INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, December 17, 2012, in the Council Chamber of the City of Columbia, Missouri.

Mayor McDavid asked for a moment of silence to be held prior to the Pledge of Allegiance to reflect on the culture of violence in our society. He commented that it was a culture that promoted violent visual imagery on television, in the movies and in video games, and desensitized youth to killing and death. He asked everyone to reflect on troubled youth damaged by mental illness and on their families, throughout the world and in the City of Columbia, and on all victims, including the 20 youth and six staff members of Sandy Hook in Newtown, Connecticut and the children of Columbia that had passed away this year. He also asked everyone to reflect on how they could reach out to those in need.

The Pledge of Allegiance was recited after the moment of silence, and the roll was taken with the following results: Council Members TRAPP, KESPOHL, HOPPE, MCDAVID and SCHMIDT were present. Council Member DUDLEY was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

Ms. Hoppe stated the comments she made with regard to recycling and WasteZero needed to indicate it was a trash bag system.

Ms. Hoppe made a motion to approve the minutes of the regular meeting of December 17, 2012 with the clarification that the WasteZero recycling program she mentioned was a trash bag system. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Upon his request, Ms. Hoppe made a motion to allow Mr. Trapp to abstain from voting on R224-12 on the consent agenda due to a conflict of interest. Mr. Trapp noted on the Disclosure of Interest form that he worked for Phoenix Programs, which received funding. The motion was seconded by Mr. Schmidt and approved by voice vote.

Ms. Hoppe explained she wanted to add B375-12, which dealt with the temporary abeyance of demolition permits within the downtown community improvement district, to the introduction and first reading section of the agenda, and read some of the language of the proposed bill.

The agenda with addition of B375-12 to the introduction and first reading section of the agenda was approved unanimously by voice vote on a motion by Mr. Kespohl and a second by Ms. Hoppe.

SPECIAL ITEMS

None.
APPPOINTMENTS 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**

Ford, Stacy, 2701 Andy Drive, Ward 2, Term to expire December 31, 2015
Hessler, Richard, 411 Westmount Avenue, Ward 4, Term to expire December 31, 2015

**COLUMBIA VISION COMMISSION**

Harris, Maurice, 811 E. Green Meadows Road, Ward 6, Term to expire December 15, 2015

**FIREFIGHTERS' RETIREMENT BOARD**

Yoakum, Michael, 4802 Thornbrook Ridge, Ward 5, Term to expire December 31, 2014

**MAYOR’S COMMITTEE ON PHYSICAL FITNESS**

Dreier, Whitney, 19 N. Glenwood Avenue, Ward 1, Term to expire November 30, 2015
Dudley, Mandy, 5033 S. Providence Apt. E, Ward 5, Term to expire November 30, 2015
Schwartz, Stanley, 1707 High Quest Drive, Ward 2, Term to expire November 30, 2015

**SCHEDULED PUBLIC COMMENT**

Hal Williams - Fluoridation.

Hal Williams commented that fluorine was never found alone and was the most electro-negative element on the periodic chart. He explained fluoride was a poison in that it reacted and compounded itself if placed in a container. He stated it was so toxic that it was against the law to dump it in the ocean because it affected any cell it came into contact with even if diluted, and accumulated in the human body. He commented that teeth normally had a calcium appetite, which changed to a fluoride appetite and created issues. He reiterated fluoride was a toxin and poison, like mercury and arsenic, and stated he was unsure as to why it was in the City’s water. He commented that because people could not get rid of fluoride when they used it in other processes, they sold it to people that believed it was good for them. He thought the City should stop putting fluoride in the water.

Daniel Redmond - The impact of water fluoridation on low-income families.

Daniel Redmond, 2301 Silver Leaf Court, understood the City used hydrofluorosilicic acid from Mosaic Chemical and believed it contained lead, mercury and arsenic. He commented that the positive impact of water fluoridation was to prevent or decrease dental caries, but it was not well supported by evidence. He explained that because the number of caries declined after the introduction of water fluoridation did not mean it went down because of fluoridation, and displayed graphs showing the caries going down in areas that had fluoridated water and areas that did not have fluoridated water. He felt this meant fluoridation had little or no effect. He noted materials that were once thought to be safe, such as BPA, asbestos and mercury fillings were no longer safe and pointed out the Environmental Protection Agency (EPA) had reduced the limit of fluoride in the water from 1 ppm to .7 ppm.
in 2006. He stated they knew fluoride caused cancer, increased the rate of hip fractures and created dental fluorosis in 50 percent of children that drank fluoridated water. He pointed out fluoride drops and tablets were not approved by the FDA, and certain segments of the population, such as post-menopausal women, elderly men, pregnant woman and people with vitamin deficiencies and cardiovascular and kidney problems, were unusually susceptible. He understood the American Dental Association had indicated infants might be getting too much fluoride, and that parents should consider using water with no or low levels of fluoride, which was difficult for low-income people. He listed more negative effects of fluoride exposure in the drinking water and commented that low income communities were at a heightened risk due to lactose intolerance and malnutrition, and pointed out the cost of a reverse osmosis system was $400-$2,000 per year. He stated tooth decay was a problem for low income families and water fluoridation was not an effective solution. He believed water fluoridation was harmful to one’s health and a human rights violation since low income families did not have the means to avoid fluoride. He asked the Council to vote to stop adding hydrofluorosilicic acid to the City’s water supply.

Ms. Hoppe asked Mr. Redmond to provide his presentation to the City Clerk, and asked if all of the references cited had been included. Mr. Redmond replied the citations were included, and provided a copy of the presentation to the City Clerk and Council Members.

PUBLIC HEARINGS

B348-12  Authorizing the construction of improvements to the clubhouse, on-course restroom and concrete cart paths at L.A. Nickell Golf Course; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Hood provided a staff report.

Mayor McDavid understood the replacement of the golf cart paths were funded by the users, but the miles of recreational trail paths, which he believed had a similar construction, did not have a similar funding mechanism. Mr. Hood explained the cart paths had been constructed without steel reinforcing rods, and as a result, some sections had failed. He pointed out reinforcements were included in all of the trail projects. Mr. Griggs noted the cart paths had been installed first due to the request of users of the golf course, and several sections of the cart paths were impacted when the irrigation system was installed. This would allow them to address those sections.

Mayor McDavid opened the public hearing.

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

Mr. Kespoohl asked if the entire project would be funded by the golf course improvement fund. Mr. Hood replied yes. Mr. Kespoohl asked any parks tax money was involved. Mr. Hood replied no parks tax money was involved.

B348-12 was given third reading with the vote recorded as follows: VOTING YES: TRAPP, KESPOHL, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: DUDLEY. Bill declared enacted, reading as follows:
B349-12  Authorizing the replacement of the flooring in designated areas at the Armory Sports Center; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.
Mr. Hood provided a staff report.
Ms. Hoppe asked if the flooring had been redone since 2000. Mr. Hood replied no. Ms. Hoppe asked how long staff expected this flooring to last. Mr. Hood replied he hoped it would last 10-15 years, and noted the existing flooring was 12 years old.
Mayor McDavid opened the public hearing.
There being no comment, Mayor McDavid closed the public hearing.
B349-12 was given third reading with the vote recorded as follows: VOTING YES: TRAPP, KESPOHL, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: DUDLEY. Bill declared enacted, reading as follows:

(A)  Voluntary annexation of property located on the south side of Route K, approximately 2,000 feet south of the intersection of Providence Road, Route K and Old Plank Road.

Item A was read by the Clerk.
Mr. Teddy provided a staff report.
Mayor McDavid understood this required no Council action because it would come back to Council after it went through the Planning and Zoning Commission. Mr. Teddy replied that was correct. He explained this item had been tabled to the January 10, 2013 the Planning and Zoning Commission meeting, so he thought it would come to Council by February 4, but noted it could be delayed again.
Mayor McDavid opened the public hearing.
Ken Midkiff, 1005 Belleview Court, stated he was speaking on behalf of the Osage Group of the Sierra Club and explained they neither opposed nor supported the annexation, but were requesting the rigid enforcement of all City ordinances.
There being no further comment, Mayor McDavid closed the public hearing.
Ms. Hoppe understood this area was next to Rock Bridge State Park and in the Bonne Femme Watershed study area, and the study, which involved an extended stakeholder process in which she participated as the City's representative to the Steering Committee, was lead by a scientific consulting group. She noted the Bonne Femme Watershed had karst topography, sink holes, losing streams, etc. She commented that she was concerned that staff had indicated in its report to the Planning and Zoning Commission that the new stormwater ordinance would be a substitute for the Bonne Femme Watershed study because she did not believe that was accurate. She explained the current stormwater ordinance was for the City in general. This was a special area that needed special protections, and the recommendations in the study needed to be reviewed and followed in terms of low impact development and planned development. She pointed out this was a City/County study and included comments from the County as well.
Mr. Trapp pointed out five endangered species lived in the Bonne Femme Watershed area and were sensitive to water quality issues. In addition, since this was adjacent to the Park, it would impact the viewseshed from the Park. He noted he had found the Council presentation of the study, but had been unable to find any links that worked to take him to the
actual study, and asked if staff could provide him a copy of the study. Mr. Teddy replied he would provide the necessary documents to Council.

R228-12  Reserving funding and designating Show-Me Central Habitat for Humanity and Job Point as Community Housing Development Organizations (CHDO); approving an amendment to the FY 2012 Annual Action Plan for CDBG and HOME funds; authorizing agreements with the Housing Authority of the City of Columbia and Central Missouri Community Action; authorizing an amendment to the tenant based rental assistance agreement with the Columbia Housing Authority.

The resolution was read by the Clerk.
Mr. Teddy provided a staff report.
Mayor McDavid opened the public hearing.

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

Mr. Kespohl understood the previous allocation for the Boone County Family Health Center was $95,500 and the proposed allocation was $95,000, and asked if this was a typographical error that needed to be corrected. Mr. Teddy replied it was an error that needed to be corrected.

Mr. Kespohl made a motion to amend Attachment A associated with R228-12 so the proposed allocation for the Boone County Family Health Center was $95,500. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

The vote on R228-12, as amended, was recorded as follows: VOTING YES: TRAPP, KESPOHL, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: DUDLEY.

Resolution declared adopted, reading as follows:

OLD BUSINESS

B300-12  Approving the Final Plat of Shelter Insurance Subdivision – Plat 3, a Replat of Lot 2 Shelter Insurance Subdivision – Plat 2, located on the northeast corner of Stadium Boulevard and Broadway.

The bill was given third reading by the Clerk.
Mr. Teddy provided a staff report.
Ms. Hoppe made a motion to amend B300-12 per the amendment sheet. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

The vote on B300-12, as amended, was recorded as follows: VOTING YES: TRAPP, KESPOHL, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: DUDLEY. Bill declared enacted, reading as follows:

B340-12  Amending Chapter 9 of the City Code as it relates to tents and membrane structures.

The bill was given second reading by the Clerk.
Mr. Teddy provided a staff report.

Mayor McDavid understood Section 2403.8.2 Location indicated tents should not be next to internal combustion engines and asked if that needed to be included. He pointed out automobile dealerships commonly utilized tents, and tents at locations such as Shakespeare’s Pizza abutted streets and parking lots. He asked if they could remove the location restriction of internal combustion engines. Chief Witt explained his concern was with
generators. He pointed out they had not include parked vehicles, but had left internal combustion engines in due to generators that might be used power as they felt those needed to be separated. Mayor McDavid asked if the language could be amended to read “internal combustion engines used as generators.” He stated he did not want to pass something the City would not enforce. Battalion Chief Fraizer explained staff had already removed the reference to the parked vehicles to avoid the issue of tents near parking lots and parked cars.

Mayor McDavid asked if there was a problem extending the number of days from 180 to 270. Battalion Chief Fraizer replied Council could alter the number of days as 180 days was only chosen since they needed to provide a time frame. Mayor McDavid understood staff did not want permanent tents. Chief Witt explained it was 180 days in total per year, and not necessarily 180 concurrent days. Mayor McDavid asked if staff would object to an amendment that increased it to 270 days. Chief Witt replied it became more a permanent structure with a significant increase. Mr. Trapp understood a tent could be set up for a longer period of time if it had the necessary fire protection.

Mr. Kespohl suggested the language be clarified to state 180 days per year as it could become confusing. Chief Witt explained it was clarified in the code. Mr. Teddy stated it indicated 180 day in a 12 month period.

Mayor McDavid made a motion to amend B340-12 by changing Section 2403.8.2 Location to add “for generators” so it read “Tents or membrane structures shall not be located with twenty (20) feet (6096 mm) of buildings, other tents or membrane structures or internal combustion engines for generators.” The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

B340-12, as amended, was given third reading with the vote recorded as follows: VOTING YES: TRAPP, KESPOHL, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: DUDLEY. Bill declared enacted, reading as follows:

B355-12 Appropriating asset forfeiture funds for the purchase of accreditation software for the Police Department.

The bill was given second reading by the Clerk.

Chief Burton and Mr. Matthes provided a staff report.

Mr. Trapp asked if the City had any discretion in terms of whether forfeiture funds were submitted to the State of Missouri to go to schools or whether they were submitted to the federal government to be divided up according to a formula. Chief Burton replied they had discretion if the Police Department made the arrest on its own, but they did not if federal agencies were involved. He pointed out federal agencies were usually involved in bigger cases, and an officer was assigned to the DEA Task Force in Jefferson City from where most of this money came.

Mayor McDavid asked if the City needed to establish a policy indicating any money received from forfeiture funds should go into the Police Department budget for its use. Chief Burton replied they would proceed as requested by Council, but pointed out this was not something they had planned on purchasing before this budget year. It was requested by the Accreditation Manager after the budget had passed.
Mary Hussmann, 5306 Rice Road, understood the City did not know how much money would be provided by the federal government and thought it was good public policy for the Police Department to say how it wanted to spend any funds received and for that to be approved by the elected officials prior to being spent.

Tyree Byndom, 501 N. Providence Road, referred to a book by Michelle Alexander titled “The New Jim Crow” and stated he understood this was a national issue with an associated moral issue. He commented that the drop out rate for African-American males and other minorities was 74 percent in Columbia, and 54 percent of youth were unable to find jobs, and suggested the money be directed back to the community if at all possible to help this demographic. He noted the “The New Jim Crow” also indicated that if the expectation changed at the executive branch of local government, the culture and dynamic of the department also changed. He asked the Council to ensure these funds were used appropriately as it would help the community that needed it the most and would change long-standing abuses.

Monta Welch, 2808 Greenbriar Drive, believed there was a problem in terms of how this culture had developed and understood these funds were to be directed towards education. She felt most people would appreciate the funds being used in a way that would help combat the problem, and agreed with the previous speakers in terms of accountability.

Karl Skala, 5201 Gasconade Drive, understood these funds were designated for the software to support the CALEA Accreditation process that had been going on for several years. Chief Burton stated that was correct. Mr. Skala commented that he would endorse the disposition of these funds for the use of the CALEA Accreditation as it was important.

Sean O’Day stated he was speaking on behalf of Americans for Forfeiture Reform, a non-profit research and advocacy organization, and read a statement prepared by Eapen Thampy, the Executive Director. They had approached the Council about the misuse of asset forfeiture in 2010, and had asked for an ordinance to be drafted indicating any use of forfeiture funds would be subject to meaningful public oversight, the use of civil asset forfeitures would be entirely restricted, Columbia law enforcement would only engage in forfeiture through the criminal process, Columbia law enforcement would not partner with federal agencies offering forfeiture payouts for participation and Columbia law enforcement would respect their duty under the Missouri Constitution to send the proceeds of forfeiture to Missouri schools. He explained they believed the Council should ask for a public accounting of the way the City Police Department and City Prosecutor had used asset forfeiture over the last five years, and noted they stood ready to work with Council on the issue. He commented that the use of asset forfeiture had concerned Americans since its earliest days, and urged the Council to uphold the values that first brought Americans together to create a more perfect union.

Eugene Elkin, 3406 Rangeline, asked the Council to think about the comments of others and to review the situation.

Ms. Hoppe commented that she thought it was important that some speakers made the recommendation to ensure forfeiture funds were used in a way that benefited the community. She thought the use of these funds should continue to come to Council for approval, even if on the consent agenda portion of the meeting agenda, since it could be
removed from the consent agenda if necessary. She believed this particular use was good as it would benefit the Police Department and the community, and suggested showing how the money was tied to specific police related community projects. Chief Burton stated this could be done for state forfeitures, but federal forfeitures guidelines were different.

Mr. Kespohl asked if the forfeiture funds came directly to the Police Department. Chief Burton replied those funds came to the City, but they did not know when or if they would come. Mr. Kespohl understood it would be a simple task for Council to approve all expenditures of forfeiture funds. Chief Burton stated they never spent money out of that account without Council approval. Mr. Kespohl understood staff was asking Council how to spend those funds. Mr. Matthes stated that was correct.

Mr. Matthes stated the guidelines, etc. of these programs could be discussed at a future Pre-Council Meeting. Mr. Trapp thought that would be a worthwhile discussion as some citizens had concerns about the possibility of forfeiture abuse. He understood it was not always directly linked to criminal prosecution and could be based upon someone being accused of a crime. He felt the State of Missouri wisely put those funds towards education so a perverse incentive was not created to pad budgets by seizing assets. He stated he would be curious to know what limitations the Council could impose so they could respect the federal guidelines while honoring the spirit of the Missouri law that recommended the money be used for education or things that benefited the community.

B355-12 was given third reading with the vote recorded as follows: VOTING YES: TRAPP, KESPOHL, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: DUDLEY. Bill declared enacted, reading as follows:

B358-12 Amending Chapter 19 of the City Code as it relates to employee incentive programs.

The bill was given second reading by the Clerk.

Ms. Buckler provided a staff report.

Mr. Trapp stated he was pleased to see a change to the incentive program as he liked to see people rewarded for doing well. He noted he was also pleased to see the cost savings incentive program capped at a $5,000 rate rather than a percentage of the rate of pay because it was equitable in that it allowed a solid waste worker to receive the same amount as a department head for the good deed. Ms. Hoppe stated she agreed with Mr. Trapp.

B358-12 was given third reading with the vote recorded as follows: VOTING YES: TRAPP, KESPOHL, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: DUDLEY. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

B341-12 Vacating a portion of a drainage area easement on Lot 101 within Crosscreek Center, Plat 1 located at the northeast corner of Cinnamon Hill Lane and Stadium Boulevard; accepting a conveyance for drainage purposes.
B342-12 Amending Chapter 14 of the City Code to establish all-way stops at the intersection of Ann Street and Cliff Drive and Anthony Street, and the intersection of Corporate Lake Drive and the western Providence Road outer road, and the intersection of Loch Lane and the north-most intersection of Concordia Drive.

B343-12 Amending Chapter 14 of the City Code to prohibit parking on a portion of the north side of Cherry Street and the east side of Second Street.

B344-12 Amending Chapter 14 of the City Code as it relates to parking limitations on a portion of Hitt Street.

B345-12 Amending Chapter 22 of the City Code to eliminate fees for chipping tree limbs and brush at the landfill.

B346-12 Accepting conveyances for sidewalk, sewer and temporary construction purposes.

B347-12 Amending the FY 2013 Annual Budget to add and delete a position in the Information Technologies Department; amending the FY 2013 Classification Plan to reclassify a position in the Information Technologies Department.

B350-12 Accepting a donation from the Missouri Association of Community Arts Agencies to be used by the Office of Cultural Affairs for training purposes; appropriating funds.

B351-12 Authorizing an agreement with Green Valley Rifle & Pistol Club, Inc. for range facility access and use.

B352-12 Authorizing a grant agreement with the Missouri Department of Transportation - Traffic and Highway Safety Division for occupant protection enforcement relating to seat belt and child restraint violations; appropriating funds.

B353-12 Authorizing a grant agreement with the Missouri Department of Transportation - Traffic and Highway Safety Division for sobriety checkpoints and saturation patrols; appropriating funds.

B354-12 Authorizing a grant agreement with the Missouri Department of Transportation - Traffic and Highway Safety Division to conduct special traffic enforcement of hazardous moving violations; appropriating funds.

B356-12 Establishing new group insurance premiums for employee and retiree/COBRA health and dental care plans.

B357-12 Adopting the Choice Plus Plan, the Choice Plus $1,500 Plan, the Choice Plus $1,500 High Deductible Health Plan and the Group Dental Plan for the City of Columbia.

R222-12 Setting a public hearing: construction of the Wilson Avenue and High Street PCCE #11 Sanitary Sewer Improvement Project.

R223-12 Setting a public hearing: authorizing permanent closure of Deep Well No. 1 at the municipal power plant.

R224-12 Authorizing the City Manager to execute agreements with various social service agencies.

R225-12 Authorizing an amendment to the 2010-2012 Social Issues Analysis agreement with The Curators of the University of Missouri.

R226-12 Authorizing an agreement with Midwest Independent Transmission System Operator, Inc. (MISO) to implement the installation of a satellite
phone link in the system control center in Water and Light Department offices located on the fourth floor of the City Hall Building.

R227-12 Forgiving a Community Development Block Grant (CDBG) rehabilitation loan on property location at 1101 North Eighth Street; authorizing a deed of release.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: TRAPP (except R224-12 on which he abstained), KESPOHL, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: DUDLEY. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

None.

INTRODUCTION AND FIRST READING

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.

B359-12 Amending Chapter 6 of the City Code as it relates to the Historic Preservation Commission and demolition permits.

B360-12 Amending Chapters 13 and 22 of the City Code as they relate to the duty of real estate agents, landlords and others to disclose occupancy limitations under the zoning code.

B361-12 Rezoning property located on the northeast corner of the intersection of Nifong Boulevard and State Farm Parkway (1101 East Nifong Boulevard) from A-1 to O-P.

B362-12 Approving the M-P Plan of Lot 2 of Tower Industrial Park located on North Tower Drive, approximately 400 feet north of Prathersville Road.

B363-12 Vacating a portion of a storm sewer easement on Lot 1 within College & Walnut Subdivision located west of College Avenue, between Walnut Street and Ash Street; accepting conveyances for sewer purposes.

B364-12 Authorizing construction of commercial retail space in the Fifth Street and Walnut Street parking structure.

B365-12 Amending Chapter 22 of the City Code to establish free or reduced fares for marketing purposes to promote the City’s transportation system.

B366-12 Amending Chapter 14 of the City Code to establish the North Village Parking District and to create parking meter zones in the area generally bordered by Park Avenue, Orr Street, Walnut Street and College Avenue; transferring funds.

B367-12 Authorizing an STP-Urban Program agreement with the Missouri Highways and Transportation Commission for the Providence Road improvement project from Stadium Boulevard to Stewart Road; appropriating funds.

B368-12 Authorizing a public infrastructure development cost allocation agreement with Boone County, Missouri for replacement of the Rustic Road bridge over the North Fork of Grindstone Creek.

B369-12 Authorizing the permanent closure of Deep Well No. 1; calling for bids through the Purchasing Division.
B370-12 Accepting conveyances for utility purposes.
B371-12 Authorizing a contract for sale of real estate with the David-Beverly Jones Revocable Living Trust for the acquisition of property located adjacent to the H.J. Waters and C.B. Moss Memorial Wildlife Nature Area.
B372-12 Amending Chapter 2 of the City Code to eliminate the Enhanced Enterprise Zone Board.
B373-12 Amending Chapter 2 of the City Code to recodify sections pertaining to Boards and Commissions.
B374-12 Calling a municipal election to elect Council Member-at-large (Mayor) and Council Members for Wards 3 and 4.
B375-12 Establishing a temporary abeyance of demolition permits in the Downtown Community Improvement District.

REPORTS AND PETITIONS

REP185-12 Grindstone Plaza and Other Development Agreements.

Mr. Matthes provided a staff report.

Ms. Hoppe thanked staff for the thorough report as it explained the current process for enforcing development agreements as well as suggestions for improving the process, and encouraged staff to proceed with those suggestions as it would provide a better tracking process. She pointed out that in terms of the Grindstone Plaza development agreement, Rock Quarry Road Park was supposed to have trees that were opaque and a wildflower nature area within five years. She understood staff was trying to address the issue of the trees and believed the wildflower nature area had not been maintained by a person knowledgeable of the process for establishing that type of area. She asked if it was possible for the Parks and Recreation Department to take over the maintenance of the wildflower area with the Grindstone Plaza Development paying a yearly fee for that maintenance or for the Grindstone Plaza Development to give the land to the City’s Parks and Recreation Department and provide a maintenance fund because she believed it would be difficult for staff to monitor the area annually. Mr. Matthes replied staff would approach the Grindstone Plaza Development with those comments. Ms. Hoppe stated the report did not mention following up on the wildflower area so she wanted to ensure it was included. Mr. Teddy replied staff meant for the grasses and wildflowers to be included in the spring planting discussion.

Mayor McDavid stated he felt the City needed to find a way to ensure compliance and maintenance, and thought they needed to be more rigid in setting criteria in these types of agreements in the future.

Ms. Hoppe commented that the Grindstone Plaza development agreement also included a hiking trail that would connect to the MKT/University Trail and noted she wanted staff to pursue that trail. She understood nothing specific had been mentioned regarding how much would be contributed or the location of the trail, and knew this was a learning experience in terms of establishing specifics in the future. She stated she had walked some possible trails with area residents and asked for the Parks and Recreation Department staff
to meet with her regarding those possible routes and to then follow up with the Grindstone Plaza Development.

Mr. Trapp commented that he liked the suggestion of requiring financial guarantees. If they were going to enter into negotiations to support neighborhood concerns, he believed a financial guarantee should be required. He understood a 2004 development agreement had not been met in the Ward 2 area, and there was not much those affected could do beyond seeking civil action. This would help reassure the items agreed upon in the development agreement were meaningful.

**REP186-12 Accessibility of Handicapped Bus Stops.**

Mayor McDavid commented that it appeared as though staff had made successful progress at many of these sites. Ms. Hoppe agreed and noted it was helpful to have the colored photographs so they could see what was at these sites.

Mr. Trapp stated he was pleased that someone could raise an issue, which was addressed a month to six weeks later. He believed comments regarding Columbia not being a responsive government were based on experiences in other communities. He pointed out there was follow up to issues raised.

**REP187-12 Intra-Departmental Transfer of Funds Request.**

Mayor McDavid understood this report had been provided for informational purposes.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Brian Treece, 101 W. Brandon Road, stated he was the Chair of the Historic Preservation Commission and explained the Commission received an application for a demolition permit for the Niedermeyer apartment building located at the corner of Cherry and Tenth Street last week. He noted the building was the oldest building still standing in Columbia. It was built in 1837 by General Richard Gentry, who was considered one of the founding fathers of Columbia, and a middle school was named after his wife, Ann Hawkins Gentry, as she was the first female postmistress of the United States. It became the Columbia Female Academy, which was the precursor to Stephens College. He pointed out the first preceptress or headmaster of the Female Academy was Lucy Wales and she was the first woman allowed to speak in public in the City of Columbia. In addition, Mark Twain had dinner in that building when he received an honorary law degree from the University of Missouri and the Board of Curators of the University of Missouri held their first meeting there. He believed the history this building embodied was a values statement for Columbia. He wondered if they were going to embrace everything this building represented to the history of Columbia and Missouri in terms of the higher education it fostered or if they would trade it for a tall building that could be built there in the future. He commented that he did not discourage this type of investment in the economy, and would welcome it on a different lot. He believed the type of structure contemplated could fit if appropriately scaled and placed, and if the market demanded it. He noted the ten day waiting period the ordinances provided for the demolition permit was insufficient to provide an appropriate review in terms of the history and
the financial capacity of the developers. He asked the Council to consider this as it evaluated the demolition permit process and potential changes to that ordinance.

Justin Thomas, 202 W. Sexton Road, commented that he noticed the Office of Neighborhood Services staff had been at 112 W. Sexton, which was a property under renovation and still in need of some repair, and stated it was a concern to not know what was going on, especially in light of the recent purchase of properties by the City on the 100 block of W. Sexton.

Monta Welch, 2808 Greenbriar Drive, stated the People's Visioning cared a lot about the history of the community and the embodied energy that stayed in place with buildings that were preserved. They were also interested in a mix of culture throughout the community. She believed there was a sense of place that came with historic preservation and pointed out more tourist dollars were spent in communities that had a lot of preservation and character within the community.

Debbie Shields, 406 West Broadway, stated she was a historic preservation consultant by profession and her office was located about a block from the Niedermeyer apartment building, and she was very concerned with the loss of that building. She commented that she was surprised at the generality of C-2 zoning in place for downtown Columbia and how few controls the community had in terms of how the downtown developed. The City was in a great situation in terms of people wanting to spend money and build in the downtown, but thought it would be good to determine how they wanted this to happen. She suggested slowing down the process in order to provide an opportunity to save an important historic building and to review how they wanted downtown to develop.

Tyree Byndom, 501 N. Providence Road, explained he had been contacted by a lot of youths with regard to the Columbia Ceasefire initiative because they were scared, and noted he had tried to communicate with the Police Department in terms of understanding how to educate the community, especially those coming to him, but there was not a lot of information. He commented that Columbia had been youth oriented about 100 years ago in terms of youth activities, but now there was not much for the youth to do. He stated the ARC was meant to provide minorities something to do, but many people did not use it due to the associated cost. He noted his chess club had held an event at Douglass High School last Saturday in which 60-70 kids showed up because there was nothing for them to do, and as a result, he believed they, as a community, needed to figure out a way to support the youth. If they did not, many would end up at the Department of Corrections. He pointed out a lot of the elders in the Douglass Park area were taking care of their grandkids, and they did not know who to reach out to for assistance. As a result, he started an eldercare group on Facebook, and had already received 40-50 requests for help. He suggested a proactive process of talking to elders because they were scared and did not come out of their homes after it was dark. He thought they should do a better job in terms of resources with elder and youth advocacy as it would make the community more vibrant.
Karl Skala, 5201 Gasconade Drive, commented that he was speaking as a member of the Planning and Zoning Commission, but was not speaking for the Commission, and stated the Planning and Zoning Commission had spoken with the Historic Preservation Commission in terms of trying to balance private property rights with the interest of the community in terms of historic preservation. He noted several months of exchanges and compromises had been made. He thought it would serve the public well to provide time for those discussions to continue before they lost something that was very valuable to the community. He pointed out there was active participation by both commissions, and asked the Council to provide them time to complete their communications.

Tracy Greever-Rice, 602 Redbud Lane, thanked Ms. Hoppe for introducing the idea of an abeyance on demolition permits within the Downtown Community Improvement District for the next several months. She noted Stephens College was the second oldest women’s college in the United States and was first located in the Niedermeyer building, so the loss of the structure had a national significance as well as a local significance. She noted there were many good reasons to maintain historic structures in downtown communities, to include maintaining the culture of a community. She commented that density could be good, but there was also a need to maintain the scale and feel of downtown Columbia as it made Columbia different, separate and unique from other Midwestern communities. She believed any other location downtown would be more appropriate for the proposed development than the location of the Niedermeyer building. She suggested having a transparent and intellectually honest conversation regarding historic preservation and redevelopment. She commented that 2,000-2,500 beds for undergraduate student-oriented housing in the central city had been approved, were built or were in the process of being built. Mr. Teddy stated it was close to the 2,000 mark if properties that had obtained zoning approvals but had not yet begun construction were included. Ms. Greever-Rice pointed out the University of Missouri had also added dorm rooms within the last few years and had planned to renovate the Jones-Law-Lathrop area dorms by adding several hundred beds. She thought a study was needed to determine how many actual student beds were needed and what would happen to the downtown if they ended up with a monoculture of a specific demographic. She noted the downtown needed to be open, broad and welcoming of other demographics in order for good, sustainable economic development and sustainable neighborhoods. She asked Council to consider the historic preservation aspect of the downtown as well as a study on the type of residential development that was needed in the central city for the long run.

Mary Hussmann, 5306 Rice Road, understood the Police Department would need to obtain Council approval with regard to money received from the federal government, and asked if that was correct. Mayor McDavid replied yes.

Ms. Hussmann noted a fire had destroyed a building at the corner of Garth Avenue and Business Loop on April 1, 2012, and it was still an eyesore. She commented that the Dollar General merchandise could still be seen, and asked when the property would be completely cleaned up. Mayor McDavid thanked Ms. Hussmann for reminding them of the issue and stated they would discuss it.
Nina Wilson-Keenan, 305 St. Joseph Street, stated a lot of historic properties had recently been lost on her block, and this was disappointing to those that liked the historic nature of Columbia. She believed there were issues with the current zoning structure that needed to be fixed, and pointed out there were many central city lots that were cleared without people utilizing them for other developments. She stated there were other options and asked the Council to look at the demolition permit process in terms of protecting the interest of all Columbians.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of the Columbia Climate Change Coalition and People’s Visioning, and commented that Columbia did not need to give away incentives to create long term jobs. They were thankful the Council was considering ending this practice in terms of the Enhanced Enterprise Zone (EEZ). She noted many jobs would be created through the ideas of the People’s Visioning without these incentives. At the previous Council Meeting, they had asked the Council to deal with escalating climate change by increasing the renewable energy standard to 80 percent by 2015 and offered examples of other cities in an effort to accomplish the goal. She believed the City was moving too fast in terms of its investment in a natural gas fueling station as they had not taken the time to understand cleaner, healthier and safer avenues. Ideas from the People’s Visioning and a full discussion of the positives and negatives could have led the Council to a different conclusion as they had ideas for a healthier, safer and quieter City fleet. The $300,000 invested for the land for the fueling station supported natural gas with its present extraction method, which involved fracking and was dangerous and harmful to people and the environment. It used high volumes of public water, added carcinogenic toxic chemicals which crept into underground water contaminating it, and released methane. She stated people and animals nearby were becoming very ill with this process and had died. She also noted natural gas explosions were occurring more frequently around the country and believed more explosive-prone situations and vehicles were not a good idea. She asked the Council to not support this type of industry and suggested a more robust conversation of the positives and negatives prior to moving forward. She also asked the Council to consider electric vehicles as electric generation was safer and cleaner with wind and solar energy. She provided the Council a handout.

Mayor McDavid suggested Ms. Welch take this information to the Environment and Energy Commission and the Water and Light Advisory Board. Ms. Welch stated she intended to do that.

Tyree Byndom, 501 N. Providence Road, commented that he had recently spoken with about 20 homeless people who had indicated they did not have any place to go in the central city area due to the limited number of shelters. He noted there were about 6,000 homeless people, many of which were children, and believed a public space was needed where they would not be asked to leave.

Robert Tucker stated he was the Vice Chair of the Historic Preservation Commission and noted he loved development whether new or old. He pointed out the Commission submitted an economic study earlier in the summer with regard to the impact of restoring old
buildings in terms of the money it brought in and the jobs it created. He explained they had met with the developers of the Niedermeyer property and understood they were open to a different property if a different property could be found. He noted they had also reached out to the current owner, but he was not interested in speaking to the Commission until the current contract was not performing. He commented that the City established a moratorium in 2004 for surface parking lots due to the number of properties being razed and suggested a similar action in this situation.

Eugene Elkin, 3406 Rangeline, understood the Niedermeyer property would be developed by a St. Louis construction firm and wondered if they would use local labor. He did not believe the firm had ever built a 15-story structure before and suggested the City research the firm prior to allowing any work to begin. He also suggested issuing fines to property owners and developers for not doing what they were required to do.

Mr. Elkin commented that he had moved here in 2001 and was diabetic and disabled, and wondered if water fluoridation had anything to do with his personal health.

Mr. Elkin stated the community did not want to move forward with the Enhanced Enterprise Zone (EEZ) and noted he had spoken with a gentleman who had indicated he could show the City how to get $4 million. He asked who he could tell this gentleman to approach. Mayor McDavid replied he was willing to listen to anyone who could help city revenues with an additional $4 million. Mr. Matthes stated he would be willing to meet with that person as well.

Patrick Earney, 113 West Boulevard North, stated he was a member of the Historic Preservation Commission, and noted they had received a number of e-mails and a petition had been started on Facebook with regard to the Niedermeyer property. He pointed out there were only about six properties in Columbia that were in the same generation as the Niedermeyer property, and those included a property on the Columbia College campus, two on the University of Missouri campus and a building behind Gerbes on Paris Road. The rest were about 100 years newer. There was not much that was even as old as the additions to the Niedermeyer property. Most of the buildings on Broadway were post-1900. All of the original school buildings and all of the Columbia founders’ homes were gone. He explained the Niedermeyer property was one of a select few left in a town that did not have a lot of historic structures remaining, and he believed it was more important than a 15-story student apartment building.

Jay Hasheider, 1403 Windsor Street, stated he was a member of the Benton-Stephens Neighborhood Association and noted the neighborhood had the first overlay district in the City with the purpose of maintaining the residential character of the neighborhood. The overlay district had served the neighborhood well over the past 12 years, but there was now a threat to it. He noted the Benton-Stephens Neighborhood Association wanted to present the benefits of the overlay district to the Council at a future Pre-Council Meeting, and asked if that could be accommodated.
Mr. Schmidt stated he would follow up on the issue of the Benton-Stephens Neighborhood Association making a presentation to Council as he believed the overlay did and would continue to do good.

Mr. Schmidt agreed there were not a lot of places for the homeless to go, so he appreciated the work Mr. Byndom.

Ms. Hoppe explained the temporary abeyance ordinance that was introduced for first reading was modeled after the 2004 surface parking moratorium. She commented that when the downtown was zoned C-2, it was meant for retail and commercial development, and not for residential purposes. She understood Council allowed residential on a small scale in the 1980’s. She pointed out C-2 zoning had not been evaluated by the Council in a long time in terms of whether it addressed the needs of the downtown, and the City had very little control over development in C-2 zoning areas. She believed the downtown was the heart of the City and suggested the C-2 zoning be revisited. Without sufficient measures and protections in place, the downtown and the City’s most historic buildings were in danger of being eradicated and lost forever. They had heard from people regarding the history of the Niedermeyer property along with its importance to Columbia and nationally. In addition, the visioning and charrette processes showed quality of place was important to the community and the economy, and the recent study showed historic preservation was important in terms of economic development. She noted the economy was improving and the push for development and student housing was proceeding, and believed the Council needed to take action in an effort to hold on to the character and assets of the community as some items could not be reclaimed once they were lost.

Ms. Hoppe made a motion for the Historic Preservation Commission, the Downtown Columbia Leadership Council, the Downtown Community Improvement District (CID) and the Planning and Zoning Commission to discuss and make ordinance revision recommendations, individually and as a group, in terms of parking, setback, height restrictions, historic preservation, etc in the CID area, and for this stakeholders group to provide recommendations to Council as soon as possible as she hoped the Council would receive recommendations and be able to adopt measures prior to the end of the six month abeyance, which would be voted on at the January 7, 2013 Council Meeting. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Ms. Hoppe commented that she agreed with Mr. Byndom with regard to the importance of the youth having something to do, and noted the Council had discussed creating a youth commission several years ago, but had decided to use Y2, a youth group that was already in existence. She did not believe they had been very active and the composition of that group might not be the most appropriate. She stated she intended to talk to Mr. Byndom and to use the information she received at the National League of Cities conference to potentially come back to Council with a suggestion of an effective youth commission. She understood other communities had strong youth commissions and were achieving a lot.
Mr. Kespohl commented that he had been approached by a resident with regard to installing a kid-friendly sign on Pierre Street, which was off of Ballenger Lane, in hopes it would reduce the speed of traffic. Mr. Matthes stated staff would look into it and provide a recommendation.

Mr. Kespohl understood the neighborhood watch funds that had been appropriated from the council contingency fund had gone to the Police Department, and asked if those funds had ever been sent to the neighborhood watch organization. Mr. Matthes replied staff was currently working on this issue.

Mr. Kespohl stated he was aware of the concerns of the Benton-Stephens Neighborhood in terms of compliance with the overlay conservation district. It indicated the Planning Department would provide a copy of any development plan to the neighborhood to allow them to review it, and the neighborhood was concerned with parking, building height, garages, air conditioning equipment, porches, landscaping and setbacks. He noted a Neighborhood Association meeting would be held tomorrow at 6:45 p.m. at Benton Elementary, and asked for a City staff member to accompany him to the meeting with the plans to explain what was going on in the area as the neighborhood did not feel the development met the guidelines of the overlay. He asked if the plans had been approved. Mr. Teddy replied one building had been approved. Mr. Kespohl asked Mr. Teddy about the second building. Mr. Teddy replied adjustments would have to be made to the second building. Mr. Matthes stated someone from staff would be in attendance at the meeting.

Mr. Trapp stated he had been working with advocates for the homeless in terms of a community response for an inclement weather shelter. The Room at the Inn, which was the faith-based group that had put this together over the last number of years, had found a location for a shelter at Wilkes United Methodist Church that would open January 1, 2013. The Imani Center had agreed to serve as a second cold weather shelter for two weeks starting tomorrow since it was cold in December as well. He noted the space and volunteers were donated by the community, but an unmet need was security. He stated he wanted $10,000 to be available for police security for both shelters for three hours of police time per day.

Mr. Trapp made a motion to allocate $10,000 from the council contingency fund to the Police Department to be used to provide police security at the shelters. The motion was seconded by Mayor McDavid.

Ms. Hoppe thanked Mr. Trapp for getting a shelter started earlier than January 1st.

The motion made by Mr. Trapp and seconded by Mayor McDavid to allocate $10,000 from the council contingency fund to the Police Department to be used to provide police security at the shelters was approved unanimously by voice vote.

Mayor McDavid made a motion for the City Council of the City of Columbia, Missouri, to hold a closed meeting in Conference Room 1A/1B of City Hall, 701 E. Broadway, Columbia, Missouri, on Monday, January 7, 2013 at 6:00 p.m. to discuss personnel matters as authorized by Section 610.021 (3) and (13) of the Revised Statutes of Missouri. The
motion was seconded by Mr. Kespool and the vote was recorded as follows: VOTING YES: TRAPP, KESPOHL, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. ABSENT: DUDLEY.

Mayor McDavid stated he had a conversation with Diane Lynch, President of Stephens College, and she was willing to entertain an offer to place her entire student body on FastCAT next semester at an introductory rate of $40 per person. He thought this was an excellent opportunity and asked staff to continue that negotiation and draft an agreement for Council consideration. He commented that Dr. Lynch had indicated that for this to be accepted by her students, GPS with the estimated time of arrival was necessary. He stated he believed it necessary for staff to move forward with remote access for the purchase of passes. They could not sell them to students if they had to go to the Wabash Station to purchase them. He suggested internet sales, ID card readers on buses, etc. He encouraged staff to market the one week free ridership during the first part of the next semester when it was cold because a nice warm ride could do a lot for sales.

The meeting adjourned at 9:18 p.m.

Respectfully submitted,

Sheela Amin
City Clerk