INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, April 4, 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 KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ and THORNHILL 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 March 21, 2011 were approved unanimously by voice vote on a motion by Mr. Dudley and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid made a motion to move B75-11 and B76-11 from the consent agenda to the end of old business. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

The agenda, as amended, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Dudley.

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

(A) Reconstruction of connections of the bike lanes on Stadium Boulevard to the MKT Trail.

Item A was read by the Clerk.

Ms. Hertwig Hopkins and John Glascock provided a staff report.

Mayor McDavid asked how they intended to keep gravel off the box culvert. He wondered if it would be raised. Mr. Glascock replied they had installed a diverter to keep the gravel from getting onto the box culvert and noted it had been raised about six inches. Mr. Sturtz asked if it would keep water out as well. Mr. Glascock replied it would keep low water out. He noted the culvert had been installed for stormwater and the City had been allowed to put a trail through it. If MoDOT ever had trouble with water, it would go away. Mr. Hood explained that allowing a trail to run through a box culvert was a new concept to MoDOT when this was constructed twenty years ago, and they had a lot of concerns and restrictions.
He believed this would correct many of the issues they had noticed over the years, but reiterated it was designed for floodwaters. He hoped they would no longer have problems with slow rises, but noted they would still need to clean it out if there was a high rise. Mr. Sturtz asked if losing six inches would require people to duck. Mr. Glascock replied yes. Mr. Sturtz asked for the amount of head room in the culvert. Mr. Hood replied he thought it was adequate in terms of using an existing box culvert, but pointed out it would be tight.

Mayor McDavid opened the public hearing.

Ian Thomas, 2616 Hillshire Drive, commented that he was the Executive Director of the PedNet Coalition and stated he believed this project would make an important contribution to the non-motorized transportation network within Columbia. He understood there would be a gentle, smooth grade along the length of the tunnel, which would allow water to drain away, and a cross-grade to a gutter. He also understood there would still be water with heavy floods, but the water would eventually drain away similar to the tunnels near Flat Branch Park. He noted he might have to duck when on his bike after the improvements were made, but the overall project would be of a great benefit to cyclists. He understood the approaches to the tunnel would also be reconfigured so they were not so steep and sharp. He urged the Council to move forward with the design of the project.

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

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

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

Item B was read by the Clerk.

Ms. Hertwig Hopkins provided a staff report and noted that staff was recommending this item be tabled. Mr. Glascock explained the interested parties had not been contacted since December, which was the reason they were suggesting this item be tabled to the May 2, 2011 Council Meeting.

Mayor McDavid opened the public hearing.

Lorri Kline, 509 Old Highway 63 South, provided a history of her contact with the City in regards to this project and explained she had met with staff in the summer of 2008, the spring of 2009 and December 2010 and had seen various plans. She noted she was not in favor of any of these plans and pointed out the reason she purchased the property was because it was secluded and private. She did not want a trail in her yard. She also did not want any of her driveway taken for this project. She explained she had tried to turn into her driveway from Old 63, and by using only the portion of the driveway that would remain, it was virtually impossible. A right turn could not be made onto that part of the driveway. In addition, she would not be able to get in and out of her driveway if there was snow or ice accumulation as it was too steep. She thought there was an alternative that would not involve her driveway and wanted that explored further, although she preferred they not take any of her property since she did not want a bike trail in her yard.
Mayor McDavid assumed staff would be prepared to respond to Ms. Kline’s comments when this came back to Council. Mr. Glascock stated that was correct and noted they would likely provide other options as well.

There being no further comment, Mayor McDavid continued the public hearing to the May 2, 2011 Council Meeting.

Ms. Hoppe made a motion to table Item B to the May 2, 2011 Council Meeting. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

OLD BUSINESS

B80-11 Authorizing an agreement with Walker Parking Consultants for engineering services relating to the planning, design, construction observation and contract administration of a multi-level off-street parking facility located north of Broadway on Short Street, and adjacent property south of Walnut Street; appropriating funds.

The bill was given second reading by the Clerk.

Ms. Hertwig Hopkins and Mr. Glascock provided a staff report.

Mr. Sturtz understood the parking utility paid for all of the garages and asked if the parking retained earnings account was the same thing as the parking utility. Mr. Glascock replied it was the parking utility’s cash account.

Ms. Hoppe asked if compact spaces and electrical outlets would be included in the design of the garage. Mr. Glascock replied those items would be included if directed by Council. He thought they would look into it as the design was done, but if it was not included, it could be requested at the public hearing on the design of the garage.

Mayor McDavid understood Walker Parking Consultants was a part of an RFP process 5-6 years ago. Mr. Glascock thought it was done in 2007. Mayor McDavid understood 7-8 firms were interviewed and that staff had confidence in Walker Parking. Mr. Glascock stated they had not disappointed them with the Fifth and Walnut garage, so he had no reason to think they would be disappointed in their work on the Short Street garage.

Mayor McDavid explained his experience in the selection of consultants for two garages at the Boone Hospital Center, and noted one of his concerns was the fact the size of structure was based on a needs assessment Walker Parking had completed. On the basis of that needs assessment, the City had built a 700 space parking garage at Fifth and Walnut that only had 33 city vehicles on the roof, 65 vehicles in permit spaces and five vehicles in metered spaces at 9:10 a.m. this morning. The cardinal principle when he went through the selection process was that the parking garage should not look like a parking garage. It needed to match the streetscape and skyline. He did not believe Fifth and Walnut parking garage met that principle, and therefore, was not confident in the consultant. Mr. Glascock explained that in 2007, the City had intended to build a garage on the entire block, but some of the property owners on that block were not willing to sell their property. If it had been built as intended, it would have only been four floors with the same amount of spaces. Mayor McDavid commented that he had read a Columbia Daily Tribune article regarding this proposed garage and understood the budget had gone to $9 million and would include retail space. He wanted the Short Street garage to match the skyline and thought it needed to be fully integrated with the hotel. It was more important to him that the structure look good and
fit the area than the number of spaces it would include. He pointed out that he would expect a lot of oversight if Walker Parking Consultants was selected.

Mr. Sturtz asked if Peckham and Wright would be involved if Walker Parking Consultants was hired. Mr. Glascock replied yes as they had been chosen. Mr. Sturtz understood Peckham and Wright was the firm that worked on the Fifth and Walnut garage. Mr. Glascock stated that was correct.

Carrie Gartner, 11 S. Tenth Street, stated she was the Director of the Downtown Community Improvement District (CID) and explained the CID was requesting an opportunity to evaluate this design and the number of spaces that would be included in the garage. She noted she participated in the preliminary design meeting and there were a lot of interesting and expensive ideas. She commented that it was hard for the CID to extricate the question of design from the question of future parking rates since they were intertwined. The CID Board was asking Council to delay the issue of parking rates for three months to allow time for the design to move forward and for them to talk to City staff to develop options to address the problem.

Karl Skala, 5201 Gasconade Drive, noted he was on the Council when the Fifth and Walnut garage had been approved and explained it was something they had lost control of given the restrictions in terms of the amount of land that could be utilized. In addition, he believed extra floors were added after Council had provided authorization to the City Manager. He hoped they did not go down that path again. He applauded the Mayor for his position with regard to this new parking structure so the same mistakes were not repeated.

David Brodsky, 903 W. Ash, commented that the parking structure built at Fifth and Walnut had created a public relations perception issue for the downtown and parking in the downtown. He understood the study done in 2001 had recommended 300 spaces north of Broadway and a maximum of three levels and 320 spaces at the Fifth Street location. The garage ended up being ten stories and having 703 spaces. The study done in 2010 for the Short Street location recommended 424-524 spaces, but the discussion was in the 300 parking space range. He asked Council to provide the Downtown CID enough time to review revenue streams to determine how big a structure could be built at that location and if the recommendation of the professionals could be met.

Mayor McDavid stated he believed Walker Parking Consultants and Peckham and Wright were competent firms, but felt it was incumbent on the Council, in cooperation with stakeholders, to manage this project tightly. He did not believe the City should be involved in commercial real estate and noted there was unused commercial real estate at Fifth and Walnut. He wanted the garage to be integrated with the neighborhood and the hotel, while still being fiscally responsible, since they did not have the money to build the garage without raising parking fees. He thought this would be an exciting project that would make that part of Broadway look terrific and would be helpful to Stephens College and others in the area, but reiterated it needed to be tightly controlled by the Council and stakeholders. He noted he would support this bill on that basis.

Mr. Sturtz commented that he believed the Fifth and Walnut parking garage was a step in the right direction in terms of fitting into the neighborhood because he believed retail or office on the first floor prevented dead zones and allowed the parking garage to be a real
part of the neighborhood. He stated he would not be around to make any of the oversight
decisions, but urged the Council to continue forward with that idea as it was healthy for the
future of the garages.

Ms. Nauser explained the process involved with the Fifth and Walnut garage had been
very fluid and required changes. Since they were not able to purchase all of the property
needed and because they were not able to add levels to the Plaza parking garage behind
City Hall due to the high costs associated with changes in building and earthquake codes,
they decided to add on to the Fifth and Walnut structure. She understood the parking
structure had been a topic of controversy, but noted she personally liked the design as she
liked the eclectic feel. She reminded everyone that they were not only planning for today, but
were planning for 20-30 years in the future as well. They wanted to attract more people to
the downtown area, and as a result, adequate parking was needed. While there might be
unused areas of the parking garage today, she thought it would be filled in the future. She
stated she planned to support the forward movement of this project.

B80-11 was given third reading with the vote recorded as follows: VOTING YES:
KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO:
NO ONE. Bill declared adopted, reading as follows:

**B83-11 Authorizing the acquisition of property located at 407 North Fifth Street
for park purposes.**

The bill was given second reading by the Clerk.

Ms. Hertwig Hopkins and Mr. Hood provided a staff report.

Ms. Hoppe asked if the $1,014,000 had been designated for anything other than what
they were voting on tonight. Mr. Hood replied those fund were not committed to any other
specific project, but pointed out they had set a sizable amount aside for property in the
vicinity of the new high school pending negotiations. All of that money was from the 2005
park sales tax and one of the priorities was to attempt to acquire land in the vicinity of the
new high school.

Mr. Thornhill asked when the appraisal was completed. Mr. Hood replied the appraisal
was completed approximately one month ago and was comparable to the price for 413 Fifth
Street, which was acquired about a year ago.

Mr. Sturtz commented that Douglas Park was intensely used, and if this allowed them
to bring more amenities to the area, he was supportive.

Ms. Hoppe noted the City had taken the opportunity through the years to acquire land
in this area as it became available so this was part of that process. Mr. Hood agreed.

B83-11 was given third reading with the vote recorded as follows: VOTING YES:
KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO:
NO ONE. Bill declared adopted, reading as follows:

**B85-11 Appropriating asset forfeiture funds to purchase equipment for the Police
Department SWAT Team.**

The bill was given second reading by the Clerk.

Ms. Hertwig Hopkins and Captain Richenberger provided a staff report.
Ms. Hoppe asked for the specific type of equipment that would be purchased. Captain Richenberger replied ballistic shields that were rifle rated, night vision equipment, repelling equipment, ladders, breaching saws and torch kits were some of the items that might be purchased. Chief Burton pointed out they were looking for equipment that would help them get into a building or go through a wall when needed. In addition, they were purchasing defensive equipment.

Mr. Sturtz asked what body or agency would receive the forfeiture money or property from a raid. Chief Burton replied a judge made the determination as to whether the items seized were the fruits of illegal enterprise and whether they would be forfeited to the agency making the seizure. Mr. Sturtz asked if it was disbursed by the federal government to the Police Department or this was money the Police Department had claimed and was then using. Chief Burton replied they received forfeiture funds in both ways. It could be something they seized locally or it could be received through the federal government, if they were involved in the case.

Mr. Sturtz understood an issue that had been raised was that of a conflict of interest as there was an incentive for the SWAT team to seize property if they knew they could fund their operation with that property. Chief Burton stated he did not believe that was true as they were a victim of what was available and it was up to a judge to make the decision to grant the money or property to the Police Department. They could always ask for forfeiture funds and property, but if it did not meet the requirement of being gained through a criminal enterprise, the judge would not provide it to them. Captain Richenberger pointed out a good percentage of the money acquired was through investigations performed in conjunction with other agencies and some of the seized items might be funneled back to the participating agencies.

Holly Henry, 410 Hirth, explained the State of Missouri had a law indicating asset forfeitures should go to the schools, and she felt those funds should be separated from this request. She noted she did not object to the Police Department purchasing needed defensive or surveillance equipment, but felt those items should be funded with regular operating funds.

Mr. Sturtz understood the legislature had indicated forfeiture funds should go to the public schools, but over the years less money was being provided to them. Ms. Henry stated her understanding was that the State of Missouri law was circumvented due to the involvement of federal agencies, and those federal agencies dispersing the forfeiture funds. She understood it was legal as they were not violating Missouri law, but noted they were getting around the law. Mr. Sturtz understood reform would have to occur at the national level. Ms. Henry agreed change would have to occur at the federal level, but felt the City did not have to accept those funds for more police equipment. Mr. Sturtz asked if the City would have the prerogative to provide those funds to the Columbia Public Schools. Ms. Henry replied she did not know, but felt it was a potential conflict of interest.

Donald Warren, 2194 E. Bearfield Subdivision, stated he strongly opposed the Council allowing the $27,000 in asset forfeiture funds to go to SWAT teams because he felt SWAT teams were actually used more for non-violent offenses versus violent offenses. He agreed with Ms. Henry in that regular budgeted money should fund this equipment.
Ms. Hoppe commented that she understood the City could not provide those forfeiture funds to the schools because it went through the federal government to the Police Department. Captain Richenberger stated that was correct. He explained that if property was seized under state law, it would go to the schools. This money had been seized under federal law, so the state law did not apply.

Mr. Sturtz understood the vast majority of those seizures happened through federal law and thought it was well over 80 percent. Captain Richenberger stated he did not have those figures, but believed that was probably accurate. He pointed out this money had not necessarily been obtained from SWAT seizures. The money could be obtained through long-term investigations involving narcotics or major crimes as well.

B85-11 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

B75-11 **Voluntary annexation of property located east of the intersection of North Tower Drive and Prathersville Road (1785 and 1795 Prathersville Road); establishing permanent C-1 and R-1 zoning.**

The bill was given second reading by the Clerk.

Ms. Hertwig Hopkins provided a staff report and explained an amendment sheet had been prepared to correct the addresses to 1775 and 1785 Prathersville Road.

Mr. Thornhill made a motion to amend B75-11 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

B75-11, as amended, was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

B76-11 **Voluntary annexation of property located west of the intersection of U.S. Highway 63 and the Prathersville Road interchange (1775 Prathersville Road); establishing permanent R-1 zoning.**

The bill was given second reading by the Clerk.

Ms. Hertwig Hopkins provided a staff report and explained an amendment sheet had been prepared to correct the address to 1795 Prathersville Road.

Ms. Nauser made a motion to amend B76-11 per the amendment sheet. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

B76-11, as amended, was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

**CONSENT AGENDA**

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

B77-11 **Voluntary annexation of City-owned property located at the terminus of Casa Circle (4304, 4305 and 4308 Casa Circle); establishing permanent R-2 zoning.**
B78-11 Authorizing an annexation agreement with Thomas A. Long.

B79-11 Amending Chapter 29 of the City Code as it relates to the floodplain overlay district.

B81-11 Authorizing a Right of Use Permit with 10th and Elm, LLC to allow construction, improvement, operation and maintenance of a private storm sewer and water quality unit in a portion of Tenth Street right-of-way.

B82-11 Accepting conveyances for utility purposes.

B84-11 Accepting a donation from the Columbia Police Foundation to be used for the Police Department’s K-9 Program; appropriating funds.

R45-11 Authorizing the temporary closure of a portion of Locust Street, from Hitt Street to Tenth Street, to allow for the installation of a sewer main tap as part of the construction of an apartment building at 220 South Tenth Street.

R46-11 Authorizing application to the Missouri Department of Transportation for Safe Routes to School funds under the SAFETEA-LU Act of 2005.

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

NEW BUSINESS

R47-11 Authorizing an agreement with Burns & McDonnell Engineering Company, Inc. for professional services for the construction, design, operation and maintenance of airport related projects at Columbia Regional Airport.

The resolution was read by the Clerk.

Ms. Hertwig Hopkins and Mr. Glasscock provided a staff report.

Mr. Sturtz understood this would allow more flexibility in terms of getting these projects completed, but felt it would mean a lot less oversight from Council. Mr. Glasscock stated he did not believe that would happen as it only reduced the need to go through the RFP process to hire an engineer. The normal items, such as appropriations and public hearings, would still come to Council. Mr. Sturtz asked how long the RFP process took for projects such as these. Mr. Glasscock replied they took 3-4 months.

Ms. Hoppe understood the City had the right to use a different firm for specific sub-projects, if needed. Mr. Glasscock stated that was correct.

Mr. Kespohl asked if this would provide the City a Master Plan for the airport. Mr. Glasscock replied they already had an Airport Master Plan. This provided a consultant to work on the Master Plan when they had money.

Mr. Sturtz asked who conducted the review. He understood there was an independent fee review by some agency each time Burns and McDonnell came forward with fees. Mr. Glasscock explained federal aviation projects required someone in the business that did the type of work needed to evaluate the costs in an effort to determine whether the consultant’s estimates were somewhat accurate. The consultant’s estimates had to be with 10 percent of the business’ estimates. Mr. Sturtz understood it was a blind test.
The vote on R47-11 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R48-11 Authorizing an agreement with The Curators of the University of Missouri, on behalf of the College of Agriculture, Division of Applied Social Services and Community Policy Analysis Center, for technical assistance in preparing the Comprehensive Plan for the City of Columbia, Missouri.

The resolution was read by the Clerk.

Ms. Hertwig Hopkins and Mr. Teddy provided a staff report.

Ms. Hoppe asked Mr. Teddy if he could speak about the expertise and data the University had and how that fit within the current GIS system the City had developed. She wanted an explanation as to how those would interact while not duplicating effort. Mr. Teddy explained they were not looking to purchase a new system that would replace or duplicate existing systems. There were a number of technical tools mentioned in the contract, such as the Community Issues Management (CIM), which the City already participated in through a prior agreement that was entered into by the Department of Health and Human Services through the CARES Office at the University of Missouri campus. The City was a participant in that system, but was not buying into the development of that system, and the system could be used as a training and public participation tool by the expert facilitators. In addition, modeling would be done through a few programs, and that would allowed the City to run simulations on how a given scenario, such as a change in the economy, would affect a number of other variables. The model output could be represented in graphic forms, such as maps, using either the City’s GIS resources or maps the University would produce. He noted the large part of this contract would involve expert facilitation. Staff of the University Extension skilled in community development techniques would lead the City through a process design that was systematic in nature and would make participants feel comfortable talking to the City and each other about planning while building an understanding of differing points of view, so at the end they could have a composite document that reflected a good cross section of participation. Ms. Hoppe stated she wanted to ensure the University staff had access to the information in the City’s GIS system, if needed, and would not do that work over again. Mr. Teddy explained there would be a data gathering exercise and they would request the data needed. He noted they had already collected a lot of data.

Mr. Dudley asked who would be receiving the $119,000. He wondered if it would be the University or the four people working on the project. Mr. Teddy replied the budget was based on the salaries of the individuals, but the City would be paying the unit of the University indicated in the contract. Mr. Dudley wondered if there was a way to work out a trade with the University involving the sewer bill. He noted he was looking for a way to not be out cash, if there was a way services could be traded. He suggested utilizing volunteer help as well. Mr. Teddy stated he thought the City would be receiving a good value. He explained University Extension professionals had some latitude to work beyond the amount they were charging as part of their regular mission of providing services to communities around Missouri. In addition, the University team had agreed to lower the fee considerably from the initial contract proposal by removing one person from the scope of services. He pointed out
the City was also able to use some federal planning funds for this service since land use and transportation planning were major parts of the comprehensive plan.

Ms. Nauser understood payment for this service had been budgeted. Mr. Teddy stated that was correct and noted some funds had been rolled over from previous years for this purpose. He pointed out this fee was somewhat below market as they thought they might need approximately $250,000 at one time.

David Brodsky, 903 W. Ash, stated he was the Chair of the Planning and Zoning Commission and provided the history of the project, which was initiated by the Council in 2008. The Council formed a task force, which began meeting in February, 2010, in order to obtain background information. The Comprehensive Plan Task Force and the Planning and Zoning Commission came before Council in December to discuss the future, and part of that discussion involved the University. He felt the comprehensive plan was an extension of the visioning plan, and that the City did not have the expertise or tools to run community-wide public engagement processes of this type. In addition, he believed they needed an objective third party to facilitate the meetings because a lot of people had preconceived notions about the City and might feel uncomfortable communicating with City officials. With regard to the cost of contracting with the University, he noted the money had already been budgeted and they were receiving a good deal. Other reasons they decided to utilize the University were to keep the money in the community and because they knew the University would go out of its way to provide support. He pointed out they had tried to keep costs down by allowing staff to draft the report and by securing a free website in terms of building, maintenance and service.

Rex Campbell, 905 Edgewood, stated he was the Chair of Comprehensive Plan Task Force and commented that he believed there were experts the community did not take full advantage of at the University. He listed a few areas and people that were known for their expertise and could breakdown information to explain what was going on in a smaller area. He explained a plan was a guide for decision makers and was not a dictatorial document. It was a body of material that people working with experts would put together, and therefore, the involvement of the community was necessary. He thought they might need to reach out to the community and encourage people to participate. He asked the Council to approve this agreement so they could move forward.

Mr. Thornhill asked how Mr. Campbell felt about holding off on this process until the new City Manager came on board so he could be a part of the process. Mr. Campbell replied it was difficult to hold public hearings during the summers since people were out of town, so they wanted all of the start-up work completed during that time. This would allow them to obtain input in September when people might be available and more willing to participate. He agreed the new City Manager should be involved, along with the Council.

Helen Anthony, 2804 Ashwood Drive, stated she was the Secretary of the Planning and Zoning Commission and a member of the Executive Committee of the Comprehensive Plan Task Force and Planning and Zoning Commission, and with regard to the urgency of passing this resolution, she noted the first public meeting was planned for April 19. In addition, the University of Missouri employees had been working on this project without a contract and without being paid, and if the agreement was not authorized, the City would likely lose their help on May 1. She felt they had built a lot of momentum and thought they
should keep the momentum going with the outreach effort planned for April 19 and through the continuity and leadership from the University. She asked the Council to consider not tabling this item.

Karl Skala, 5201 Gasconade Drive, commented that when he had served on the Council, $200,000 had been budgeted for the comprehensive planning effort as well as growth management planning and the review of the zoning codes and the subdivision regulations. He recommended that the City not front-load the planning process as only $80,000 would remain for the rest of the process. He agreed the University had the needed expertise and the City needed assistance with outreach, but felt they needed to consider the entire planning process.

Dan Goldstein, 604 Redbud Lane, stated he was the Vice-Chair of the Comprehensive Plan Task Force and understood the concerns with regard to timing, the overlap with other City staff projects and the need to proceed with the planning process. He noted they had been discussing this contract for four months and the University had been working with them during that time. He thought they needed to move forward as the first public outreach event would be held April 19. If this agreement was not approved within the next few months, he was not sure where it would leave the process. They could make anything work, but wanted keep the momentum going. He explained he pushed for involving the University because they had an investment in the City and those working at the University lived and cared about the community. In addition, the money being invested would stay in Columbia, which he felt was important.

Shelley Simon, 2620 W. Millcreek Court, stated she was a member of the Comprehensive Plan Task Force appointed by the Council and noted they had been working very hard for over a year to set the stage for a good plan. The Task Force had determined they wanted to have a great public outreach by engaging the public in difficult discussions that would bring opposing sides to the forefront, and when that took place, she believed they would need an expert facilitator. She recommended moving forward with this agreement and process, and believed the new City Manager would be supportive.

Ms. Nauser commented that comprehensive planning had been one of her long term goals as she felt that was lacking in the community. She noted the city manager candidates had been surprised by the fact the City did not have a strategic plan, planning that would guide growth or business plans for City enterprises and departments. She also believed the comprehensive plan needed to include goals set by the Council with timelines and benchmarks. Those goals could then be tied to plans, the budget, etc. She stated she would support this process and noted that they knew when they had approved this process that they would need outside help as staff could not do it all. She understood $120,000 was a lot of money, but noted it provided a foundation and vision for the future to help Columbia compete.

Mr. Kespohl stated he appreciated the idea of keeping this money local and believed the University would provide the City a great value for its money, but felt the April 19 start date for this process was premature. He noted Mike Matthes, the new City Manager, had expertise in this area and felt they should wait until he arrived so he had input in the process.

Mr. Kespohl made a motion to table R48-11 to the June 6, 2011 Council Meeting. The motion was seconded by Mr. Thornhill.
Ms. Nauser stated she did not believe this action needed to be delayed for the arrival of the new City Manager as he was familiar with the comprehensive planning process. She felt a delay could affect the momentum that had been built.

Mr. Sturtz commented that he agreed with Ms. Nauser and believed Mr. Matthes would be able to assist when he started in May and would likely appreciate the fact things were moving forward.

Ms. Hoppe stated she agreed with Mr. Sturtz and Ms. Nauser and noted this process had been going on for a year. She explained she had attended a couple of meetings and had been impressed with the quality, professionalism and detail of the group and its members. There were other expensive projects, such as the Short Street garage, they could have held off on if they were concerned about Mr. Matthes providing input. She thought he would be appreciative of them moving forward and partnering with the University due to the expertise they could provide. She also felt they were so far behind in terms of planning that any money put into it would save a lot of money at the back end.

Mayor McDavid commented that Columbia had many smart and engaged people and he believed they needed to allow those people to proceed while the momentum was moving forward. He felt the City Manager would have a lot to offer, but this process had been underway for a while, so he would oppose tabling this item.

The motion made by Mr. Kespohl and seconded by Mr. Thornhill to table R48-11 to the June 6, 2011 Council Meeting was defeated by voice vote, with only Mr. Thornhill, Mr. Kespohl and Mr. Dudley voting in favor of it.

The vote on R48-11 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL. 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.

B86-11 Approving the Final Plat of Bellwood, Plat No. 4 located northeast of the intersection of Reedsport Drive and Cedar Falls Court; authorizing a performance contract.

B87-11 Authorizing an Historic Preservation Fund Grant Agreement with the Missouri Department of Natural Resources for a study of the economic impact of historic preservation in Columbia; appropriating funds.

B88-11 Amending Chapter 22 of the City Code as it relates to industrial and commercial manufacturing sanitary sewer rates and connection fees.

B89-11 Amending Chapter 14 of the City Code relating to parking meter rates, parking garage hourly rates, and hours of operation.

B90-11 Authorizing construction of the Avenue of the Columns streetscape project along Broadway and Eighth Street; calling for bids through the Purchasing Division.

B91-11 Authorizing construction of sidewalks and a pedway located within Arbor Pointe Subdivision along Waco Road and Arbor Pointe Parkway; calling for bids through the Purchasing Division.
B92-11 Authorizing construction of Sewer District No. 165 (Maple Bluff Drive); calling for bids through the Purchasing Division; appropriating funds.

B93-11 Authorizing the acquisition of easements for construction of Sewer District No. 165 (Maple Bluff Drive).

B94-11 Accepting the work on the Sanitary Sewer District No. 166 (Thompson Road and Wyatt Lane) sewer construction project; approving the report of the Director of Public Works; levying and assessing special assessments.

B95-11 Authorizing an Alley A Storm Water Conveyance Agreement with Evorg Properties, LLC, Urban Properties, LLC, The Broadway Trio, LLC, 916EBroadway, LLC, 918 Broadway, LLC, Keepers-Dalton Partnership, Nicholas H. Peckham Trust and Diane P. Peckham Trust and Happytime Exchange, LLC to allow for the installation of a storm water pipe system in Alley A.

B96-11 Authorizing a cooperative agreement with Boone County, Missouri relating to road maintenance of certain sections of Richland Road, Bethel Church Road, St. Charles Road, Hickam Drive, Hickam Court, Bethel Drive and Old Plank Road.

B97-11 Accepting conveyances for access to storm water facilities, temporary construction, sewer and street purposes.

B98-11 Accepting Stormwater Management/BMP Facilities Covenants.

B99-11 Accepting conveyances; authorizing payment of differential costs for construction of a water main serving Lot 2 within Providence Village South, Plat 1; approving the Engineer’s Final Report.

B100-11 Accepting a conveyance for utility purposes.

B101-11 Authorizing an agreement to abrogate the development agreement with B & E Investment, Inc. and Sapp-Bristol Management Group, LLC for the Bristol Lake Development and related road improvements; directing the City Clerk to have the agreement recorded; superseding a portion of Ordinance No. 019009.

B102-11 Amending Chapter 17 of the City Code to restrict dogs and cycles in Bonnie View Nature Sanctuary.

B103-11 Amending Chapter 22 of the City Code as it relates to the transfer of rental certificates.

B104-11 Appropriating funds to the Convention and Visitors Bureau for increased public relations and advertising.

B105-11 Accepting a donation from Boone County National Bank through the Columbia Police Foundation for a Police Department Employee Awards Ceremony; appropriating funds.

B106-11 Appropriating funds for the production of an international recruitment video for REDI, Inc.

B107-11 Appointing Michael Matthes as City Manager for the City of Columbia; authorizing an employment agreement.

REPORTS AND PETITIONS

REP58-11 Intra-Departmental Transfer of Funds Request.

Ms. Hertwig Hopkins noted this report had been provided for informational purposes.
Ms. Hoppe asked if the City had $100,000 to move from annual streets to asbestos removal/demolition. She was concerned about the variety of street maintenance needs they had, such as potholes. Mr. Glascock explained the City had purchased three houses on Creasy Springs for when the curve on Creasy Springs next to the creek was addressed, and those homes needed to be demolished. In order to do this, they needed to remove the asbestos tiles in the homes. The bid was approximately $87,000. Ms. Hoppe understood this was related to a street project. Mr. Glascock stated that was correct.

**REP59-11 Officer Comparison 2005-2010.**

Ms. Hertwig Hopkins provided a staff report and noted this had been provided for informational purposes.

Mayor McDavid appreciated receipt of this information as they all wanted to know how many officers per thousand there were compared to all of the mid-western college towns. He also thought this type of information would be helpful to know in terms of firefighters. He noted this information could be translated to costs. He suggested easier access to this kind of information as it would help them benchmark budget needs. Ms. Hertwig Hopkins stated staff could provide that information on a regular basis.

Ms. Nauser understood the officers of the University Police and the Boone County Sheriff’s Department also issued traffic citations and participated in the investigation of crimes, and wondered if their activities were ever factored into this type of information. Although Columbia had a population of 100,000, those agencies were sometimes patrolling City streets in addition to their areas. She thought that needed to be taken into consideration. Ms. Hertwig Hopkins noted officers from the University Police had been taken into consideration. She explained they did not include the sworn and non-sworn Boone County officers, but could add that information in the future.

Mr. Thornhill commented that if the strategy of geographical policing was taken into consideration, the number of miles patrolled by an officer was up, but number of officers to acres or as area had been consistent over the last 17 years.

**REP60-11 Preliminary Design: West Broadway from Garth Avenue to West Boulevard.**

Ms. Hertwig Hopkins provided a staff report and noted this had been provided for informational purposes.

Mayor McDavid asked what it would cost to implement the last iteration of the design plan from Garth to West Boulevard. Mr. Glascock replied he would need to confirm the utility figures, but construction of the street would be around $2.5 million. In addition, $500,000 would be needed for design. He reiterated this estimate did not include the cost to underground the utilities. Mayor McDavid thought it would be safe to estimate it at a $3 to $4 million project. He noted a constituent had indicated he thought the cost was only $500,000. Mr. Glascock explained that was the estimated design cost, which was available. He just did not believe it was prudent to begin design until they had money to construct the project.

Mr. Dudley thanked staff for providing this report.

**REP61-11 The Blues in the Schools Mural – Parking Request.**
Ms. Hertwig Hopkins and Ms. Rhodes provided a staff report.
Mayor McDavid made a motion directing staff to allow the use of the four parking spaces as requested and for the fee for those spaces to be waived. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

REP62-11  **Stephens College Commencement Activities Request.**

Ms. Hertwig Hopkins provided a staff report.
Mr. Thornhill made a motion approving the special accommodations as requested by Stephens College. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP63-11  **Street Closure Request – Palm Sunday.**

Ms. Hertwig Hopkins provided a staff report.
Ms. Hoppe made a motion to approve the street closure as requested. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

REP64-11  **Report from Substance Abuse Advisory Commission re: Mandatory Server Training.**

Ms. Hertwig Hopkins and Ms. Browning provided a staff report.
Mr. Thornhill made a motion directing staff to draft legislation that would require server training for Council consideration. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP65-11  **The Grove Final Plat – Clearing Property.**

Ms. Hertwig Hopkins and Mr. Glascock provided a staff report.
Ms. Hoppe understood the landfill would need to develop a detailed business plan to address various issues if they allowed material to be delivered to the City and asked if the Council needed to provide direction in terms of developing a business plan. Mr. Glascock replied it was needed more on the private side as the City would have to require developers to chip, so acceptance or a business plan to help the process of chipping to be more accepted was needed.
Ms. Hoppe made a motion directing staff to draft an ordinance requiring chipping instead of burning, and to include any needed exceptions in the ordinance for Council consideration. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

REP66-11  **Funding Available to Repair Sidewalks.**

Ms. Hertwig Hopkins and Mr. Glascock provided a staff report.
Mr. Dudley asked if the sidewalk project on Broadway from Fairview to Stadium Boulevard would take care of the lack of drainage on the south side of Broadway and whether the project should be funded by the Walmart TDD. Mr. Glascock replied the sidewalk on the north side of Broadway from Fairview to Stadium was a GetAbout project. Mr. Thornhill understood the TDD was going to pay for intersection improvements at Fairview.
and Ash. Mr. Glascock stated that was correct and noted it would include improvements at Worley as well.

**REP67-11 Seventh and Walnut Parking Garage Scrub Down and Concrete Sealing.**

Ms. Hertwig Hopkins and Mr. Glascock provided a staff report and noted this had been provided for informational purposes.

**REP68-11 Nifong Park Improvements & Maplewood Barn Update.**

Ms. Hertwig Hopkins and Mr. Hood provided a staff report.

Mr. Thornhill made a motion directing staff to proceed as outlined in the report. The motion was seconded by Mr. Dudley

Ms. Nauser understood there was water leaking into the Maplewood Home and asked if that issue had been resolved. Mr. Hood replied they planned to hold enough money from the budget to correct that problem. He noted the roof had been repaired, but they now needed to fix any damages on the inside.

Mr. Sturtz understood there was now consensus in terms of not putting an awning over the stage as it conflicted with the historic nature of the barn. Mr. Hood explained the Historic Preservation Commission had some concerns, but at this time, it was primarily a budget issue as there were not enough funds to construct an overhang at this time. Council would be notified if and when a roof over the stage was proposed.

The motion made by Mr. Thornhill and seconded by Mr. Dudley directing staff to proceed as outlined in the report was approved unanimously by voice vote.

**REP69-11 Alternate Scott’s Branch Trail Route Report.**

Ms. Hertwig Hopkins provided a staff report.

Mayor McDavid stated he felt there was a lack of compromise in a situation where there was an opportunity for compromise. He commented that, at this time, he was predisposed to side with the neighbors that wanted to walk dogs on four foot leashes on paved and dirt trails through the Bonnie View property. He was, however, willing to listen to a compromise that would involve the Audubon Society and the neighbors.

Ms. Hoppe understood the recommended action was to refer this issue to the Bicycle/Pedestrian Commission and wondered if it should be referred to the Parks and Recreation Commission as well. She asked if the Parks and Recreation Commission had considered this. Mr. Hood replied the Commission had provided a recommendation based on the plan staff provided them. The plan staff presented to the Commission routed a section of the trail along the sidewalks and the streets, and that plan was discussed at its meeting. The alternative of routing it across the Audubon property was mentioned, but the Commission had not been provided an actual drawing. He noted that could be provided to them for discussion at their April meeting. He also pointed out he had received a request for this issue to be referred to the Disabilities Commission as well.

Mayor McDavid made a motion to refer this issue to the Bicycle/Pedestrian Commission, the Parks and Recreation Commission and the Disabilities Commission. The motion was seconded by Mr. Dudley.
Ms. Nauser understood the Bonnie View use issue was being introduced tonight and would come to Council for consideration at its next meeting. She suggested it be tabled at that time to allow for input from these three commissions.

Mayor McDavid agreed it would need to be tabled. He commented that there were lots of options, such as the trading of property, for a potential compromise. He hoped those involved would come up with a compromise to make everyone happy. He thanked Mr. Dudley for the work he had done in attempting to achieve a compromise as he thought it was possible.

Mr. Dudley agreed a compromise was possible and noted he was talking to people everyday regarding this issue. He commented that while he was not conceding the path at the bottom shown on the drawing, a concern he had was the need to bulldoze a 50 foot area for an 8-foot wide path, which was not an option for this park. Mr. Hood noted it could be narrowed to a 30 foot area and that he would try to get it reduced to 20 feet. Mr. Dudley stated he preferred 12 feet. Mr. Hood pointed out that narrowing it too much took away flexibility in trying to maneuver around large trees.

Mr. Sturtz understood the City could get 30 feet of right-of-way, but only disturb 12 feet in width. Mr. Hood agreed they could work with a contractor to stay to a tighter area, although he was not sure what that width would be at this time. He noted since it would be a paved path, they would need room for equipment.

Ms. Hoppe understood there might be smaller equipment that could be used to keep the swatch as narrow as possible. Mr. Hood noted there was an item referred to as a buggy, which was a motorized wheelbarrow, but the use of it would cause labor costs to increase while minimizing the impact on the environment.

Mr. Kespohl commented that he had met with some members of the Audubon Society and he did not believe they were willing to compromise in terms of their land.

Mayor McDavid stated he wanted to see the use issue in terms of dogs and bicycles and the trail alignment dealt with at the same meeting.

The motion made by Mayor McDavid and seconded by Mr. Dudley to refer this issue to the Bicycle/Pedestrian Commission, the Parks and Recreation Commission and the Disabilities Commission was approved unanimously by voice vote.

**REP70-11  Report on Disaster Plan Available to Citizens.**

Ms. Hertwig Hopkins and Ms. Schwartze provided a staff report and noted that this had been provided for informational purposes.

**REP71-11  Report: Priority CDBG project needs for the 2012 Action Plan.**

Ms. Hertwig Hopkins and Mr. Teddy provided a staff report.

Mr. Kespohl understood there were five projects involving stormwater or sewer back-ups scheduled for the 3-5 year range. He suggested they be moved up to the 1-2 year range. Mr. Teddy commented that staff had gone through all of the capital improvement program projects that would be eligible to receive Community Development Block Grant (CDBG) money.
Mr. Kespohl made a motion directing staff to move the five projects involving stormwater and sewer back-ups to 1-2 year projects. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Hoppe understood the Director of JobPoint had recommended more training in heavy construction and highway construction and wondered if that would be a profitable job area given the reduction in highway funding. Mr. Teddy explained he thought the program was called heavy construction and highway construction, but that they would likely do sidewalk construction locally with CDBG funds.

**REP72-11 Bicycle & Pedestrian Commission Report: Potential bicycle lanes on Greenbriar Drive:**

Ms. Hertwig Hopkins and Mr. Teddy provided a staff report and noted this had been provided for informational purposes.

Ms. Nauser thanked the Commission for reviewing this at her request and stated she would pass the information along to the neighborhood.

**REP73-11 Recommendations for Human Rights Commission re: Pending MO Legislation:**

Ms. Hertwig Hopkins and Ms. Browning provided a staff report. Ms. Browning pointed out she could not find House Bill 626 and thought Senate Bill 239 and House Bill 477 were the bills associated with what was discussed as House Bill 626.

Mr. Sturtz asked Mr. Boeckmann if he believed House Bill 205 and Senate Bill 188 would weaken the non-discrimination clauses having to do with gender, sexuality, etc., if signed into law. Mr. Boeckmann replied adding the sexual orientation statute would not affect city ordinances. He explained that if someone filed a complaint to the Human Rights Commission for discrimination based on sexual orientation, the Commission could investigate, but a remedy was not really available. If someone filed a complaint based on racial or age discrimination, those were also violations of State law and could be handled at the State level where they had a better enforcement. The enforcement mechanism for the City was to prosecute in Municipal Court.

Mayor McDavid commented that he believed they all opposed discrimination of any kind and asked if they needed to refer these finding to local legislators. Ms. Nauser stated she thought the Council’s unwritten policy was to not get involved with state or federal legislative issues. Individual citizens could contact their state and federal representatives instead. Ms. Hoppe thought that unwritten rule primarily applied to federal issues as they worked with the Missouri Municipal League on legislation impacting the cities. Ms. Nauser stated those issues primarily involved fiscal impacts to the City and were not necessarily policy decisions.

Mr. Thornhill stated he appreciated the work of the Commission, but did not feel they could make this type of decision by only reviewing the report provided. He thought he would need to research it further.

Ms. Hoppe asked for clarification regarding the bill numbers. Ms. Browning replied the ones the Commission was recommending the City oppose were House Bill 205 and Senate
Bill 188. The ones they were requesting support of were Senate Bill 239 and House Bill 477, but only one had been assigned to committee.

Ms. Nauser asked if the Commission could send a letter as that would not require official Council action. Ms. Browning replied the unstated policy was that an appointed advisory body to the Council should not be contacting legislators. Ms. Hertwig Hopkins explained they had not encouraged boards or commissions to take it upon themselves to draft those types of letters because they were still acting on the Council’s behalf.

Ms. Hoppe made a motion directing staff to share the concerns of the Human Rights Commission with the City’s lobbyist. The motion was seconded by Mr. Sturtz.

Ms. Nauser stated she felt this action provided Council endorsement and believed this should be a personal responsibility.

The motion made by Ms. Hoppe and seconded by Mr. Sturtz directing staff to share the concerns of the Human Rights Commission with the City’s lobbyist was defeated by voice vote with only Ms. Hoppe voting in favor of it.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Roger Gadbois, 428 E. Clearview Drive, provided a handout and stated he had been selected to be on the Broadway Community Advisory Committee, which was a surprise to him since he had indicated he was opposed to the project. He noted everyone that did not live along West Broadway eventually stopped attending meetings because they knew this Committee would only approve the decision of the City. He commented that a consultant had charged $104,000 to lead the Committee toward a certain direction in terms of the project. At the Committee’s last meeting, he provided a minority report, but was not sure what had happened to it. He asked the Council to read the handout provided, and noted the plan for West Broadway had a lot of problems.

Mr. Dudley stated he had received comments from citizens asking the Council to not forget about the neighborhood in light of the recent park and downtown beautification projects. The potholes and streets around town needed to be addressed as well.

Ms. Hoppe commented that due to the weather this winter, the yellow plastic dividers at College and Walnut and at Grindstone had been destroyed. She recalled Mr. Glascock indicating there was not much of a price difference between using the plastic dividers and having a concrete median divider. She asked staff to provide a report on replacing the existing plastic dividers with concrete median dividers as the concrete dividers might be more cost-effective in the long-term.

Mayor McDavid noted an ordinance involving increases in parking rates had been introduced earlier in the evening and would be discussed at the next meeting. It included the minimum amount of money needed to keep the parking utility solvent so the City could sell bonds. He pointed out he would be creating a parking task force at the next meeting, and would charge the task force with the responsibility of reviewing downtown parking in terms of how much was charged, why that amount was being charged, whether there should be differential charges between the street and garages and within the garages, whether the
rates on some streets and at some garages should be higher, a review of the technology used, etc.

Ms. Nauser listed some of the on-going issues she felt needed to continue to be pursued, and those were as follows: a report regarding costs to the City associated with situations where a developer had gone bankrupt, the need for a sidewalk around Fire Station No. 7, the need for a crosswalk at Green Meadows and Forum, the need for speeding to be addressed on Sinclair and Route K near a neighborhood park, a light at Forum and Old Plank, the need to resolve a sidewalk gap that would soon exist between the synagogue on Green Meadows and Bethel, the continuation of Scott Boulevard – Phase 3, and the need for boards, commissions, committees and task forces to post meeting agendas and minutes on the City’s website.

Mr. Thornhill thanked Mr. Sturtz and Ms. Nauser for their service and noted he had enjoyed working with them over the last few years.

Mr. Kespolh understood $1.4 million had been transferred from the Highway 763 project to the Route PP project because that money had been left over when the project had been completed. He asked for a list of projects that were completed that still had funds remaining in the project, so the Council could see where there was unused money. He suggested this information be provided on a quarterly basis.

Mr. Kespolh noted a burglar alarm went off at his building last week and the Police Department responded in four minutes for which he was grateful. His alarm company called him today to tell him the Police Department was thinking about not responding to burglar alarms in the future. He asked for a report on that issue prior to the policy taking effect.

Mr. Kespolh commented that the officer that responded had shown him his laptop and the touch screen no longer worked. He understood the policy was to not fix touch screens. He felt police officers needed every tool possible to be effective and asked for this issue to be addressed. He noted the laptops were used when the officers were driving, and they should not be trying to operate a keyboard in those instances.

Mayor McDavid stated it had been a pleasure for him to work with Mr. Sturtz and Ms. Nauser.

The meeting adjourned at 9:36 p.m.

Respectfully submitted,

Sheela Amin
City Clerk