was appropriate, projects of successor owners might not be, and that was not a risk she thought they should take.

Mayor McDavid asked how long the process would take to come back to Council with a C-P request if this zoning request was to fail. Mr. Teddy replied Mr. Kardon could bring back a C-P application immediately.

Mayor McDavid stated he was not going to support this rezoning request. He agreed Mr. Kardon had a good reputation and hoped he would come back to Council quickly with a C-P rezoning request as he would be sympathetic to that request.

Mr. Kesphl asked how soon Mr. Kardon could come back with a C-P rezoning request in terms of going through the process again. Mr. Teddy replied it took about two months from the application date to get to Council. This would allow time for the notice of public hearing at the Planning and Zoning Commission level and two readings of the ordinance that would need to be accommodated for the Council agenda. Mr. Schmidt understood this time frame did not include time for any discussions or negotiations, if they were necessary. Mr. Teddy stated that was correct. Mr. Schmidt asked for the more realistic time frame. Mr. Teddy replied he understood the C-P plan had been prepared and staff had reviewed the plan, so he thought that would reduce any unexpected delay, but he usually told applicants the process would take 3-6 months depending on if it was controversial when starting with a clean slate.

Mr. Cullimore explained the North Central Columbia Neighborhood Association Board had voted to approve a C-P district.

B109-11 was given third reading with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY. Bill declared defeated.

B115-11 Authorizing an assignment to purchase transit buses through LYNX Contract 09-C05 with Central Florida Regional Transportation Authority d/b/a LYNX; appropriating funds.

The bill was given second reading by the Clerk.

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

Mayor McDavid understood this was the same six black and gold buses the Council approved proceeding with a few months ago. Mr. Glascock stated that was correct. Mayor McDavid asked when they would be received. Mr. Glascock replied it normally took over a year.

Ms. Hoppe understood none of these were hybrid buses and asked if they would be getting better mileage with these buses than the older buses. Mr. Glascock replied the mileage rate was not any better, but they met the new air emissions requirements. He noted they were looking at using natural gas for the future, but it could not currently be utilized because the City did not have a station with natural gas to fill up the buses.

Mayor McDavid understood natural gas buses would cost \$100,000 more. Mr. Glascock replied he was not sure it was \$100,000, but it would be considerably higher. Ms. Hoppe asked for the cost savings in terms of operating natural gas buses. Mr. Glascock replied they would save about \$1 per gallon.

Mayor McDavid asked for the cost of a natural gas filling station. Mr. Glascock replied they had a proposal from Clean Energy to install one, but they had to guarantee usage. If the City put it in itself, it would cost about \$2 million. Mayor McDavid understood staff was working toward this effort. Mr. Glascock stated that was correct and noted they were trying to develop a coalition of different agencies that would guarantee a certain amount of usage. He explained the Council would receive a business plan to move toward natural gas at the Council Retreat.

Mr. Kesphl noted Section 6 discussed passenger shelters and asked if those would be ADA compliant. Mr. Glascock replied yes.

Ms. Anthony asked for clarification regarding the color of the buses. Mayor McDavid replied they would be black and gold. Ms. Anthony wondered how they would handle the sales of advertisements. Mayor McDavid explained they were still subject to advertising, so they might have a black and gold bus that was covered by green First National Bank decals.

B115-11 was given third reading with the vote recorded as follows: VOTING YES: ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

B120-11 Amending Chapter 24 of the City Code to add a section pertaining to curbside mailbox placement and parking prohibitions.

The bill was given second reading by the Clerk.

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

Mr. Schmidt asked if he could install multiple mailboxes if he just did not want parking in front of his house. Mr. St. Romaine replied no. Mr. Matthes explained the post office had input on new mailboxes on curbs. He was not sure it was a choice individuals could make.

Ms. Hoppe stated she liked this revision better than previous language provided and thanked Mr. Thornhill for working on it.

Mr. Thornhill commented that Mr. St. Romaine has spent an inordinate amount of time on this issue in terms of multiple revisions and meetings.

B120-11 was given third reading with the vote recorded as follows: VOTING YES: ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

CONSENT AGENDA

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

- B110-11 Amending Chapter 6 of the City Code as it relates to the 2006 Edition of the International Code Council Electrical Administrative Provisions.
- B111-11 Accepting certain streets for public use and maintenance.
- B112-11 Authorizing an agreement with the Mid-Missouri Solid Waste Management District for the Organic Compost Containers Project; appropriating funds.
- B113-11 Authorizing an agreement with the Missouri Highways and Transportation Commission for a Small Community Air Service Development Program grant; appropriating funds; transferring funds.
- B114-11 Authorizing an airport aid agreement with the Missouri Highways and Transportation Commission for aircraft rescue and firefighting training assistance at the Columbia Regional Airport.
- B118-11 Accepting a conveyance for utility purposes.
- B119-11 Appropriating asset forfeiture funds to purchase computer and electronic equipment to be used by the Police Department in an administrative conference room.
- R59-11 Setting a public hearing: construction of the Hinkson Creek Outfall Replacement 5G7A project.
- R60-11 Setting a public hearing: construction of improvements to the Clyde Wilson Memorial Park.
- R61-11 Setting a public hearing: voluntary annexation of property located on the north side of Mexico Gravel Road, west of Canyon Ridge Drive.
- R62-11 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Summer Food Service Program for Children.
- R63-11 Designating the City Manager as the City’s authorized representative to the Missouri Department of Natural Resources for a State Revolving Fund Program loan under the Missouri Clean Water Law for various sanitary sewer improvement projects.
- R64-11 Accepting the donation of a vehicle from the National Insurance Crime Bureau to be used by the Police Department in a proactive auto theft program (Bait Car Program).

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

NEW BUSINESS

R65-11 Authorizing a sidewalk renovation agreement with Brick Building, LLC for the removal and replacement of sidewalks along a portion of South Fifth Street (101-115 South Fifth Street); transferring funds.

The resolution was read by the Clerk.

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

Mr. Thornhill asked if staff had been able to establish a cost for on-going maintenance of brick pavements so it could be compared to other surfaces. Mr. Glascock replied the brick was not in the travel way on the south side of Broadway, so there was not a lot of maintenance with it. Concrete, which they thought was a better product, was in the travel way.

Mayor McDavid asked if staff was recommending concrete in the travel way for this situation. Mr. Glascock replied yes.

Ms. Hoppe asked how much money the City had per year to spend on projects such as this, and how much would be left if this project was approved. Mr. Glascock replied there had not been a lot of interest in this program in the past few years, and he thought they had approximately \$400,000 in that account currently. He noted they added funds to that account every year as well.

Kevin Murphy, an engineer with A Civil Group with offices at 3401 Broadway Business Park Court, provided a handout and stated he was representing Bob and Rosie Gerding, the owners and residents at 101 S. Fifth Street, and Tom Smith, the owner of Flat Branch Brewery at 115 S. Fifth Street. They were asking Council to approve this agreement and consider the cost share of the alternate bid as it would allow for a nicer streetscape. The sidewalk would be 14 feet wide, and the brick treatment would break up the mass of concrete. They were also proposing to install the larger tree grades on the sidewalk. He noted this project was being privately bid, so it created a substantial cost savings as well.

Mr. Schmidt asked Mr. Murphy if his clients preferred brick. Mr. Murphy replied yes.

Mr. Thornhill understood a few parking spaces would be eliminated. Mr. Murphy stated no parking would be eliminated and explained those spaces would just be pushed outward.

Carrie Gartner stated she was the Executive Director of the Special Business District (SBD) and the Downtown Community Improvement District (CID) and explained they were in support of this sidewalk project as the current sidewalk was difficult to maneuver. She commented that they did not object to the special brick sidewalks as it would be a great addition to the area.

Mr. Dudley stated he believed this was a good plan and liked the fact it was a public/private partnership.

Ms. Anthony asked for the increase in cost if they were to agree to the brick. Mr. Glascock replied it was approximately \$7,000.

Mr. Schmidt made a motion to amend R65-11 by appropriating an additional \$7,283.02 toward this project so it could include brick as discussed. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

The vote on R65-11, as amended, was recorded as follows: VOTING YES: ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R66-11 Establishing a Ward Reapportionment Committee.

The resolution was read by the Clerk.

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

Mayor McDavid understood this would allow each Council Member to nominate one person at the next Council Meeting.

Mr. Schmidt suggested amending the resolution so the Council Member that selected the committee member could appoint the replacement after consultation with the Mayor if the member resigned or ceased to serve prior to the committee’s work being completed.

Mr. Schmidt made a motion to amend R66-11 so the last two sentences of Section 1 would be replaced by “If a member shall resign, miss three meetings or for any other reason cease to serve, the member shall be replaced. If the member was a ward representative, the Council Member whose ward the committee member represented shall appoint a replacement after consulting with the Mayor. If the member was appointed by the Mayor from any ward in the City, the Mayor shall appoint a replacement.” The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

The vote on R66-11, as amended, was recorded as follows: VOTING YES: ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY. 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.

- B121-11 Rezoning property located on the north side of Bouchelle Avenue and 175 east of Lee Street (1405 Bouchelle Avenue) from R-1 to R-2.**
- B122-11 Rezoning property located on the north side of Bouchelle Avenue and 225 feet east of Lee Street (1407 Bouchelle Avenue) from R-1 to R-2.**
- B123-11 Rezoning a strip of land located on the north end of the lot located at 1205 East Ash Street from R-3 to C-2.**
- B124-11 Approving the Final Plat of Copperstone Plat 3A, a Replat of Lot 302 of Copperstone Plat 3 located on the north side of Blue Hollow Drive.**
- B125-11 Authorizing construction of the Stadium Boulevard Connector to the MKT Trail project; calling for bids through the Purchasing Division.**
- B126-11 Authorizing the acquisition of an easement for construction of the Stadium Boulevard Connector to the MKT Trail project.**
- B127-11 Authorizing an agreement with the Transportation Security Administration for reimbursement of law enforcement officer services at Columbia Regional Airport.**

- B128-11 Authorizing construction of improvements to the Clyde Wilson Memorial Park; authorizing an agreement with The Curators of the University of Missouri for construction access to the park.
- B129-11 Authorizing construction of the north section of the 24-inch East Water Transmission Main Project from the Shepard Water Tower to the Hillsdale Pump Station located at the intersection of Glenstone Drive and I-70 Drive Southeast; calling for bids through the Purchasing Division.
- B130-11 Authorizing an agreement with Columbia College for connection to the City's fiber optic cable system.
- B131-11 Accepting conveyances for utility purposes.
- B132-11 Authorizing an agreement with ISG Technology, Inc. for installation and maintenance of a mobile video system for downtown Columbia; appropriating funds.
- B133-11 Calling a special election on whether to increase monthly stormwater utility charges.

REPORTS AND PETITIONS

REP80-11 Intra-Departmental Transfer of Funds Request.

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

REP81-11 Water & Light Advisory Board Annual Report.

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

John Conway, 4902 Thornbrook Ridge, explained he was the Chair of the Water and Light Advisory Board and noted the report had been provided as required. He commented that the matters that came before the Advisory Board continued to be complex and broad-reaching. He commended the leadership of the recent Water and Light Directors and the work of staff in making the Water and Light Department more efficient, while still providing stable services.

Ms. Anthony asked if the Water and Light Advisory Board would make a recommendation regarding the electrical transmission routes proposed in the Fifth Ward. Mr. Conway replied yes. Ms. Anthony asked when that recommendation would be provided. Mr. Conway replied the Board would make its recommendation after the other approaches were considered and staff provided its recommendation.

Mayor McDavid commented that the citizens of Columbia should be grateful to have a group of hard working and competent people monitoring a very large and complicated part of City operations. He thanked Mr. Conway and the other Board Members for their hard work.

REP82-11 Street Closure Requests.

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

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

REP83-11 Parking Prohibition – East Side of Garth Avenue.

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

Mr. Dudley made a motion directing staff to prepare an ordinance to restrict parking on the east side of Garth Avenue from a point 80 feet south of the south curb line of Parkade Boulevard, thence north 270 feet. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP84-11 Short Street Garage; Schematic Design.

Mr. Matthes provided a staff report.

Mr. Thornhill asked where the City was in furthering its confidence level in the hotel owner's commitment. Mr. St. Romaine replied he hoped that by June 6 the revenue issues would be decided, the developer would have a franchise commitment and they would have some feedback from Walker Parking to provide to Council.

Mayor McDavid made a motion directing staff to instruct Walker Parking Consultants to wait until an acceptable contract with Broadway Lodging had been approved by Council. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP85-11 Report: Housing Authority of Columbia Farmer's Market.

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

Mr. Thornhill made a motion to approve the Housing Authority of Columbia farmers market to be located on CHA property with up to six vendors selling products for up to four hours on Wednesdays from May through October 2011. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Hoppe made a motion directing staff to prepare an ordinance adding farmers markets on non-commercial property as a permitted temporary business stand subject to Council approval. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP86-11 Report of the Citizens Police Review Board.

Mr. Matthes provided a staff report.

Mayor McDavid asked for clarification regarding the derivation of this request. Mr. Boeckmann replied he understood representatives of NACOLE had recommended considering closed sessions. He explained the current ordinance required everything be done in open session. If the ordinance was changed, the Citizens Police Review Board (CPRB) could go into closed session to discuss personnel matters under the Sunshine Law, which included situations dealing with the conduct of police officers. He commented that there was a big push for openness when the ordinance establishing the CPRB had passed. There was now concern individuals did not want to recite complaints in front of a large audience and that they would rather have some privacy. Police officers preferred to meet with the CPRB in closed session as well. The change being suggested would not mandate closed sessions. It would only allow it on an individual basis when the Board felt it was a good idea by two-thirds vote.

Mr. Thornhill made a motion directing staff to draft an ordinance amending Section 21-54 to allow certain meetings of the CPRB to be closed. The motion was seconded by Mr. Schmidt.

Mr. Kespohl asked if they could go into closed session for any reason. Mr. Boeckmann replied no and explained it would have to meet the requirements of the Sunshine Law. Mayor McDavid asked about undercover operations. Mr. Boeckmann replied other reasons it could be closed involved an undercover officer or if the subject matter was required to be closed per state law, such as a situation involving a juvenile. Mr. Kespohl explained the problem he had was the statement in the second paragraph indicating the Board could hold a closed session at its discretion as he believed some governance was needed.

Ms. Anthony stated she agreed with Mr. Kespohl and felt administrative policies and procedures needed to be adopted for the CPRB to follow.

Mayor McDavid noted the Council had the option of defeating this ordinance when it came forward for their consideration.

Mr. Boeckmann explained there had been discussion indicating that if the Council passed an ordinance allowing closed sessions, guidelines of when the CPRB would go into closed session could be adopted as well. He noted that if the Council wanted this information in advance, they could request guidelines be developed in advance of Council voting on the ordinance. Mr. Kespohl and Mayor McDavid thought that was a good idea.

Mayor McDavid made a motion to amend the motion made by Mr. Thornhill and seconded by Mr. Schmidt directing the CPRB to develop guidelines for circumstances in which meetings should be closed prior to Council considering the ordinance change. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

The motion, made by Mr. Thornhill, seconded by Mr. Schmidt and amended by Mayor McDavid, to direct staff to draft an ordinance amending Section 21-54 to allow certain meetings of the CPRB to be closed after guidelines for circumstances in which meetings should be closed had been developed by the CPRB was approved unanimously by voice vote.

REP87-11 Purchase of the Columbia Energy Center and County Tax Revenues.

Mr. Matthes, Mr. Johnsen and Ms. Hertwig Hopkins provided a staff report.

Mayor McDavid commented that the City had agreed to assist the Columbia Public Schools (CPS) because the loss to them was significant at approximately \$1 million during a time they were faced with a lot fiscal constraints. He understood the City had articulated to the CPS its willingness to provide for phasing before the election in order to obtain their support, so he was willing to support them. He would not, however, support phasing for any other taxing entity. General fund money was needed to support City operations. He noted City employees had not had raises in over three years. In addition, they would soon be receiving a report indicating the City was \$100 million short in pension plan obligations. The City had infrastructure needs as well.

Ms. Hertwig Hopkins explained the additional request had come from the Daniel Boone Regional Library (DBRL). It did not come from the other two entities. She had asked staff to bring to Council's attention all affected entities.

Mayor McDavid asked if legislation was needed to approve the phasing for the CPS. Mr. Boeckmann replied yes.

Mr. Schmidt stated he believed these other entities should receive money through this phasing approach as well. The amounts were small, but still important to those entities, and those entities were important to the First Ward. He did not believe it was fair for them to not be considered just because they were not politically important enough to be included in the deal. He noted these entities were facing the same issues the City was facing.

Mayor McDavid asked if he was including the County. Mr. Schmidt replied he was speaking of the DBRL, the Boone County Family Resources (BCFR) and the other County Tax Revenues. He asked if that was the County. Mr. Johnsen replied it was the County. Ms. Hoppe asked if the County had indicated they wanted to be included. Ms. Hertwig Hopkins replied no. Mr. Schmidt clarified he was speaking of only the DBRL and the BCFR as they were small entities that served the community. He did not believe the County should be expected to be included.

Mr. Schmidt made a motion directing staff to prepare legislation that would include the phasing approach for the Columbia Public Schools, the Daniel Boone Regional Library and the Boone County Family Resources. The motion was seconded by Ms. Hoppe.

Mr. Kespohl stated he agreed with Mayor McDavid. When this was being considered, it had been explained that the phase out would include the CPS. The other entities were not discussed and the public did not know this when they had voted.

Mayor McDavid made a motion to amend the motion made by Mr. Schmidt and seconded by Ms. Hoppe to remove the Daniel Boone Regional Library and the Boone County Family Resources from the legislation that would be drafted. The motion was seconded by Mr. Kespohl.

Ms. Hoppe understood an additional \$6,260,080 would be provided to the City through the PILOT payments and the amounts that would potentially be provided to the DBRL and the BCFR were small. Mr. Kespohl understood that was money the City would have received had it not purchased the energy center. Mr. Johnsen explained the \$6 million the Water and Light Department would pay into the PILOT would not have been in the general fund had the sale not gone through. It was additional money. Mr. Matthes noted there was property tax generated for the City before the sale. Mayor McDavid understood this tax money started in 2000 when the CEC was created. Mr. Johnsen stated that was correct.

The motion made by Mayor McDavid and seconded by Mr. Kespohl to amend the motion made by Mr. Schmidt and seconded by Ms. Hoppe to remove the Daniel Boone Regional Library and the Boone County Family Resources from the legislation that would be drafted was approved by voice vote with only Ms. Hoppe, Mr. Schmidt and Mr. Dudley voting no.

The motion, made by Mr. Schmidt, seconded by Ms. Hoppe and amended by Mayor McDavid, directing staff to prepare legislation that would include the phasing approach for the Columbia Public Schools was approved by voice vote with only Mr. Schmidt voting no.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Kathleen Weinschenk, 1504 Sylvan Lane, commented that she was strolling down the sidewalks on Broadway and there were signs all over sidewalk. It felt like she was on a

minefield. She did not believe the signs should be in the walkway of the sidewalk. She asked Council to require the signs to be placed closer to the buildings.

Reverend Peter Davidson stated he had lived in Columbia for four years and enjoyed riding the bus. He understood the City was considering raising the fares again, and noted senior citizens and the disabled did not receive a raise from social security in the past two years. He realized gas prices had increased, but other items had increased as well, such as groceries. This was hard on people such as him. He asked the Council to find a way to supply gas for the buses without raising the rates on seniors.

Mr. Dudley explained he wanted reports regarding the Police Department. He wanted to know how many calls were coming in per day this year and last year, the call loads for officers by hour, the process for repairing equipment in City vehicles, and the number of officers needed and where they would be placed if hired.

Mr. Dudley made a motion to waive the one year waiting period to reintroduce the Great Hangups rezoning request. Mayor McDavid asked if this motion was necessary. Mr. Boeckmann replied no because he believed the application was substantially different.

Ms. Anthony made a motion to waive the re-filing fees for the Mierzwa's, which was associated with the rezoning request involving the Great Hangups property, as she believed this would be the third time they would be going through this process. The motion was seconded by Mr. Dudley.

Mayor McDavid asked for the amount of the fees. Mr. Boeckmann replied he thought it was \$200, but was not sure.

Mr. Thornhill asked if the City had a history of waiving fees for multiple rezoning requests. Mr. Boeckmann replied no.

Mayor McDavid explained the problem with waiving fees was that it implied the City did not deliberate correctly.

The motion made by Ms. Anthony and seconded by Mr. Dudley to waive the re-filing fees for the Mierzwa's, which was associated with the rezoning request involving the Great Hangups property was approved by voice vote with only Ms. Hoppe, Mayor McDavid and Mr. Thornhill voting no.

Ms. Hoppe commented that Wilson Street had continuous drainage of water from the Beta House for years, and in November they were ordered to stop, but that had not happened. The result of this was extreme erosion of the street to include potholes. She asked that it be repaired. Mr. Matthes stated staff would look into it.

Mr. Schmidt asked why the sump pump was emptying into the street. Ms. Hoppe understood they were reconstructing the site and might address the situation at that time.

Mr. Glascock stated they would fill the potholes and noted they had a variance request into the Board of Adjustment.

Mr. Dudley understood that once a tracker item was closed, it was deleted from the tracker page, and asked if it could be accessed again in another location. Mr. Glascock replied he thought so.

Mr. Thornhill understood the black and gold color scheme for the new buses was an available color choice and did not cost anything additional.

Mr. Thornhill explained there was a significant portion of a recently installed pedway that had been removed at the southeast corner of Blue Ridge and North Providence by the developer or owner of the property. He thought close to 100 feet was missing and that it was to provide access to the site for dirt work. As a result of this, the connectivity had been severed on the east side of the road. He thought this needed to be addressed. Mr. Glascock thought that developer was no longer in business and the City might be forced to correct the problem even though it was a developer responsibility. Mr. Thornhill suggested gravel or something similar be placed there until it was able to be fixed so it was at least accessible.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Sheela Amin
City Clerk