

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**OCTOBER 5, 2009**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, October 5, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN and STURTZ 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 September 21, 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**

Mr. Wade made a motion to add R244-09 to New Business, and to approve the agenda with that addition. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**SPECIAL ITEMS**

None.

**SCHEDULED PUBLIC COMMENT**

None.

**PUBLIC HEARINGS**

**(A) Construction of a Bicycle Boulevard on Ash Street and Windsor Street between Tenth Street and Ann Street.**

Item A was read by the Clerk.

Mr. Watkins noted this project had been tabled to tonight in order for staff to address a couple issues that had been brought up. It would be funded by non-motorized transportation funds and would cost about \$9,000 - \$10,000. The project involved eliminating left turns to and from College Avenue onto both Windsor and Ash Streets, and there would be a pedestrian safety island in the middle of the College.

Mr. Glascock explained the purpose of this project was to separate vehicle and bicycle traffic in order to reduce conflicts and some of the animosity experienced in the recent past. This was done by displacing through-traffic to a busy street, such as Walnut, and drawing bike traffic away from busy streets, such as Walnut, to quieter residential streets, such as Windsor and Ash Streets. He noted staff had coordinated with Stephens College and usage was discussed. Staff agreed a safety issue that had been brought up was proposing to incorporate it so pedestrian and bicyclists would cross at the top of the hill to get to the median, and then cross the remainder of the street.

Ms. Hoppe asked if the median on College would just have yellow markings or if it would be a raised surface. Mr. Glascock replied he was proposing an island effect, whether it involved a raised area or bollards.

Mr. Sturtz commented that he did not believe the bollards would be popular. Mayor Hindman agreed, but noted they could be done on a temporary basis. Mr. Sturtz asked if there was a strong sentiment toward a temporary pilot project rather than building something that would last for a while. Mr. Glascock replied he would prefer to build something that would last for a while.

Mayor Hindman opened the public hearing.

John Schultz, 1301 W. Colchester Road, asked if there was still a need to eliminate left turns at College and Windsor with the crossing at the top of the hill. He explained he was not opposed to this proposal, but was concerned that the elimination of left turn lanes on Windsor and College would force more traffic down Melbourne, Hinkson and Ripley Streets. He thought they should try to engineer a solution that would accommodate both vehicles and bicycles in that area. Mr. Glascock explained a vehicle going south on College would not be able to make a left on Windsor and a vehicle going north on College would not be able to make a left on Ash.

Adam Saunders, 214 St. Joseph Street, stated he worked for the Columbia Center for Urban Agriculture, which was in the area, and asked those in support of the project to stand. Approximately five people stood. He explained he managed a demonstration garden at Ash and St. Joseph, near College and the bus station, and saw many bikers on a daily basis. He believed this modification would add to bike safety since it would redirect bike traffic from Walnut to Ash and Windsor Streets.

Sarah Wolken, 1601 Windsor Street, understood the modifications would include narrowing lanes at William and Windsor and thought it would be helpful in slowing down traffic as it was a dangerous intersection. She noted she commuted by bicycle and car, and did not have any problems with the re-routing of traffic. She asked Council to support the project.

Steve Willey stated his offices were in Guitar Building and asked if parking would be allowed on Windsor Street. Mr. Glascock replied parking was currently allowed on the north side and would remain. Mr. Willey asked if vehicular traffic coming from the east would be allowed. Mr. Glascock replied there would be two-way traffic, but drivers would not be able to turn left from College. Mr. Willey asked if there would be a bike path. Mr. Glascock replied sharrows would be painted on the street to indicate it was a bike boulevard. Mr. Willey asked if College would have one or two lanes of traffic on either side of the divider. Mr. Glascock replied there would be two lanes for traffic. The middle turn lane would be altered so it was two-directional for bicycles. Mr. Willey asked if a driver going south on College Avenue would be able to turn right on Ash Street. Mr. Glascock replied the driver would be able to turn right onto Ash Street, but not left onto Windsor Street. Mr. Willey understood that with the exception of divider, activity in the area would be similar to its current status. He noted Walnut from William to Old 63 was in need of bike, wheelchair and pedestrian access and asked if that had been considered. Mayor Hindman replied it had and explained they were planning to install sidewalks there.

Kip Kendrick, 1601 Windsor Street, understood the current proposal for the center safety island on College was to use plexi-plastic similar to what was located on Broadway at Providence on a temporary basis, and a more permanent concrete structure would be added later if the project moved past the pilot project phase. He noted the bike boulevard plan would narrow traffic on the west side of William Street and create a safety spot that pushed people toward the center. This would allow people to see past the vegetation on the northwest corner of the William and Windsor intersection and reduce the number of accidents. He agreed that placing the crossing at the top of the hill was a better solution as it would allow people to see the traffic on College. He thought this project was important for his neighborhood and Columbia.

Linda Rootes, 402 N. Eighth Street, stated she was the President of the North Central Columbia Neighborhood Association and noted the artists and entrepreneurs in the area on the west side of College, near Ash, felt a bike boulevard would provide traffic calming and attract the type of traffic to the neighborhood that would be good for business. In addition, this plan would include a modification to make two-way bicycle traffic between Orr and Tenth Street safer. She commented that GetAbout Columbia staff attended the neighborhood meeting and the Board was supportive of the project. They circulated information regarding the project widely and only one business on St. James felt it would be negatively impacted.

Michael Ugarte, 1505 Windsor Street, stated he was in favor of this project as it would allow a safer bicycle crossing onto Ash Street. In addition, making a left turn onto College from Windsor in a vehicle was dangerous and this would eliminate that danger. He thanked the City for making Columbia a cycling-friendly town.

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

Mayor Hindman stated he was pleased the neighborhood was receptive to this idea and noted he believed the project would provide value to vehicles and bicyclists as the left hand turns on College were dangerous. He felt the plan for the pedestrian/bicycle island, whether created with cement or with temporary bollards, was innovative as it enabled them to control the stacking of cars and would allow people to only look in one direction to cross.

Mr. Sturtz commented that he believed this was a win-win project as the left turns had been a hazard for automobiles for a long time. He stated he did not see this as a temporary project even though it was a pilot project for other areas. He did not think they would ever want to remove the safety island in the middle of College as it appeared to be a permanent solution, and one they might want to adapt to other four lane road. He suggested they do something nice like a permanent green safety island instead of the temporary yellow bollards as they were not aesthetically pleasing.

Mr. Skala stated he viewed this project in terms of data collection versus aesthetics, and although he believed it would be permanent, he felt they had to rely on the data to determine whether they had a solution to the public safety issue. He commented that he would be agreeable to the temporary bollards in order to collect the data and make it more permanent later if necessary. He noted that although most of the feedback he had received indicated support of this, there were some people who were unhappy with the restriction of the left turns. He also noted he was more comfortable with the public safety aspects of this for both bicycles and vehicles since staff had incorporated Mr. Albert's suggestion.

Ms. Hoppe stated she thought this would help both bicyclists and vehicle drivers and believed the neighborhood was in favor of it because it made sense and would slow down traffic and eliminate cut-through traffic. She agreed with Mr. Sturtz regarding the bollards and asked how long they would be collecting data prior to installing something more permanent. Mr. Glascock replied it depended upon when they completed the project, but he thought it would take a year. He noted there were maintenance costs associated with the bollards and concrete might cost less to install. In addition, he thought it would be easy to remove. He stated staff would determine the best solution when it was time to construct it.

Mr. Wade commented that he was not in support this project, but it had nothing to do with the design as he believed the design was good. He did not think the purpose of GetAbout Columbia was do projects. He felt it was to bring about fundamental change in how the community approached multi-modal transportation and how they related to one another within the multi-modal transportation system. People in the bicycling community believed the only reaction against what was happening was being expressed in TribTalk, but there was a broader reaction in his opinion. He did not feel GetAbout included the kinds of community engagement that would begin to expedite change in community norms and culture. He believed this project was one project too many without allowing the social change within the community to catch up.

Ms. Nauser stated she agreed with Mr. Wade and noted she still received comments regarding the back-in parking and bicycle harassment ordinance. She commented that she liked the safety designs incorporated into the plan, but had a problem with the concept of taking roadways, which were historically used for vehicular traffic, and making such as drastic change to them. She did not believe the majority of the community was accepting of some of these projects and wanted more public dialogue as well. She suggested they slow down with regard to pilot projects and move forward with other projects currently in the works.

Mr. Sturtz stated he believed this was a modest project involving the painting of sharrows and the creation of safety island which should have already been there, and did not understand why they would argue against a safer roadway for everyone.

Ms. Hoppe noted this project would move bicyclists off of Walnut and onto side streets, which would help motorized traffic.

Mr. Skala made a motion directing staff to proceed with the construction of a bicycle boulevard on Ash Street and Windsor Street between Tenth Street and Ann Street. The motion was seconded by Mayor Hindman.

Mr. Sturtz suggested the project include a permanent concrete island instead of the yellow, reflective bollards.

Mr. Thornhill asked whether the bollards or a concrete island was allotted for in the budget. Mr. Glascock replied his plan was to do concrete if it was cheaper because bollards had maintenance costs associated with it. The safety island could be created with bollards, concrete or asphalt, and staff would do whatever was cheaper, unless otherwise directed.

Mr. Skala stated he was comfortable with letting staff make the determination based upon the expense.

Mr. Wade commented that he thought the design should be left to the engineers and if the issue of aesthetics needed to be dealt with, they could do it after it was past the pilot project stage and the data had been collected.

Mr. Sturtz noted they had received negative comments regarding the bollards at Providence and Broadway and did not believe they should add it at another intersection, especially if the cost was higher.

Mr. Sturtz made a motion directing staff to construct concrete safety islands as part of this project. The motion was seconded by Ms. Hoppe.

Ms. Nauser believed the bollards indicated it was pilot project, but poured concrete indicated it was a permanent solution, and since this was a pilot project, she was in favor of the bollards because they would be easier to remove than concrete. She agreed concrete might be cheaper in the long run, but if the project failed as a pilot, it would be more difficult to remove.

Mr. Glascock noted there was already concrete there and he would only add an approximate 4-inch a concrete pad on top of it, which could easily be removed.

Mr. Skala stated he preferred to leave the decision to staff based upon the cost.

Ms. Hoppe commented that public acceptance would be affected in part by whether the island was created by bollards or if it was concrete.

The motion made by Mr. Sturtz and seconded by Ms. Hoppe directing staff to construct concrete safety islands as part of this project was defeated by voice vote with only Mr. Sturtz, Mr. Thornhill and Ms. Hoppe voting yes.

Ms. Hoppe understood this meant they were not requiring concrete, but that it would not be prohibited either.

The motion made by Mr. Skala and seconded by Mayor Hindman directing staff to proceed with the construction of a bicycle boulevard on Ash Street and Windsor Street between Tenth Street and Ann Street was approved by voice vote with only Mr. Wade and Ms. Nauser voting no.

**(B) Construction of two additional maintenance bays at the Landfill Operations Center.**

Item B was read by the Clerk.

Mr. Watkins explained this improvement involved adding two maintenance bays at the landfill, and the cost was about \$200,000 to be paid for by the solid waste utility fund.

Mayor Hindman opened the public hearing.

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

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

**R243-09 Approving the 2010-2014 Consolidated Housing and Community Development Plan.**

The resolution was read by the Clerk.

Mr. Teddy described the Consolidated Plan, the process followed to develop the Plan and the ways in which this five year plan was different from the previous five year plan. He

noted the Consolidated Plan described the needs, resources, priorities, and proposed activities to be undertaken with respect to HUD programs, and noted it had four functions. It was a planning document, an application for CDBG and HOME grants for the next five years, a strategy to follow when carrying out HUD programs, and a management tool for assessing performance and tracking results. There had been a number of public hearings to include four by the Community Development Commission, one by the Community Services Advisory Commission and two by the City Council. The Disabilities Commission also reviewed and approved the draft priority needs of the Plan. The Plan incorporated the recommendations of the Vision Implementation Plan and the Affordable Housing Policy Committee. In addition, the Columbia/Boone County Basic Needs Coalition made contributions to the content of the Plan. He pointed out the Plan was available on-line at [www.gocolumbiamo.com/planning](http://www.gocolumbiamo.com/planning) and hard copies were available at the Daniel Boone Regional Library and the Planning and Development Department Office for review. The public comment period would end at 5:00 p.m. on October 27, 2009, and comments could be directed, in writing, to the Planning Department or e-mailed to [planning@gocolumbiamo.com](mailto:planning@gocolumbiamo.com). He noted the Community Development Commission had recommended approval and adoption of this Plan.

Mr. Skala asked if approval of this Plan would be contingent upon the public comment period. Mr. Teddy replied comments would be brought back to Council with a response. If there were no comments, approval of the resolution was Council authorization to submit the Plan.

Ms. Hoppe understood rising utility costs were using a larger percentage of rent subsidy dollars than in the past and wondered what in the document addressed utility costs. Mr. Teddy explained any activity relating to energy savings would help advance the goal of bringing down utility costs. Mr. Lata noted all new housing built with HOME funds to be required to be Energy Star.

Ms. Hoppe understood homes would be improved so they were more affordable and homes would be constructed near job opportunities or the transit system and/or the transit system would be improved. Mr. Teddy stated the desirable outcome was for those elements come together.

Mayor Hindman opened the public hearing.

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

The vote on R243-09 was recorded as follows: VOTING YES: THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

Mr. Teddy understood one of the applicants for CDBG funds had decided not to move forward with the project involving the Heibel-March building. As a result, staff needed Council direction at the end of the meeting as to whether an amendment was needed to the CDBG budget, so it could be discussed with the forthcoming Action Plan on October 19, 2009.

## OLD BUSINESS

**B289-09 Amending Ordinance No. 019312 which granted a variance from the Subdivision Regulations for sidewalk construction along the east side of Scott**

**Boulevard crossing Mill Creek, adjacent to proposed Lots C101 and 142 within Copperstone Plat 1; setting forth conditions for approval.**

The bill was given second reading by the Clerk.

Mr. Watkins explained that when Council approved Copperstone, the developer had requested an innovative sidewalk plan internal to the development and staff had been supportive. The developer was now asking for some changes to the plan. The Planning and Zoning Commission was supportive of the variance request.

Mr. Teddy described the innovative sidewalk system as a pedway system that ran throughout the development and interconnected the various streets in ways that were unconventional, and this system had been approved by variance. The Council also approved a variance that relieved the subdividers of their responsibility for building a sidewalk along Scott Boulevard, adjacent to the development, for a distance of 120 feet across Mill Creek as it was deemed to be an undue hardship since it would require a bridge. In addition, the Scott Boulevard project had been on the horizon and there was concern for the sidewalk being torn out for a later road project. In lieu of constructing the sidewalk over Mill Creek in the Scott right-of-way, the subdivider offered to construct a pedway to and across Mill Creek in order to interconnect a long cul-de-sac with some large estate-sized lots and a main street circulating within the development that extended to Vawter School Road. The subdividers were now interested in being relieved of the obligation of building the bridge and contributing cash to be used toward it. Cash would also be contributed for the sidewalk adjacent to Scott Boulevard. He noted those segments of sidewalk were not part of the original variance. It was an additional variance for the Council to consider. He noted the subdivider would be required to provide temporary construction easements to allow the grading of Scott Boulevard onto those lots. An amendment sheet had been prepared with the temporary construction easement exhibit that would become part of the ordinance, if approved. The downside of the variance was that there would not be an internal crossing of Mill Creek and there would be a loss of connectivity to the eleven lots on the cul-de-sac. In addition, the variance included a conventional sidewalk on both sides of the cul-de-sac street. He pointed out Mr. Glascock had recommended at least a low water crossing of Mill Creek at the end of the existing pedway. He explained the cul-de-sac was 1,400 lineal feet and had been established by variance as well.

Ms. Nauser wondered what the low water bridge crossing would look like and asked for the average amount of water flow on the creek. Mr. Glascock replied a low water crossing was built to a minimal flow. It had pipes and was concrete that could be walked across. He noted they were used quite often and it would provide connectivity.

Mayor Hindman understood the developer's current obligation was to build a sidewalk along Scott Boulevard because it had been three years since it had been platted. Mr. Teddy stated that was correct. The final plats started coming in at the end of 2006 so it was close to the due date and the subdivider was obligated to build a sidewalk along Scott Boulevard with the exception of the 120 feet referenced in the existing ordinance.

Mayor Hindman asked how the \$25,000 figure was established. Mr. Teddy replied it was a pro-rated per foot charge at about \$20 per lineal foot. Mayor Hindman asked if the developers would be permitted to use their own contractor to build the sidewalk. Mr.

Glascock replied yes. Mayor Hindman asked if the \$25,000 was less than the actual cost of building the sidewalk. Mr. Glascock replied he thought the amount only included the concrete cost.

Ms. Nauser asked for clarification regarding the \$25,000. She understood that was \$13 per lineal foot instead of \$20 per lineal foot. Mr. Teddy explained they had suggested \$37,620 to the Planning and Zoning Commission and the Commission agreed with the applicant and felt \$25,000 should be pursued instead.

Mr. Wade understood the pedway had already been built. Mr. Teddy stated the pedway from the cul-de-sac to the green space easement existed today. Mr. Wade asked what would happen to the green space easement. Mr. Teddy replied the green space easement provided access to the common areas. Mr. Wade understood the sidewalk ended. Mr. Teddy stated that was correct. Mr. Wade understood if one were riding a bike they would go from a pedway to a field and asked if there was any obligation to ensure the pedway connected to something. Mr. Teddy replied it was only access to green space at this time.

Kevin Murphy, an engineer with A Civil Group with offices at 1123 Wilkes Boulevard, explained that with regard to the bridge crossing, they had come across several construction and environmental concerns making it cost prohibitive to construct at this location. He noted they had spent over \$20,000 investigating it and in trying to make it work, and now they were requesting a donation of in lieu of it. He stated they would be willing to install a low water crossing on grade with the bottom of Mill Creek. Putting in pipes would take a good bit of engineering and an application to the Corps of Engineers, DNR and the City as it was in a federally regulated floodplain. He explained they had a location picked out and a rough estimate for constructing the pedway and low water crossing was \$10,000. He commented that he was not aware of this request having to go to the Planning and Zoning Commission and had not been aware of the staff report recommending the donation of temporary construction easements along Scott Boulevard until the day before the Commission meeting. He felt a rough estimate of the easement acquisition cost was about \$18,000 because the easements involved more than the sidewalks. The easements also included area for grading the road, etc. His client was uncomfortable with having to provide the easements as they felt it was an encumbrance toward the potential sale of the lots.

Mr. Thornhill asked if they had anticipated the expansion of Scott Boulevard when the land had been developed. Mr. Murphy replied yes and explained that they had donated extra right-of-way at that time. Mr. Thornhill asked if these particular easements were anticipated then. Mr. Murphy replied they were not known at that time. He explained the temporary construction easements being requested had not been required from anyone else along Scott Boulevard that might benefit from the project, so he felt they were being asked to give more than anyone else along Scott Boulevard.

Ms. Nauser wondered why his clients felt it was an encumbrance and why they would not disclose the fact temporary construction easements would be required of purchasers since Scott Boulevard had been on the CIP list and was being funded by taxes approved in 2005. Mr. Murphy stated that was not the case. He explained the acquisition of easements was a process the City followed and they would be requiring a third party to be involved with a City project. If the bill passed as written and a lot sold, he wondered if his client was

responsible for obtaining the easement from the purchaser of the lot. Ms. Nauser felt the purchaser needed to be made aware of the easement prior to the purchase of the lot. Mr. Murphy agreed and stated the purchasers would be made aware of the situation. He explained his clients did not feel they should be required to obtain the easements. Ms. Nauser understood, but pointed out that his clients were also asking for a considerable amount of variances.

Mr. Wade asked for clarification regarding the definition a low water bridge as a path across the gravel on the creek bottom. He stated he had driven across creek bottoms, but they were not low water bridges. Mr. Murphy replied a significant amount of engineering was required to show the level of flow would not increase since this was in a regulated floodplain and placing any fill in the drainageway would increase the water level. Mr. Wade felt what he described was not a low water bridge. Mr. Murphy stated they had found an opportune spot to place a hard concrete structure at the level of the bottom of the creek. Mr. Glascock pointed out a low water crossing was where one passed the base flow underneath through pipes. He explained Mr. Murphy was suggesting they armor the creek to walk through the water. It was different than what staff was requesting and he did not understand how it was less environmentally damaging than a bridge.

Ms. Nauser asked if they had applied for the necessary permits for the bridge when this project was first approved. Mr. Murphy replied they had not because they were trying to avoid the need for the permits as it would be cost prohibitive. They were trying to expand far enough so they would not impact the creek.

Mayor Hindman stated this was the type of situation that gave developers a bad name. He agreed this was an innovative subdivision and that they had created a system of interconnected pedways as an amenity to the subdivision because it provided value when selling the lots. He pointed out there was a 1,400 foot cul-de-sac, which exceeded the 750 feet maximum allowed. In addition, the original plan did not include sidewalks along the cul-de-sac because the interconnecting system of pedways was being created to make up for it. He felt the 1,400 foot cul-de-sac was allowed only because they would have interconnection. He understood they would now place sidewalks along the cul-de-sac, but there would not be any interconnectivity. He believed a true low water bridge was acceptable, but something that had water running over it all of the time was not because it did not provide interconnectivity. He also felt \$25,000 for the sidewalks was less than the developers should probably pay.

Mr. Skala agreed the 1,400 foot cul-de-sac would not have been allowed without connectivity. In addition, this was an innovative plan that had the possibility of setting the tone for future innovative plans. He felt the connectivity and an effective low water crossing were essential to this plan in terms of public safety.

Mr. Wade stated he did not believe the option of concrete across the creek bottom as part of a pedway was acceptable. He noted there had been a lot of give and take and many of the pieces were tied together. In addition, he did not feel \$13 per foot for the sidewalk was a substantial contribution.

Ms. Nauser commented that Scott Boulevard would eventually be widened and heavily utilized, so interconnectivity was important in getting people to Scott Boulevard and the

clubhouse and other amenities safely. She felt the proposal was not in keeping with the good faith of the original proposal. She stated she would reluctantly accept the payment of \$25,000 for the sidewalks if the temporary construction easements were provided and if they provided a crossing other than a gravel walkway across the creek.

Mr. Murphy stated they would build some type of creek crossing that would keep it dry during a reasonable time. He reiterated they were trying to minimize damage to the creek. He asked that wording in the ordinance be changed so a developer or subdivider could provide the easements for the lots they owned and not be held to try to obtain an easement three years from now if sold.

Mr. Wade suggested they table this issue so they knew exactly what they were approving. He felt Mr. Murphy understood their positions. He stated he did not have sympathy in terms of cost because the subdivision would have an arterial with sidewalks and pedways next to it.

Mr. Wade made a motion to table B289-09 to the November 2, 2009 Council meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Hindman noted he felt they should provide the temporary construction of easements for all of lots since they were only contributing \$25,000 for the sidewalks.

**B295-09     Accepting Stormwater Management/BMP Facilities Covenants.**

The bill was given second reading by the Clerk.

Mr. Watkins explained these were similar to the easements and conveyances the Council passed on a regular basis. Mr. Glascock noted these were enforceable covenants so the City could fix and tax bill the BMP's if necessary.

Mr. Sturtz stated this was difficult for him to evaluate as they had not received copies of the covenants.

Mr. Skala asked if the only alternative was for the City to fix and tax bill if a BMP was not working correctly. Mr. Glascock replied they would first try to get the developer to fix it. Mr. Skala asked if they could be fined. Mr. Glascock replied he did not think they could be fined. The City could only tax bill them.

Mr. Watkins suggested this be tabled so the covenants could be provided for their review.

Mr. Wade made a motion to table B295-09 to the October 19, 2009 Council meeting. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

**B300-09     Authorizing a redevelopment agreement with Tiger Columns, LLC.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was the redevelopment agreement associated with the Tiger Hotel redevelopment proposal, plan and area. The City's obligation was to reimburse the developer for the requested \$1,785,000 plus financing costs, and the reimbursement was contingent upon the additional taxes that would be produced by the project. If taxes were not produced, the City would not have an obligation.

Mr. St. Romaine believed this was a fair and equitable agreement. He explained the TIF revenues refundable to the developer would only occur if the actual increment

materialized. If that \$1,785,000 was not realized, the City had no other obligation under the agreement. The project construction schedule was conservative and anticipated completion around April 2011. He described some of the terms of the agreement to include the City retaining 10 percent of the TIF notes until substantial completion had occurred and the developer paying the City a transfer fee if the property were sold for a substantial profit.

Mr. Skala noted the memo had a question regarding surplus revenues being returned to the taxing jurisdictions. Mr. St. Romaine explained he accidentally left that in the memo. It was a note to remind him to check on the question. He pointed out any surplus amounts using a two percent inflation factor applied to the equalized assessed value would be returned to the taxing jurisdictions.

Mayor Hindman asked about the difference between TIF notes and bonds. Mark Grimm of Gilmore and Bell explained the agreement envisioned two options. The bonds could be issued by the City at its discretion. The notes were IOU's to the developer indicating that if and when TIF revenues were generated, they would be paid up to the maximum amount due, which was \$1,785,000. He pointed out the City would have no obligation to pay the developer if TIF revenues were not generated. He explained the TIF notes involved interest, so the developer would receive reimbursement for the principal as well as interest from the date those costs were incurred. If the City determined it was financially desirable and prudent, at its option, it could issue bonds. He noted taxable interest rates were typically higher than tax exempt interest rates, so the City could decide to pay it off sooner by refinancing at a lower interest rate. He stated this Council was not committing to do this, but it was in the agreement if it wanted to take that step in the future. Mayor Hindman understood that if the City issued bonds, it would be putting its credit on the line. Mr. Grimm stated that was not correct because the bonds would still be payable from TIF revenues. Mayor Hindman understood if the City gave notes, it was up to the developer to get the financing. Mr. Grimm explained the developer had to secure loans for the project. The notes did not create cash for the project. Mayor Hindman asked if the interest rate the City would pay on the notes would be equal to the interest rate the developer had to pay or if it was a market indexed interest rate. Mr. Grimm replied it was a variable rate equal to prime minus 50 if the notes were tax exempt. Most of the notes, however, would be at a taxable rate, so it would be prime plus one at a variable rate.

Ms. Hoppe understood the tax could be deferred for up to 23 years per State statute and asked about the length of this project. Mr. St. Romaine replied it was 23 year. Ms. Hoppe understood it could be paid off earlier if it was a successful project and asked about the possibility of it being paid off sooner. Mr. St. Romaine stated it would benefit the City if for it to be paid off as quickly as possible because it would put the property back on the tax rolls and return full benefits to the taxing jurisdiction. Mr. Thornhill pointed out the repayment schedule would affect the developer's return, so a shorter term would benefit them as well.

Mr. Skala understood the taxing jurisdictions would be getting tax revenues for the existing value of the property every year for all 23 years. They were simply not getting the improved value. Mr. St. Romaine stated that was correct.

Mr. Thornhill asked if the money was paid incrementally during construction. Mr. St. Romaine replied yes. Mr. Thornhill asked what would happen if the developer decided

halfway through the project it was no longer viable. He wondered what would happen to the money that had been paid. Mr. Grimm replied the agreement could be terminated by the developer at any time prior to substantial completion with no penalty. He noted the taxing districts would not be any worse off than they were now. After substantial completion with the City issuing obligations, there would be limitations on terminating the agreement. Mr. St. Romaine pointed out he did not anticipate any increment during the initial 18 month construction period because there would not be any economic activity taxes since they would not be selling anything or renting rooms during construction, and they could only apply for reimbursement if funds had been generated by the increment.

Mr. Wade understood the TIF would not apply until there was added property value that taxes would be paid on. Mr. St. Romaine stated that was correct.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, explained this was a flow of funds that would occur only if this became a successful project and a small portion of this flow of new tax revenues was diverted to help pay the debt on the new building. The gamble was that both parties were correct in that this would be a successful project. If they were wrong, the City would not be out any money.

Mr. Skala commented that historically he had been skeptical of these incentives, but also felt these needed to be evaluated on a case by case basis, and the downtown along with this being a historic property made this a special case. He pointed out this was a conservation area TIF and not a blighted area TIF and noted it met the requirements of a TIF. He emphasized the taxing districts would receive revenues, as they were now, for the next 23 years or the duration of the project. In addition, there was the prospect of a tax increase after the project was paid off due to the additional revenue from the increase in value of the property.

Mayor Hindman pointed out there would also be an inflation factor allowing the City's revenue to increase two percent each year, so they were not waiting the full 23 years for the value to increase.

Ms. Hoppe stated she was hopeful that this project it would raise the value of the surrounding properties so the taxing jurisdictions would get more money sooner.

B300-09 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B301-09 Amending Ordinance No. 020395 which set the 2009 property tax rate for the Special Business District of the City of Columbia, Missouri.**

The bill was given second reading by the Clerk.

Mr. Watkins explained that after Council had acted on the Special Business District tax rate, which was a self-imposed tax for the downtown area, the State auditor sent a letter to the Boone County Clerk indicating the rate needed to be lowered by three cents. This would correct the original levy.

B301-09 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ. 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.

- B290-09**     Approving the Final Plat of Vandiver-Oakland Subdivision located on the east and west sides of Oakland Gravel Road, north of Vandiver Drive.
- B291-09**     Amending Chapter 3 of the City Code as it relates to the airport advisory board.
- B292-09**     Amending Chapter 14 of the City Code to prohibit parking along sections of Paquin Street.
- B293-09**     Amending Chapter 14 of the City Code to provide reserved parking for police vehicles along Paquin Street.
- B294-09**     Authorizing a right of use permit with GBOLC for placement and maintenance of an egress ramp with a handrail within a portion of right-of-way located at 23 South Eighth Street.
- B296-09**     Accepting a conveyance for utility purposes.
- B297-09**     Authorizing a cooperative agreement with Boone County Family Resources pertaining to the Park and Recreation Department's Adapted Community Recreation Program.
- B298-09**     Authorizing a cooperative agreement with Boone County Family Resources for funding for a new program to be administered by the Park and Recreation Department's C.A.R.E. Program.
- B299-09**     Appropriating donated funds from David L. and Karen K. Rawlings for the Police Department's canine unit.
- R234-09**     Setting a public hearing: considering the Columbia Regional Airport Master Plan Update.
- R235-09**     Setting a public hearing: construction of sanitary sewers in Sewer District No. 167 (Shepard Hills Subdivision).
- R236-09**     Setting a public hearing: considering the FY 2010 Community Development Action Plan for HUD funds.
- R237-09**     Authorizing Amendment No. 4 to the agreement with the Missouri Department of Health and Senior Services for Maternal Child Health Services.
- R238-09**     Authorizing an agreement with the Missouri Department of Health and Senior Services for Public Health Emergency Response Services.
- R239-09**     Authorizing agreements with Central Missouri Community Action, Lutheran Family and Children's Services of Missouri and Phoenix Programs, Inc. for sub-grantee services under the Homeless Prevention and Rapid Re-Housing Program.
- R240-09**     Approving the by-laws of the Eastland Hills Neighborhood Association.
- R241-09**     Authorizing an agreement with Stephens College – Department of Mass Media for festivals and events funding under the Tourism Development Program for the Citizen Jane Film Festival.

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

## NEW BUSINESS

### **R242-09 Authorizing an agreement with Walker Restoration Consultants for architectural services for design and construction project management of the required structural repairs necessary for the Tenth and Cherry Parking Garage.**

The resolution was read by the Clerk.

Mr. Watkins explained the Tenth and Cherry Parking Garage was constructed in 1995 and some fairly major repairs were needed. Staff was requesting authorization to hire Walker Restoration Consultants to help get through the repairs. Mr. Glascock provided photographs of the garage on the overhead and noted the panels were bowing in some instances. He explained some threaded rods had been attached to help in the past, but it now needed to be addressed further

Mr. Thornhill asked if this was typical for a garage of this type and age. Mr. Glascock replied no. They had not had this issue on any others built.

Mr. Skala asked if Walker Restoration was selected based on cost or reputation. Mr. Glascock replied reputation. He noted they had been involved with the bulk of the City's garages, but had not been involved with this one.

Ms. Hoppe asked who constructed this garage. Mr. Glascock replied Quinn had the construction contract, but they were no longer in business.

Mr. Sturtz asked how long a firm could be held liable for work done. Mr. Glascock replied they had issues with this structure previously and those were fixed by the firm that bought Quinn, but those fixes were no longer strong enough to be maintained. Mr. Sturtz asked if the City hired a construction firm in the future and the garage started to fall apart if they could go back to them. Mr. Glascock replied they could go back to the design professional if it was a design flaw, and if it was a construction issue, they could go after the contractor that did the work. He noted they had to prove there was problem created by one of them.

Mr. Sturtz asked if there were costs estimates for these repairs. Mr. Glascock replied he did not have any estimates at this time. They were hiring the consultant to ensure they had an in-depth analysis.

Mayor Hindman suggested they clean the garage while they were doing the repair work, to include painting it. He believed they needed to raise the parking rates in order to continually make the structures more attractive. Mr. Skala agreed and felt there was no reason the garages should not look nice. Ms. Hoppe noted it looking nice had a correlation to safety as well.

Mr. Wade asked if the parking utility had this type of major maintenance built into the budget. Mr. Watkins replied it would be budgeted once they knew the cost. He hoped it was something they could pay for with annual revenues, but a financing plan might be needed.

He pointed out the garage was safe and would not fall down any time soon, but they had seen some problems and wanted those resolved before they became worse.

Ms. Hoppe asked if the garage had been inspected and determined to be safe. Mr. Watkins replied yes and noted the potential problems were brought to their attention due to the inspection.

The vote on R242-09 was recorded as follows: VOTING YES: THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R244-09 Expressing the support of the City of Columbia for Boone County's application for infrastructure improvements to the Route B corridor.**

The resolution was read by the Clerk.

Mr. Watkins explained Boone County was sponsoring an application to the Federal Highways for stimulus funding, and since many of the roads in the proposal were within the City, they were requesting the City's endorsement of the grant application. The CATSO Coordinating Committee had also endorsed it.

The vote on R244-09 was recorded as follows: VOTING YES: THORNHILL, SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ. 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.

- B302-09 Vacating a sewer easement located on Lot 10 within Hathman Subdivision.**
- B303-09 Authorizing service agreements with Pednet Coalition, Inc. and Richard Mark Fenton relating to the Safe Routes to School Grant funded by the Missouri Highways and Transportation Commission.**
- B304-09 Authorizing construction of the Garth Extension MKT Connector Project; calling for bids through the Purchasing Division.**
- B305-09 Authorizing an amendment to the agreement with the Boone County Regional Sewer District for construction of the Sunrise Estates Pump Station Interceptor and the North Grindstone Outfall Sewer Phase 1 Projects.**
- B306-09 Authorizing an amendment to the agreement with the Boone County Regional Sewer District relating to sanitary sewer service in Sugar Tree Hills Subdivision, Spring Park Subdivision and Arrowhead Lake Subdivision/University Estates Subdivision.**
- B307-09 Appropriating funds for the Fire Station No. 9 Drainage Project.**
- B308-09 Accepting agreements for temporary construction and access and conveyances for sewer purposes.**
- B309-09 Authorizing an agreement with Carollo Engineers, P.C. for engineering services for a preliminary design report relating to the expansion of the McBaine Water Treatment Plant based on the 2008 Long Range Water System Study; appropriating funds.**

**B310-09**     Accepting conveyances for utility purposes.

**B311-09**     Authorizing an agreement with the Columbia Public School District for replacement of the Hickman High School swimming pool roof.

**REPORTS AND PETITIONS**

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

Mayor Hindman noted this report was provided for informational purposes.

**(B)**     Finance Advisory and Audit Committee Activities and Timeline.

Mr. Watkins explained the Finance Advisory and Audit Committee had taken on the task of looking at some the City's revenues and revenue structures, and this was their first report to Council. He understood they believed there were two issues the City needed to review over the next few years and both would require a vote of the people. Those issues involved amendments to business licenses and potential support of the use tax.

Mr. Wade understood the use tax was being discussed by the public and suggested they be provided an explanation of the use tax before they started discussing it. He thought a white paper with explanations, options, etc. would be beneficial.

Mr. Wade made a motion directing the Finance Advisory and Audit Committee to provide educational materials regarding the use tax and for a work session to be scheduled with the Committee so the Council could discuss the topic with them after the educational information was provided. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman commented that he believed they should pursue the use tax. He understood it would be hard to pass, partly because people did not understand it well. He felt it was a fairness tax because people could purchase items outside the State of Missouri without paying City sales tax. A State use tax was in place now, so they were paying the State, but not the City.

Mr. Skala suggested this discussion involve other potential taxes as well, such as internet taxation.

Ms. Nauser noted this topic was discussed at a Municipal Dinner she attended and believed there was a consensus by the County and the other cities within the County. She suggested they get together with those other taxing entities as they moved forward as well.

**(C)**     Columbia Transit System Fees.

Mr. Thornhill thanked staff for providing the report and noted he had passed it on to the person that had requested it.

**(D)**     Potential Sewer District on Spring Valley Road.

Mr. Watkins noted four owners had signed a petition for properties on Spring Valley and Garden Court. Nine lots were served by a private common collector and he thought the cost would be approximately \$109,000.

Mr. Wade asked if the interested parties meeting had been held yet. Mr. Glascock replied he did not believe so as they were waiting for direction from Council to move forward.

Mr. Sturtz asked how many private common collector elimination projects could be handled with the funds currently allocated. Mr. Glascock replied he thought five projects could be done before they ran out of money. Mr. Sturtz asked if they had requests beyond those five. Mr. Glascock replied they had another 5-6 on the books.

Mr. Wade made a motion directing staff to proceed with preliminary design to determine the feasibility and costs associated with a sewer district and to submit a report to Council. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**(E) Scott Boulevard Bicycle Warning Signs.**

Mr. Glascock explained two standard signs would be installed and the cost would be about \$420.

Ms. Nauser noted a constituent that commuted by bicycle had asked for this because Scott Boulevard was dangerous since it was narrow, did not have shoulders and had fast traffic. She also thought it was good that criteria had been developed for these types of issues in the future.

Ms. Nauser made a motion directing staff to install the signs as outlined in the report.

Mr. Wade thought the Bicycle and Pedestrian Commission had done a good job in creating the criteria. He suggested criterion (d) which referred to whether a road was an arterial route be changed to refer to whether a road was an arterial and collector route.

The motion made by Ms. Nauser directing staff to install the signs as outlined in the report was seconded by Mr. Wade and approved unanimously by voice vote.

Mayor Hindman made a motion directing staff to review and prepare legislation involving these criteria for Council consideration. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

**(F) Planning and Zoning Commission Stormwater CIP Comments.**

Mr. Watkins understood this report clarified comments made by the Planning and Zoning Commission.

Mr. Sturtz asked if the issue involved whether the City should adopt the MARC standards across the board or just be inspired by those standards. Mr. Teddy replied he thought there was concern that the City's stormwater ordinances did not model the MARC manual as closely as they should. The action item was for the stormwater narrative in the CIP manual to be revised. Mr. Glascock pointed out the City followed the MARC standards, but did revise some standards to fit its needs. MARC continued evaluating the standards, and when they made changes, the City reviewed those as well to determine if changes needed to be made to the City standards. It had been adopted by the University, the County and the City as the guiding document.

Mr. Sturtz understood the present day ordinances only dealt with post-construction and asked if they needed to adopt new ordinances to handle erosion control issues during construction. Mr. Glascock replied the NPDS permit covered six tasks, which included education, outreach, items during construction and items post-construction, and the City had to follow all of the guidelines set out by DNR. The City had ordinances covering all of it.

Ms. Hoppe noted she had asked for a copy of the permit and thought it might be useful for other Council members to receive it as well. Mr. Watkins stated he would provide a copy to Council.

**(G) MKT Trail #12 & #13 Bridge Replacements and Tree Removal.**

Mr. Hood explained the need to replace these bridges was a result of the natural deterioration of the timber supports and wooden structures used in the construction of the railroad bridges dating back about 100 years. He noted a study of all thirteen bridges was done in 2000, and it indicated bridge #6 was in the worst condition, and as a result, it had been replaced. It also identified bridges #12 and #13 as the next ones needing to be addressed due to some serious structural problems. With regard to the question of restoring the bridges instead of replacing them, he explained the existing metal structure was design to handle railroad trains and trying to reuse it had a bigger impact on the trail, the environmental situation of the creek and the need for tree removal. He noted they would have to have two cranes instead of one since it was so large and heavy. The suggested replacement bridge had a smaller footprint on the environment and weighed less, so it would require only one crane. It was a pre-manufactured truss bridge comprised of two 40 foot components and had less of an impact on the environment.

Mr. Skala understood there would be restorative plantings regardless of the option selected. Mr. Hood stated that was correct. Mr. Saitta commented that after discussing the issue with the engineer and potential contractor, they thought the number of trees lost would likely be closer to 46 instead of 100. He explained they would replant more trees than were removed and they would be better species as well. In 2-3 years, it would be a very attractive planting for the area.

Mayor Hindman stated he was satisfied with the issue of tree loss, but was still concerned about the potential loss of the 100 year old bridge.

Mr. Thornhill asked if the bridge would be removed in one piece or if it would be disassembled prior to removal. Mr. Saitta replied they would dismantle the bridge by cutting it up and dropping it in the creek. They would cut it up further once in the creek and haul it off in pieces. He noted they looked at keeping the bridge, but it was not feasible since it was sitting on old bridge timber pilings, which were rotted to the point it could settle or drop at any time. The weight of the bridge with regard to being able to support it was making it expensive to correct the support structure. Mr. Thornhill had hoped they could remove the bridge in one piece, but understood that was not feasible since it was so heavy.

Mayor Hindman thought a tour would be helpful. He asked if they had checked with bridge preservation groups to determine if there might be help with the expense. Mr. Hood replied he was not aware of any, but could look into it.

Ms. Nauser understood the bid was only good for 60 days and they had already lost 2-3 weeks. She suggested they move forward.

Mr. Watkins stated they would schedule a tour of the site within the next two weeks and ask Council to approve it at the October 19, 2009 Council meeting.

Ms. Hoppe suggested warning signs be put up during construction and tree and limb removal for pedestrians and cyclists.

**(H) Environment and Energy Commission Report.**

Mr. Watkins commented that this was the Environment and Energy Commission's recommendation regarding the job description for the sustainability director. He understood the block grant application was being reviewed, but did not know when it might be approved.

Ms. Nauser asked what would happen if the City did not receive the grant. Ms. Hertwig-Hopkins replied \$65,000 was budgeted as the City's contribution from the general fund for this position. Ms. Nauser understood they would not have all of the responsibilities they might have had if they had received the grant as this position would oversee the use of the grant funds.

Mr. Skala suggested they schedule this issue for a work session to alleviate any confusion. He thought they needed to discuss the autonomy and independence of this particular position. Ms. Hoppe stated she would like to discuss this further so they were ready to move forward if they received funding. She thought they might want to move forward in some manner even if they did not receive funding.

Ms. Nauser stated she did not agree with the recommendation of this being an autonomous position that answered to the Council. She also did not believe the position needed to be at the same level as an assistant city manager.

Mr. Thornhill asked if they would fill the position before the grant was funded. Mr. Watkins replied they knew the money was forthcoming absent a major change. He thought the issue was whether the plan would be approved and the plan included a contribution to the position. The budget had this position starting in January, so he suggested they take applications contingent upon the receipt of the grant.

Mr. Sturtz understood they needed to define the duties of the job and agreed additional discussion was necessary. Mr. Watkins commented that he thought it was appropriate for Council to discuss the scope of the office and its duties, but felt the actual job description should be done by staff. If the Council wanted to proceed as suggested by the Commission, he suggested they wait because they anticipated something substantially different than staff and what was included in the grant application.

Ms. Hoppe asked if these issues could be discussed during a pre-Council meeting. Mr. Watkins replied yes.

Mayor Hindman noted he was not sure they could make this a Council managed position without changing the Charter.

Ms. Hoppe suggested they eat at 5:00 p.m. and start the pre-Council meeting at 5:30 p.m. on October 19 so they had more time. The Council agreed with this suggestion.

**(I) Street Closure Request.**

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

**(J) Vision Implementation Update/Plan.**

Ms. Hertwig-Hopkins noted Council was being asked to adopt the Vision Implementation Plan with the 2010-2011 implementation tasks and to provide feedback

regarding the Vision impact note to potentially be included on Council memos. She explained Council was also being asked whether they wanted a check-off box for goal groups as part of the Vision impact note. The Columbia Vision Commission was concerned about the goal groups being included because they were not from the Vision Plan itself. It was something developed by the consultant to bring together some of the goals and strategies of the Vision Plan.

Mr. Wade suggested they not make a decision regarding this tonight as he had not had time to adequately review the report.

Mr. Sturtz stated this felt like a report card for the City and thought they should schedule a couple sessions a year with the Vision Commission to determine how the City was doing. They could provide an honest accounting of how much of the budget they had put toward the implementation tasks. He thought it needed more attention.

Mayor Hindman asked if he had any suggestions. Mr. Sturtz thought this was a good time for this to be introduced and suggested it be revisited in the spring before the budget process. He felt it was part of a longer process and might need to involve one or two work sessions.

Mr. Wade suggested this be a topic for the upcoming all day Council retreat and recommended an hour be devoted to it.

Ms. Hoppe stated she preferred direct Council to Commission communication. Mr. Watkins pointed out there were essentially two different processes in the process approved by Council. The implementation proposal was staff driven. The Commission's role was to independently notify the Council as to whether they were meeting the goals set out in the Implementation Plan. He thought they were reviewing the staff piece at this time. He commented that this was the Implementation Plan for Council to approve based on the resources available.

Ms. Hertwig-Hopkins noted the ordinance indicated that beginning one year after the Council's approval of the initial implementation report, and every two years thereafter, the Commission would provide input regarding what should be included in the two year increments. Staff, with the help of the consultant, had to get it started.

Mr. Wade asked when the Vision Commission's report was due to Council. Ms. Hertwig-Hopkins replied December 2009. Mr. Wade asked if they would receive the report on December 1 or December 31. Ms. Hertwig-Hopkins replied that was not specified in the ordinance. Mr. Wade commented that if the report was provided by December 1, they would have it for the retreat.

Mr. Skala wondered if they could provide input for the retreat even if they did not have the required report at that time.

Mr. Sturtz suggested they ask the Commission if they could provide the report by the time of the retreat, which was early December.

Mayor Hindman understood this topic would be included as part of the retreat they would have in early December and they were hopeful the Commission would have its report completed by then as well.

## APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

## COMMENTS BY PUBLIC, COUNCIL AND STAFF

Dale Trivinos, 1400 Bass Street, asked for clarification regarding where one could turn and could not turn in terms of the bicycle boulevard discussed earlier in the evening. Mr. Thornhill replied that if one was going south on College, they could not turn left on Windsor. Mr. Sturtz noted that if one was going north on College, they could not turn left on Ash.

Mayor Hindman noted they had discussed putting a Missouri flag on the crane during the pre-Council meeting and thought it was a good idea. Mr. Watkins stated he would see if it could be done.

Mayor Hindman understood the latest use for the Heibel-March building was no longer happening and wondered if it could be used as a grocery store that would sell wholesome foods. He understood there were foundation grants to help subsidize these types of stores. It had the potential to help the fight for health and to stop obesity while saving the historic structure.

Mr. Thornhill noted they would still be faced with renovation and was concerned about the costs be exorbitant as was determined by people previously interested in using the building.

Mr. Wade suggested they obtain a staff analysis regarding the potential uses of the Heibel-March building.

Mr. Thornhill asked about the CDBG funds sets aside for the previous project. Mayor Hindman suggested they determine potential uses prior to diverting those funds.

Mr. Sturtz asked if there were potential grant funds available. Mayor Hindman replied he understood there were some foundations that were really interested in health issues, but was not familiar with the details.

Ms. Hoppe stated it tied into one of the goals of the affordable housing report involving services. Mayor Hindman agreed.

Mr. Wade suggested they be provided additional information regarding the Heibel-March building.

Mr. Sturtz asked if there was any potential for the Office for Neighborhood Services to be located in the Heibel-March building. Mr. Watkins replied they planned to use the old Fire Station No. 7 building, which was an existing building the City owned that needed very little money. Ms. Hoppe understood that was not a permanent spot for it. Mr. Watkins agreed it was not a permanent spot, but thought it would work for a number of years.

Mr. Wade understood the cost was at least \$300,000-\$400,000 to just make the Heibel-March building usable. Mr. Watkins stated he did not think \$300,000 was enough. Mayor Hindman stated the numbers might make it impossible to even do what he was suggesting.

Mr. Watkins stated it was dependent upon how much money the Council was willing to put into the Heibel-March building to give to someone. It would be difficult to do with Community Development Block Grant money because it would be for a commercial venture

versus a low income venture. He pointed out the building was relatively small and did not have any parking.

Mr. Thornhill understood the parent organization to the Central Missouri Humane Society might be able to assist with a review of current facilities, operations and finances, and wanted staff to determine if this was true and if they would be willing to review the local Central Missouri Humane Society.

Mr. Watkins replied they would research it and provide a report.

Mr. Sturtz asked if they needed to revisit the CDBG aspect of the Heibel-March building. Mayor Hindman suggested they wait. Mr. Watkins explained it made it easier to go ahead and proceed if Council wanted to re-allocate the money instead of starting the entire process again, but it was not impossible.

Mr. Sturtz noted he and the Mayor received correspondence from Ms. McCoy regarding the Jefferson Junior High School band practicing early in the morning. He understood they were starting at 6:45 a.m. and wondered how that worked with the noise ordinance. He asked staff to determine if they were playing before they should be playing and noted he would provide her contact information to staff.

Ms. Hoppe commented that she had previously brought up the issue of missing street signs and signs being placed on taller poles, and suggested the street names be painted on the curb similar to what was done in the subdivision south of Grindstone. She thought that could help identify streets until a long-term solution was identified. If there were places with crumbling or no curbs, she thought curbs should be installed so the street names could be painted for those as well. She wanted this information included in the report.

Ms. Hoppe stated when going north on Forum, the speed limit sign shortly before the entrance to Wilson's Total Fitness increased to 45 mph for less than a block. She believed it was dangerous and asked staff to review the situation as she felt reducing the speed limit would help.

Mayor Hindman noted there were three different speed limits on Forum so it was hard to know which speed zone one was in and suggested it be standardized for the entire length of Forum.

Ms. Hoppe asked for a status on the Public Transit Commission. Mr. Watkins replied he thought it was being worked on to put it in the correct form.

Ms. Hoppe understood the Natural Resources Inventory (NRI) was 90 percent complete and available on-line and asked about the 10 percent that was not complete. Mr. Watkins replied he understood it had been due on October 1 so he would check on its status.

Ms. Nauser stated she had been reviewing the crime statistics using the crimereports.com website, but wanted more detailed data than was available at that site. She understood 19 assaults were reported for Beat 00, which she assumed was the downtown area, and wanted to know about the assaults. She wanted to know if they

stemmed from fights from the entertainment district or if they were random acts of assault. She wanted this information for some of the more violent categories as the community was concerned with those types of activities. She also wanted to know what beats encompassed the downtown and how the offenses were reported if there were multiple offenses associated with one incident. In looking at the beats from July 1 to September 30, the downtown, in some areas of crime, was comparable to other areas of the community.

Ms. Hoppe asked for clarification regarding the detail she wanted. Ms. Nauser replied she wanted to know more about the incidents, such as if it involved a bar fight that moved into the street or if it was a random act. She wanted clarification of the problems.

Ms. Hoppe commented the people who participated in her safety forum had indicated they felt the downtown was safe and the police confirmed it was generally safe place. Mr. Skala understood Chief Burton had stated downtown violent crime had decreased by 65 percent since the six-man police unit was put into effect.

Ms. Nauser made a motion directing staff to provide the information requested. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Wade noted a constituent had contacted him about the possibility of a moratorium on payday lending businesses and he had forwarded it to the City Manager's Office. He received a quick response, which had been e-mailed to the Council earlier today and included a statement indicating a moratorium could be considered to allow for study of a regulatory issue as long as the period of time was reasonable. Mr. Wade felt these were predatory businesses and suggested a moratorium while they determined if they wanted to do more in terms of further regulations. He pointed out the State of Missouri did not do much in term of regulation.

Mayor Hindman asked if he meant a moratorium from new payday lending businesses being established. Mr. Wade replied he understood that was all they could do.

Mr. Wade made a motion directing staff to prepare legislation establishing a moratorium on payday lending businesses while they studied whether additional regulations were desirable. He thought staff should determine the length of time.

Mr. Boeckmann stated six month moratoriums had been used for other issues in the past and suggested it be used for this as well.

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

Mr. Wade made a motion directing staff to provide a proposal on how they could begin to address the question of LEED neighborhood standards and thought this should be provided fairly quickly. He commented that those standards would impact other things the City was already doing, to include the Comprehensive Plan and growth management planning.

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

Mr. Skala noted a forum co-sponsored by the League of Women Voters, the Boone County Smart Growth Coalition and the Missouri Sunshine Coalition was scheduled for 7:00

p.m. on Wednesday, October 7 in the Friends Room at the Library to discuss TIF's, TDD's and CID's. He noted there would be a panel discussion, which he would participate in, as well.

Ms. Hoppe asked if it would be on the radio. Mr. Skala replied he thought it would be filmed and on the radio.

The meeting adjourned at 10:55 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk