INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, October 3, 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 SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE and MCDavid were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the September 19, 2011 regular and special meetings were approved unanimously by voice vote on a motion by Mr. Kesphol and a second by Mr. Dudley.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Dudley made a motion to add B288-11 to the introduction and first reading section of the agenda and to approve the agenda with that change. The motion was seconded by Mayor McDavid and approved unanimously by voice vote.

SPECIAL ITEMS

Years of Service Recognition of Tom Baumgardner, Water and Light Advisory Board.

Mayor McDavid asked Tom Baumgardner to come forward and explained the water and light utility, which had been formed by the citizens of Columbia in 1904, had been successful due to the time and energy of volunteers such as Mr. Baumgardner, who had been a member of the Water and Light Advisory Board for 20 years. He listed the projects implemented during Mr. Baumgardner's tenure and thanked him for his service and presented him a plaque.

Mr. Baumgardner thanked Mayor McDavid and recognized Dick Malon, the former Water and Light Department Director, and Dr. Richard Wallace and Professor David Wollersheim, former members of the Water and Light Advisory Board, for their contributions to the utility as well.

Future Percent for Art Project - Short Street Parking Garage.

Ms. Kacprowicz provided a staff report.

Addison Myers stated he was representing the Commission on Cultural Affairs and that they were recommending the Council designate this project as a Percent for Art project. In creating the Percent for Art program in 1997, City government recognized the creation and importance of art. He noted the path of art was not always smooth as art attracted attention and excited comment. He commented that art enhanced the public environment, promoted economic development and expanded the value of public buildings. The Short Street area was a perfect example of how and where the arts could do good things for Columbia as it
was the gateway to the Arts District. He pointed out funding for the project came from the parking utility, not the general fund. Since funding was in place and this area was in Columbia’s Arts District, the Commission urged the Council to support this designation.

Jennifer Perlow stated she was the owner of PS Gallery in the North Village Arts District, and as a business owner, she hoped Council would approve this funding. She noted she was also the President of the North Village Arts District Board and they also wanted to see a Percent for Art project in the Short Street garage.

Carrie Gartner, 11 S. Tenth Street, stated she was the Director of the Downtown Community Improvement District and explained they also supported the Percent for Art project. They felt it was particularly important in this garage because it was located within the Arts District.

Ms. Hoppe agreed it was important to have a Percent for Art project in this area, but noted she was also concerned about the process. In the past, the Commission selected one artist, who would then come back with a project which, at times, was quite different from the works previously shown to the Commission, and the City was then stuck with something that was disappointing. She suggested a change in the process.

Mayor McDavid stated he wanted to respect the autonomy of the Commission, but also felt it was important for them to keep the Council engaged.

Ms. Anthony made a motion to designate the Short Street parking garage as an eligible Percent for Art project. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

**CITIZENS POLICE REVIEW BOARD**
Alexander, Merwyn, 1605 Birmingham Court, Ward 5, Term to expire November 1, 2012. * (Mr. Alexander was removed from the Citizens Police Review Board at the end of the meeting during Council comments.)*

**PLANNING AND ZONING COMMISSION**
Strodtman, Rusty, 4009 Quinton Court, Ward 2, Term to expire May 31, 2016

**SCHEDULED PUBLIC COMMENT**
Susan M. Smith, Citizens Police Review Board Member - Update regarding information collected at this year’s National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference.

Ms. Smith explained the Civil Rights Division of the U.S. Department of Justice sought relief in federal court for patterns and practices of unconstitutional police conduct, such as excessive force, false arrests and unconstitutional searches and seizures. Whenever the Department of Justice had reasonable cause to believe such violations had occurred, they were allowed to obtain a court order to eliminate the pattern or practice, and on that basis they entered into consent decrees and memorandum of agreements or understandings with
the law enforcement agencies. These settlement agreements required the appointment of a monitor to test and report upon a jurisdiction’s efforts to achieve, maintain and sustain constitutional policing and substantial changes in police department policies, training, analytical rigor, accountability, performance, attitude, approach to discipline and culture. They required data to be created carefully analyzed and actively utilized by police management to put an end to an alleged pattern or practice and to better manage the risk of police misconduct. These reports assisted policy makers, opinion makers and the general public in becoming conversant and capable of reaching informed judgments about the performance of law enforcement. She commented that as part of the conference she recently attended, they looked at several cities that were participating in this type of process and listed those cities. She noted oversight was important as effective and independent oversight led to trust, which led to fewer crimes as community members responded in partnership with law enforcement, and provided Los Angeles as an example where forced oversight had changed how policing was done. Oversight also allowed better training of officers and a quicker response to the issues that arose. It was eventually welcomed and embraced in Los Angeles and actually enhanced recruitment. She believed reforms of police and police policies without effective civilian oversight failed and failed quickly as it did not address the culture within the agencies. She described the documents she provided Council via e-mail and suggested Council consider those when discussing law enforcement.

PUBLIC HEARINGS

(A) Rehabilitation of Taxiway A at the Columbia Regional Airport.

Item A was read by Mayor McDavid.

Mr. Glascock noted the City had received the grant for this project. Mr. Matthes reminded Council they had authorized him to accept the grant as soon as it was received.

Mayor McDavid opened the public hearing.

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

Mr. Dudley made a motion directing staff to proceed with the rehabilitation of the Taxiway A project with an ordinance authorizing the call for bids through the Purchasing Division. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(B) Construction of wildlife deterrent fencing at the Columbia Regional Airport.

Item B was read by Mayor McDavid.

Mr. Glascock stated he understood the City would receive this grant in December.

Mr. Dudley asked for clarification as it appeared the fence went around a house. Mr. Glascock replied that was the control tower and explained where and how the fence would be constructed. Mr. Dudley asked if they could go across the drive. Mr. Glascock replied the control tower was used everyday and they did not want the employees to have to come through a gate, but could look at the design.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid closed the public hearing.
Mr. Kespoohl made a motion directing staff to proceed with the wildlife deterrent fencing project with an ordinance authorizing the call for bids through the Purchasing Division. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(C) **Construction of the Short Street parking garage.**

Item C was read by Mayor McDavid.

Mr. Matthes and Mr. St. Romaine provided a staff report. Dave Ryan of Walker Parking Consultants and Chris Davis of Peckham and Wright Architects described the process to date and the proposed option for the Short Street parking garage.

Mayor McDavid asked how many parking spots were subscribed at this point. Mr. St. Romaine replied 275 were currently subscribed, and if the garage was built to include 340 spaces, it would allow for 65 public spaces.

Ms. Hoppe asked if the design would include provisions for outlets for electric cars or future retrofits for those outlets. Mr. Ryan replied it had not been discussed, but explained it could be incorporated as part of the design. Ms. Hoppe understood this feature was not included in the estimated cost. Mr. Ryan stated that was correct.

Mayor McDavid opened the public hearing.

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

Ms. Anthony asked for clarification on the number of spaces the design of the garage would include. Mayor McDavid understood Council would approve a $9 million structure that could include 410 spaces. He asked if they needed to make that decision tonight. Mr. St. Romaine replied yes. He explained they needed to tell the consultants what to design for in terms of the number of spaces.

Mayor McDavid made a motion directing staff to proceed with final plans, specifications and construction of the Short Street parking garage with 410 parking spaces. The motion was seconded by Ms. Anthony.

Ms. Hoppe asked for the estimated additional cost to include the basic infrastructure for electric cars. Mr. Ryan replied he did not know that cost at this time, but noted he could provide that cost as part of the design process. He pointed out it could also be bid as an alternate. Ms. Hoppe stated she would like it to be considered.

The motion made Mayor McDavid and seconded by Ms. Anthony directing staff to proceed with final plans, specifications and construction of the Short Street parking garage with 410 parking spaces was approved unanimously by voice vote.

(D) **Voluntary annexation of property located on the southeast side of Old Plank Road, approximately 800 feet east of the intersection of Old Plank Road and State Route K.**

Item D was read by Mayor McDavid.

Mr. Teddy provided a staff report.

Mayor McDavid opened the public hearing.

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

OLD BUSINESS
B216-11  Rezoning property located at the southeast corner of Nifong Boulevard and Bethel Street from Districts R-1, R-2, R-3 and O-1 to PUD-17 and C-P; authorizing a development agreement.

The bill was given third reading by the Clerk.

Mr. Teddy provided a staff report and explained the applicant was asking that the deadline to build the street built be tied to development of Area C instead of being 18 months from the date the ordinance was passed.

Mayor McDavid made a motion to amend B216-11 per the amendment sheet. The motion was seconded by Mr. Thornhill.

Ms. Anthony commented that she had a problem with the amendment and explained she had been fully supportive of the development prior to the requested amendment as it was a significant change. She believed the reason the project had moved forward was because there had been many informational hearings between the developer and concerned citizens, and the promise was made for the box culvert and street improvements to be done within 18 months. It was now being tied to when Area C would be developed and that created an indefinite time frame. She felt this was disingenuous and unfair to the neighborhood as they had not been allowed to comment on the change as this information had been received on September 30, 2011.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was representing the applicant, Jeffrey E. Smith Development, and described the proposed project. He commented that this property could be developed with 311 multi-family student apartments or an intensive office development without re-platting the property, plan approval, a traffic impact study, any dedication of public rights-of-way or easements or any requirement for building public streets. The applicant felt those potential uses of the property were not appropriate and was willing to submit himself to development plan approval, traffic impact studies, re-platting, dedication of rights-of-way, and the construction of a number of public improvements, to include streets, a stormwater detention facility that would address downstream flooding and a culvert. He noted the culvert was not dependent on the construction of Development Area C. It had to be built regardless. He explained the reason they were requesting the construction of public streets on the east part of the property be delayed was because they had a perspective tenant for the property and this tenant would create a compatible office development that would serve the neighborhood and enhance the area. The streets could not be developed until the placement of the building was decided. Although he could not promise Development Area C would be the first area developed, he could promise the streets would be built with its development. He asked the Council to approve this rezoning request.

Ms. Anthony asked how much time his client needed to reach an agreement with the potential purchaser. Mr. Simon replied the potential purchaser was not known for making his mind up very quickly, so he could not say. Ms. Anthony asked if his client would be willing to table this matter for eight months. Mr. Simon replied no and explained they needed some indication that the streets would be built at their expense. Ms. Anthony understood his client would be assuming the risk of building the streets, if this was approved. Mr. Simon agreed
and noted it was a question of timing, not a question of whether it would be built. Ms. Anthony stated she did not agree.

Ms. Hoppe stated they were asking for a very open-ended time frame as it could be 10 years before the roads were built. Mr. Simon stated he did not believe it was open-ended because he anticipated the development of Area C and the building of the street at that time. In addition, they had to provide a traffic impact study with every development plan, and the traffic impact study could indicate the streets were required to be built as a condition of approval of the development plan. Ms. Hoppe thought it could still be open-ended depending on whether the traffic study required the streets.

Mr. Schmidt understood the reason for delaying the building of the streets until Area C was developed and asked if the box culvert and the stormwater detention would be built immediately. Mr. Simon replied the box culvert would be build immediately and the stormwater detention facility had to be built in conjunction with the construction of the east-west running street due to engineering. Mr. Schmidt asked for the location of the detention facility. Mr. Simon replied it would be on City land, either north or south of the street, as directed by the City in the approval of the design. Mr. Schmidt understood the developer would build it with a cap. Mr. Simon stated that was correct and explained the detention facility captured the sheet flow off of the Peachtree development in an effort to deal with existing downstream flooding problems. Mr. Schmidt understood the stormwater detention would be delayed until the street was built.

Mr. Schmidt asked for clarification regarding the box culvert as it would be built sooner. He wondered how it might address some of the stormwater issues. Mr. Simon replied fundamentally the stormwater flow from this development post-development would not be greater than pre-development. The stormwater detention facility was not being built to accommodate this development as it had nothing to do with this development. The box culvert was just as essential to the City as it was to the developer. A Corps of Engineers permit was in place today that allowed it to be built. If the box culvert was not built prior to the permit expiring, it was unlikely the box culvert would ever be put in place, and if it was not put in place, the widening of Nifong Boulevard would become impossible or grossly and prohibitively expensive. He believed this was an essential improvement, and they were willing to do it even though it would cost $1.4 million. Mr. Schmidt understood they would start that construction almost immediately. Mr. Simon replied yes and explained they would not allow the permit to expire.

Mr. Schmidt asked for clarification regarding the cost of sidewalks. Mr. Simon replied the City's ordinances allowed for the City to contribute a cost for construction of a street greater than the requirements of a residential street. City staff indicated it wanted to offset that cost by giving a credit toward the construction of sidewalks, so the street would have to be constructed at the developer's cost and the City would agree to provide a credit against the cost of sidewalks alongside the streets to the extent of the increased cost of the non-residential street as compared to a residential street.

Mr. Schmidt asked about sidewalk construction. Mr. Simon replied the sidewalks would cost more than the credit, but they would still be installed. He noted the traffic signal was also a major expense as it had to be designed and installed.
Mr. Thornhill asked if the developer would be willing to commit to having the street installed within a reasonable period of time, such as 2 years or 30 months. Mr. Simon replied he was not in a position to make the financial commitment for someone else.

Mr. Kespohl asked if the box culvert was part of the amended agreement. Mr. Simon replied it was in the amended agreement, but was also in the initial draft of the agreement and that requirement had not been changed. Mr. Kespohl understood the agreement indicated it would need to be built now. Mr. Simon stated that was correct.

Mayor McDavid understood the concern was that the area that would trigger the streets being built would remain undeveloped. He asked if they could ask about the street when the other development plans came forward as he viewed this as one total package. Mr. Teddy explained the development of Areas A and B and the PUD would generate the need for a traffic study that would project total traffic as the site was built out based on assumptions. They would not know the uses of Development Area C, but the engineer would provide a projection in terms of the traffic study, and the City could ask for incremental improvements as a result of the study. He was not sure whether that would require a signal or roadway and that was part of the risk.

Mayor McDavid asked what protections the City had other than a good faith promise the streets would be installed. Mr. Boeckmann replied the City would not really have any protections until the street was actually constructed because the owner could go bankrupt or abandon the project. If Council passed this ordinance with the amendment, Area C could sit undeveloped for a while, but when they did proceed, they would be bound by the agreement.

Mr. Schmidt asked if the requirement followed the zoning, which followed whoever the owner became. He understood this was not an agreement only with the developer. Mr. Boeckmann replied it was all tied to zoning and land use. Mr. Schmidt understood if someone else owned the land, the new owner would have to build the street.

Ms. Hoppe commented that the issue involved when Area C would be developed since the street would not be installed until that area was developed. This allowed for an open-ended time frame and Council could not enforce it with other plans.

Mayor McDavid understood Ms. Anthony was concerned with the developer making a substantial commitment to spend a lot of infrastructure money, which might not happen if they only proceeded with Areas A and B. Ms. Anthony stated that was correct. She also noted they had a public process based upon the entire 22.5 acre area, and although they had assurances for a box culvert, the street improvement and the detention system could be unaddressed indefinitely. She did not feel good faith was enough. She thought they needed to protect the citizens.

Mark Farnen, 103 E. Brandon Road, explained they had held several community meetings and made substantial outreach efforts with those interested in the project, to include the neighbors in the vicinity and the Bedford Walk Neighborhood. He believed the development agreement was a changeable document because they had listened to comments made by the neighbors and responded with changes. Significant concessions were made in terms of stormwater, traffic and allowable uses for the neighbors and the City. He listed some of the use restrictions. In indicated they met with the neighbors and a nearby school, church, bank, etc. They felt needs were addressed to best extent possible, especially
in terms of usage and stormwater. He reiterated that many of these things would not be required if they were not rezoning the property, to include stormwater detention and the building of the roadways. In addition, the density could be higher than proposed.

Matthew Kriete an engineer with Engineering Surveys and Services, 1113 Fay Street, explained they were committing to extended detention, which would improve downstream bank stability by creating a slower release rate for the most frequent storms and would not increase downstream flooding. He commented that he was the first downstream property owner in the Bedford Walk neighborhood and was confident the installation of the box culvert and the improvements on the property would not negatively impact his property.

Mr. Schmidt asked for a description of the stormwater detention facilities. He wondered if it would be under the parking lot or if permeable surfaces would be used. Mr. Kriete replied it would be underground storage under the parking lot. They envisioned an arched system that included rock. It provided for a water quality treatment since it removed sediments and hydrocarbons. It would be sized to provide a 40 hour release rate of the water quality storm, which reduced peak flow rates. Mr. Schmidt understood this might reduce the flow rate of what existed now, which was vacant land. Mr. Kriete stated it would reduce in that storm what it was today. Mr. Schmidt asked if this was something different and better than permeable surfaces. Mr. Kriete replied he thought it was equal to permeable surfaces. It provided the 40 hour detention rate, which permeable surfaces did not, but had similar water quality benefits.

Karen Smith, 601 Sudbury Drive, commented that as neighbors of Bedford Walk, they had watched this proposal with great interest for a long time and it felt that their needs had been addressed as they worked with the developer. She explained they had been assured the amendment was simply an issue of the road improvements being constructed at the same time revenues were being accrued. She was not an expert on that subject, but would hate to see the derailment of this proposed development due to this issue. She noted water and traffic were issues for the neighborhood. She understood drainage would not be worse than currently existed even if they did not develop Area C. She also understood the time of traffic was the issue and that much of the traffic would come from the development of Area C and was something the Council would address. She appreciated the developer’s willingness to work with them.

Mr. Simon asked if 48 months was suitable. He pointed out that if the traffic impact study for any part of the development required the streets to be constructed, they would have to build them. In addition, if Development Area C was developed, they would have to construct the streets. If they did not submit a C-P development plan for the development of Development Area C within 48 months, they would still have to build the streets. He noted the Council could amend the amended development agreement to change the time limit for the construction of the two public streets, the round-a-bout and the installation of the traffic signal associated with the development of Development Area C to the development of Development Area C or 48 months, whichever occurred first. He noted they would accept that amendment with the understanding City staff would have to approve the language.

Mayor McDavid asked for guidance from Mr. Boeckmann regarding the necessary amendment. Mr. Boeckmann noted the Council had a motion to accept the amendment
sheet which had a new development agreement. The Council just needed to accept that on the condition that the timing be changed to add the 48 month provision.

Mr. Thornhill made a motion to amend the amended development agreement to include the 48 month provision with regard to the development of the public streets, round-a-bout and traffic signals. The motion was seconded by Ms. Hoppe.

Mr. Schmidt commented that he understood the developer’s point of not wanting to build the road until it went somewhere, but he was also concerned about the stormwater detention not being built until the road was built, which might not occur.

Ms. Anthony stated she appreciated the flexibility of the developer. She had been concerned from a process perspective as it had been brought to the neighbors with the understanding the streets would be constructed in 18 months. The developer had asked for an indefinite time frame, but the Council was agreeing to 48 months. She was comfortable with the change because they had a time frame.

Mayor McDavid stated he believed Ms. Anthony’s points were well taken and provided an example of another project that was delayed since a time frame for completion had not been included with approval of the project.

The motion made by Mayor McDavid and seconded by Mr. Thornhill to amend B216-11 per the amendment sheet was approved unanimously by voice vote.

The motion made by Mr. Thornhill and seconded by Ms. Hoppe to amend the amended development agreement to include the 48 month provision with regard to the development of the public streets, round-a-bout and traffic signals was approved unanimously by voice vote.

The vote on B216-11, as amended, was recorded as follows: VOTING YES: SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B257-11 **Authorizing the construction of office space for the City’s parking utility and Regional Economic Development, Inc. (REDI) in the Fifth Street and Walnut Street parking structure; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

B257-11 was given third reading with the vote recorded as follows: VOTING YES: SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B261-11 **Accepting conveyances for utility purposes.**

The bill was given second reading by the Clerk.

Mr. Thornhill made a motion to amend B261-11 per the amendment sheet. The motion was seconded by Mr. Schmidt and approved unanimously by voice vote.

B261-11, as amended, was given third reading with the vote recorded as follows: VOTING YES: SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:
CONSENT AGENDA

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

B255-11 Vacating a utility easement on Lot Two within Lenoir Subdivision located south of New Haven Road on Lenoir Street.

B256-11 Vacating a drainage easement on Lot 23 within Heritage Woods Subdivision, Plat 1 located at the north end of Covington Court; accepting a conveyance for drainage purposes.

B258-11 Authorizing a waterline replacement contract with Public Water Supply District No. 9 of Boone County, Missouri and an electric distribution line relocation agreement with Boone Electric Cooperative as part of the Rolling Hills Road construction project.

B259-11 Authorizing grant agreements with the Mid-Missouri Solid Waste Management District for the purchase of indoor office recycling containers for City buildings and a drop-off bin for recycling collection at large apartment complexes; appropriating funds.

B260-11 Authorizing a right of use permit with Orscheln Farm and Home LLC for the construction, improvement, operation and maintenance of two private driveways within a utility and street easement located on Lot 1 within Sterling University Plat No. 1 adjacent to Buttonwood Drive right-of-way.

B262-11 Authorizing a cooperative agreement with Boone County, Missouri for the installation and maintenance of a backup dispatch building for Public Safety Joint Communications to be located on Boone County Sheriff’s Department property at 2111 County Drive.

B263-11 Authorizing a revenue distribution agreement with Boone County as it relates to road and bridge improvements and maintenance.


R171-11 Setting a public hearing: consider the FY 2012 Action Plan for CDBG and HOME funds and changes to the City’s Citizen Participation Plan.

R172-11 Authorizing an agreement with the National Association of County and City Health Officials for diabetes prevention and education outreach activities.

R173-11 Authorizing an agreement with the City of Columbia New Century Fund to administer flu vaccines to elementary school children in Boone County.

R174-11 Accepting a grant from the Missouri Department of Transportation – Traffic and Highway Safety Division for a DWI enforcement unit.

R175-11 Authorizing a tower and ground space license agreement with USCOC of Greater Missouri, LLC for site development and access to an existing antenna tower located at 5250 Scott Boulevard to improve radio coverage for Public Safety Joint Communications.

R176-11 Authorizing a tower and ground space license agreement with USCOC of Greater Missouri, LLC for site development and access to an existing antenna tower located on Highway 22 in Centralia, Missouri to improve radio coverage for Public Safety Joint Communications.

R177-11 Authorizing agreements with various cultural organizations; repealing PR 101-97, which established a policy for Cultural Affairs programs or
services costing $500 or less; authorizing agreements of up to $750 per agreement for arts programming or services for cultural organizations.

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

B264-11 Rezoning property located on the northwest corner of Nifong Boulevard and Ponderosa Street from RHM (Residential Manufactured Home) to PUD 9-5 (Planned Unit Development); approving the PUD Development Plan for Aspen Heights.

B265-11 Approving the Final Plat of Aspen Heights located on the northwest corner of Nifong Boulevard and Ponderosa Street; authorizing a performance contract; granting a variance from the Subdivision Regulations regarding construction of a cul-de-sac bulb.

B266-11 Approving the Final Plat of Hickman’s Addition, Plat No. 1-A located at the northwest corner of Short Street and East Broadway; granting variances from the Subdivision Regulations regarding dedication of street right-of-way.

B267-11 Approving the Final Plat of Orscheln F & H, Plat No. 1 located at the west end of Buttonwood Drive, east of Providence Road.

B268-11 Amending Chapter 29 of the City Code as it relates to wind energy conversion systems.

B269-11 Authorizing construction of intersection improvements at Providence Road and Business Loop 70 and sidewalk improvements along Providence Road from Wilkes Boulevard to Vandiver Drive; calling for bids through the Purchasing Division.

B270-11 Amending Chapter 14 of the City Code to prohibit parking on a portion of the north side of Smiley Lane west of the intersection of Derby Ridge Road.

B271-11 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant for a street tree inventory of the Old Southwest neighborhoods and to prepare an i-Tree Streets analysis of the data; appropriating funds.

B272-11 Appropriating funds for rehabilitation of Taxiway A at the Columbia Regional Airport.

B273-11 Appropriating funds for the restroom improvement project at the Columbia Regional Airport.

B274-11 Accepting conveyances for sewer, drainage, storm water facilities and access and temporary construction purposes.
B275-11 Accepting Stormwater Management/BMP Facilities Covenants.

B276-11 Authorizing the construction of improvements to Rainbow Softball Center; calling for bids through the Purchasing Division.

B277-11 Accepting a donation of land located between Godas Circle and Kassem Drive; providing that the land shall be used for parks, trails and greenbelt purposes.

B278-11 Granting an easement for sewer purposes to Boone County Regional Sewer District.

B279-11 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant for forestry training for Parks and Recreation employees; appropriating funds.

B280-11 Accepting conveyances for utility purposes.

B281-11 Authorizing an agreement with the Missouri Highways and Transportation Commission for the Statewide Transportation Improvement Program titled “On Call Work Zone Enforcement Program”; appropriating funds.

B282-11 Authorizing a grant agreement with the Missouri Department of Transportation – Traffic and Highway Safety Division for sobriety checkpoints and saturation patrols; appropriating funds.

B283-11 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.

B284-11 Amending Chapter 8 of the City Code to establish new ward boundaries - Trial A.

B285-11 Amending Chapter 8 of the City Code to establish new ward boundaries - Trial B.

B286-11 Amending Chapter 8 of the City Code to establish new ward boundaries - Trial D.

B287-11 Amending Chapter 8 of the City Code to establish new ward boundaries - Trial E.

B288-11 Amending Chapter 8 of the City Code to establish new ward boundaries - Trial D Amended.

REPORTS AND PETITIONS

REP162-11 Reserved Parking for Police - Parkade Boulevard.

Mr. Dudley made a motion directing staff to prepare an ordinance for a reserved parking space for police on Parkade Boulevard. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP163-11 Eighth Street and Elm Street Crosswalk.

Mr. Glascock provided a staff report.

Ms. Hoppe made a motion to approve the modification of the crosswalk. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.
REP164-11 All-Way Stop - Rolling Hills Road, Grace Lane and Richland Road.

Mr. Kespohl made a motion directing staff to prepare an ordinance modifying Section 14-63 of the Code to include an all-way stop at the intersection of Rolling Hills Road, Grace Lane and Richland Road. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

REP165-11 Possible Revisions to the Sanitary Sewer Rate Ordinance Amended in 2011.

Mr. Glascock provided a staff report.

Mayor McDavid commented that they were less likely to get the snow bird effect of people not living in their home from October through December.

Ms. Anthony noted lowering the 2 ccf's to the 1 ccf might help as well. She noted this might not be the end of the changes to the ordinance, but was a good start. She did not think a six month average from October through March would help if they had snow birds, but they could try October through December while reducing the winter quarter average from 2 ccf's to 1 ccf.

Ms. Anthony made a motion directing staff to bring forward an amendment to the current sanitary sewer rate ordinance by obtaining the winter quarter average from October through December and reducing the minimum from 2 ccf's to 1 ccf. The motion was seconded by Mayor McDavid.

Ms. Hoppe made a motion to allow the winter-quarter average for a customer, if established, to be transferred with that customer when they moved to a new location within the City. Mr. Glascock explained this was done by policy, but needed to be included in the ordinance to ensure it happened. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

The motion made by Ms. Anthony and seconded by Mayor McDavid directing staff to bring forward an amendment to the current sanitary sewer rate ordinance by obtaining the winter quarter average from October through December and reducing the minimum from 2 ccf's to 1 ccf was approved unanimously by voice vote.

REP166-11 Appointment of Downtown Community Improvement District (CID) Board of Director Member.

Mr. Kespohl made a motion to appoint Jennifer Perlow to serve the remainder of the one year term vacated by Paul Land. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP167-11 Excavation Ordinance Report.

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

Mayor McDavid asked for clarification regarding the fine. Mr. Johnsen replied it called for a $100-$500 fine and up to three months imprisonment.

Mr. Thornhill understood the idea was to recoup some costs toward the outage as he understood they billed for the actual repair. Mr. Johnsen stated he felt it would provide them another tool to keep people from digging into infrastructure without at least making an attempt
to locate it first. Mr. Thornhill asked how people would know this would now be an offense. Mr. Johnsen replied they would provide notification to contractors, developers and private individuals.

Mayor McDavid asked how many times a year this happened. Mr. Johnsen replied he thought it occurred 3-4 times per year.

Ms. Anthony stated she had a problem with imprisoning offenders and asked if that could be changed. She thought a substantial fine was sufficient. Mr. Boeckmann replied Section 1-8 was a general provision in the Code and it governed anything that was made unlawful and not specified. He noted he did not recall a municipal judge ever sending anyone to prison in the 25 years he had been with the City. Ms. Anthony asked why it could not be specified. Mr. Boeckmann replied a benefit of having a general provision was that the prosecutor and the judge knew the range of punishment. If each ordinance was looked at on an individual basis, they would spend a lot of time trying to remember the fines, especially if there were a lot of variations.

Mr. Thornhill asked if the City could recoup 100 percent of the cost to repair a line someone dug through. Mr. Johnsen replied they could attempt to recoup 100 percent of the cost of what it took to repair it, but outage interruption costs to the City and the customers could not be recouped.

Mr. Dudley asked what would happen if someone hit it after contacting One Call. Mr. Johnsen replied the person would still be billed for the cost to repair the line unless the City did not accurately locate the line. He explained the intent was not to make money. The intent was to get people to try to obtain the location of the lines.

Mayor McDavid understood the intent was to get people to use Missouri One Call. Mr. Johnsen stated that was correct.

Ms. Hoppe understood one exception was the tilling of soil for agricultural or seeding purposes and asked if someone needed to call if they were just planting a bush that would not produce any berries. Mr. Johnsen replied it was determined by the depth one was expected to dig. People should call if they were going below the frost line. Ms. Hoppe asked if that clarification should be added. Mr. Johnsen replied it could be added, but he believed it was covered within the policies and provisions of Missouri One Call. He noted they would determine if clarification was needed prior to bringing forth an ordinance.

Mayor McDavid made a motion directing staff to draft an ordinance to make it an unclassified offense to excavate without notifying the Missouri One Call System two working days in advance. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.


Mayor McDavid understood the Citizens Police Review Board responded to the seven differences it had with the Columbia Police Officers’ Association with this detailed report, and that with regard to the definition of misconduct, the Board agreed it should be amended.

Ms. Anthony made a motion directing staff to bring forward an ordinance to amend the definition of misconduct as “any violation of federal law, state law, city ordinance, city regulation or police department policy, guideline, directive, rule, regulation or order in effect at
the time of the incident." The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Mayor McDavid noted the Board unanimously recommended not making additional changes to Section 21-51 of the Code. He understood this had not been a problem lately, and although he was concerned someone not a party to an event would file an appeal requiring someone who preferred to file a civil suit to testify, he did not think a change was needed at this time. He also noted the Board unanimously recommended not changing Section 21-45(a) of the Code to close records relating to complaints and the investigation of complaints. He was willing to accept their recommendation if agreeable to the other Council Members. He also understood the majority of the Board recommended a change to the ordinance to allow the Board to go into closed session with a two-thirds majority vote. He thought this was a good idea and provided an example of someone that was the victim of sexual assault who wanted to complain about the way he/she was treated by the police. Mr. Kespohl understood the Board was continuing to work on guidelines for when closed meetings would be appropriate and thought meetings should remain open until the guidelines were received.

Mr. Kespohl made a motion directing the Citizens Police Review Board to develop guidelines associated with the Board going into closed session. The motion was seconded by Mr. Dudley and approved by voice vote with only Ms. Anthony voting against it.

Mayor McDavid understood the Board unanimously agreed the current ordinance sufficiently articulated the necessary training standards. Mr. Schmidt noted they had a hard time filling seats on boards where there were specific requirements, so he understood the Board's recommendation against this training. Mayor McDavid thought the issue involved the Police Department recommending rides every three months. Mr. Schmidt thought that was a lot. He also noted the Council had been hesitant in sending every Board Member to training a few years ago and needed to take that into consideration as well.

Mayor McDavid understood the majority of the Board recommended the current ordinances be amended to require the police to place policies online, except for those policies that revealed tactics which might jeopardize the safety of the officers. Ms. Anthony thought this was important if the Council was being asked to change definitions, etc.

Ms. Anthony made a motion directing staff to bring forward an ordinance to require the police to place their policies online, except for those policies that revealed tactics which might jeopardize the safety of the officers. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mayor McDavid noted the Board unanimously agreed to recommend the ordinance be changed to require the police to provide the Board with summaries, without naming officers, of all externally generated complaints, all internally generated complaints, all mandatory reviews and all contacts categorized as an inquiry or a referral, and asked for clarification on what was considered an internal complaint. He noted it made sense to have reports as data was needed. Mr. Kespohl wondered why they were asking for quarterly and monthly reports.

Mr. Kespohl made a motion directing staff to bring forward an ordinance requiring the police to provide the Citizens Police Review Board with monthly reports, without naming officers, of all externally generated complaints, all internally generated complaints, all
mandatory reviews and all contacts categorized as an inquiry or a referral. The motion was seconded by Ms. Anthony.

Mr. Matthes asked what for clarification regarding a referral. Mr. Boeckmann replied he thought the request mirrored how the police had been categorizing different complaints. He was not sure what was meant by referral but some complaints had been handled as referrals.

Mayor McDavid suggested they ask for clarification from Board on this issue, and noted they would have to defeat the motion on the table if they wanted clarification.

The motion made by Mr. Kespohl and seconded by Ms. Anthony directing staff to bring forward an ordinance requiring the police to provide the Citizens Police Review Board with monthly reports, without naming officers, of all externally generated complaints, all internally generated complaints, all mandatory reviews and all contacts categorized as an inquiry or a referral was defeated unanimously by voice vote.

Mayor McDavid asked the Citizens Police Review Board to provide clarification on this issue.


Mayor McDavid understood the Columbia Police Officers’ Association felt there should have been a joint work session instead of them just being invited to speak at a hearing held by the Citizens Police Review Board. He thought the City was moving in the right direction and a small number of people in this town wanted there to be an adversarial relationship between the Citizens Police Review Board and the Police Department. He preferred advocacy and collaboration. He believed steps had been taken toward this through this communication although more collaboration and discussion was needed. The Council wanted a Police Department with the respect and confidence of the citizens. In addition, the Citizens Police Review Board needed to have the respect and confidence of the community. He suggested they encourage them to work collaboratively.

Ms. Anthony stated she had met with some of the members of the Citizens Police Review Board and the news might not have done a good job in accurately portraying the good work they had done. She had been impressed in the meetings she had participated in and with the work of the Board. She agreed they were heading in the right direction and that the Board was providing an excellent service to the City.

REP170-11 St. Joseph/Hubbell Area - Boone County Family Resources - Status of Permits and Zoning.

Mr. Teddy provided a staff report.

Mayor McDavid understood this was a Boone County agency set up in 1973 to form a group home for developmentally disabled children and was headed by a Board that consisted of nine members appointed by the Boone County Commission. Its budget of $2.5 million was from a property tax the citizens voted for in Boone County. In addition, they operated with a lot of pass through money and grants providing for annual budget of over $9 million. The tension was the fact they were operating in an area where people did not want them operating.
Ms. Hoppe stated she thought the tension was more than that as it involved affordable housing and historic preservation as well. She understood one of the recommendations was for the neighborhood to look into a zoning overlay district or historic preservation overlay district and asked if Boone County Family Resources would have to abide by those districts or if they could do anything they wanted with the property. Mr. Boeckmann replied there were two issues. One involved zoning and the other involved police powers. With regard to the zoning issue, he believed the County Counselor was correct in that they were not subject to City zoning. The more difficult question was whether or not they were subject to other police power regulations and he believed they were subject to other things. He noted the issues had to be examined on a case by case basis. With regard to the issue of the City granting building permits, he was not aware of a written agreement, but for years, if the property involved a County agency, the County handled the building inspection, and if the property was owned by the City, such as the Airport, which was located in the County, the City handled the building inspections. The Council should give staff direction if they wanted to impose regulations on other entities, such as the County, the School District or the University.

Ms. Hoppe asked about a zoning overlay. Mr. Boeckmann replied it was still zoning, so it would not apply to Boone County Family Resources.

Ms. Hoppe commented that these were both two good goals and needs. They just needed to find a way to serve both. Mr. Boeckmann agreed and noted Boone County Family Resources should work with the neighbors. He also felt this issue might be alleviated if Boone County Family Resources was able to obtain space in the new parking garage.

Ms. Anthony suggested they encourage the neighbors to meet with Boone County Family Resources to discuss some of the issues and allow time for them to explore the issues themselves as this area might be perfect for form-based zoning. She suggested staff report back to Council in the future.

Mayor McDavid commented that he viewed this as a public relations issue that Boone County Family Resources had to address.

Mr. Schmidt commented that from the e-mail traffic he had seen, there were many misunderstandings and a certain amount of associated mistrust. He encouraged them to talk and find ways of cooperation.

Ms. Anthony asked staff to provide a report in a month with regard to any developments.

Mr. Schmidt asked if the Community Development Department was aware of any contact the neighbors had made with regard to forming a conservation overlay. Mr. Teddy replied they had just received inquiries asking how it could be done. Mr. Schmidt asked if there was an overlay district other than in Benton-Stephens. Mr. Teddy replied East Campus also had an overlay district.

Mr. Matthes understood Council wanted an update to this report in one month. Mayor McDavid stated that was correct and noted they were asking City staff to be the mediator. Mr. Matthes pointed out that if the neighbors did an overlay, it still would not constrain Boone County Family Resources and he would ensure the neighbors understood this.
Mr. Schmidt commented that Boone County Family Resources needed to understand that just because they did not have to follow the rules did not mean it was not a good idea to sit down with the neighbors to have a discussion. He indicated there should be more dialogue. Mr. Thornhill asked for clarification regarding the rules he mentioned. Mr. Schmidt replied he meant the zoning rules. He stated his concern was with tearing down homes and stating they could do anything they wanted without listening to the neighbors. Mr. Thornhill stated he thought they had to be careful to not to legislate the free market as there was a willing seller and a willing buyer. Ms. Hoppe commented that she thought Mr. Schmidt was suggesting that what was legal was not necessarily right or neighborly, and as a result, there might be room for discussion.

Mayor McDavid stated he was confident in that the Board of Boone County Family Resources would resolve this public relations issue.

**REP171-11 Providence Pedestrian Bridge Project Funding.**

Mayor McDavid understood this report had been provided for informational purposes and noted the reason they could spend $300,000 on removing this bridge instead of using it for bus service was because this money came from the non-motorized transportation pilot program grant funds and could not be used to fund bus service or pay for police officers. It was dedicated money and approval was provided in 2008.

Ms. Hoppe pointed out the bridge was a physical safety concern as well. It was more than an issue of not serving its function in terms of its removal.

**REP172-11 South Providence Pedway Project.**

Mr. Glascock provided a staff report.

Mayor McDavid noted the problem from the City’s standpoint was that this was a project everyone saw and the City was being judged on the basis of this project. He felt it needed to be fixed as it was not acceptable and made the City look bad.

Ms. Hoppe wondered who the contractor was as the City would likely not want to work with that company again. Mr. Matthes stated the City was communicating with the contractor as they might choose fix this problem. If they did not, the City had the option to not work with them again once they had produced a product the City deemed as unacceptable even though it was accepted. Mr. Glascock noted staff was working with the Missouri Department of Transportation (MoDOT) in an attempt to grade or rank the contractor. As long as they were on MoDOT’s list, the City had to use them and the City wanted to have a say as to whether they stayed on the list or not, which it did not have at this time.

Mayor McDavid asked for the name of the contractor. Mr. Glascock replied it was Rhad Baker.

Mr. Thornhill asked if there was any money left in the project to allow for repairs. Mr. Glascock replied he did not recall, but did not believe much money was left. He noted this was not a small issue.

Mr. Matthes commented that the alternative the City had was use more federal money and forgo other projects since federal rules did not allow the City to manage the projects the way it had any longer.
Mr. Schmidt understood the federal taxpayers provided money through the non-motorized transportation pilot program, MoDOT signed off on the project and the City had no recourse since the money was paid out. He wondered if this would be allowed to happen on a road project. Mr. Glascock explained the rules were the same regardless of the project and noted the Parks and Recreation Department would have the same problems with its projects paid with federal funds. The City had always had a one year warranty for things to be repaired. They were being told by FHWA they were no longer allowed to require the one year warranty. Mr. Schmidt asked if they had a reason for this decision. Mr. Glascock replied the regulation they were quoting was in the Disadvantage Business Enterprise (DBE) section, but they were indicating this rule was for every contractor. Mr. Matthes pointed out he believed it was part of rule making and not a part of the law itself.

Mayor McDavid noted that although they were closing the tracker, the City was still following up on this issue. Mr. Glascock agreed.

REP173-11 Intra-Departmental Transfer of Funds Request.

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

REP174-11 August 2011 Stormwater Variance Summary.

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

REP175-11 Historic Preservation Commission Short Street Paving Recommendation.

Mr. Thornhill asked for the feasibility of keeping the bricks off of Short Street to use for repair. Mr. Glascock replied he thought it was possible. He just needed to find a place to store them. He thought they might be able to store them at the landfill or another site.

Mr. Schmidt commented that if the City did not want the bricks and they made an announcement for the public to take them, they would be gone in a week. Mr. Glascock pointed out the City used the bricks to help with other streets since they were hard to find.

Ms. Hoppe asked if a motion was needed. Mr. Glascock stated they would try to find a place to house the bricks.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Amy Sanders provided a handout and asked Council to help her purchase Fano, a K-9 partner to her husband, Rob Sanders, at the time of his termination by Chief Burton from the City. She explained they were initially told they could buy Fano, but were later told they could not purchase him due to liability issues. They had now learned Fano would be sent for retraining with another officer in the future. She stated the City described Fano as a weapon, which he was, but noted he was a weapon that had been loved, managed, trained and handled by her husband for the last year and a half. She pointed out Fano would be three years old in January and by the time a new officer could be trained to work with him, he would have sat in a kennel for six months. She explained she and her husband loved Fano and had dedicated time, energy, money and emotion into him. She could not stomach the idea of him only getting attention twice a day, not being played with or loved, and noted Chief Burton and his administration had set the price for Fano at $10,800 last weekend. This
money had been raised through donations from private parties and business leaders of the community. She commented that kenneling fees for the next six months would be at least $2,700 and the fees to re-train a new handler, if possible, would be about $6,000. Selling Fano to them would allow the Police Department to purchase a new dog for $5,000-$6,000 and properly match the dog to the handler. With regard to the liability issue, she explained they had several working caliber dogs and had never had an incident with a dog bite. In addition, the legal liability in the case of dog bites was with the owner of the dog. There would be no risk to the City of Columbia. Selling Fano to them would also allow them to move on and heal more quickly from an event she hope everyone would educate themselves on thoroughly. She commented that there was a lot of evil in this world and felt everyone should be able to look at the Police Chief as the pinnacle leadership of good, but all she had seen was policy changes, diminished moral of police officers, half-hearted leadership and the wrongful termination of her husband due to a misrepresented situation. She asked the Council to consider using its power to help return Fano to her family instead of sending him to a kennel to sit alone for the next six months. She also asked the Council to ensure the past, present and future actions of Chief Burton were consistent with the plan they had for the City of Columbia.

Charles Dudley Jr., 1201 Paquin Street, stated he had been following the ward reapportionment issue and was not happy with any of the plans as he did not believe they well-represented the City. It appeared to be a fight over First Ward in terms of political and financial boundaries. He suggested the First Ward be disbanded and merged with other wards and the downtown being the new First Ward. He understood no one would be happy with the Council’s decision, but something needed to be done to fix the issue involving the First Ward, so this discussion was not necessary every ten years as it was not fair to anyone. With regard to the brick pavers, he understood it took a special snow blade to keep the surface clean during the snow season. This would tie up one snow plow for the downtown alone causing it to not be able to be used in other parts of town. He asked the Council to consider that issue when looking into new brick streets as suggested by the Historic Preservation Commission. He agreed it was good for the ambiance, but felt the City needed to consider its practicality and funding during these tight economic times.

Janna Tarbox stated her family was close friends of Rob and Amy Sanders and noted she had a check in the amount of $10,800 for Fano. She proposed $2,000 be kept by the City for Fano, $4,400 be provided to the Mid-Missouri Humane Society and $4,400 be provided to Second Chance. This would allow Fano to be with the Sanders while helping other animals of Columbia. She asked the Council what she could do to make this happen tonight as the offer stood tonight.

Mayor McDavid explained Council would discuss the issue during Council comments.

Mr. Kespohl suggested the Council reconsider its appointment of Merwyn Alexander to the Citizens Police Review Board as it had come to his attention that Mr. Alexander was arrested on Friday.
Ms. Hoppe pointed out an arrest was different than a conviction and suggested they obtain more information.

Mayor McDavid asked for guidance from staff as they had already appointed Mr. Alexander. Mr. Boeckmann replied it was within the power of the Council to remove any member of a board or commission for any reason, so Council could choose to remove Mr. Alexander from office. He noted Ms. Hoppe had a valid point in that just because he was arrested did not mean he was guilty, however, it was a consideration Council could take due to the appointment being for the Citizens Police Review Board and its members would be reviewing the actions by police officers, which was unlike the responsibility of other board or commission members.

Mr. Kespohl made a motion to remove Merwyn Alexander from the Citizens Police Review Board and to leave the position open at this time. The motion was seconded by Mr. Thornhill.

Mr. Matthes pointed out it could take the accused a long time to settle and suggested they appoint someone else.

Mr. Thornhill understood there was another opening on the Citizens Police Review Board in November. Ms. Amin explained there were three annual openings that were being advertised now and she would contact those candidates not appointed to see if they were interested in applying for those as well. She noted she had also received a resignation from a member of the Citizens Police Review Board earlier today.

The motion made by Mr. Kespohl and seconded by Mr. Thornhill to remove Merwyn Alexander from the Citizens Police Review Board and to leave the position open at this time was approved unanimously by voice vote.

Mr. Dudley commented that he had asked for Trail D Amended to be added to the introduction and first reading section of the agenda so it would be considered at the October 17, 2011 Council Meeting. It was an amended version of the Trial D reapportionment map in an effort to bring it within the legal constraints of contiguity and it also placed Thornbrook in Ward 5. He noted it would be available for people to see on the City’s website tomorrow. He also noted a public meeting would be held at 4:00 p.m. in Conference Room B at the Daniel Boone Regional Library on Friday.

Mr. Schmidt explained he had received a few complaints with regard to the Red Bull Chariot Race on the basis this business was not a local business and was taking business away from other businesses. In addition, it did not have a civic purpose. He noted they did not have clear guidelines regarding street closures and stated he was distressed by the fact downtown merchants were upset. A bar might benefit from a street closure for an event like the Chariot Race, but a retailer could be hurt by it. He thought they had discussed potential guidelines and policies and wondered if other Council Members had received complaints.

Ms. Anthony stated she thought this issue of street closures was being studied by the Downtown Community Improvement District (CID) and Council was waiting for a report back.

Mr. Schmidt commented that one of the complaints was due to the fact the Downtown CID had recommended against it. He stated he felt as though he had made a mistake and had not listened to his constituents, which included the downtown business people.
Mr. Matthes explained November 1, 2011 was the suggested return time on input from the Downtown CID. After receipt, staff would review and add any ideas, such as this, to it.

Mr. Thornhill noted if they convinced a local bar to sponsor the event, there would likely not be any way to avoid it. Mr. Schmidt agreed and noted that was the problem with a guideline. They might spend a lot of time drafting guidelines and something unexpected might still come up.

Mr. Schmidt understood the Bicycle and Pedestrian Commission would be bringing forward an ordinance that would allow skateboarders and rollerbladers to have the same rights and obligations as bicyclists. He thought this could be good and not result in the problems that caused the current rules to be established.

Ms. Hoppe commented that Timberhill Street, which was located south of Broadway/WW and east of Highway 63 had a lot of potholes, and stated she wanted to ensure they were on the list to get the potholes filled soon. She noted this was a problem all of the way down Timberhill Court. In addition, Rustic Road was in good shape except for the single lane bridge between the gravel and paved portion of the street. She thought that needed to be improved, and if they waited too long, it would become a bigger repair project.

Ms. Hoppe understood University Street, which was a brick street, had some large grooves and hills around the intersection of Mimosa and University, and asked staff to look into the issue and repair it. She thought there might be a drainage issue creating the problem.

Ms. Hoppe explained the improvements to the tennis courts at Shepard Elementary School did not include a backboard, which would allow a single person to practice playing without a partner. She understood a backboard would cost about $5,000. She asked if the Parks and Recreation Department had a list of smaller projects that could be completed if other projects came in under budget as she wanted to include this project on that list.

Ms. Hoppe stated she was told the development agreement for the Walmart on Grindstone indicated a trail would to be constructed south of Seven Oaks between that area and the MKT Trail, and that had not been done. She asked staff to review the development agreement to determine if it was a part of the agreement. In addition, she understood Rock Quarry Scenic Road Park, located at the corner of Rock Quarry Road and Stadium, was supposed to be maintained by the developer and be a wildplant/wildflower area with plantings with a mowed area around the perimeter. She saw it about a week ago and it had not been mowed as it was several feet high. In addition, there were not any wildflowers. She asked how staff ensured development agreements were met, and asked for a report regarding the process and this specific development agreement.

Ms. Hoppe commented that cars were parked on the south side of University and noted people coming north on Rockhill wanting to turn left on University to go east could not see around the cars. She understood there had been many near accidents and asked staff
to consider prohibiting parking via yellow curb paint near the intersection or installing a 4-way stop so people had a clear view to make the turn.

Ms. Hoppe noted the public hearing for the rezoning involving the Regency Mobile Home Park would be held at the next Council Meeting and that the Planning and Zoning Commission had unanimously decided to deny the rezoning. She, like the Planning and Zoning Commission, believed there were serious concerns involving this rezoning in terms of displacing tenants without providing sufficient time and the financial and logistical resources to move and to find another place to live. In addition, it raised concerns in terms of density and traffic for those that lived there. She wanted to send a loud and clear message indicating this rezoning was unacceptable and hoped her fellow Council Members shared her concerns.

Ms. Hoppe commented that she was also concerned about the instability and precariousness of the people that lived in mobile homes and asked staff to provide a report indicating what other cities did to provide more stability to mobile home residents as it was a type of low income housing, which the City was interested in providing. She wanted to know what other cities did in terms of not allowing the land to be sold out from under them. She wanted a way to allow them to own part of the land or have some type of permanency, like a homeowner.

Ms. Hoppe explained when this issue came up with the mobile home park east of Highway 63 several years ago, the Council established a 180 day notice period for the tenants before they had to move if the property was rezoned. In addition, tenants were allowed a three month rent abatement and the landlord was required to notify the tenants verbally and in writing that there had been a rezoning. She asked for an ordinance to be drafted that would change the notification from 120 days to 180 days for the rezoning of RMH zoned property.

Ms. Hoppe commented that a task force had worked on an affordable housing report several years ago and suggested that report be provided to Council again so they could discuss it at a work session to determine what had been done to date in terms of the recommendations and what still needed to be done.

Mayor McDavid stated he agreed the 7-0 vote by the Planning and Zoning Commission in terms of the Regency Mobile Home Park rezoning spoke loudly, and felt that rezoning was in trouble without substantial concessions to the residents of the trailer court.

Mayor McDavid noted three City employees won the Red Bull Chariot Race and would be going to Vegas.

Mayor McDavid commented that the City had spent a lot of time and effort in trying to recruit Google in the Gigabit Per Second initiative and noted they had a company in town already that wanted to install fiber, but the City was charging them $1.91 per foot. He thought the City’s policies needed to be revisited. He understood there might be a logical reason, but if the City had been willing to allow Google to install fiber at no cost, he wondered why they
were charging a local company $1.91 per foot as it got in the way of building out a fiber network.

Mr. Thornhill asked if that was the cost of using the City’s poles and rights-of-way. He wondered what the City had not been willing to charge. Mayor McDavid understood it was the price for placing fiber in the right-of-way. This company had indicated the City did not charge for co-axle cable, copper cable, etc., but he also did not know if that was true or not. He thought the Council was in agreement in terms of wanting a fiber build out and believed they needed to review the policy to see how it could happen.

Mayor McDavid understood City staff felt there was a liability issue involving the selling of Fano to the Sanders, but he was not sure he agreed. He noted it was a personnel issue and would not comment on the video, but he did not believe it would cost the City much to let the dog move on.

Ms. Anthony agreed the Council should not discuss the personnel issue, but wanted clarification involving the dog and the potential liability issues. She understood Fano was a trained police dog, but wondered why the City would not allow the family to purchase the dog if someone from the City provided a price and the family was able to raise the funds to pay for the dog. In addition, she did not understand how that would be involved in the personnel decision or with Mr. Sanders’ termination.

Mr. Boeckmann explained he was not aware of the facts of this situation. In terms of liability, he thought the theory was that if the dog bit someone, a claim could be made against the City as the City knew the dog was vicious. He suggested the Council ask for a report from City staff regarding this decision.

Mr. Thornhill asked how this would be handled if the officer had retired. He wondered if the City would keep the dog. In addition, he felt if liability could be transferred to anyone that sold a dog, the Humane Society would have lots of problems. Mr. Boeckmann noted he was not saying this dog would be a problem as he was not familiar with this situation, but if someone had a vicious dog and sold it, the liability could follow the person that sold the dog.

Mr. Thornhill commented that he thought they owed it to everyone who had money invested in the dog to figure out the best way to handle this situation. He suggested the look at in terms of a transaction rather than a side effect of the other issue. He thought they should determine if it made sense to sell the dog to recoup some money and move on.

Ms. Hoppe wondered if it would make a difference for the owner to sign something assuming liability. Mr. Boeckmann stated they could sign something, but that did not necessary protect the City from a third party.

Ms. Anthony asked if they should ask for a report. Mr. Matthes replied staff would provide a report. Ms. Anthony asked if the report could be provided at the next meeting. Mr. Matthes replied yes.

Ms. Anthony commented that there had been some unusual home break-ins in the southwest corner of Columbia and asked for a report regarding police coverage in the area. She was told coverage might be thin and wanted to know how thin it might be.
Ms. Anthony noted she had several requests for the Council to televise its work sessions and asked about the feasibility of it. In addition, she wondered if it would be feasible to televise the Citizens Police Review Board meetings.

Ms. Anthony asked for a report on neighborhood associations as many were not officially recognized since they were not organized properly. She thought that issue needed to be resolved. She wanted to know how many there were and how to get them recognized.

Ms. Hoppe asked if this was related to the homeowners associations. Ms. Anthony replied yes and explained it had to do with the way by-laws of homeowners associations were written. Ms. Hoppe commented that a few homeowners associations had also formed neighborhood associations to be formally recognized in the Sixth Ward recently.

Ms. Anthony stated she had received many calls with regard to the Osco Drug parking lot. She understood a permit did not exist to allow it to be used for the purpose of construction staging, and without a permit, the owner/lessor should not be able to use it for this purpose. She asked staff for a report on the situation.

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Sheela Amin
City Clerk