

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**JUNE 1, 2009**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, June 1, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members STURTZ, THORNHILL, SKALA, WADE, NAUSER, HOPPE and HINDMAN 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 18, 2009 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Skala.

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

The agenda, including the consent agenda, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Ms. Hoppe.

**SPECIAL ITEMS**

Mayor Hindman welcomed a group visiting Columbia from Thailand as part of a global leadership education program at the University. He explained the study tour focused on building the capacity of young leaders in the area of community service, volunteerism and non-profit planning and organization, and noted this was an exchange that went both ways as they also sent students from here to Thailand.

**R123-09 Congratulating the Central Missouri Humane Society (CMHS) and Columbia Catholic School students Amanda Huhman and Libby Burks for winning the Zootoo.com million dollar makeover contest.**

The resolution was read by the Clerk.

The vote on R123-09 was recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

Mayor Hindman presented a copy of the resolution to Ms. Huhman and Ms. Burks and noted they had set a tremendous example of leadership in the community. He thanked them for what they had accomplished.

**R124-09 Congratulating the success of the Columbia College men's and women's Cougar athletic teams.**

**R125-09 Congratulating the success of the University of Missouri Tiger athletes.**

The resolutions were read by the Clerk.

The vote on R124-09 was recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

The vote on R125-09 was recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

Mayor Hindman presented a copy of R124-09 to Bob Burchard of Columbia College and a copy of R125-09 to Mike Alden and Brad Ekwerekwu of the University of Missouri.

## **SCHEDULED PUBLIC COMMENT**

### **Nancy E. Olson - Against the sidewalk construction on the north side of West Worley St. from W. Blvd to Bernadette Dr.**

Ms. Olson, 1201 W. Worley, stated she was protesting the construction of a sidewalk on the north side of West Worley Street. She understood the proposed sidewalk was estimated to cost about \$300,000 and felt the question of need should be addressed. She noted the sidewalk on the south side was not used much, and it was her opinion, as well as the opinion of many of her neighbors, that another sidewalk was not essential. She commented that the impact would be significant as the proposed project would take about ten feet off of the front of their properties. She would lose 25 percent of her front yard and two oak trees, and some of her neighbors had shorter front yards, so they would lose more than 25 percent. In addition, she believed there would be additional problems with water and gas lines, driveways, mowing and maintenance due to the severe slopes. She did not feel this destruction of property was appropriate since the need for the sidewalk did not exist and there was no neighborhood support for the project. She suggested this money be spent on a sidewalk with a more significant need and asked the Council to vote against the sidewalk on the north side of West Worley Street.

### **Cherith Moore – Traffic calming on Alexander Avenue.**

Cherith Moore, 418 Alexander Avenue, provided a copy of a petition with 39 signatures and commented that three cats had been killed in front of her house this year due to traffic, and she did not want that to happen any longer. She stated there was a lot of cut-through traffic and they wanted to reduce the speed of traffic on the street. She explained they had been working on this problem in excess of four years. It took over two years for them to get the first two speed humps and they were too low. She had called every year since then to try to get them raised. They wanted anything that would work, was cost-effective and could be done quickly. Ideas included physical barriers, such as the things in front of Walgreen's preventing left turns, planters, chicanes, traffic islands, 55 gallon drums, etc. They were suggesting making it a not-through street, additional speed humps, visual demarcations, such as blocking off a bike lane that could be shared by pedestrians, street art, painting the intersection, regulation, enforcement and reducing the speed limit to 20 mph. They wanted an immediate solution to the urgent problem of high speed threatening their kids and animals, as well as a long term plan. She commented that anything done on their street

would increase traffic volume on other neighborhood streets so those streets also needed traffic calming. They wanted the short and long term solutions looked at separately as they wanted the short term solution done this summer if possible. She also suggested a “how to” kit as a part of a long term, city-wide solution for those wanting traffic calming as the process was difficult.

**Shannon Canfield – Traffic calming on Alexander Avenue.**

Shannon Canfield, 213 Alexander Avenue, stated the residents of Alexander Avenue included families with young children and elderly citizens, and there was a lot of interaction by the neighbors on the street. There were no sidewalks and she understood the street was too narrow to install sidewalks. In addition, the street was 30 mph. The speed humps installed to attempt to lower the speed limit were very close together and left the north and south end of the street in a compromising position because people sped up to the speed limit in the areas without the speed humps. She suggested they add speed humps to the north and south ends of the street. She commented that they walked to the Council meeting and had a safe route everywhere except for their neighborhood.

Mayor Hindman asked if they would be interested in sidewalks. Ms. Canfield replied she thought they would, but understood the City had looked at the possibility and it was ruled out because the street was too narrow. She commented that if they allowed parking on both sides of the street, it might reduce traffic concerns for the short term. The street currently had no parking on one side of the street. Lowering the speed limit to 20 mph would also be a good measure to take. She stated all of the through streets, to include Sanford and McBaine, would benefit from a lower speed limit.

**Loretta Kyle – Traffic calming on Alexander Avenue.**

Ms. Kyle was not present.

**Ginny Chadwick – Traffic calming on Alexander Avenue.**

Ginny Chadwick, 305 Alexander Avenue, stated that she and Ivy Boley, who resided at 307 Alexander Avenue, had been involved with this issue of traffic calming since the beginning. They were told that if they had a petition with the signatures of 100 percent of the people involved, the City would conduct a traffic survey. They did this and the City determined they were in need of traffic calming and installed the two speed humps. The speed humps were low, and when the City resurfaced the street, it raised the level of the street causing the speed humps to be even less effective. She noted they had signatures from almost 100 percent of the people on the street asking for action on this issue.

**Fergus Moore – Traffic calming on Alexander Avenue.**

Fergus Moore, 412 Alexander Avenue, commented that the speed humps were less effective than when they were first installed and noted they were asking for the City to help them make the neighborhood a safe place for children and others. Some of the solutions would require City funding while others would not. They were asking for help with the ones

that did require funding and support for those that did not require funding in an effort to solve the traffic problems.

## **PUBLIC HEARINGS**

### **(A) Construction of bike lanes and a sidewalk on Range Line Street (Route 763), between Business Loop 70 and Big Bear Boulevard.**

Item A was read by the Clerk.

Mr. Watkins explained this project had been approved by Council at its July 22, 2008 Special Council Meeting held to determine the priorities for the GetAbout Columbia funding. The expected construction cost was about \$356,000.

Mr. Glascock described the project using a drawing on the overhead.

Mayor Hindman asked if there would be access to the Bear Creek Trail. Mr. Glascock replied yes and described the access locations using a drawing on the overhead. Mayor Hindman understood there would not be a sidewalk on the west side for part of the stretch. Mr. Glascock stated that was correct. They would use the paved shoulder where the curb and gutter stopped. Mayor Hindman asked if there was a paved shoulder all the way. Mr. Glascock replied yes.

Mr. Thornhill noted there was a continual problem with the use of the sidewalk due to parking where the auto repair shop was located, just north of Vandiver, and asked if there was a way to address that issue. Mr. Glascock replied they had no parking signs there and it would take police enforcement to continue keeping the cars out of the way. He explained the person whose vehicle it was received the ticket, not the owner of the shop.

Mayor Hindman opened the public hearing.

Connie Dunn, 3406 Range Line, stated she walked and biked on Range Line. As a walker, one had to walk against traffic in order to feel safe and the path was very narrow at times as there were hardly any shoulders in certain areas. As a biker, one problem and scary situation involved trying to go straight while everyone else was merging onto I-70. She noted a lady in a wheelchair in her mobile home court had to go against traffic along Range Line as well. She stated sidewalks would allow them to feel safe enough to go with traffic. Mr. Glascock explained the details of the project using the drawings on the overhead. Mayor Hindman stated he thought her concerns would be addressed by this project.

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

Mayor Hindman believed this was needed and stated he was in support of the project.

Mr. Thornhill made a motion to proceed with the project. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

### **(B) Construction of Rolling Hills Road from its current terminus at the north end of Old Hawthorne Subdivision northward to Richland Road.**

Item B was read by the Clerk.

Mr. Watkins explained this project was one of the 2005 ballot projects, and at that time, it was called "Grace Lane" because they had anticipated a street name change. The cost estimate of the project was \$4.1 million and the identified funding source was the capital

improvement sales tax. Per an agreement with Old Hawthorne, if funding was available and Council approved, the City would try to get the road built by the end of 2010.

Mr. Glascock noted the City would purchase four lane of right-of-way and build the eastern most lanes at a width of 30 feet. Once they built the future lanes, they would re-stripe the existing pavement for bike lanes, etc.

Mr. Sturtz understood the 2005 ballot was defeated. Mayor Hindman explained part of it was defeated and part of it passed. Mr. Sturtz asked if they were under a legal requirement to push ahead with this. Mr. Watkins explained that after the sales tax increase was not approved, the Council cut down the original list of projects and approved a resolution listing the projects they wanted staff to move forward with. This project was on the resolution.

Mr. Sturtz asked how much money was raised each year in capital improvement sales tax. Mr. Watkins replied he thought it was about \$5-6 million, so this project was about one year's worth of sales tax. Mr. Sturtz thought this had been on the 3-5 year project list for street projects with construction starting in 2012 and asked if it had been sped up. Mr. Watkins replied they had sped up every one of the projects. They had completed or had under contract about 75 percent of the projects. He explained the original projects had an inflation factor build into them and since the interest rates were so low, it was cheaper to build the project now while paying a few years of interest rather than waiting, not having the advantage of the road and paying an increased cost.

Mr. Skala understood all of the projects were sped up, but retained their relative position in terms of the priority in which they were to be built. Mr. Watkins thought that was correct. Mr. Sturtz commented that a number of the 3-5 year projects were not on the list, such as the Ballenger Lane overpass. He wondered how this had been prioritized over the other 3-5 year projects. Mayor Hindman explained the Council had been forced to make choices similar to what they had to do with the GetAbout trail projects.

Ms. Hoppe asked for the length of this piece of road. Mr. Watkins replied it was about one-half of a mile. Ms. Hoppe understood it had been moved west to avoid the confluence of the Grindstone and a major tributary, and asked how far west it had been moved and if that was part of the additional cost. Mr. Glascock replied he was not sure how far it was from the confluence. Mr. Watkins explained they knew where the road needed to start and end, so the decision for routing the road involved determining the best place to cross the creek. He pointed out an independent consultant decided on the best place to cross the creek with a bridge. Mr. Glascock noted they also had to be east or west of a major power line that ran where they wanted the road to go so the power line did not have to be moved.

Mr. Skala commented that this seemed to cost a sizable amount of money for a relatively short connector and asked if a major part of the expense was the bridge crossing. Mr. Glascock replied they were not sure because they were not far enough into the design to know. They were anticipating the worst, which was a bridge, but it could end up being a box culvert. He stated they were estimating for a bridge and he thought it would be a bridge.

Mr. Skala asked if there were any contributions for off-site road improvements. He understood there was a contribution for general off-site road improvements by Old Hawthorne and a lot of it was for WW. He wondered if monies were dedicated to a particular project. Mr. Watkins replied the developers built Rolling Hills Road to that connector. In addition,

although they were still in discussions, they expected the developer to give the City the right-of-way as the ground was platted. Mr. Glascock stated they also widened WW from Daniel Boone to the opposite side of their property.

Mr. Wade understood, if this was built, they would end up with right-of-way equivalent to four lanes and two lanes from Richland Road to WW for now, which was about 1.5 miles. He also understood it was about two miles east of Highway 63.

Ms. Hoppe understood it would connect with Discovery Parkway from the south. Mr. Watkins stated it would connect with Discovery Parkway further south than this development. He explained the concept of this road and the Gans Road was to provide a connector from Providence or Old Plank Road across the south part of Columbia to the new interchange at 63, through Discovery Parkway to Rolling Hills and north up to I-70, so there was a loop around the southeast part of the community.

Mayor Hindman understood the east side would be constructed and would include a sidewalk and asked if a sidewalk was planned for the west side when it was completed. Mr. Glascock replied that since they could not do bike lanes on the initial two lanes, they were constructing an eight foot pedway on the east side. When they built the west two lanes, they would re-stripe the existing pavement with bike lanes. In addition, there would be bike lanes and a five foot sidewalk on the west side.

Mayor Hindman opened the public hearing.

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

Mr. Thornhill stated this seemed like a logical connection given the fact they already had a cooperative development and a significant portion of the road was being completed by the developer. He asked if the developer portion had been completed. Mr. Glascock replied if it was not completed, he thought they were getting ready to build it. He noted the intersection had been completed. In addition, the County was working on Rolling Hills Road south of this, between WW and New Haven. He thought that would be done within a year or two.

Mr. Sturtz thought they needed to have a philosophical discussion with regard to projects on the outskirts of town when they had a lot of deferred maintenance in the middle of the City. He felt millions of dollars could be spent on sidewalks instead. He commented that he did not have a huge problem with this project, but believed that by voting for this project, they were voting against a lot of other projects that could potentially be funded through the CIP. He suggested they postpone the actual construction of this project so it was a 3-5 year project starting in 2012. He wanted to see some of the capital improvement money going toward sidewalks and other inner city projects within the next year or so as there were a lot of pressing needs.

Ms. Nauser commented that this tied into the City's commitment to assist in the development of Discovery Ridge. This was a key portion of a road that would provide a connection on the east to Discovery Ridge. In addition, they had a commitment from the County to work on the portion on the south. An important part in the growth of economic development was to have key infrastructure in place. She noted they had gone through a very lengthy process in 2005 and felt they would be remiss if they changed what a prior Council had adopted by resolution. She stated they would have future opportunities with new

tax plans to re-prioritize and bring new projects forward. She commented that she would stick with the decisions and commitments previously made, and noted this project was needed.

Mr. Skala recalled that when they discussed the bridges with the Maguire project, an alternate road network was suggested that would have made this a more logical connection, but they were told there was not enough money. That was a \$9-10 million project and this would cost another \$4.1 million. He commented that he agreed this was a key piece and made a lot of sense. He also recalled being on the Planning and Zoning Commission and noted one of the reasons he did not vote in favor of some of the Old Hawthorne projects was because he did not feel there was sufficient donation of off-site road improvements. He understood right-of-way would be donated and other work had been done, but did not feel the developer had invested enough into the roadways and the access management needed to service this property. He commented that he would not question the decision of the past Council as they had the tendency to follow through with promises made. He understood Mr. Sturtz felt some of these funds could be better used in the inner city and believed he could make the same argument for road decisions that service a larger segment of the population per the amount of roadway to be built.

Mr. Wade commented that they had minimal arterial infrastructure, which created the backbone and the framing of a community, with Maguire and Rolling Hills. It was not a question of whether there was a better use because they would constantly be faced with a series of trade-offs. The conflict they would continue to have to address involved putting arterial infrastructure in place before having to build arterials through residential neighborhoods. He stated they had the rare chance of getting that essential infrastructure around the south through Discovery and up to Rolling Hills before there was an enormous amount of development. He thought it was important for it to be done, but pointed out it did not negate the importance of maintenance. He believed this was critical arterial infrastructure for eastern Columbia and that it needed to be done now because it would frame the future of the eastern side.

Ms. Hoppe felt there was a lot to be said for improving existing streets, such as the widening of New Haven, which served a heavy population, and thought they needed to get those on the improvement list and try to find funds to improve them. She commented that this project was an important piece of the connection to Discovery Ridge and the east side of Columbia. She thought it would help relieve some of the congestion in the Lemone/Maguire area and hoped the widening of New Haven would be included as well. She stated she was inclined to favor it.

Mayor Hindman commented that eloquent arguments had been made with regard to why this was a good choice, and they had essentially repeated the arguments made at the time the choice was made. He explained that when they made the propositions for the two taxes, they had a list of projects that included some sidewalks and projects within the inner city. The big issue at the time involved how much developers should contribute toward arterials and collectors and the two tax issues were based on a compromise. Because one tax issue passed and the other did not, they could not build all of the projects and chose among the offerings in order to honor the promises to the extent possible.

Mr. Sturtz understood the revised list had not gone back to the voters. Mayor Hindman stated that was correct and noted he was not sure how they would send it back to the voters as they had approved one of the issues.

Mr. Sturtz felt things changed over time. The budget for this project had doubled from just a year ago. He did not believe it could be an iron clad commitment when they were seeing drastic price changes on projects. Mayor Hindman stated that if they felt the price was out of hand and the project should not be built, they would have to select a new project from the original list. He did not think they could divert the money to a project outside of the list.

Mayor Hindman stated he was convinced this was the best opportunity to do this project because it would cause less damage now than in the future.

Mr. Skala commented that he felt this was a logical and better alternative than some of the other projects that were selected. A lot of projects were on the list and they could not all be built because one \$25 million issue did not pass. He agreed some of the projects on a longer time frame jumped ahead of projects with a shorter time frame. He stated he would support this project, but believed they were spending a lot of money on a few projects that serviced only a few people at this time.

Mr. Sturtz stated he believed \$4 million would not be the end of this because complicated projects involving the creek had a tendency to climb.

Mayor Hindman made a motion directing staff to proceed with plans and specifications for the project. The motion was seconded by Ms. Nauser and approved by voice vote with only Mr. Sturtz voting no.

**(C) Voluntary annexation of property located on the west side of Range Line Street, southwest of the intersection of Range Line Street and Boone Industrial Boulevard (4515 and 4525 North Highway 763).**

Item C was read by the Clerk.

Mr. Watkins explained this involved about nine acres of ground on the west side of 763, and the property currently had a nightclub on it. The Council would be asked to vote on the annexation and zoning after receiving a recommendation from the Planning and Zoning Commission.

Mayor Hindman opened the public hearing.

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

**R126-09 Approving amendments to the 2008 Community Development Action Plan as it relates to supplemental CDBG funding through the American Recovery and Reinvestment Act of 2009.**

The resolution was read by the Clerk.

Mr. Teddy commented that with regard to the \$227,000 in CDBG-R funds, which were the monies coming available through the American Recovery and Reinvestment Act (ARRA), they did not have a firm date as to when the money had to be spent, but they did have a 120 day window. He understood HUD was saying it would be 120 days from the time the agreement was signed and he thought the agreement would be signed fairly quickly. He explained the process involving the CDBG-R funds and noted applications were due on May

1 along with the regular CDBG funding applications for fiscal year 2010. The Community Development Commission held a public hearing and discussed the applications on May 20. The applications for CDBG-R funds were from the Boone County Council on Aging for elderly home repair, the City of Columbia for making sidewalks accessible in the east campus area, the City of Columbia for the rehabilitation of three owner occupied houses, the City of Columbia for administration of the grant, and the Columbia Housing Authority for a new roof on the Blind Boone Community Center, and the amount requested exceeded the amount available. The Commission recommended splitting the money among the four activities and retaining ten percent for administration. He noted the City Manager had written the Council a memo advocating the City of Columbia sidewalk project be funded for \$204,439 with the remaining funds going towards administration.

Mr. Teddy noted they were also amending the Action Plan to reflect the fact the Missouri Department of Economic Development awarded the City \$610,806 in neighborhood stabilization program funds. Those funds would be used for housing rehabilitation, new construction, and the land banking of lots that had been acquired after foreclosures in census tract nine, which he showed on the overhead. They were also amending the Action Plan in order to reprogram \$12,223 in unused 2003 HOME Community Housing Development Organization funds for a CMCA project at 1004 N. Seventh Street.

Mayor Hindman opened the public hearing.

Phil Steinhaus, the CEO of the Columbia Housing Authority (CHA), 201 Switzler Street, explained the CHA had submitted an application for \$115,000 to replace the roof on the Blind Boone Community Center. It would complete the third phase of their renovation project. They received the unanimous recommendation of the Community Development Commission for \$90,000 to help with the project. It met the stimulus funding requirements and was shovel ready as bids would be opened next week. In addition, it could be completed within the 120 day time frame. He noted this project could be done with next year's CDBG funding if it would allow the City flexibility.

Mr. Sturtz understood the CHA chose not to apply for funding for the roof through stimulus funds although they had received \$1.5 million. In addition, there had been other reprogrammed 2008 funds, which the CHA chose not to apply toward this project. He asked for an explanation. Mr. Steinhaus replied he was not sure about the reprogrammed 2008 CDBG funding as they were open to any CDBG funding that might be available. He noted the CHA received \$1.58 million in formula stimulus funding and explained it was going toward energy improvements at all of their downtown family sites. It would replace furnaces, water heaters and air conditioning systems. They were also doing some roofing and siding replacement at the housing sites. He pointed out they were also applying for competitive stimulus funding. Their plan was to replace the heating and cooling systems at Oak and Paquin Towers because those met the criteria for the competitive money. He noted they also had an opportunity to fall back on energy-based performance contracting, which would allow the CHA to borrow money to make those improvements and pay them off over time with the energy savings received. He commented that the roof for the Blind Boone Center was a project they thought would meet the stimulus funding criteria and be completed in a short time frame.

Mr. Sturtz asked if Mr. Steinhaus thought it would be a benefit for the sidewalk to be improved in the Paquin Tower area as that would most likely be the alternative to funding the roof project. Mr. Steinhaus replied he thought it would because the residents used those sidewalks quite a bit. He noted people on Elleta Boulevard crossed the street to the sidewalk on the other side to get to 763, so that might be worth considering as well.

Pam Forbes, 707 Donnelly, stated she was a member of the Community Development Commission and noted Mr. Steinhaus had been prepared and had good answers to their questions. In addition, there were 50-60 kids that used the Center every school day in the afternoon and multiple groups that met in the building. It was a community center and a gathering place, and she believed it would be a good use of stimulus funds.

Kathleen Weinschenk, 1504 Sylvan Lane, stated she was a user of the sidewalks and a member of the Disabilities Commission, and knew how important sidewalks were to the community. She noted they talked about people walking more, but they did not provide sidewalks for people to walk. She thought this was very important for the community.

Greg Ahrens, 1504 Sylvan Lane, stated he was a member of the Bicycle and Pedestrian Commission and the Commission voted to recommend the stimulus money be spent on an area around Paquin Tower and East Campus. This would help improve sidewalks for people with wheelchairs in Paquin Tower and the Freedom House. He stated it would be a very good project for the money.

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

Mr. Sturtz thought there were compelling arguments on both sides. The Blind Boone Center was a lively place that provided a great service to a lot of people, and if they were to fully fund the sidewalks, it would create more jobs and could be done quickly. He commented that both projects were ones he could get behind, but if a choice had to be made, he thought the biggest impact would be made with the sidewalks around Walnut and Paquin.

Mayor Hindman understood Mr. Steinhaus had indicated he felt this met the criteria for stimulus funds, but if it was not approved, he would be looking for other CDBG funds down the road. Mr. Steinhaus stated that was correct. He explained they had submitted it for 2010 CDBG funding, but if it served the City's purpose better to allocate the stimulus funding to them for a quicker project, they were fine with that. He stated they were flexible.

Mr. Skala commented that the people on East Walnut had been clamoring for sidewalks for a long time. He thought that was probably true for the people at Paquin as well. As long as the sidewalk project was ready to go, he would support it.

Mr. Watkins explained they were proposing the replacement of existing sidewalks, not having to acquire additional right-of-way. If they did not have to acquire right-of-way, he thought it could be done.

Mr. Wade stated this was an area that had seriously deteriorated sidewalks and a high level of street activity with people walking and people with wheelchairs. The stimulus money gave them the chance to make a real difference there, so he was supportive.

Mr. Wade made the motion to amend R126-09 by changing Attachment 1 to show CDBG-R funding for the east side sidewalks project at \$204,439 and administration at \$22,700. The motion was seconded by Mr. Skala.

Ms. Hoppe noted the study showed the sidewalk was needed as it had deteriorated. She hoped the other project would move forward in the next year as it was also needed.

Mr. Thornhill stated he appreciated the flexibility of the CHA.

Mr. Sturtz commented that he understood why the Community Development Commission voted as they did, but the insight Council received from staff with regard to the efficiencies of doing these projects at the same time was the reason they were voting differently.

The motion made by Mr. Wade and seconded by Mr. Skala was approved unanimously by voice vote.

The vote on R126-09, as amended, was recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

## OLD BUSINESS

### **B125-09 Rezoning property located on the northwest corner of Walnut Street and Divot Drive (2311 East Walnut Street); allowing less stringent landscaping and screening requirements.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a request to rezone about 1.65 acres across from the Reichmann Pavilion in order to bring the legal non-conforming use into conformance. The Planning and Zoning Commission recommended approval.

Mr. Teddy explained the proposed zoning granted use rights that went beyond R-1, but it did not grant additional development rights to enlarge the establishment beyond the footprint of the existing building. It was a simplified planned office business district, which meant the City would allow an office business district use of an existing building. Staff suggested this as the appropriate transitional zoning when asked by the owner how he could restore the building to some kind of commercial use after the City's lease of the premise.

Mr. Skala asked if the City anticipated extending the lease in the future. Mr. Hood replied the City had an annual lease that was renewable for up to five years. At that point, the City would seek proposals again. They could stay there, but were not committed for more than five years. Mr. Wade asked what year they were in. Mr. Hood replied he thought they were in the second year. Mr. Wade understood office space might be available at the old Missouri Department of Conservation facility by the time the five year option ran out.

Ms. Hoppe understood some of the uses included police and fire stations and banks, and asked why those were included as they seemed inappropriate for the area. Mr. Teddy replied those were uses requested by the owner. He noted it was fairly typical to allow banks in an office zoning district and a fire station was a public use, which had some privilege, even in R-1.

Mr. Skala understood the Planning and Zoning Commission had a recommendation with regard to drive-thru facilities. Mr. Teddy stated the Commission recommended the owner modify the use list on the statement of intent to prohibit drive-thru uses and that had been done.

Mr. Teddy explained the applicant was obligated to do an analysis of the existing buildings and grounds, and to notify the City of where it was deficient with current standards. The applicant asked for an exception to the bicycle parking requirement, but the Planning and Zoning Commission did not feel the exception should be made. He understood the Parks and Recreation Department, as the current occupant of the building, would provide some bicycle parking spaces.

Michael Lising, 2303 E. Walnut Street, stated he lived just west of the property being considered for rezoning, and he, along with some neighbors, wanted to revisit the non-conforming use. If it was zoned O-P, however, they wanted some uses, such as fire stations, elementary schools and laboratories, to be omitted.

Mr. Skala thought part of the concern of the neighborhood involved the nested uses O-P would bring, and the most egregious were multi-family R-3 and R-2 uses. He asked if the applicant would consider amending the statement of intent to exclude those more intensive residential uses.

Randy Adams stated he understood that what they did not specifically include was excluded and he thought they excluded all of the R-2 and R-3 uses by not including them in the statement of intent. Mr. Skala asked for clarification. Mr. Teddy explained there was no reference to residential uses. Mr. Wade understood it did not include residential unless it was explicitly listed within the uses. Mr. Teddy stated that was correct.

Ms. Hoppe asked if Mr. Adams would be amenable to excluding banks. Mr. Adams thought it had been excluded. Mr. Teddy stated they still had banks, other financial institutions and travel agencies, but there was an exclusion of payday loan uses. Mr. Adams stated he would be agreeable. He noted fire and police stations could go wherever they wanted. Ms. Hoppe asked if they could exclude secondary institutions due to traffic concerns. Mr. Adams replied he would like to leave as many things on the list as possible, but that could be excluded.

Ms. Hoppe made the motion to amend B125-09 by excluding banks, secondary and higher education institutions and public police and fire stations. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B125-09, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: STURTZ, THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN.  
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B130-09 Authorizing the acquisition of land in Valleyview Subdivision located between Barberrry Avenue and Zinnia Drive for park purposes.**

The bill was given second reading by the Clerk.

Mr. Watkins explained in the last parks capital improvement ballot issue, they included funds to purchase several neighborhood parks. The Parks and Recreation Department had been working on the one in Valleyview for a number of years. They were proposing to acquire about five acres for \$175,000.

Mr. Hood noted the property consisted of two lots and was surrounded by residential. He believed it fit well with the neighborhood park planning criteria. The south portion of the property was an open grassy area with a good potential for open play fields. He pointed out

there was an older house with three small out buildings on the property, and they anticipated removing the buildings from the site when the park was developed.

Mr. Thornhill asked what would be done with the buildings until the property was developed. Mr. Hood replied they would do a full assessment of the buildings after acquiring the property. His guess was that they would want to remove them quickly due to the potential for vandalism. The house was currently rented, and depending on its condition, there was an outside chance for them to rent it for a year or two. Mr. Thornhill understood the demolition and removal had not been accommodated in the cost estimate. Mr. Hood stated that was correct. He explained they would either do it with their own crews or hire the demolition.

B130-09 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN. 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.

- B126-09 Approving the Columbia College Campus Master Plan Update.
- B127-09 Amending Chapter 6, Chapter 24 and Chapter 29 of the City Code relating to the projection of balconies into the public right-of-way.
- B128-09 Amending Chapter 29 of the City Code to establish standards for self-storage facilities in C-2 zoning districts.
- B129-09 Authorizing an agreement with the Mid-Missouri Solid Waste Management District for professional administrative services.
- B131-09 Appropriating funds for the C.A.R.E. Gallery Program.
- B132-09 Appropriating funds to be received from the Missouri Safety Center to conduct enforcement activities for activities relating to hazardous and non-hazardous moving violations and seat belt usage.
- B133-09 Appropriating insurance reimbursement funds for the cost of fire suppression materials.
- B134-09 Appropriating funds for the creation of a maquette for the J.W. “Blind” Boone Home.
- R114-09 Authorizing Adopt A Spot agreements.
- R115-09 Authorizing an agreement with J.W. Broadcasting, LLC (KMIZ-TV) to assist with the Fourth of July Fireworks Display.
- R116-09 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.
- R117-09 Authorizing an agreement with the Boone County Historical Society for caretaking services at Nifong Park.
- R118-09 Authorizing an agreement with the Boone County Historical Society for operating a museum and maintaining and making improvements to the Maplewood Home and other historic buildings in Nifong Park.

- R119-09 Authorizing a Community Housing Development Organization (CHDO) agreement with Community Housing Options.
- R120-09 Authorizing an amendment to the HOME agreement with Central Missouri Community Action for reprogrammed Community Housing Development Organization (CHDO) funds.
- R121-09 Authorizing agreements with Columbia Swim Club and Missouri Basketball Coaches Association, for sports development funding under the Tourism Development Program.

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

## **NEW BUSINESS**

**R122-09 Transferring funds for on-street striping, bike parking and other miscellaneous work.**

The resolution was read by the Clerk.

Mr. Watkins explained this was a request to transfer \$750,000 from the non-motorized account to cover the operating costs of striping, bike parking, and some miscellaneous non-capital items.

Ms. Hoppe referred to the staff report and asked about Treatment No. 3 involving Stadium at Old 63 and Stadium at West Boulevard and Treatment No. 4 involving Grindstone Parkway at Buttonwood and Grindstone Parkway at Rock Quarry. Mr. Glascock replied they would paint the area where they thought bicycles would merge into the left turn lane. It was to notify everyone this was an area where bikes and cars would merge.

Mr. Sturtz asked for a cost breakdown because he felt it was a lot of money for paint. Mr. Glascock replied it was for the paint and the manpower to put it down. Mr. Sturtz stated he was surprised by the amount of money it cost to stripe lanes. Mr. Skala asked how far they could get with a certain amount of money. Mr. Glascock explained they were mostly using epoxy paint, which was guaranteed for five years. Some of the water-borne paint did not last a year. The epoxy paint cost three to five times as much as the water-borne paint. The symbols that were being painted were included in the cost as well.

Mayor Hindman noted they needed to keep in mind this was quite a few miles.

Ms. Hoppe stated she was happy to see a bike lane on Rock Quarry, from Stadium to Capen, and felt this was a relatively inexpensive way to provide a safe area for bikes and pedestrians compared to a pedway or something similar.

The vote on R122-09 was recorded as follows: VOTING YES: STURTZ, THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN. 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.

- B135-09 Rezoning property located on the east side of Forum Boulevard, north of Old Plank Road, from R-1 to PUD 4.5; approving the Rocky Creek PUD Development Plan.
- B136-09 Approving the Farmers Market C-P Development Plan located northwest of the Ash Street and Clinkscales Road intersection; approving less stringent screening requirements.
- B137-09 Approving amendments to the Warren Funeral Chapel C-P Development Plan.
- B138-09 Vacating a portion of an unused street easement located north of Vandiver Drive, between Oakland Gravel Road and COLT railroad property.
- B139-09 Authorizing an annexation agreement with Ron and Melanie Karrick.
- B140-09 Authorizing an agreement with Community Housing Options for the lease of property located on the northwest corner of Vandiver Drive and Oakland Gravel Road.
- B141-09 Accepting the work for construction of sidewalks along the north side of Business Loop 70, between Creasy Springs Road and Garth Avenue; approving the report of the Director of Public Works; authorizing the City Manager to execute Change Order No. 1 to the contract with Aplex, Inc. for the project; levying and assessing special assessments.
- B142-09 Accepting the work for construction of Louisville Drive from north of Whitefish Drive to Smith Drive; approving the report of the Director of Public Works; authorizing the City Manager to execute Change Order No. 1 to the contract with Wilcoxson Excavating and Construction, LLC for the project.
- B143-09 Accepting the work for rehabilitation of the general aviation apron and Taxiway A4 at the Columbia Regional Airport; approving the report of the Director of Public Works; authorizing the City Manager to execute Change Orders No. 1 and No. 2 to the contract with Lehman Construction, LLC for the project.
- B144-09 Accepting the work for construction of the Walter Leroy Anderson Salt Storage Facility located on the east end of Big Bear Boulevard; approving the report of the Director of Public Works; authorizing the City Manager to execute Change Order No. 1 to the contract with Dome Corp of North America for the project.
- B145-09 Authorizing construction of the Clear Creek Pump Station and Force Main Improvement Project; calling for bids through the purchasing division.
- B146-09 Authorizing an agreement with James W. Brush, Linda S. Brush, James D. Brush and Nancy A. Brush relating to payment for the acquisition of easements for construction of Mexico Gravel Road from the Vandiver Drive Connection to the intersection with Ballenger Lane/Route PP.
- B147-09 Authorizing an agreement with the Missouri Highways and Transportation Commission for an air service study at the Columbia Regional Airport.
- B148-09 Authorizing a grant agreement with Mid-Missouri Solid Waste Management District for the purchase of reusable recycling bins or roll carts for residential use; appropriating funds.
- B149-09 Accepting conveyances for utility purposes.
- B150-09 Amending Chapter 16 of the City Code relating to the misuse of official information.

- B151-09 Amending Chapter 16 of the City Code to establish the offense of harassment of a bicyclist.
- B152-09 Authorizing a settlement agreement with Wesselmann Brothers, L.L.C. relating to the Sunflower Street reconstruction and water main relocation project.
- B153-09 Authorizing a tax collection agreement with Boone County.
- B154-09 Amending Chapter 27 of the City Code relating to the Columbia Trust utility checkoff program.
- B155-09 Appropriating funds for Share the Light program.
- B156-09 Appropriating funds for Parks and Recreation projects.
- B157-09 Appropriating tax increment financing (TIF) application fees received from Tiger Columns, LLC.
- B158-09 Appropriating tax increment financing (TIF) application fees received from 10<sup>th</sup> & Locust, LLC.
- B159-09 Appropriating asset forfeiture funds for the police training facility.
- B160-09 Amending Chapter 21 of the City Code to establish the Citizens Police Review Board.

**REPORTS AND PETITIONS**

**(A) Intra-Departmental Transfer of Funds Requests.**

Mayor Hindman noted this report was provided for informational purposes.

**(B) Request by Council to Advise the I-70 Advisory Committee of City’s Plans for Pedestrian Crossings.**

Mr. Wade noted the report indicated Mr. Janku was on the Committee and wondered if they needed to do anything in that regard. Mr. Glascock stated the Committee had been disbanded.

**(C) Recommendations for Stormwater Fees.**

Mr. Glascock explained they only collected \$200 for the basic permit and did not collect any inspection fees. If they went off of last year’s numbers, they would need to charge \$10,000 - \$12,000 per land disturbance permit.

Mayor Hindman commented that he thought these people would do more than just issue permits. Mr. Glascock explained they reviewed sites that did not require land disturbance permits as well. Mayor Hindman asked if the other things they did were considered when allocating the cost. He felt the cost of the time an employee spent on land disturbance permits relative to his entire salary would be different than \$10,000 - \$12,000. Mr. Glascock stated they did a lot of plan reviews on projects of less than one acre, and there was no cost to those. He thought they could allocate some of the cost to it.

Mayor Hindman stated he was in favor of finding a way to recover costs and wanted staff to allocate the person’s entire job duties and provide the cost for the portion that went toward land disturbance. Mr. Glascock commented that land disturbance took the bulk of

time for inspectors and the review staff. Not a lot was involved with one acre sites, so if they put the same fee on a one acre site as they did a 100 acre site, they needed a reason.

Mr. Watkins asked if any of these people did anything other than land disturbance. Mr. Glascock replied yes, but it was all part of the development. This was not just for land disturbance. It was for all development and included street, sanitary sewer, storm sewer, paving, etc. because it was all part of the land disturbance permit. It was not just about grading.

Mayor Hindman thought they needed to look at all of the job duties performed with respect to this permitting to figure out a cost allocation.

Mr. Skala understood they took the salaries and benefits of the nine positions and divided it by the number of land disturbance permits issued in 2008 to come up with \$10,377 per permit. He did not think they had all of those people working full time on those 53 land disturbance permits.

Mr. Watkins explained it was not always what the Council thought of as land disturbance. Any grading, to include the grading and installation of a storm sewer, street or waterline, was thought of as land disturbance by staff. If they wanted stormwater, silt fences, etc. separated out, staff would have to back out a significant amount.

Ms. Nauser asked what constituted land disturbance. Mr. Glascock replied if they were disturbing more than an acre, they were required to have a land disturbance permit. Ms. Nauser understood a two acre site would be charged the same as a 100 hundred acre site. Mr. Glascock replied that was the problem.

Mr. Sturtz understood the Council had the ability to set a policy that would create these gradients. Mr. Glascock stated that was correct.

Mr. Wade commented that he had asked for a report on cost recovery policy that was to be ready before the Council retreat and thought this fit into that request. He suggested they hold this discussion until then. Mr. Sturtz pointed out they needed better numbers to have a real discussion. Mr. Wade thought they would have to define what real numbers they needed.

**(D) Reduce Speed Limit on U.S. 63 Near COLT Crossing.**

Mayor Hindman made a motion directing staff to write a letter to MoDOT indicating the Council was requesting the speed limit be reduced to 60 mph on Highway 63 in the Columbia area. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**(E) Recommendations for Calculating Off-Site Improvements.**

Mr. Skala stated he was looking for a more equitable approach and asked if this could be calculated by the square footage of the tract itself. Mr. Glascock replied they could do that, but felt a more equitable approach was dependent upon the amount of traffic generated. He noted they had used the International Traffic Manual to determine the off-site improvements for Broadway Bluffs as it was based on traffic generation. He thought that was important for commercial areas. With regard to residential areas, they needed to determine the amount of construction traffic generated because that tore up the road as much as any

other use. Mr. Skala thought it could be a combination of trip generation and lot configuration. He thought they needed to try to figure something out.

**(F) Letter from Barbara Buffaloe Concerning Self Assessment of A Traffic Management System.**

Mayor Hindman understood the City was working with MoDOT to try and secure stimulus funds. Mr.

Watkins noted two-thirds of the lights in Columbia belonged to MoDOT and pointed out they wanted to come up with a comprehensive traffic management model, so they could predict and make changes to the timing of the lights in the City system and the MoDOT system.

Mr. Sturtz commented that he had talked to Bob Walters, who had put together the initial letter in August of last year. Due to the letter, the Federal Highway Administration contacted City staff, and there was a three day meeting between MoDOT, City staff and the FHA, which included tours of the region. There was information indicating emissions could be cut by 22 percent and gas consumption could be cut by 10 percent. He wished this information would have been reflected in the staff report.

Barbara Buffaloe, the Chair of the Environment and Energy Commission, explained this came about due to the Mayor's Climate Control Protection Agreement when they were asked to look at things that might reduce carbon emissions. She stated the Public Works Department had participated in a meeting on May 5-7 and referred to a report from that meeting. She noted they had done more than the staff report included on the agenda had indicated.

Ms. Hoppe asked about the report Ms. Buffaloe had in case they wanted a copy. Ms. Buffaloe stated it was the Columbia Missouri Traffic Light Study - May 5-7 and involved MoDOT and City staff.

Mayor Hindman understood efforts were being made and suggested being provided more of a briefing because he had a lot of complaints and did not know how to respond.

**(G) Blue Ridge Tree.**

Mr. Watkins explained this had been requested by former Council Member Janku, who was interested in planting trees on the north side of Blue Ridge, across the street from a potential commercial development. Mr. Glascock noted there was a lot of construction at the intersection of Providence and Blue Ridge, so they did not want to put a lot of things in there until it settled down.

Mayor Hindman asked about the north side. Mr. Glascock replied he thought they could put some in near the northeast quadrant of Providence. He noted he did not know if MoDOT was finished with the Blue Ridge connector. Mayor Hindman stated he wanted to see the trees go in as soon as they could. Mr. Skala pointed out they were getting to a point where planting trees could be problematic because it was warming up. Mr. Glascock commented that another problem was that contractors were pulling up on the curbs and sidewalks to get equipment to the construction sites, so there was a possibility they would be damaged.

**(H) Move In, Move Out Trash Problems.**

Ms. Hoppe asked if staff was suggesting more monitoring, pick-ups and the assessment of fees without complaints during the periods of high move-in, move-out volume. Mr. Watkins replied that was what they were suggesting.

Ms. Hoppe asked for clarification regarding what Delton Jacobs had done that was successful. Mr. Glascock replied that when people moved in and out of his rentals, he made sure the trash was not there. He was proactive and just managed it. If he saw trash out, he did something about it. Ms. Hoppe understood he took care of it himself. Mr. Glascock replied he did that or had the people moving out take care of it.

Mr. Glascock noted they were changing the trash pick-up day to Monday in the East Campus area and he hoped it would resolve a lot of issues.

Mr. Watkins pointed out this was a change in philosophy as the Council wanted staff to be more proactive and not be concerned with writing citations. In the past, they dealt with complaints.

Ms. Hoppe made a motion directing staff to canvas student housing areas for trash out early collection during move in and move out periods. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**(I) Pay As You Throw.**

Mr. Sturtz commented that he did not understand why they could not pursue pay as you throw along with the bioreactor and the reformed trash bag voucher program. Mr. Watkins stated one of the primary responsibilities of the Solid Waste Utility was to keep the town clean. There was staff concern that if the City forced people to purchase extra bags or an extra trash cart, the trash would end up elsewhere.

Mr. Sturtz stated he did not feel as though this was a radical idea as 7,000 communities were doing it. He noted Olympia, Washington was so successful that they were only doing bi-weekly pick-ups, which he thought was saving them money. Studies he had seen had indicated recycling would go up 17 percent. He felt it had tremendous potential and that they should not dismiss it just because they were doing these other things.

Mr. Thornhill stated he liked the idea of it, but did have concerns. He noted he and his partners fought illegal dumping at their office building all of the time. In addition, he understood the recycling facility was near capacity at this time and asked if that was accurate. Mr. Glascock replied they had more capacity now since the yard waste was going in the landfill. Mr. Thornhill commented that if recycling increased quickly, they might have issues handling it.

Mr. Glascock pointed out he thought pay as you throw was in the City's future. The issue involved the need to move carts and the cost to change out the trucks so they could handle the carts. In the future, the Council would see a pilot program involving recycling bins in certain areas. Mr. Sturtz thought there could be a way to do it without having the bins. He understood some communities used bags and stickers.

Mr. Skala commented that he felt part of the problem was that this evaluation was not data driven. They had not done a pilot project to suggest there would be a lot of extra

dumping. This was based on what they thought might happen. He thought they might want to look at a pilot project.

Ms. Hoppe stated she wanted to see a further analysis to determine if they could proceed with this program sooner than later. Mr. Sturtz agreed.

Mr. Wade commented that they had too many items needing further analysis on the table at this time and suggested holding this until the fall. If they received a further analysis, they would not be able to deal with it effectively. In addition, they were asking the staff for a number of analyses. He agreed this needed to be done, but stated he was unwilling to add another policy issue until this fall. Ms. Nauser stated she agreed with Mr. Wade and thought they needed to work through the budget.

Mr. Sturtz noted they could put it on the docket for staff to get to when everything else was done. Mr. Wade stated he did not feel as though they were putting it on the docket since they were asking for a staff report. He suggested they put it on the docket and not ask for any work to be done on it until they worked through some of the other stuff that had stacked up. Mr. Sturtz asked if he was suggesting they not ask for anymore reports over the next few months across the board so staff could catch up. Mr. Wade replied he was not proposing that, but stated he intended to ask for very few.

Mr. Skala commented that the last paragraph indicated the Public Works Department was already looking at this on a yearly basis along with some of the changes that had been implemented. He did not think they had to ask for another report if they could expect an evaluation. He agreed this was important and that they needed to move on it at some point.

Mr. Sturtz stated he would put it on his calendar to bring up in October.

**(J) Oakland Gravel/Vandiver Intersection – Potential Solutions.**

Mr. Watkins explained staff had reviewed it and it was not an easy fix. They felt the fix would involve changes to the Route B and Vandiver areas as well as the intersection. Staff was suggesting it be put on the CIP Plan for a more thorough traffic analysis.

Mr. Skala asked if this would be impacted by the potential affordable housing activity that would take place in the area. Mr. Watkins replied he thought the lease the Council approved left enough room for some maneuvering at the intersection, but noted it could have an impact. He stated they might have to make that intersection strictly right turn and move the left turn traffic down to some other street.

**(K) Broadway/Old 63 – Pedestrian Lights.**

Mr. Watkins stated they had received the parts. The issue involved whether they should turn the lights on before the crosswalks were done. Mr. Glascock explained the north leg was milled out and they were putting in dual left turns to the east, so it had to be re-stripped. He thought they also needed to get the crosswalks in before turning on the lights so it was safe.

Ms. Hoppe commented that she had seen the mill work and thought it made sense to paint it first. The question was whether they should temporarily paint it so they would have a working light for Art in the Park or wait, and her inclination was to save money and wait.

**(L) Countdown Timer – Rollins and College.**

Mr. Watkins explained this was a MoDOT street and MoDOT had removed the countdown timer. The City had requested it be put back and staff thought MoDOT would put it back.

**(M) Sidewalk Request – South Side of Smiley.**

Mr. Watkins stated the City was in the process of designing the park and he thought the sidewalk gap would be resolved in the near future.

**(N) Unimproved Alleys – Public or Private.**

Mr. Watkins stated there was a question posed by Council as to whether the alleys in some of the older parts of town were public or private. The answer according to the Public Works Department was that they were public unimproved alleys. They had been dedicated to the City, but were never opened up and utilized as alleys, so they had never made the investment to put a hard surface down.

Mr. Sturtz asked what the City's responsibilities were with regard to maintenance. He explained this came from a complaint of a neighbor regarding overhanging trees and garbage. Mr. Boeckmann replied the City had an ordinance that put the responsibility on the person who owned the underlying fee.

Mr. Thornhill wondered if the City should vacate them. Mayor Hindman stated he did not think the City wanted to vacate them as they were used. They were just not maintained.

**(O) Broadway Pavement Markings – Stadium to Clinkscals.**

Mr. Watkins explained the City would be milling and paving and planned to change some traffic markings to conform with a traffic study done over a year ago for West Broadway.

Mr. Glascock stated this would involve pavement markings from Stadium to Clinkscals. They would have dual lanes toward the east and a single lane toward the west with a turn lane in the middle. This would allow them to have 14 foot outside lanes to be shared by bikes and cars and would make it safer. He noted the road was currently underperforming with regard to capacity. In addition, this would resolve conflicts caused by people making left turns.

Mayor Hindman understood there would be dual lanes going east. Mr. Glascock stated that was correct and it would be from Stadium to Clinkscals. The outside right lane would drop into Manor Drive. There would also be a left turn onto Clinkscals.

Mayor Hindman asked if there would be a bike lane going eastbound. Mr. Glascock replied no. He explained it would be a shared 14 foot road. Mayor Hindman asked if they had thought about it only being two lanes. Mr. Glascock replied they had, but there was a lot of traffic going east into town and there were a lot of right turns and streets on that side of the road.

Mr. Thornhill asked what type of markings there would be just east of Manor. Mr. Glascock replied it would be paint. Mr. Thornhill thought this would be good as merging was

a mess when taking Broadway into downtown. Mayor Hindman felt that would still be a problem. Mr. Glascock pointed out the right lane would not go past Manor.

**(P) All-Red Clearance at Traffic Signals.**

Mr. Glascock explained the City was doing the two second delay and MoDOT was looking at doing it as well. He stated they were trying to standardize it and noted there could be places that had up to a four second delay depending on the width of the intersection.

**(Q) Traffic Calming Update.**

Mr. Watkins stated this was a list of what they were studying and their statuses.

Ms. Hoppe pointed out the neighborhood pilot project, which was an important component, was not mentioned, and asked for the status of that report. Mr. Glascock replied he had the final report and staff was developing a report to Council in regard to it. Ms. Hoppe asked if they would get it in the next week or two. Mr. Glascock replied they would see it within the next few meetings.

**(R) Proposed Agreement with Boone County Family Resources.**

Mr. Watkins explained that during budget discussions last year, Council had directed staff to come up with ways to supplement the funding for the Paquin recreation program. Staff had been working with Boone County Family Resources (BCFR) and they had offered to provide \$16,000 per year with some conditions.

Mr. Hood stated the BCFR was interested in restoring some of the funding that was cut in the 2009 budget, but were not interested in replacing any of the City money that was currently going into the program. This proposal was to restore the money that was cut. It would not further reduce the City's subsidy to the program. They were suggesting starting in July because it coincided with their fiscal year. Since it did not match the City's fiscal year, staff was bringing this report to Council to determine if this was something the Council wanted staff to pursue. He noted the BCFR had suggested broadening the program because they felt there was some confusion as to whether the program was restricted only to Paquin Tower residents and suggested a name change. The City was already considering a name change and had been using "Adapted Community Recreation" for the program. The BCFR was not asking for the program to be changed in any substantial matter. They just wanted to clarify it was a community-wide resource.

Mr. Sturtz asked if BCFR had an estimate of the increase in use from their clients as a result of this. Mr. Hood replied no. He explained many of the residents of Paquin were already clients of BCFR, which was why they were concerned. He understood they believed there would be some additional cliental, but did not believe there would be a tremendous increase. Mr. Sturtz asked if it would add to the City's cost. Mr. Hood replied it should not add to the City's cost. Adding the \$16,000 to the amount the City was already putting into the program would allow them to restore a couple of the temporary part-time positions that were eliminated, and with those positions restored, he thought they would be able to handle the programming adequately.

Mr. Sturtz understood Mr. Spence had been involved in a fundraising effort on behalf of this program and asked how that dovetailed with this proposal. Mr. Hood replied he thought Mr. Spence was trying to raise a substantial amount of money that could create an endowment to provide a continual funding source, but it was contingent upon his fundraising efforts being successful. Staff saw the BCFR helping in the immediate.

Mr. Wade stated he had concerns because accepting the \$16,000 would require the City to move \$72,000 from the discretionary fund to the dedicated fund. It would remove discretion from the budget process and he was uncomfortable with that. He commented that there had been a lot of discussion regarding the City's commitment to this program a year ago and he was not sure this reflected that. He felt there were still policy decisions to be made in terms of program commitments and was uncomfortable with this contract due to the present budget situation.

Mr. Skala stated he was inclined to agree with Mr. Wade as they were facing a lean budget and needed to keep as many options open as possible. He believed it was laudable to suggest they might be able to restore this program to some of the levels they had seen in the past, but thought the discussion from last year was that this would be a weaning process. He wondered if there was flexibility with the \$16,000, so they could revisit it during budget discussions. Mr. Hood explained the BCFR had suggested it be effective July 1 because that was the start of their fiscal year. If Council wanted staff to let the BCFR know it would be considered as part of the budget process, they could ask if it could be effective at the start of the City's fiscal year depending on the decision made.

Mayor Hindman made a motion to include the BCFR proposal as part of the discussions for the budget process. The motion was seconded by Mr. Skala.

Mr. Wade stated he would encourage the BCFR to find ways to be supportive without dictating City funding in the process.

The motion made by Mayor Hindman and seconded by Mr. Skala was approved unanimously by voice vote.

**(S) Municipal Shelter Proposal – Central Missouri Humane Society.**

Mr. Watkins explained the Central Missouri Humane Society (CMHS) was requesting about \$80,000 per year for municipal shelter services to cover a portion of the cost for taking in stray and unwanted animals, which was separate from the annual agreement with animal control.

Ms. Browning stated she was pleased the CMHS had brought forth two separate proposals because the animal control contract and the municipal shelter discussion were distinct issues. The biggest issue she saw was that the City's cost was estimated at \$26.82, but other communities were at \$17.14, so there was not the same level of equity. She understood the CMHS was going to ask the Boone County Commission for funding during their budget process later this summer as well. The County already gave them an additional \$10,000 beyond their contract. If the Council was willing to fund the municipal shelter operation, she suggested an equitable amount or not requiring Columbia residents to pay the drop off fee. She stated she thought they could be creative.

Ms. Nauser commented that she did not believe City taxpayers should pay more because the shelter was located within the City. She stated she wanted to know how they were taking care of being financially stable and their plans in the future as the Council moved forward in discussions as part of the budget process. She asked that they come back with an equitable cost when approaching the Council with the additional \$80,000.

Mr. Wade stated he agreed with Ms. Nauser's comments. He noted there was a real sensitivity to the CMHS providing services at a cheaper cost to counties outside of Boone County and pointed out he would be looking closely at the rate structure.

Mayor Hindman made a motion to accept the report and to discuss this at a future budget work session. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**(T) Graffiti Ordinance.**

Mr. Watkins stated staff wanted to know if this was ready to be introduced or if more discussion was needed.

Mr. Skala commented that he was uncomfortable with assigning the cost of graffiti clean up to crime victims. He understood City-wide subsidies were not appropriate for certain things, but felt this might require a contribution from the citizenry due to it being a quality of life issue. He stated he was not sure as to how to assign some of those responsibilities.

Ms. Nauser noted she had brought up the idea of the graffiti ordinance and wanted to see it continue to move forward. They had discussed the assignment of fees and fines to a revolving account and understood that was not something they wanted to pursue. She suggested the City purchase the graffiti removal kits through the Council discretionary fund, so people could purchase them from the City at cost. She noted there was a new tag at Nifong and Old Mill Creek Road and pointed out this was not a centralized issue as it was spreading throughout the community. She stated she would be willing to bring this forward to a public hearing after taking out the statement regarding the assignment of fees and fines to a graffiti account.

Mayor Hindman asked if she was willing to assess the landowner. Ms. Nauser stated she was because this allowed for a lengthy process and allowed people to request an extension of time.

Mr. Skala stated he did not think the landowner should solely be responsible for entire clean up cost. He thought there should be some sort of shared cost.

Mayor Hindman understood Ms. Nauser was suggesting an ordinance be prepared. Ms. Nauser stated that was correct.

Mr. Wade stated he was confused as to how they would assign and deal with the cost of clean up. He wanted to look for ways for it to be a shared responsibility. He was okay with the ordinance being drafted, but wanted another opportunity for Council discussion before holding a public hearing.

Mr. Thornhill commented that the cost of the kits was more reasonable than he had expected and suggested they provide a kit to the victim with the expectation they clean it up, and if they did not clean it up, they could then assess a fine.

Ms. Nauser stated that if they decided to move this forward, she would suggest staff provide additional information to include the cost of the kits and ways other communities shared in the cost of graffiti removal.

Ms. Hoppe commented that they had discussed the potential of a community service component. Ms. Nauser stated she did not think City statute could dictate what the court system could accept as community service. Ms. Hoppe agreed it could not be dictated and suggested they set up a mechanism so this would be eligible as community service. Mayor Hindman did not think it should be part of the ordinance. He thought they could write a letter saying they would like it to be considered.

Mayor Hindman made a motion directing staff to prepare an ordinance for discussion at a work session. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**(U) Hinkson Creek Flooding.**

Mr. Watkins noted a resident had come to the Council a couple of meetings ago with concerns of flooding on the Hinkson Creek. He asked Mr. Glascock to provide background information regarding the situation.

Mr. Glascock explained the memo discussed two rain events. One was the date the flooding occurred and the other was prior to that date. He described the location of the floodplain, the home, the current Hinkson Creek bridge and the construction project using a drawing on the overhead. He also described the flooding situation per discussion with the owner of the property using the drawing on the overhead. This area had received 3.24 inches of rain within a short amount of time. In fact, 1.85 inches was received within one of the two hour periods. The graph of the rain events showed a steep climb and rapid decent, which was indicative of flash flooding. He reviewed data on the USGS website because they had a measuring stream at Providence and Hinkson, and the event that occurred in early April showed very little impact on the stream at Providence. The meant a lot was absorbed in the ground, so the ground was saturated. The stream gauge at Providence for the event that occurred on April 30 had a high spike, so the rainfall was very intense. The height of the gauge at Providence was in excess of 20 feet and the height at Mexico Gravel was about 12 feet. He noted the house was in floodplain. He explained they were not saying the pipes did not have an affect, but were saying the City did not tell the contractor how to build the bridge. The contractor had a Corps permit for the pipes and installed them per the permit. Staff was suggesting the City buy this property as they had done in the past with other property that flooded in order to provide her safety.

Mr. Thornhill asked if she had flood insurance or what type of homeowners insurance she had. Mr. Glascock replied he did not ask. Mr. Thornhill was curious as to whether she had acknowledged she was in a floodplain.

Mr. Skala commented that staff had talked to Ms. Stone the day after she came to the Council, but as far as he could tell that was the last time she had heard from either the City or the contractor and that was a few weeks ago. He recalled receiving an e-mail which indicated Mr. Glascock did not think the City was responsible for this flooding, and if there was responsibility to be had, it was probably the responsibility of the contractor. He noted he

had sent an e-mail back to the City Manager indicating that was unacceptable. He felt a local government had the obligation to protect the health, safety and welfare of its residents. The pictures offered by the Mr. Alspaugh, whose property was adjacent to this property, showed standing water on the field at an extent he had never seen. He stated he was told the flood stage of the creek was 4-5 feet. He believed the pipes with the riprap in between created a dam and created a virtual lake in which Ms. Stone was in the middle. He understood the City did not tell the contractor exactly what to do, but thought they should when it came to health, safety and welfare. He noted another issue was that the well on Ms. Stone's property might have been topped by the water that had backed up due to the creek and might be an EPA problem. In addition, she had a damaged trailer. He commented that if they bought her out, they would be buying damaged goods, and he felt someone had to be responsible for some of the damage, although he was not sure of the attribution. He stated he did not know where to go with this. She does not have a computer so he had provided her this report, but had not heard back yet. He stated he did not like being put in the position of telling her it had been suggested that neither the City nor the contractor was responsible and that she should be bought out. He reiterated he was not sure of the answer, but felt it was a problem that had not been resolved as there was no remediation.

Mr. Thornhill asked what Ms. Stone had proposed. Mr. Skala replied he had not talked to Ms. Stone since the report had been provided, but prior to that time, she had a list of damages for which she wanted relief. Mr. Thornhill asked if there was a dollar amount attached to the list of damages. Mr. Skala replied no. It was just a list of items that were damaged.

Mr. Thornhill understood the issue with purchasing her property was replacing it with something she felt was equal considering her emotional attachment and time on the property.

Mr. Skala commented that he was upset because it had been weeks since someone had contacted her, and he felt they should have notified her of the abrogation of responsibility by the City and contractor.

Mayor Hindman stated this was one reason insurance was so important because the company could pay while the squabbling of responsibility continued and was straightened out with the denying defendants. He thought it might be worth finding out if she had insurance. If she did, they would have probably already heard from them.

Mr. Skala thought another issue was the fact the City did not really have any kind of oversight with a private contractor. Mayor Hindman stated that if this went to court, they would have a very interesting set of facts that would be investigated. He reiterated he thought they should find out if she had insurance.

Mr. Watkins stated he did not technically believe the City had any responsibility, but he also recognized the City had a broader responsibility. If the Council wanted the City to pay something to settle it, they would, but from a broader perspective, he did not believe they should pay someone to rebuild in the floodplain where it could happen again. If the Council felt something needed to be done, he suggested it be done in the context of trying to solve the problem in the long term. In buying the property, they would be eliminating a future problem.

Mr. Skala commented that he did not think that was a bad approach. His problem was that there was virtually no contact with Ms. Stone since staff had first talked to her. He thought they needed to listen and talk to Ms. Stone about the potential options. Mr. Watkins noted staff did not know what to tell her, which was why it was brought to Council.

Mr. Thornhill noted that if Ms. Stone had a list of damages and an expectation to be reimbursed, she needed to assign a value to it. Mr. Watkins stated a lot of what was being claimed as damages were not. As a result, they needed direction from Council as to how to proceed. Mr. Skala suggested staff talk to her with the options in the report and find out whether she had insurance or whether she would be interested in a potential buyout. Mr. Wade suggested Ms. Stone's daughter be involved in the conversation. Mr. Watkins stated they would do that.

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

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

Bob Walters, 2704 Vail Drive, stated he was a representative of the Environment and Energy Commission (EEC) and commented that as a result of the letter Ms. Buffaloe signed on behalf of the EEC, the Missouriian wrote an article causing the Federal Highway Administration (FHA) to contact City staff and to hold a three day meeting beginning on May 5, 2009. He noted he was invited to attend the first session that included representatives of the City, MoDOT, the University and FHA to discuss how such studies had been conducted nationwide and the primary reasons to promote such ideas, which included the shortening of commuting times, the reduction of gasoline consumption and the reduction of auto emissions. He noted he did not participate in other sessions, but understood they visited various traffic corridors and discussed ideas of cooperation. He thought Mr. Bitterman, the traffic engineer, would prepare a self-assessment, and he hoped a plan of action would come from it.

Paul Love, 100 Sondra, stated he decided to attend the meeting tonight because he understood the City was planning on entering into an agreement with the Curators of the University of Missouri regarding the Fourth of July celebration. He commented that it was a criminal act and a terrorist act, under both State and Federal law, to deliberately falsely report a bomb threat and to transmit this information through the mail or electronically over phone lines. The Curators of the University of Missouri had done this. In court filings, they claimed they could willfully and maliciously falsely report a bomb threat and not be held responsible. He felt an organization that would commit terrorist acts and indicate they could willfully and maliciously harm citizens of the United States was a terrorist organization. He was requesting that the Council not enter into contractual agreements with terrorist organizations.

Kurt Albert, 400 High Point Lane, provided a handout and commented that deception was not supported by anyone who believed in democracy. He stated transparency and truthfulness should be the goal as openness and honesty were necessary for democracy. He did not believe there should ever be abuse of official information. The Council Chamber was for the people's business, and he felt truth and honesty needed to prevail. The law he

was proposing would protect Council members, Columbia citizens, and City employees who wished to be truthful, and would protect democracy itself.

Ann Peters, 3808 Berrywood Drive, stated she had documented different constructions sites in Columbia for about the last two years and there seemed to be a lack of oversight. She asked the Council to consider having the Environment and Energy Commission (EEC) bring forward the land disturbance issues they had been working on. She showed the Council photographs of and near the Crosscreek development and described various issues. She wanted the Council to ask the EEC to bring forward land disturbance proposals that would help these types of situations as she believed it was a health, safety and welfare issue. Due to the velocity of the water, it was increasing downstream flooding. There was a lot of sediment there and eventually there would be cars, oil and other items that went with cars there. She asked the Council to consider this at the Council retreat.

Ms. Nauser commented that cyclists rode on Scott Boulevard between Vawter School Road and KK, which was a dangerous stretch, and wondered if they could install a sign or mark the road, so people knew cyclists were using the road and they needed to share the road.

Ms. Nauser made a motion directing staff to review whether a sign could be installed or the road could be marked on Scott Boulevard between Vawter School Road and Route KK indicating cyclists used the road. She thought some of the grant money could be used. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Nauser asked for a status report regarding her request for no parking on Woodrail, across from a pool, so she could get back to a constituent.

Ms. Hoppe made a motion directing staff to add the widening of New Haven, east of AC, on the CIP Plan, if it was not already on it. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe commented that a group of students had done an emergency response study for the East Campus area due to a perceived problem. The study had many recommendations and one involved Rock Hill Road. There was a Rock Hill Road, south of Broadway and east of Old 63, which went to one street. Rock Hill Road continued after a gap in the East Campus area. She understood that when the house explosion occurred, people were going to the lower Rock Hill Road and had to turn around and go toward the other Rock Hill Road. The suggestion of the study, which the neighborhood association was in concurrence with, was to rename the lower Rock Hill Road as there were no street addresses and it would not affect anyone.

Ms. Hoppe made a motion directing staff to determine whether the lower Rock Hill Road could be renamed for safety purposes and to provide a recommendation for a new name. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe noted the intersection of Providence and Broadway had a designated right turn lane for each direction except when going south on Providence to turn right onto

Broadway to go west. Mr. Watkins explained it had been looked into and the City would have to take the building in order to do it, so it would be very expensive. He thought they could find the old report to provide background information.

Ms. Hoppe stated there was a sidewalk on the east side of Providence at the Chamber of Commerce building up to Hardees, but there was a gap from there to Broadway when going north on Providence.

Ms. Hoppe made a motion to add the sidewalk gap on the east side of Providence, south of Broadway, on the CIP list. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe asked for a copy of the report summarizing the May 5-7 meetings regarding the synchronization of traffic lights. Mr. Watkins replied he would provide it to the Council.

Mr. Sturtz asked about the status of the Mayors Challenge for Children and Families. Mayor Hindman replied they had to come up with a plan and he was working on it. Mr. Sturtz asked if they could add it to the work session list. Mayor Hindman replied he would be fine with that.

Mr. Sturtz stated he wanted the Environment and Energy Commission to develop a job description of a sustainability director. Mr. Watkins noted it was a discussion item for the Council retreat and suggested Council review it prior to asking the Environment and Energy Commission to work on it.

Mr. Sturtz commented that he wanted the Environment and Energy Commission to provide ideas for federal Transportation Investment Generating Economic Recovery (TIGER) funds for a City application. Mr. Watkins explained staff was working on that with MoDOT. Mr. Sturtz asked if there was a way to obtain input from the Environment and Energy Commission. Mr. Watkins stated it required a project of at least \$20 million that could be done quickly. He noted they needed MoDOT support for it to move forward and that there were not too many \$20 million project they could move quickly.

Mr. Sturtz made a motion directing staff to restore the flattened speed humps on Alexander Avenue, draft an ordinance to make Alexander Avenue a posted 20 mph speed zone and install additional speed humps, which would be 14 feet wide and ramp up to 3 inches in height, within 300 feet of the intersections of Ash and Alexander and Worley and Alexander. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Mr. Thornhill made a motion directing staff to estimate the fiscal impact of providing load management devices on all new construction, where appropriate. He thought it would most likely involve single-family houses. He wanted to know what the installation would cost for it to be mandatory for at least new construction. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

The meeting adjourned at 11:42 p.m.

Respectfully submitted,

Sheela Amin

City Clerk