INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, December 19, 2011, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY and ANTHONY 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 December 5, 2011 were approved unanimously by voice vote on a motion by Mr. Dudley and a second by Ms. Hoppe.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

Swearing In of Chris Stevens as the Manager of the Office of Cultural Affairs.

The City Clerk administered the oath of office to Chris Stevens, the newly hired Manager of the Office of Cultural Affairs.

Mr. Matthes welcomed Mr. Stevens to the City of Columbia team and noted he was excited about the ideas he had presented in terms of marketing the culture of Columbia and the long term financial sustainability of the Office of Cultural Affairs.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions.

BOONE COUNTY COMMUNITY SERVICES ADVISORY COMMISSION
Fletcher, Michael, 4810 Shale Oaks Avenue, Ward 4, Term to expire December 31, 2014
Seagraves, Thomas, 111 Sondra Avenue, Ward 2, Term to expire December 31, 2014

COLUMBIA SPECIAL BUSINESS DISTRICT BOARD
Moore, Allan, 550 S. Rangeline Road, Boone County, Term to expire January 1, 2015

COLUMBIA VISION COMMISSION
Prevo, Paul, 15451 N. Tucker School Road, Boone County, Term to expire December 15, 2013

ENVIRONMENT AND ENERGY COMMISSION
Midkiff, Ken, 1005 Belleview Court, Ward 4, Term to expire June 1, 2013
FINANCE ADVISORY AND AUDIT COMMITTEE
Tarwater, Douglas, 1701 Oak Cliff Place, Ward 4, Term to expire December 31, 2014

FIREFIGHTERS’ RETIREMENT BOARD
Kenny, Nicholas, 807 Broadhead, Ward 1, Term to expire December 31, 2013

MAYOR’S COMMITTEE ON PHYSICAL FITNESS
Glasgow, Ted, 1608 Wilson Avenue, Ward 6, Term to expire November 30, 2014
Oberweather, Kyle, 1606 Gary Street, Ward 1, Term to expire November 30, 2014

POLICE RETIREMENT BOARD
Pitzer, Matthew, 3402 Cross Timber Court, Ward 5, Term to expire December 31, 2013

SUSTAINABLE FARMS AND COMMUNITIES INC. BOARD
Dohm, Christopher, 2400 Chapel Hill Road, Ward 4, Term to expire December 31, 2013
Rippeto, Tom, 23 N. Ninth Street, Ward 1, Term to expire December 31, 2013

SCHEDULED PUBLIC COMMENT

Chris Mangano - What is being done about the crime in our area.

Chris Mangano stated he had gone on vacation for the Thanksgiving Holiday and had returned to find out his home had been burglarized. He understood 22 residences had been burglarized during that time frame and believed this was a serious problem. He explained he wanted to create a dialogue to determine what could be done as it was not a good feeling to be burglarized.

Mike Onofrio - Problems with County House Branch Trail Phase 2 Part C-1 from Radcliffe Drive to Cowan Drive.

Mike Onofrio commented that he had spoken with many on the Council in terms of his concerns regarding a proposal related to a $5 million grant the City had received in association with GetAbout Columbia that would be voted on in early 2012. He understood the City had compiled a list of 15 projects from which the Council could choose in spending the $5 million and noted there was not enough money to fund all of those projects. He stated he and his neighbors did not feel the County House Branch Trail Phase 2 C-3 project from Radcliffe Drive to Cowan Drive was necessary. In 2006, the County House Branch Trail from Twin Lakes to Cowan Drive had come before the Council and his neighborhood had lobbied against the section of trail affecting them. As a result, the Council chose to build the trail from Twin Lake to Stadium at that time. The neighborhood had also provided the City two alternate routes, one of which was included on the list for the $5 million, but staff still wanted to go through Radcliffe to Cowan Drive. He commented that he had lived in this subdivision for 50 years and had recently seen hundreds of trees stripped from his property due to a sewer project. He explained he understood the need for trails, but did not believe this one made sense. He asked the Council to carefully consider their concerns when this issue came before them in February or March and noted he had a petition and planned to obtain more
signatures by then. He stated he had spent a lot of time working with staff to come up with alternate routes and understood this was a decision to be made by the Council, so he wanted to provide as much information as possible in advance of their decision.

**Justin Thomas - Procedures related to disbursement of CDBG and HOME funds.**

Mr. Thomas thanked the Council for its time and commitment to the citizens of Columbia and thanked the Office of Neighborhood Services for trying to revitalize the neighborhood associations in the First Ward as he believed the City would benefit from increased participation. He understood a lot of money was allocated to housing issues through CDBG and HOME programs and felt the existing social circumstances needed to be considered. He had noticed marked improvements in housing conditions in different areas of the neighborhoods, but believed nuisance notices, such as the grass being too tall, tended to upset neighbors when they did not feel other bigger problems were being dealt with appropriately or at all. He thought energy and resources should be focused on dealing with bigger problems first since the smaller ones might work themselves out. In terms of citizen participation, he noted some citizens were disenfranchised. He agreed the City made considerable efforts to promote participation, but did not feel open invitations were enough. He read through some paperwork he had found regarding the CDBG and HOME programs and plans and noted it was confusing as surveys had been mentioned as a means for citizen input, but the paperwork also indicated surveys had not been implemented. He suggested alternative ways of including the ideas and concerns of neighborhood residents in development activities.

Mr. Schmidt asked Mr. Thomas to e-mail his remarks to the Council.

**PUBLIC HEARINGS**

None.

**OLD BUSINESS**

**B348-11 Authorizing a consulting contract with PedNet Coalition, Inc. for implementing activities associated with the Robert Wood Johnson Foundation – Health Impact Assessments Grant; appropriating funds.**

The bill was given second reading by the Clerk.

Ms. Hoppe made a motion to amend B348-11 per the amendment sheet. The motion was seconded by Mr. Dudley and was approved unanimously by voice vote.

Ms. Browning explained the amendment sheet only changed an account number so the revenue could be deposited where needed to be deposited. She explained the City’s role in this process was to help build the capacity of health impact assessments in Columbia through its partnership with PedNet.

B348-11, as amended, was given third reading with the vote recorded as follows:

VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:
B349-11 Authorizing a contract for services with Central Missouri Community Action for implementation of The Missouri Foundation for Health – Support for Local Policy Change Grant; appropriating funds.

The bill was given second reading by the Clerk.

Ms. Hoppe made a motion to amend B349-11 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

B349-11, as amended, was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B353-11 Establishing new group insurance premiums for employee and retiree/COBRA health and dental care plans.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid commented that he was indifferent as to how employees chose to be compensated, but it appeared as though the public sector was generous in terms of post retirement health benefits, and younger employees were subsidizing healthcare benefits for retirees. Ms. Buckler explained the City had discussed this issue about five years ago and had moved the Medicare eligible retirees out of the health plan, so the City currently only sponsored a program for them. In addition, the City had changed the rate structure for pre-65 retirees, so they were paying more than they previously had, but were still being subsidized by the active employee rates.

Mayor McDavid explained he had directed a representative from Group Benefit Services to the City Manager regarding third party administration issues. He was not sure if their assertions were accurate and understood they were trying to obtain the City’s business. Ms. Buckler noted she had sent their information to the City’s consultant because the City was currently under contract with United Healthcare as its third party administrator. Mayor McDavid noted one of their criticisms was the lack of time for companies to reassess third party administration since it was bid in July and stated he was confident staff would review this carefully as any substantial savings was revenue for employee compensation. Ms. Buckler agreed and noted staff was looking into it.

Mr. Kespohl asked if these rates had increased since last year. Ms. Buckler replied no. Mr. Kespohl asked if they were the same rates as last year. Ms. Buckler replied yes. Mr. Matthes pointed out some employees might be paying more due to changes in the amounts subsidized. Ms. Buckler explained the City had reduced the subsidies it paid, but the rates had not increased.

Mr. Thornhill made a motion to amend B353-11 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

B353-11, as amended, was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:
B355-11  Amending Chapter 19 of the City Code as it relates to personnel policies, procedures, rules and regulations.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Ms. Anthony asked if there would be more changes to Chapter 19 in an effort to make it more user-friendly. She wanted to ensure other changes would occur in the future. Ms. Buckler replied these were changes that needed to be addressed right now.

Mr. Kespohl understood the fiscal impact indicated this change would not result in an increased cost this fiscal year. Mr. Matthes explained jeans were now considered a taxable benefit by the IRS since they could be worn outside of work. As a result, the City had to charge employees tax on the jeans. Ms. Buckler pointed out the allowance amount had not changed. Mr. Kespohl asked if this change would affect the next fiscal year. Ms. Buckler replied it affected the current fiscal year. Ms. Matthes pointed out it would affect all future years as well. In the past, the employee had received a voucher to purchase jeans. They now received an allowance, but it was taxable and showed up as taxable on the employee’s paycheck. Ms. Buckler noted this impacted any jean purchase made after October 1, 2011.

Mr. Schmidt understood the fiscal impact listed what was spent on jeans, but the change was the tax on the jeans. Ms. Buckler stated that was correct and pointed out there was no increased cost to the City.

Ms. Hoppe made a motion to amend B355-11 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

B355-11, as amended, was given third reading with the vote recorded as follows:

VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. 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.

B344-11  Amending Chapter 14 of the City Code as it relates to parking for veterans.

B345-11  Authorizing the acquisition of easements along portions of Bernadette Drive, Fairview Road, Stadium Boulevard, Beverly Drive and Worley Street as part of the Stadium Boulevard corridor street and storm sewer improvement project.

B346-11  Authorizing the City Manager to apply to the United States Department of Transportation Federal Aviation Administration for airport capital assistance grants.

B347-11  Authorizing a grant agreement with the State of Missouri – Missouri Arts Council for the Parks and Recreation Department C.A.R.E. Gallery program; appropriating funds.

B350-11  Authorizing an agreement with Regional Economic Development Incorporated (REDI) for the lease of space in the Fifth Street and Walnut Street Parking Garage.
B351-11 Appropriating funds for bonus expenses reimbursed by Regional Economic Development Incorporated (REDI).

B352-11 Appropriating funds for personnel expenditures in the Department of Economic Development.

B354-11 Adopting the Choice Plus Plan, the Choice Plus $1,500 Plan, the Choice Plus $1,500 High Deductible Health Plan and the Dental Plan for the City of Columbia.

R213-11 Setting a public hearing: construction of the Anderson Avenue PCCE #15 Sewer Improvement Project.

R214-11 Setting a public hearing: voluntary annexation of property located on the north side of Bethel Drive, northeast of the intersection of Forum Boulevard and Old Plank Road.

R215-11 Authorizing agreements with BC Baseball League for sports development funding under the Tourism Development Program.

R216-11 Approving revisions to the Drug and Alcohol Testing Policy and Procedures for City employees.

R217-11 Authorizing an engineering services agreement with Engineering Surveys and Services, LLC for design and construction of the Heller Road 16-inch Water Main Loop Project.

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

NEW BUSINESS

R218-11 Authorizing the temporary closure of Short Street between Broadway and Walnut Street for construction of a parking garage, hotel and commercial building; allowing two City-owned surface parking lots to be used as temporary staging sites during the demolition and earthwork phases for the hotel.

The resolution was read by the Clerk.

Ms. Hoppe noted the resolution indicated the street closure would start December 23, but the staff report indicated it would begin on January 1, and asked which date was correct. Mr. Glascock replied they wanted the street closure to begin on January 1.

Ms. Hoppe made a motion to amend R218-11 so the street closure would begin January 1, 2012 instead of December 23, 2011. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

The vote on R218-11, as amended, was recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. 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.
B356-11 Amending Chapter 14 of the City Code to eliminate one parking space behind the City Hall Building.

B357-11 Authorizing an agreement with the Dudley Kent Roth Revocable Living Trust relating to the acquisition of easements for a sewer extension project on property located at 5310 I-70 Drive Southeast; authorizing the acquisition of easements for the sewer extension project.

B358-11 Authorizing the acquisition of easements for construction of the 24-inch East Water Transmission Main Project from the Shepard Water Tower to Ponderosa Street.

B359-11 Accepting conveyance for utility purposes.

B360-11 Appropriating funds received for Columbia Values Diversity Celebration activities.

B361-11 Accepting a donation from the Mid-Missouri Tourism Council for the small request funding program in the Office of Cultural Affairs; appropriating funds.

B362-11 Amending Chapter 9 of the City Code to correct certain section numbers as it relates to the 2009 edition of the International Fire Code.

B363-11 Appropriating fire equipment sale proceed funds to purchase new equipment for fire trucks.

B364-11 Appropriating funds to finalize and close out the Fire Station No. 7 construction project.

B365-11 Amending Chapter 12 of the City Code as it relates to discrimination based on age.

B366-11 Amending Chapter 13 of the City Code as it relates to the closing of manufactured or mobile home land lease communities.

B367-11 Amending Chapter 19 of the City Code as it relates to equal employment opportunity and nondiscrimination policies.

B368-11 Amending the FY 2012 Annual Budget and Classification Plan to add an Administrative Support Assistant III position in the Finance Department, Purchasing Division; transferring funds.

REPORTS AND PETITIONS

REP206-11 Recommendations for City Boards, Commissions, Committees and Task Forces.

Mayor McDavid suggested these recommendations be referred back to each involved board and commission for input as he suspected there would be objections to some recommendations and acceptance of other recommendations. He felt the boards and commissions deserved the courtesy of input. Mr. Thornhill agreed and noted he had already received some feedback.

Mayor McDavid understood the Conley Poor Fund no longer existed, but had a fund balance that needed to be transferred. Mr. Matthes stated that was correct and explained the Public Health and Human Services Department had been using those funds when needed over time. He suggested the remaining funds either be transferred to the Community Foundation to create an endowment situation or be provided to the Public Health and Human Services Department. Mayor McDavid asked how much was left in the fund. Mr. Matthes.
replied $142,000. Mayor McDavid stated he favored transferring it to the Community Foundation as that had been the will and attempt of the initial reason for the funding. He asked if a motion was needed to proceed in this direction. Mr. Boeckmann replied an agreement with the Foundation was needed.

Mr. Schmidt wondered if there were any family members or friends of Mr. Conley that would have an opinion.

Mr. Matthes stated staff would come back to Council with an agreement with the Community Foundation. Ms. Hoppe asked for the agreement to specify it would go to a deserving poor mission.

Mayor McDavid asked for clarification regarding the Armory Board. Mr. Matthes replied the Armory Board had been without membership for over a decade, so staff believed the era for the need for that Board had passed. Mayor McDavid asked staff to prepare an ordinance eliminating this Board.

Mayor McDavid understood the Community Cooperation Board did not have membership. Mr. Matthes stated that was correct and explained it had not been in existence for over a decade. Mayor McDavid understood an ordinance eliminating this Board would come forward in the future as well.

Mayor McDavid asked for clarification regarding the Public Communications Resources Advisory Committee. Mr. Matthes replied he recommended obtaining input on this Committee, and explained it had not been funded last year, but had been funded in previous years.

Mayor McDavid wondered what would be asked of the boards with regard to input, especially in terms of those with the suggestion of a merge. Mr. Matthes suggested this report be provided to the boards and commissions for their reactions and thoughts.

Mr. Schmidt believed some boards might wish to dissolve and pointed out many members of public served on multiple boards. Although the City wanted input from the public, he did not believe they wanted to tax them with too many meetings.

Mr. Matthes pointed out 61 boards were covered in this document, and of those 61 boards, staff was suggesting an update of the mission for 7 boards, the merging of 11 boards into other boards where there was overlap in terms of mission, the deletion of 8 boards and the creation of 3 new boards per the recommendations of the Vision Report and others. The remaining 33 boards would not necessarily be impacted, and in the end, there would be 43 boards. From a staff perspective, it took a half of an FTE on average to support each board in terms of the agenda, minutes, following up on decisions, etc., so it was a significant force multiplier with regard to staff time.

Mayor McDavid understood the Internet Citizens Advisory Group had been suggested for elimination and noted they were in an era of not only whether internet was available, but also whether broadband was available. He thought they might feel they had a role in pushing high speed broadband.

Mayor McDavid noted the Storm Water Advisory Commission had the duty to propose ordinance changes and suspected they would want to stay in existence because there had been suggestions to create a revenue stream from stormwater fees.
Mayor McDavid understood the suggested mergers were self-explanatory and would be presented to the affected boards and commissions for them to object, agree or provide other ideas.

Mr. Schmidt understood the Water and Light Advisory Board had been established by Charter. Mr. Matthes stated that was correct and noted there had been an idea to merge the Railroad Advisory Board with the Water and Light Advisory Board, but it would take quite a bit of effort to accomplish.

Mr. Schmidt commented that there might be some boards that were functioning, but had a hard time with the filling of vacancies because the ordinance creating them was a little too specific in terms of expertise and residency requirements. He understood some boards also had issues with quorums for meetings, and felt that even if they went from 60 boards to 40 boards, the same number of people would participate since many served on multiple boards.

Mayor McDavid understood staff would obtain input from the impacted boards. He felt this was a worthy initiative and asked if there was any objection to this initiative by Council. No one indicated an objection.

Ms. Hoppe understood the Vision Report had recommended the creation of a few new commissions that would not be referred to for comment by any existing commission and noted the Land Preservation Authority was one of those commissions. Mr. Matthes explained staff felt the private sector did this so well in terms of nature conservancies and greenbelt coalitions and believed a partnership would accomplish the goal in a more effective way than the City being the sole driver of this effort. Staff's recommendation was to explore creating something of that nature instead of a City established commission.

Mr. Dudley asked if the Landscape/Tree Board would work in conjunction with the Parks and Recreation Department and the Public Works Department and involved public property, private property or both. Mr. Matthes replied staff felt there was quite a bit of overlap with other areas and believed the creation of a Sustainability Commission, which would be a re-branded Environment and Energy Commission with additions to its mission, could incorporate that type of focus.

Ms. Hoppe clarified one of the private groups mentioned as part of the Land Preservation Authority was called the Greenbelt Land Trust and not the Greenbelt Coalition. She suggested staff proceed with exploring the possibility of working with stakeholder groups and provide an update to Council.

Mr. Matthes noted staff had suggested the merging of 11 boards and asked if Council only wanted staff to communicate with those boards or if they wanted staff to communicate with all boards and commissions. Mayor McDavid suggested communicating with all boards. Mr. Schmidt agreed because he thought there might be boards that wished to dissolve or merge that had not been considered.

Ms. Anthony commented that members of the Planning and Zoning Commission already had an onerous obligation and did not believe they should be required to sit on other boards and commissions. She suggested this be discussed by the existing Planning and Zoning Commission to determine if they still felt this was a burden. Mr. Schmidt agreed.
Recommendations of the Downtown Parking Task Force.

Mayor McDavid understood there were four recommendations and asked for clarification on the pay-on-foot system. Mr. Glascock explained a ticket was received when entering, payment was made at a box, and the ticket showing payment had been made was provided when exiting. Mayor McDavid understood another recommendation was the testing of two methodologies. Mr. Glascock stated they were talking to companies, but did not know how much it would cost at this point. Mayor McDavid understood one method was a mid-block payment system and the other was for a payment system to be on each meter post. He noted a third recommendation was putting credit card adaptability on the garages and the fourth was for a sign on the Short Street garage indicating the number of spaces available. He asked for the cost of these initiatives. Mr. Glascock replied electronic signage would cost about $70,000 if placed on every level or $18,000 if only one sign was installed. He thought the pay-on-foot system would cost about $233,000 and another $114,000 if software was purchased. They were still obtaining costs on the mid-block and at meter payment systems and needed to work with Finance to determine if credit card systems were possible and to ensure there were no hidden fees. Mayor McDavid understood staff would come back to Council with concrete recommendations. Mr. Glascock stated that was correct.

Ms. Hoppe stated she assumed the electric signs would be of a modest size. Mr. Glascock explained they had to be legible from the street, so they would not be small, but would not take up the entire side of the building. He noted he would provide an example to Council in the future.

Parking Prohibition on Heather Lane.

Mr. Matthes provided a staff report.

Mr. Kespohl made a motion directing staff to prepare an ordinance amending Section 14-324 of the Code of Ordinances prohibiting parking on the east side of Heather Lane from Broadway to Ash Street at all times. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

National League of Cities Prescription Discount Plan.

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

Mayor McDavid thanked staff for doing this research as it pointed out the AARP was in business of selling insurance profitably and the National League of Cities was receiving money from CVS Caremark.

Ms. Hoppe asked if this was representative of prescriptions across the board. Ms. Buckler replied they looked at the highest classes of drugs in the City’s program, such as Lipitor, Penicillin and Ortho Tri Cyclen, as those were the common drugs used among the employee population.
Mr. Matthes explained this report had been provided for informational purposes.

REP211-11 Missouri Historical Records Grant Program Grant for Preservation Assessment and Planning Project.

REP212-11 Forum/Breaktime Gas Station - Right Turn.

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

REP213-11 All-Way Stop at Grand Avenue and Austin Avenue.

Mr. Matthes provided a staff report and explained it had been provided for informational purposes. Mr. Glascock pointed out they had established a no parking zone near the intersection.

Mr. Thornhill stated the no parking area had addressed the concerns of the individual that had contacted him.


Mr. Matthes provided a staff report.

Mr. Thornhill explained he needed clarification. He understood the Scott Boulevard project had a cost of $3.05 per square foot, so the $4.00 payment in lieu of was plenty, but the cost was considerably higher for sidewalks adjacent to roadways that were unimproved with no immediate plan for improvement. He noted that section of Scott had not been improved and asked if that meant the $4.00 did not cover the cost. Mr. Glascock replied the $3.00 range only involved the concrete. It did not include any grading or other work or materials necessary. An unimproved street required grading, which drove up the cost of the sidewalk. They had graded Scott Boulevard as part of the street project so the sidewalk cost was lower. Had they not installed the sidewalk as part of the road project, it would have cost more.

Mr. Thornhill asked if $4.00 was reasonable because he did not believe it was enough. Mr. Glascock replied it was enough if in conjunction with a road project to be completed in the near future, but it would not be enough otherwise.

Mr. Schmidt understood the $3.00 per square foot cost only included concrete, but it would cost more if the developer was required to build the sidewalk even if it was on an improved street. Mr. Glascock agreed there was a potential for grading in that situation so it could cost more than $3.00 or $4.00 per square foot.

Ms. Anthony wondered if the City could collect more where appropriate by establishing a second tier. Mr. Matthes thought that could be done since it appeared as though there were two kinds of projects. Mr. Glascock suggested the City require developers to go ahead and build the sidewalk if the street was not going to be improved in the near future because the City did not know the cost of installing a sidewalk in the future.

Mr. Thornhill understood the payment in lieu of could not be the actual cost unless they installed the sidewalk immediately.

Ms. Anthony noted the City knew they would widen some roads eventually and did not feel it made sense to ask the developer to install a sidewalk that would be ripped up in the
future. She thought the City needed to develop a new practice and policy on this. Mr. Matthes stated staff would review its policy.

Mr. Schmidt asked why the payment in lieu fund could not be used anywhere a sidewalk was needed. Mr. Boeckmann replied when requiring someone as part of the subdivision or development process to give money, it was an exaction, and exactions required the money to be spent within a reasonable period of time and for there to be a rational nexus between the exaction and the development. Mr. Matthes felt there was also a larger philosophical question regarding how a sidewalk was different than a road as they both conveyed traffic.

Mr. Thornhill asked staff to provide a report regarding a reasonable approach to the two different scenarios in terms of sidewalk costs. He agreed with the concept of not wasting resources when improvements would soon be made, but also wanted to ensure the City was compensated as close to actual cost as possible while giving the developer the break of not having to construct the sidewalk.

**REP215-11 Fiber and Radio Service Arrangement Report.**

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

Mayor McDavid thanked staff for the update.

**REP216-11 Intra-Departmental Transfer of Funds Request.**

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

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

John Clark, 403 N. Ninth Street, commented that he did not agree with the notion of an administrative officer being able to and actually waiving a fine that was imposed by law in terms of the Osco site and the Kroenke Group. He felt the fine should have been assessed because if a person felt they should not be subject to the fine, they could appeal it. He did not believe Council should have had to become involved as policies and procedures should be in place at the staff level. He asked Council to direct staff to propose a solution to correct this and other code enforcement type flaws. He commented that he understood the Council had approved a 410 space garage for Short Street, but felt 500-590 spaces were probably needed and suggested the agreement with the hotel be amended to allow for a taller garage so they could accommodate the needed spaces. He understood parking in the downtown was needed and suggested they provide for as many parking spaces downtown per building square foot as possible as it was fiscally and environmentally responsible. He noted the City was issuing a lot of new bonds and stated he would appreciate a report on all old and new bonds and the issue of and rationale for backloading the interest payment because he thought it harmed the community.

Mr. Matthes explained staff took time to research the issue of the Osco site and the Kroenke Group and had provided a recommendation that Council disagreed with for that site. Council then asked staff to enforce the ordinance, which did not allow for a temporary use permit. Staff proceeded with that directive and did not ignore the request of Council. Staff had to communicate a deadline date by which to act, and in this case, they acted in time, so a
fine was not levied. Providing time to cure the problem was a standard procedure allowed for when an ordinance was violated. Once the deadline was missed, fines were imposed. Mr. Boeckmann pointed out the Council did not impose fines. For a fine to be imposed for an ordinance violation, charges needed to be filed in Municipal Court and the judge would establish the fine. There might be a legitimate criticism of staff for not pursuing it sooner, but they had not ignored Council directive.

Mr. Schmidt thanked staff for this clarification.

Mr. Kespohl understood the City had to give notice of 15 days to cease and desist and that had not been previously done. Mr. Matthes explained staff had notified the impacted party that the activity was a violation of the zoning code in July, but they had appealed to the City Manager. He had taken the initiative to communicate with everyone involved and that was the cause for the delay although it was perceived that there was no action. He then provided a recommendation to Council, which it disagreed with, so staff then proceeded as directed by Council.

Charles Dudley Jr., 1201 Paquin Street, stated he was disabled and a member of the Disabilities Commission, and asked for any and all information regarding the past cities in which the company that owned and operated the Columbia Star Dinner Train had operated and the outcomes of those ventures in those cities. He understood this company had run an upward of 13 of these types of trains in the past, but had been unable to find any proof of this. He wanted this information to be provided to all respective City commissions and businesses involved in this issue and to all new media outlets as a matter of public record. He felt this was a reasonable request since this venture had been pushed through quickly without some commissions being notified and because this venture had been taken on with taxpayer money-backed incentives and was operating on a taxpayer funded rail line. He believed the City was entitled to full disclosure of past business ventures operated by the company and for the community to know all of the past and present players of this venture. He pointed out he did not want to shut down the Dinner Train, but did not feel full disclosure and transparency had been followed in terms of this venture. He asked the Council to release this information to all entities in a timely manner, but no later than 30-45 days from today.

Mr. Thornhill noted this request was extensive. Mr. Dudley agreed, but pointed out nothing had been disclosed to the community about this company and felt the citizens deserved this information.

Mr. Schmidt asked Mr. Dudley if he had asked the company for this information. Mr. Dudley replied he had e-mailed their attorney and had not received a response. Friends of his had researched and called the company and were told to stop asking questions. He reiterated his request of the Council directing staff to research and to provide this information to the community.

Karl Skala, 5201 Gasconade Drive, stated he currently served as the Chair of the Environment and Energy Commission and thanked Council for its endorsement of referring the board and commission report to the boards and commissions. He pointed out several boards and commissions, such as the Environment and Energy Commission had County
members and suggested the Boone County Commission be asked to provide input. He also wished the Council a Merry Christmas and Happy New Year.

Ms. Hoppe understood the Police Department had previously informed Council of what they were doing in terms of public information to help prevent burglaries during the holiday season and asked if information was accessible on the City's website. She also wondered if it was getting worse or better. Mr. Matthes stated crime rates were dropping although victims did not feel that was the case. He noted he would check to see if the information was easily available on the City's website and pointed out they were actively engaged in informing citizens of things they could do to help from getting burglarized.

Ms. Hoppe understood Mr. Onofrio had indicated there was an alternative plan not supported by staff in terms of the County House Branch Trail Phase 2 project and asked that this alternative be provided to Council so they could consider all plans.

Mr. Thornhill noted the Police Department's portion of the City's website included burglary prevention tips, neighborhood watch contact information, a security evaluation form and a property inventory form.

Mr. Thornhill asked staff to provide whatever information it had on the other locations the Dinner Train had operated in and the success rate at those locations.

Mr. Thornhill noted the Council had received an e-mail from a citizen wanting clarification on the leash/tethering ordinance and the permitting process for having a dog with City limits and asked staff to provide a summary of the ordinance and the permitting process.

Mr. Kespohl asked for information regarding the proposed right in/right out on Forum Boulevard at Wilson’s, the Country Club and Shoreside Drive as he had received many e-mails and phone calls regarding this area. He also asked about the possibility of installing a round-a-bout at the Wilson’s entrance and moving that entrance to the south if there was room. He wanted an overall assessment of the situation in that area as he was not sure a right in/right out was going to work. He thought they would have to establish a left turn lane.

Ms. Anthony explained the reason the previous report had been provided was because she had requested it. She did not know it would be scheduled for a public information meeting. She only wanted to start a discussion amongst the residents in the area. She did not believe the current proposal would work. She understood some wanted a round-a-bout further up the hill at the intersection of Forum and Crestwood. She suggested a meeting be held in January at the Country Club of Missouri for a community discussion regarding this issue. If the community could not come to an agreement, she did not think there would be any change. She felt there had been miscommunication between her and staff in terms of a public information meeting being scheduled. The issue involved the area between Wilson’s and the intersection of Green Meadows. She asked to meet with staff in advance to come up with alternatives to provide at the meeting.
Mr. Kespolh noted there really were not many north/south roads in that area between Providence and Forum and Forum and Scott, and those were fairly far apart. He felt it had been a matter of poor planning.

Ms. Anthony explained she had already asked for a work session on the code enforcement issue due to the number of complaints at Regency. She noted she wanted a comprehensive overview with regard to whether the ordinances could be strengthened. She thought the Beta House situation also needed to be included in this review. She was not sure they had the necessary tools to enforce codes and felt a comprehensive review was needed.

Ms. Anthony noted the Smart Growth Conference would be held in San Diego February 2 – 4 and asked if the Planning and Zoning Commission had money budgeted to send someone to that conference, and if there was not any money budgeted, she suggested it be provided. She also recommended any Council Member that had not attended a Smart Growth Conference in the past to attend if they could because it was well worth it.

Ms. Amin noted the Planning and Zoning Commission had a travel budget and believed the amount was the same as had been budgeted last year.

Ms. Anthony thanked staff for the outstanding job they did for the community.

Ms. Hoppe noted a solution to the Buttonwood parking situation had been developed so another report was not needed. She understood that solution would be implemented and thanked staff for helping to find a solution.

The meeting adjourned at 8:42 p.m.

Respectfully submitted,

Sheela Amin
City Clerk