MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
FEBRUARY 20, 2012

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 20, 2012, 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, ANTHONY, HOPPE, MCDAVID, SCHMIDT 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 February 6, 2012 were approved unanimously by voice vote on a motion by Mr. Kespohl and a second by Mr. Dudley.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

BOARD OF ADJUSTMENT
Carroz III, Frederick, 5005 Chesapeake Lane, Ward 2, Term to expire November 1, 2015

COLUMBIA COMMUNITY DEVELOPMENT COMMISSION
Roller, Curtis, 1133 Ashland Road # 1206, Ward 6, Term to expire November 1, 2013

COMMISSION ON CULTURAL AFFAIRS
Thompson, Stephanie, 320 West Boulevard North, Ward 1, Term to expire October 31, 2012

COMMISSION ON HUMAN RIGHTS
Long, Gina, 1116 Vegas Drive, Ward 4, Term to expire March 1, 2015
Macy, Jessica, 1608 Native Dancer Drive, Ward 2, Term to expire March 1, 2015

PUBLIC COMMUNICATIONS RESOURCE ADVISORY COMMITTEE
Dunn, Michael, 1225 Sunset Drive, Ward 4, Term to expire December 31, 2013
Roller, Curtis, 1133 Ashland Road # 1206, Ward 6, Term to expire December 31, 2013

PUBLIC TRANSPORTATION ADVISORY COMMISSION
Alvarado, Carlos, 2232 Shepard Boulevard, Ward 6, Term to expire March 1, 2014
Hanson, Steven, 2105 Doris Drive, Ward 2, Term to expire March 1, 2014
Lampton, Norman, 4002 B Imperial Court, Ward 3, Term to expire March 1, 2014

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

(A) Construction of sanitary sewer improvements, more specifically described as the Valley View Pump Interceptor Sewer Project.

Item A was read by the Clerk.

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

Mr. Kespohl asked if the additional cost was assumed to be $200,000. Mr. Glascock replied yes. Mr. Kespohl asked for the amount of damages on Sunflower in 2009. Mr. Glascock replied he did not know, but noted it was a basement backup issue.

Mr. Schmidt understood the area where the lines would go was mostly open. Mr. Glascock stated that was correct.

Mayor McDavid opened the public hearing.

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

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

(B) Voluntary annexation of City-owned property located on the north side of Brown School Road, east of Providence Road (557 East Brown School Road).

Item B was read by the Clerk.

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

Mr. Schmidt understood this property would be zoned R-1. Mr. Teddy stated that was correct and explained the choices were limited. He commented that since the property would be City-owned, the City would be accountable for its use. Mr. Schmidt stated the property looked to be a potential greenbelt, park or trail. Mr. Teddy noted one suggestion was for it to be a dog park.

Mayor McDavid opened the public hearing.

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

R27-12 Reserving funding and designating Show-Me Central Habitat for Humanity and Job Point as Community Housing Development Organizations (CHDO); approving an amendment to the FY 2011 HOME Action Plan.

The resolution was read by the Clerk.

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

Ms. Hoppe asked for clarification as to why the Columbia Community Development Commission wanted to provide Job Point more money and Show-Me Central Habitat for Humanity less money than requested. Mr. Teddy replied the Commission favored the Job Point application due to what it had done recently and believed the $25,000 request was on the low side. Ms. Hoppe understood the Commission had been concerned with the record
keeping of Habitat for Humanity and that the Commission might be trying to send a message for change. Mr. Teddy explained the staff memo to the Commission indicated there had been issues with five years of records as required by HUD. Ms. Hoppe asked if there were any provisions for improving Habitat for Humanity’s financial process. Mr. Teddy replied the City would not provide reimbursement unless they complied with the rules.

Mayor McDavid opened the public hearing.

Jim Loveless, 2116 Nelwood, stated he was representing Job Point and explained they conducted a training program for underprivileged and at-risk youth, and as part of that program, they taught the homebuilding profession. They concentrated their efforts in the inner-city part of town and built modest homes to sell to low or very modest income families. In the past, there had been several organizations that had competed for Community Housing Development Organization (CHDO) funds, and as a result, they had only applied for $25,000. The money would be used to leverage Job Point’s own money as they built homes, and would then be used to help fund the Homeowner Downpayment Assistance Program. He noted they would be delighted with an increase in funding as it would be put to good use.

Mr. Schmidt asked for clarification on the training Job Point provided. Mr. Loveless replied Job Point ran a Youth Build program called Columbia Builds Youth in which they held successive classes during a nine month period. Three-quarters of youth involved had to be high school drop-outs, and during the nine month period, Job Point prepared them for the GED while also teaching them the skills of construction and fiscal money management and helped them find jobs. He explained the goal for a youth that completed the program was to have a job, go on to higher education or go into the military. He noted the program’s success rate was 75-80 percent. Mr. Schmidt asked if the program could be expanded in the future with additional funds. Mr. Loveless replied it would enable them to have multiple homes in various stages of construction so they could cater to the needs of each of the apprentice or journeyman carpenters.

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

Ms. Hoppe made a motion to amend R27-12 so the amount provided to Show-Me Central Habitat for Humanity was changed from $61,300 to $50,000 and the amount provided to Job Point was changed from $25,000 to $36,300, which was the recommendation of the Columbia Community Development Commission. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

The vote on R27-12, as amended, was recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

B14-12 Authorizing the issuance of special obligation bonds for the construction of the Short Street parking garage.

The bill was given third reading by the Clerk.

Mr. Matthes provided a staff report.

Mr. Kespohl asked for an explanation for the difference between taxable and non-taxable amounts. Mr. Blattel replied the City would sell approximately $1,655,000 as taxable
and $7,330,000 as non-taxable. The taxable portion was for the fully reserved spaces for the hotel and North Light, and would allow the City to rent those spaces at $100 a month versus $60 a month. The cost to the City was an estimated additional $26,000 in interest over the life of the bonds, but the City would generate $24,000 of additional income annually, so the City would pay off the additional cost in about one year.

Mr. Schmidt understood the money fund industry was desperate for short term paper, so the interest rate would only be nominally higher because the money market was short on supply for short term bonds.

Mr. Schmidt noted there were some blanks in the document and assumed those would be filled when the bond sold. Mr. Blattel explained this was an unusual case. In a normal situation, the sale would have occurred in the morning and the details would be provided, but since the bond market was closed due to the federal holiday, staff was requesting Council’s approval to sell the bonds by competitively bidding on Wednesday, February 22, 2012. The blanks would be filled when finalized and signed.

Mr. Thornhill made a motion to amend B14-12 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

John Clark, 403 N. Ninth Street, asked for clarification regarding the amortization process for these bonds. Mr. Blattel replied it would involve 20 year level payments and no front loading of interest only.

The vote on B14-12, as amended, was recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

PR22-12 Establishing a policy on Neighborhood Organizations and Homeowner Associations.

The policy resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mr. Schmidt understood this would formalize what the City had already been doing and there was nothing new since the time this was previously discussed. Mr. Teddy stated that was correct and explained the draft language included in the policy resolution was the same as had been presented to the Council in the informal report. This would create a second tier of organizations, such as homeowner associations and common interest communities that were created by declaration. Those organizations would be required to register with the City. Mr. Schmidt understood they would have their own by-laws and presumably the City would treat input from the homeowner association the same as from neighborhood associations. Mr. Teddy explained they would be notified of zoning and capital projects affecting the neighborhood and noted they would only require registration of a contact person and a legal description for mapping purposes.

Cory Ridenhour stated his firm managed homeowner associations within the City and this eliminated the bureaucracy involved in getting a homeowner association recognized by the City. Many supported and appreciated this policy change.

Ms. Anthony thanked staff for bringing forth this solution.
Ms. Hoppe commented that this was a good way to provide notification and obtain input from homeowner associations, but pointed out homeowner associations and neighborhood associations were different organizations. She encouraged homeowner associations to become neighborhood associations, which involved including renters and notice and participation requirements, and noted some of the homeowner organizations in the Sixth Ward had already done this. She pointed out it was possible for some homeowner associations to become neighborhood associations.

The vote on PR22-12 was recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL. VOTING NO: NO ONE. Policy resolution declared adopted, reading as follows:

B29-12  Approving the Final Plat of Heritage Woods, Plat No. 2 located on Kingsbridge Drive, east of Sinclair Road; authorizing a performance contract; accepting conveyance of a right of use permit to operate and maintain a roadway.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Anthony asked whose responsibility it was to ensure the integrity of the dam. Mr. Teddy replied it was the developer’s responsibility as the developer currently owned the lots on both sides of the planned street extension. He noted there were a number of private dams within the City that were usually maintained by a homeowner association. Ms. Anthony understood it was typical for a developer to assign that responsibility to the homeowner association. Mr. Teddy stated he believed that was the case.

Mr. Kespohl understood the City maintained the street on the dam and asked what would happen if the dam failed. Mr. Teddy replied he thought the City would rebuild the street, but the dam itself was a private responsibility. He noted there would be an embankment on one side of the dam that would be at a higher elevation than the street itself. Mr. Glascock pointed out the City would not rebuild the street because it did not have the right-of-way to rebuild the street.

Tim Crockett, an engineer with offices at 2608 N. Stadium Boulevard, stated he was speaking on behalf of Heritage Woods Development, LLC, the developer and applicant for this plat, and noted it was a unique situation to present a final plat that was in conformance with the preliminary plat to Council because those were typically on the consent agenda. He pointed out the plat met all of the regulations of the City of Columbia. He understood there was concern with Lot C3 as it included the 50 foot strip that would contain the road right-of-way for the extension of the road to this development. City practice, in the past, had been for a right-of-use permit for the strip of road to be obtained by the City from the developer and for the City to be responsible for pavement and storm sewer similar to any other development, but the developer was required to maintain the sub-base. If there was failure to the sub-base causing failure of the pavement itself, the developer was responsible. While this was City policy, he asked the Council to consider taking Lot C3 as right-of-way since this was a unique situation. He explained the regulation indicated roads that were on top of a dam were required to have a right-of-use permit, but noted this road was not technically on top of the dam as it was off the back of the dam.
Jackie Van Delden stated she was President of the Heritage Woods Homeowner Association - Plat 1 and explained that while they generally supported the development of Heritage Woods – Plat 2, they strongly opposed the right-of-use provisions for the roadway, dam and spillway located on Lot C3 of the plat. She explained the road was not on top of the dam. It was next to the dam. The Homeowners Association did not want the responsibility for the road located on the lot known as C3 on the Plat 2 map. She noted the Association currently included 24 residential lots and would not have more than 50 lots when the neighborhood was fully developed. Those 24 homeowners would not be able to accept the responsibility of the roadway when the common lots were passed onto the Association by the developer and would not use this road since Plat 1 included the sole entrance to the neighborhood for both plats. She commented that they did not believe there was a requirement for the right-of-use and felt the road should be accepted by the City. If Council was not willing to take responsibility for the road, they felt other options needed to be pursued prior to approving this plat.

Ms. Anthony asked for clarification regarding the other options she felt needed to be pursued. Ms. Van Delden replied they would suggest the road be relocated to come off of Sinclair as it would bypass the lake or for the developer be responsible for Lot C3 in perpetuity.

Ms. Anthony asked if there had been discussion regarding the creation of a separate homeowners association for the Plat 2 residents. Ms. Van Delden replied it had not been discussed, but she did not think they would be in favor of it since it was already a small neighborhood. It would be easier for there to be only one association.

Corey Ridenhour stated he was the Executive Director of the Heritage Woods Homeowner Association - Plat 1 and explained they had been promised some common features with the build out of the neighborhood. Mr. Kespolh asked if that included access to the lake. Ms. Van Delden replied yes. Mr. Kespolh understood they did not have access now.

Garrett Taylor, 1910 Kingsbridge Drive, stated he was a member of Heritage Woods – Plat 1 and explained they did not want a separate homeowners association because both Plat 1 and Plat 2 had a common entrance. He noted this was an attempt to annex Plat 2 into Plat 1 via an annexation document that was recorded in Book 3892, Page 105. He understood they, as the property owners, would be responsible for a cost of about $50,000-$75,000 if the substructure of C3 failed, which was a substantial burden. He did not believe the roadway crossed over the top or apex of the dam and stated he had been told the roadway would be placed on fill put in by the developer. He understood the position of City staff was that it crossed over the top of the dam. He explained they were concerned with the ability to sell their properties because any prudent buyer would learn they could potentially be assessed a large payment if the road were to fail, and this had not been the situation when they had purchased their homes. He pointed out the current right-of-use permit failed to mention who was responsible if the road or substructure failed. He noted the homeowners of Plat 1 were requesting the City accept the road.
Bob Wagner, 1907 Kingsbridge Drive, stated he was a property owner in Plat 1 and supported the comments of the last two speakers. He believed it was blatantly unfair to assess potential future liability to owners that had brought property in good faith years ago.

Ray Foster, 1810 Dunhill Way in Heritage Estates, explained he had recently learned his backyard had been claimed by the developer, Pate Jones Construction, as part of the plat, and noted he had met with John Jones at 3:30 p.m. this past Friday to determine if they could work out their differences and resolve the problem. He was asking the Council to provide more time since they had not yet reached an agreement and pointed out his property value would plummet if he lost his backyard. He asked Council to table this item or defer judgment for six months in order to provide him time to work out an agreement with a third party who sold him his house or Pate Jones Construction. He also asked the Council to direct staff to hold the contested land separate from the groundbreaking or construction permit so Pate Jones Construction could not do anything to the land and four mature trees on the property, and to provide adequate tree protection until this issue was resolved.

Mr. Kespohl asked Mr. Foster which lot was his. Mr. Foster replied Lot 137.

Ms. Anthony asked for clarification on the significance of this issue. Mr. Foster replied his backyard was 20-30 feet deep and the result of this would make it about 12 feet on one side and 7 feet on the other side. He stated it would be catastrophic in terms of the value of his property.

Ms. Anthony understood Mr. Foster had been trying to resolve this issue with Mr. Jones. Mr. Foster stated that was correct and explained he had met with Mr. Jones and his office manager, Leigh Pate, on Friday at 3:30 p.m. for about an hour. At the end of the meeting, they presented him with a proposal to sell a 130 foot by 12 foot area for about $8,600. The cost included fees such as the cost to replat the property.

Mr. Thornhill asked Mr. Foster if he had spoken to the person from which he purchased the property. Mr. Foster replied he had attempted to contact the Rogers today, but had been unsuccessful.

Sharon Foster, 1810 Dunhill Way, stated she was the co-owner of the property being discussed and explained they provided a counter offer today, but had not heard back from Mr. Jones.

Mr. Foster explained they wanted a quit claim deed to be executed so the property would be transferred to them, but Pate Jones Construction was not amenable to it.

Ms. Anthony understood other neighbors were similarly affected by this situation. Mr. Foster stated three other neighbors were affected for a total of four property owners. Ms. Anthony asked if the other neighbors were present. Mr. Foster replied two of the three other neighbors were in attendance.

Todd Ankenman, 1809 Brookfield Manor, stated he owned Lot 136, which was next to Mr. Foster’s lot and noted he supported everything said by Mr. Foster. He had talked to Mr. Jones, but had not been able to come to an agreement. They had discussed purchasing the lots directly behind the homes, but the cost was $120,000 for two small lots. He explained there was an approximate eight foot drop behind his house and understood the Council had received pictures. He noted it had been graded down, but did not match geographically with
the land around it. He was hopeful they could find a solution that would maintain some of the visual value of the lot and space for the kids to play.

Ms. Anthony asked Mr. Jones for his comments regarding his discussions with Mr. Ankenman and Mr. Foster.

John Jones, co-owner of Pate Jones Construction, explained he had met with Mr. Foster and his attorney last Friday regarding the swath on the north end of his property, from the existing fence to the property pin, and had provided a price for the land. He commented that instead of a quit claim deed, he preferred the property be re-platted as it would affect two of his lots, and they wanted to ensure this would not be overlooked with future title work. He stated they received a counter offer by e-mail at 4:30 p.m. today and were unable to get back to the Fosters. In addition, the offer did not cover engineering fees for replatting the property.

Ms. Anthony asked if there had been a similar discussion with Mr. Ankenman. Mr. Jones replied yes and explained they had met with them and their mother-in-law, Wanda Northway, several times. He had replatted his lots to the barebones in order to match the lot lines and was told by the Ankenmans they could not afford the lot. He then replatted the lots again to make his lots a little larger in certain areas. Ms. Anthony asked if there had been any discussion afterward that might have just involved the purchase of a swath. Mr. Jones replied no.

Mr. Jones explained the property owner to the north, Mr. Tanzey, was aware of the property line and did not have the same concerns.

Mr. Thornhill asked if Lot 137 would be a legal lot as it was currently laid out. Mr. Crockett replied it would be a legal lot, but there might be issues with the existing house being in the rear yard setback. The common line between the two subdivisions was accurate, although there might have been a misunderstanding in terms of the location of the property line. He pointed out the proper route to correct the situation was through an administrative replat of the affected lots, and this plat would need to be finalized first because that could not be done on unplatted property. Mr. Teddy explained small transfers of property were allowed when two platted lots were against one another and the receiving lot was larger than the minimum standard for zoning. A legal description was required and the transaction would need to be recorded so it showed up in the assessment records. He noted this was an alternative that was available to cure an encroachment issue. Mr. Thornhill asked if the house on Lot 137 was too close to the setback and if the final inspection had been completed. He asked if a certificate of occupancy had been issued for the house. Mr. Teddy replied the houses on Dunhill Way and Brookfield Manor had been issued certificates of occupancy a long time ago. Mr. Thornhill asked if it would have mattered at that point if it was inside the 25 foot setback. Mr. Teddy replied he thought the large deck structure would potentially be in question. He noted staff had checked the permit records and reviewed the plot plans, but it was not evident from those records as to whether the lots were graded and finished outside the platted property lines. The plot plans that were submitted were the platted lots and did not indicate anything beyond the back property line. In looking at the aerial photo, there was a fairly straight line that diverged a little from the platted rear lot line and appeared to have been graded to be a part of these yards, but they could not find any evidence of the lots being extended beyond their platted limits.
Ms. Anthony commented that this was an unfortunate situation in that the Fosters and Ankenmans believed they owned the property, and while they might have a course of action against the person that sold the property to them, she appreciated the fact Mr. Jones had been willing to discuss the situation and potentially provide a certain amount of property so they did not suffer such a significant loss. She understood the Ankenmans had not had a conversation with Mr. Jones to determine if he might offer a similar deal as provided to Mr. Foster, but thought they might be able to share in some of the replatting expenses. She wanted to allow more time for those involved to come to some sort of resolution. With regard to the dam, she understood the Plat 1 owners did not want to assume liability, but she was not sure that liability rested with the City either. There was another option of having the developer run the road into the development from Sinclair, which would eliminate the liability issue. Regardless of City policy regarding whether the road was directly on top of the dam or next to the dam, she did not believe it was the City’s responsibility to ensure integrity of a dam within a residential subdivision.

Ms. Hoppe understood the permittee was responsible for the dam per the right-of-use permit and asked how the responsibility was passed on to the Homeowner Association because they were not currently responsible. Mr. Teddy stated the City did not have any of the Association documents on file. Mr. Thornhill explained the developer usually transferred the responsibility. Ms. Hoppe asked if the Homeowner Association could exclude the transfer of that part of the property. Mr. Ridenhour explained the documents had already been recorded, so they knew it would take place.

Ms. Anthony made a motion to table B29-12 to the March 5, 2012 Council Meeting. The motion was seconded by Ms. Hoppe.

Ms. Hoppe stated she was supportive of tabling this item to allow the Homeowner Association the opportunity and time to talk to the developer about the possibility of providing access from Sinclair Road. Mr. Thornhill understood that would force them to lose lots and replat the property, and believed they were insinuating too much of the burden on the developer. Ms. Hoppe stated she was not making the decision. She only wanted to provide the Homeowner Association time to discuss it regardless of whether it happened since it was the only other option at this time.

Mr. Kespohl asked if Lot C1 was a wooded area and Lot C2 was the lake. Mr. Crockett replied yes. Mr. Kespohl understood a dam failure would cause the water to run onto Lot C1. Mr. Crockett stated that was correct. Mr. Kespohl asked how the residents in the back part of the subdivision would get out of the subdivision. Mr. Crockett replied that would be a potential concern if there was a dam failure. He pointed out a preliminary plat approved in 2005 showed a road in the vicinity and that road would be as adversely affected as this road. He explained they had evaluated another access out to Sinclair Road, but it would require a substantial amount of rock and earth excavation and the removal of a tremendous amount of trees, which he did not believe was in the best interest of the residents. He noted the street that was stubbed onto this property had been done by the previous developer, so Pate Jones Construction was developing the property with a stub street that had already been dictated. He believed part of the existing roadway was already on dam structure. While they were not completely against tabling this item for two weeks,
they believed the issue with Mr. Foster and Mr. Ankenman was a civil matter. He reiterated the plat conformed to City regulations and questioned whether the Council wanted to get involved with personal land disputes.

Mr. Kespohl stated he was not sure the differences could be worked out in two weeks, but wanted them to try. Mr. Crockett commented that he thought they could come to some sort of agreement with the Foster’s within two weeks. He pointed out there were some alternatives, such as a second homeowner association for Plat 2 to take on ownership of Lots C1, C2 and C3, and noted they were prepared to proceed in this manner, but would allow the Plat 1 homeowners to decide if the preferred that option.

Mr. Kespohl believed if the residents wanted interest in the lake, they needed to have a vested interest in the lake. Mr. Crockett agreed.

The motion made by Ms. Anthony and seconded by Ms. Hoppe to table B29-12 to the March 5, 2012 Council Meeting was approved by voice vote with only Mr. Thornhill voting against it.

B30-12 Authorizing an annexation agreement with Saint Charles Road Development LLC.

The bill was given second reading by the Clerk.

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

Ms. Anthony stated she hoped the more stringent standards, whether City or County, were being employed and asked how the City would be involved in the process to make certain requests since the plans were being submitted to the County. Mr. Teddy replied City staff would review the plans similar to the process of the City sending plans to the County for comments on developments in the City. As part of this review, City staff would comment on standards considered questionable. He noted this would be subject to a public hearing process at the County and the City’s Planning and Zoning Commission could comment during that process. Ms. Anthony asked if they could or would and noted she wanted the Planning and Zoning Commission to be a part of the process. Mr. Teddy replied this was at the discretion of Council as there was no policy for this kind of situation. Since the plan for the area was developed jointly, he thought it would be appropriate for the City’s Planning and Zoning Commission to discuss the development and make recommendations, but not to hold duplicate public hearings. Ms. Anthony agreed a public hearing was not necessary, but noted she wanted to ensure the City’s Planning and Zoning Commission had an opportunity to make a comment. Mr. Teddy explained this was structured so that if the tract became contiguous to City boundaries through an annexation, the process would change to the City’s process whereby the City would hold the public hearing and all City standards would apply.

Ms. Hoppe understood as long as the property was not annexed, the County ordinances and standards applied regardless of whether City standards were more stringent, and this would need to be changed to ensure Ms. Anthony’s concern of using the most stringent standards was addressed. Mr. Kespohl asked if the development agreement addressed this issue. Mr. Teddy replied the development agreement addressed sidewalks, lighting and tree preservation, which were City standards. The County had a sidewalk
requirement that was dependent on lot size and did not necessarily require a sidewalk on
arterial streets, so City staff included it and other items in the agreement.

Ms. Hoppe understood landscaping, lighting and tree preservation were not imposed
by the County and would be done by City standards and wondered if there were any other
requirements of the City not required by the County and if those requirements should be
included.

Mr. Schmidt asked if the problem was created because this property was not
contiguous. Mr. Teddy replied that was correct and explained the City could not zone outside
its boundaries. Mr. Schmidt understood the City would approve an annexation if the property
became contiguous. Mr. Teddy replied yes and noted it would go through the voluntary
annexation process. Mr. Schmidt understood the property wanted a sewer connection so
they could be prepared. Mr. Teddy stated that was correct.

Ms. Hoppe understood the staff report indicated the City would ultimately be
responsible for the provision of additional City services to the development, which included
roads, fire service and police, and that the costs would be offset by taxes and user fees. She
believed that was a raw conclusion and asked if staff had evidence to support it. Mr. Teddy
replied the City did not have development data and that was needed to provide specific
numbers. He commented that this was only a general statement and explained staff used the
fiscal impact section of the staff report in terms of processing this agreement, and that did not
create any extraordinary fiscal impact. It was not an analysis of the development itself. He
pointed out the County would apply its sufficiency of resources test to any proposed
development in its review. Ms. Hoppe thought this was misleading in terms of indicating City
services would be paid for because it would depend on the type of development.

Mr. Schmidt asked if this was the first time the City had allowed someone who was not
within City limits to hook up to City sewer. Mr. Teddy replied no, but explained they normally
involved simpler tracts with R-1 zoning.

John Clark, 403 N. Ninth Street, commented that this appeared to be a sewer
agreement even though it was called an annexation agreement. He agreed it was a good
idea to have development that remained in the County to be hooked up to a good wastewater
system, but was concerned the agreement would obligate the City to annex the property in
the future, which he felt was fiscally irresponsible as it took time to generate income to
provide services. He preferred an agreement that indicated the City would provide sewer
service and would determine whether to annex the property in the future as he did not believe
the City physically needed to get much larger. He felt this agreement put the City on the
hook to finance many infrastructure improvements around the subdivisions and schools. He
encouraged the Council to reject this agreement and direct staff to redraft it so it did not
include anything that would lead to annexation since the City did not have the tax base
regulations to finance infrastructure.

Kevin Murphy, an engineer with A Civil Group with offices at 3401 Broadway Business
Park, Suite 105, stated they had been working with the City and County to ensure the major
items, such as street design and construction, were addressed to City satisfaction since the
property would likely be annexed in the future. The stormwater regulations were similar, but
different enough in that they could not design to both standards, and since the County could
not waive its requirements, it would be developed to those standards. He commented that they tried to address as much as possible and thought it was a mistake to require the most stringent standards because the County would not allow some things.

Ms. Anthony stated she was willing to back off requiring the more stringent standards given Mr. Murphy’s explanation as long as the Planning and Zoning Commission had an opportunity to review and comment. She believed this property would eventually be annexed, but felt the City needed to start looking at the cost of annexation. She was not sure why this could not be delayed to allow for a cost analysis to be done, so the Council to make an educated decision.

Ms. Hoppe agreed the City needed a system in place so cost projections could be compared to the projected user fees and taxes. She felt the current problem was that they were automatically saying everything would pay for itself without any basis and believed they needed to see those numbers.

Mr. Matthes commented that any resident or business that chose to locate in this area would not stay in that area alone and believed the use of existing roads within the City and any contribution toward it needed to be addressed as well. If the property was not annexed, the people in this area would not pay anything toward the expenses the City bore even though they used City resources. Annexation was the only way for contribution toward infrastructure. He noted the area to the right of the subject property, which was public land, would never pay for itself. He agreed an analysis that could be used as a rule of thumb should be done. Although this was not a final development proposal, he thought they could provide some sense of the cost of development. He recommended the Council go ahead and approve this annexation agreement in the meantime.

Ms. Anthony asked when the Council would receive a cost analysis if they approved this tonight. Mr. Matthes replied with regard to this specifically, they would have to wait until there was a proposed development if hard numbers were wanted. A best guess could be done without the details of the proposed development. Ms. Anthony stated she wanted a process by which they evaluated every property of a certain size. She understood actual costs might not be determined, but felt a formula of some sort was needed. She agreed this property probably should be annexed, but wanted to know the costs for a constructive conversation.

Mr. Thornhill asked how close this property was to the City limit boundary. Mr. Matthes described the location of this property in terms of the City limit boundary using a map on the overhead and noted it was very likely to come into the City if the annexation agreement was approved.

Ms. Hoppe asked if this could be tabled to the next Council Meeting in order to provide time for the cost analysis. Mr. Matthes replied the research would take more than two weeks as he would want to provide deep benchmarking and find examples of where it worked well. There was a lot of literature on this debate, which needed to be reviewed in order to provide the best quality analysis possible. Ms. Hoppe stated she wanted this analysis to be available for the next annexation that came before Council. Ms. Anthony noted she wanted the analysis done on this property as well.
Mr. Kespohl asked how much time would be needed to provide a quality analysis. Mr. Matthes replied a month would be the fastest staff could put something together.

Ms. Anthony asked for the urgency of moving forward with this annexation agreement. Mr. Teddy replied he believed the urgency was coming from the property owner.

Mayor McDavid stated he preferred to vote on this bill tonight. He commented that they did not choose the location of the high school and it would be in this area whether they liked it or not. The area would be developed and needed sewer, which this agreement allowed. He also did not believe they would deny this annexation. This area would be a part of the City of Columbia, much like the area around Rock Bridge High School. He noted he would support this bill.

Ms. Anthony commented that she would be happy to support the bill as well as long as they would be provided a cost analysis report within a month. She agreed this area would be annexed because of the school.

B30-12 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B37-12 Accepting a grant from the State of Missouri, Department of Natural Resources for the development of an accessible interpretive educational sign series as part of the 3M Urban Ecological Restoration Project located along Hinkson Creek and adjacent to the MKT Trail; authorizing a recreational trails program project agreement; appropriating funds.**

The bill was given second reading by the Clerk.

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

Ms. Hoppe asked if they were working on the overlook platform. Mr. Hood replied yes and explained there had been substantial progress on it over the last month. He noted the project looked much different than it did four weeks ago.

B37-12 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B38-12 Appropriating funds for the Rainbow Softball Center improvement project.**

The bill was given second reading by the Clerk.

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

Mr. Kespohl asked if the Parks and Recreation Commission had approved this. Mr. Hood replied it had been mentioned to Parks and Recreation Commission at their last meeting, so they were aware of it. They just had not taken any action on it.

B38-12 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B39-12 Amending Chapter 27 of the City Code as it relates to billing and payment for large utility customers.**

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.
Mayor McDavid thanked staff for finding this expense the City did not need to incur and noted he would make a motion after obtaining public comment to delete the proposed language in Section 27-19(m) of the ordinance and add language indicating customers paying with credit cards shall be assessed a service fee.

John Clark, 403 N. Ninth Street, wondered why Council did not receive a report detailing why the amount jumped so quickly, who paid what and how much, the cost of the City's merchant service charge, and why the City wanted to encourage the use of credit cards. He noted he did a brief analysis and the worse outcome involved a discount for cash policy as an entity could owe $2.8 million, but only pay $2.75 million. He assumed the City’s goal was collect $2.8 million if that was the cost of the bill. He recommended the City receive cash only payments for large utility customers or follow up on Mayor McDavid’s idea of a convenience fee. He also encouraged Council to ask why it did not receive a more detailed report.

Mayor McDavid made a motion to amend B39-12 by deleting the proposed language in Section 27-19(m) and adding language indicating customers paying with credit cards shall be assessed a service fee. He explained this implied anyone paying with a credit card at any level would pay a service fee, which was standard procedure among most organizations. Ms. Anthony asked if they were leaving it ambiguous in terms of the amount of service fee. Mayor McDavid replied he thought that should be left to the discretion of staff.

Mayor McDavid revised his motion to amend B39-12 so the proposed language in Section 27-19(m) would be deleted and language indicating customers paying with credit cards shall be assessed a service fee to be determined by the Finance Director would be added.

Mr. Matthes asked Council if they wanted staff to provide an analysis of the fee that might be charged. Mayor McDavid replied he was comfortable leaving it at staff’s discretion. He only wanted to ensure they received the amount that was billed. Mr. Schmidt commented that staff might find it was not worth three percent in terms of handling the money. He agreed they should leave it to staff.

Mr. Kespohl suggested staff research this idea as he believed it was illegal for municipal government to charge a service fee on a credit card. Mr. Blattel stated his research indicated Visa had a restriction on reoccurring charges. It was not an issue with Mastercard and Discover.

Mr. Schmidt indicated the Internal Revenue Service charged a fee if one paid its taxes with a credit card and believed the City should do this as well.

The motion made by Mayor McDavid to amend B39-12 by deleting the proposed language in Section 27-19(m) and adding language indicating customers paying with credit cards shall be assessed a service fee to be determined by the Finance Director was seconded by Ms. Anthony.

Mr. Kespohl asked staff to research this suggestion. Mr. Blattel replied staff would.

The motion made by Mayor McDavid and seconded by Ms. Anthony to amend B39-12 by deleting the proposed language in Section 27-19(m) and adding language indicating customers paying with credit cards shall be assessed a service fee to be determined by the Finance Director was approved unanimously by voice vote.
Mayor McDavid made a motion to amend B39-12 by deleting “for large utility customers” from the title. The motion was seconded by Mr. Kesphol and approved unanimously by voice vote.

Mr. Boeckmann noted this was a substantive change and recommended the bill, as amended, to be held over until the March 5, 2012 Council Meeting.

Mayor McDavid made a motion to table B39-12, as amended, to March 5, 2012 Council Meeting. The motion was seconded by Mr. Kesphol and approved unanimously by voice vote.

CONSENT AGENDA

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

B26-12 Rezoning property located on the south side of Clark Lane (3900 Clark Lane) from A-1 to C-P; approving the Pine Grove Village C-P and RMH Plan; approving less stringent screening, yard, setback, street, access, parking and playground facility requirements.

B27-12 Approving the Final Plat of Pine Grove Plat 2 located on the south side of Clark Lane (3900 Clark Lane); authorizing a performance contract.

B28-12 Approving the Final Plat of Short Street Garage located on the northeast and northwest corners of the Short Street and Walnut Street intersection; granting variances from the Subdivision Regulations regarding dedication of street right-of-way.

B31-12 Vacating a sewer easement on Lot 8 within More’s Addition located on the east side of Bowling Street, south of Business Loop 70; accepting a conveyance for sewer purposes.

B32-12 Authorizing the acquisition of easements along portions of Bernadette Drive, Fairview Road, Stadium Boulevard, Beverly Drive and Worley Street as part of the Stadium Boulevard corridor street and storm sewer improvement project.

B33-12 Authorizing a contract for sale of real estate with Anthony Lopez, Successor Trustee of the Lopez Living Trust, for the Upper Hinkson Creek Outfall Sewer Extension Phase I Project; directing the City Clerk to have the contract recorded.

B34-12 Appropriating funds for certain design elements relating to the construction of the Short Street parking garage.

B35-12 Authorizing a right of use permit with Evergreen Acres Homeowners Association for the construction, improvement, operation and maintenance of a decorative landscaping island within the Redwing Drive and Lake of the Woods Road rights-of-way.

B36-12 Accepting conveyances for utility purposes.

B40-12 Amending Chapter 2 of the City Code as it relates to the membership of the Downtown Columbia Leadership Council.

B41-12 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Teen Outreach Program; appropriating funds.
B42-12 Amending the FY 2012 Annual Budget and Classification Plan to add a 0.25 FTE Administrative Support Assistant II position in the Office of Sustainability.

B43-12 Amending the FY 2012 Annual Budget to add and delete positions in the Convention and Visitors Bureau; amending the FY 2012 Pay Plan and Classification Plan to reclassify and close positions in the Convention and Visitors Bureau.

R23-12 Authorizing a memorandum of understanding with Columbia Housing Authority Low-Income Services, Inc. (CHALIS) as it relates to Teen Outreach Program (TOP) activities.

R24-12 Transferring tourism development funds to the Parks and Recreation Department for the purchase of six (6) LED scoreboards to be installed at the Rainbow Softball Complex.

R25-12 Authorizing a First Amendment to the Direct Loan Agreement with the Missouri Transportation Finance Corporation and the Missouri Highways and Transportation Commission.

R26-12 Authorizing the temporary closure of a portion of the sidewalk along the west side of Short Street, and a portion of the sidewalk along the north side of Broadway, to allow for demolition of the existing structure and construction of a hotel at 1111 East Broadway.

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

B44-12 Voluntary annexation of City-owned property located on the north side of Brown School Road, east of Providence Road (557 East Brown School Road); establishing permanent R-1 zoning.

B45-12 Rezoning property located on the south side of Locust Street, between Hitt Street and Waugh Street (1114 and 1116 Locust Street), from District R-3 to District C-P; changing the permitted uses on property in District C-P located at 1110 and 1112 Locust Street; approving a revised statement of intent; approving waivers for parking, Standards and Criteria and residential density.

B46-12 Rezoning property located on the east side of Rock Quarry Road, south of the intersection of Grindstone Parkway and Rock Quarry Road, from District A-1 to District PUD-11.3; approving The Pointe at Rock Quarry Park – Phase II PUD Plan; allowing a reduction in the required perimeter setback; setting forth a condition for approval.

B47-12 Approving the Final Plat of The Pointe at Rock Quarry Park Plat 2 located on the east side of Rock Quarry Road, south of the intersection of Grindstone Parkway (3422 Rock Quarry Road); authorizing a performance contract.

B48-12 Amending Ordinance No. 020013 to allow hotels as permitted uses on Lots 101-104, Lots 107-108 and Lots 111-112 on property in zoning District
C-P located along the east side of U.S. Highway 63, on both sides of Stadium Boulevard (State Route 740).

B49-12 Authorizing an annexation agreement with Swilling Properties, LLC for property located at 8300 I-70 Drive Southeast.

B50-12 Accepting the work on the Sanitary Sewer District No. 163 (Ballenger Lane and Aztec Boulevard) sewer construction project; approving the report of the Director of Public Works; levying and assessing special assessments; appropriating funds.

B51-12 Accepting the work on the Sanitary Sewer District No. 167 (Shepard Hills Subdivision) sewer construction project; approving the report of the Director of Public Works; levying and assessing special assessments.

B52-12 Amending Chapter 14 of the City Code to eliminate reserved parking for county vehicles in the municipal parking lot located at the southeast corner of Ash Street and Ninth Street.

B53-12 Accepting a conveyance for utility purposes.

B54-12 Amending the FY 2012 Annual Budget to add and delete positions in the Human Resources Department and Employee Benefit Fund; amending the FY 2012 Pay Plan and Classification Plan to reclassify, transfer and reopen positions.

B55-12 Amending the FY 2012 Annual Budget to add and delete positions in the Public Communications Department; amending the FY 2012 Annual Budget to add a position in Information Technologies; amending the FY 2012 Pay Plan and Classification Plan to reclassify, transfer, add and close positions; transferring funds.

B56-12 Amending the FY 2012 Pay Plan and Classification Plan to correct the overtime status designation of the parking supervisor classification.

B57-12 Amending Chapter 19 of the City Code as it relates to the definition of “unclassified service.”

B58-12 Appropriating Share the Light Program funds to the Fire Department for the purchase of fire alarms and carbon monoxide alarms to be distributed to low income residents.

B59-12 Authorizing an agreement with North Light, LLC for the sale of City-owned property on Short Street for the construction of a mixed use building and providing for access and lease of spaces in the Short Street Parking Garage.

B60-12 Authorizing a memorandum and agreement of leases and parking rights with Broadway Lodging LLC pertaining to the Short Street Parking Garage.

REPORTS AND PETITIONS

REP27-12 Amending Section 14-391 (Hourly Parking, Fees for Certain Facilities) of the City Code of Ordinances.

Mr. Matthes provided a staff report.

Mayor McDavid understood people were paying for permitted spaces, but were moving to the hourly spaces. Mr. Matthes stated that was correct.

Mayor McDavid made a motion directing staff to bring an ordinance amending Section 14-391 to Council. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.
REP28-12 Span-Wire Signal Installation Report.

Mr. Matthes provided a staff report.

Ms. Anthony stated she was pleased as this was a very thorough report. She asked if the Forum and Green Meadows intersection would be included in the Capital Improvement Program (CIP) as she understood staff was leaning towards a round-a-bout instead of a signalization. Mr. Glascock stated that was correct and noted they would include it in the CIP if it was not already listed.

Ms. Anthony asked if the City needed to work with the school at the intersection of Sinclair and Nifong in an effort to make a decision regarding the signalization of that intersection. Mr. Glascock replied the City did not have enough money to fund all of the projects. The Ash and Fairview intersection would be completed first and the Sinclair and Nifong intersection would remain on the list.

Mayor McDavid made a motion directing staff to schedule a public hearing for the installation of a span-wire signal to be paid for with traffic safety funds. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

REP29-12 Supplemental Report on Actual Sidewalk Costs.

Mr. Matthes provided a staff report.

Mr. Thornhill asked if the thought was that the cost varied from project to project. Mr. Glascock replied yes, and noted it was dependent on Council to determine what to charge. The City normally charged $25 a foot, but a developer could request and be granted a variance and not construct a sidewalk at all.

Ms. Anthony stated she liked the $25 per linear foot charge.

Mr. Thornhill explained his primary concern was to ensure the $25 per linear foot actually covered the cost of the sidewalk. He asked if the assumption was that excavation, etc. was associated with the road project. Mr. Glascock explained unimproved streets were the problem and those situations usually resulted in a variance of the $25 per linear foot payment. It would cost more than $25 per foot to install the sidewalk if the road was not completed as well.

Mr. Thornhill asked Mr. Glascock if he favored one concept over the other or if they needed to look at each project individually. Mr. Glascock replied he would suggest looking at each project because the cost difference was significant depending on the terrain.

Ms. Hoppe understood the sidewalk on Walnut and William was $17.50 per linear foot and a lot was done in some sections of that sidewalk. Mr. Glascock explained a retaining wall was built in some locations, but it was also pretty flat, so it was not as costly. On the other hand a sidewalk on Scott Boulevard, south of Vawter School Road, would be very costly to install.

Mayor McDavid made a motion directing staff to create a policy that required an engineering cost analysis of sidewalk construction on developments adjacent to unimproved streets. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.
REP30-12  **Tent and Membrane Structures.**

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

Mayor McDavid understood the 180 day limit was arbitrary at some level and suggested staff review and recommend changes they believe should be made. He wanted to ensure consistency of expectations.

Mayor McDavid made a motion directing staff to review the tent permit process. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP31-12  **Update on Balancing the Transit Budget.**

Mayor McDavid explained he had requested this report for informational purposes. He noted the City Manager had offered these apartment complexes a rate of $62 per semester per bed for bus service. He understood Grindstone Canyon, Gateway at Columbia, Campus View and Rolling Rock Town Homes had accepted this proposal and would receive fare-free City bus service. He also understood Campus Lodge, Copper Beach, Log Hill Run and The Pointe had rejected this proposal.

Ms. Hoppe understood The Pointe had purchased semester passes for individuals to ride the bus system this past year and that this was their intention for the upcoming year as well.

Mayor McDavid noted The Reserve, The Cottages and The Grove were undecided at this time. He understood some of these complexes might privately contract for this service, but in an effort to avoid mass confusion, he wanted this information public. He explained he had also planned to write a letter about these apartments to Xavier Billingsley, the President of the Missouri Student Association, asking him to transmit the information to the students so they could take it into consideration when they signed apartment leases for the upcoming year.

Ms. Hoppe commented that the City was still in discussions with the apartments that had not made a decision and asked if the letter would reflect this. Mayor McDavid replied the letter would reflect those that were undecided.

Mayor McDavid asked for another report to be provided in one month to determine if any of the apartment complexes had changed their minds. Ms. Hoppe asked for the report to include the other options available to students if its apartment complex did not agree to contract with the City for bus service. She understood another option was for the students to purchase a semester pass. Mr. Matthes explained a bus would stop at the apartment complexes that had accepted the offer. Students in neighboring complexes could walk over to these other apartment complexes to get on the bus by purchasing a $100 semester pass or by paying $1.50 per ride. Ms. Hoppe stated she would like that information included in the next report. Mayor McDavid stated he would transmit those options to the students as well.

Mr. Matthes explained, at this time, the City would provide these routes with four buses instead of ten to accommodate demand. In addition, this reduced fare price per ride reflected the fact these students would be able to use this one route. He pointed out this did not involve the entire system. It only involved the gold and black routes. Ms. Hoppe understood this was about continuing to provide an existing service. Another separate
ongoing discussion involved the possibility of providing expanded, better and more timely bus service.

Mr. Kespolh understood this proposal did not include evening service from 6:00 p.m. to 10:00 p.m. Monday through Friday or late night service from 10:00 p.m. to 1:30 a.m. on Friday and 6:00 p.m. to 1:30 a.m. on Saturday. Mr. Brooks stated the proposal included options for those expanded services, but only one of the complexes had indicated it wanted the expanded service at this time. Mr. Kespolh understood that meant the City would only run one bus. Mr. Brooks stated that was correct and noted the bus would only run to the one complex.

Ms. Hoppe asked what type of service students would receive if certain students bought passes at complexes that did not participate as a whole. She wondered if they would get the extended service or if it would be limited. Mr. Matthes replied the price increased when providing more services and the students would choose the level of service they wanted. Mr. Kespolh asked if the $100 pass covered all three services. Mr. Brooks replied it depended on the number of students that opted to purchase the passes. Mr. Kespolh asked how the City would know where they lived if they purchased a pass. Mr. Glascock replied the City would not know. He noted $100 passes would allow for the standard service and nothing extra. Mr. Schmidt asked how far in advance the passes would be sold. Mr. Brooks replied the passes were usually sold one month before the semester began. Mr. Schmidt understood the problem was that they would not know where students purchasing the semester passes were located in advance to provide expanded service.

REP32-12 Fees Associated with the 90 Day On-Street Parking Meter Test.

Mr. Glascock provided a staff report.

Mayor McDavid understood this was a trial and the City was uncertain of the cost and whether the community liked these options.

REP33-12 Informational Signs in Parking Facilities.

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

REP34-12 December 2011 Stormwater Variance Summary,  
REP35-12 January 2012 Stormwater Variance Summary.

Mr. Matthes provided as staff report and explained these reports had been provided for informational purposes.

REP36-12 Public Transportation Advisory Commission - Governing Ordinance.

Mr. Matthes provided a staff report and noted this recommendation would be included in the report back to Council compiling the input from boards and commissions on potential changes.

Mr. Dudley asked if the impact on staff time had been considered by combining the Building Construction Codes Commission with the Board of Plumbing Examiners, the Board of Electrical Examiners and the Board of Mechanical Examiners. Mr. Matthes replied yes and
noted that factor had informed their original thinking in terms of duplication between boards and commissions. Mr. Dudley commented that he wondered if the length of the meetings would increase from a half hour to two hours. Mr. Matthes stated he believed all four of those boards were served by the same staff person.

Ms. Hoppe commented that the City Council had received a letter dated January 18, 2012 from the Bicycle and Pedestrian Commission indicating the present Planning and Zoning Commission liaison had not attended any of the meetings this past year. The Bicycle and Pedestrian Commission felt this was a valuable position, but only if someone actually attended the meetings. She asked if this letter had been provided to the Planning and Zoning Commission to inform them of the situation. Mr. Matthes replied the recommendation of staff was to end the practice of requiring members of the Planning and Zoning Commission to be liaisons on other boards and commissions. Ms. Hoppe understood Mr. Tillotson was the person in question and she did not believe someone should volunteer for a position if he or she did not intend to participate as someone else might be willing to participate.

Ms. Anthony explained there had been discussion about having the various boards and commissions report to the Planning and Zoning Commission when she was on that Commission because it was too onerous and burdensome for those members to participate in everything, and she believed that should be the practice going forward.

**REP37-12 Intra-Departmental Transfer of Funds Request.**

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

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mr. Matthes commented that there had been some criminal activity recently that had caused citizens to ask questions, and as a result, Chief Burton held a press conference earlier today and would repeat it for people watching from home or in attendance.

Chief Burton stated he had just been notified that one of the individuals involved was in custody. He explained there had been 11 incidents of shots fired within the City over the past 27 days and the Police Department had been able to determine seven of those incidents were likely related. This did not mean the other four incidents were not related, but they had not able to make a connection at this time. He noted they had gone to the media earlier in the day because they had struggled with getting responses from the victims and witnesses as they did not want to cooperate. They were asking the public to use the Crime Stoppers methodology to share information. He explained he had been blunt with the media as he was concerned someone would be seriously hurt in the future. He believed this was a community issue, and explained that while the police had an integral role in making the apprehensions and working the cases, they needed the help of the community and the cooperation of witnesses. He noted the Police Department was working hard to gather information and identify those involved and was asking the media and public to assist as well.

Mayor McDavid asked if these were local suspects. Chief Burton replied yes. Mayor McDavid asked if they were teenagers. Chief Burton replied they were anywhere from age 16 to the early and mid-20's.
Mayor McDavid commented that relatives, friends, neighbors, siblings, parents and grandparents and the community needed to come together and help those involved. He noted those involved would be in jail for a long time if families and friends did not intervene. In addition, he believed it was a disservice to those they knew and loved if they were aware of what was going on and not assisting. If they wanted to protect their loved ones, he believed they needed to intervene now before those they loved were in jail for a long time.

Mr. Schmidt stated the comment he made to the press earlier was that the City could bring in an army like Mexico, but the troops were busy in Afghanistan and Africa, and even if the City had 10,000 troops, it would not do any good if the public did not come forward. Chief Burton agreed and noted the hands of the Police Department were tied if people did not talk. He pointed out Crime Stoppers was completely anonymous and those contacts were great because they provided leads. He noted there could also be a reward if information was provided. Mr. Schmidt understood the no contact method was used in the Paradise Lounge incident in the Benton-Stephens Neighborhood and asked Chief Burton to explain how it worked. Chief Burton replied the Police Department was very sensitive to people not wanting contact and that needed to be stated when communicating with them. He noted the police recognized the fact it was courageous of people to come forward as it involved people they were close to or family.

Ms. Hoppe commented that not too long ago, there was a random shooting at a party of a diverse group of kids and her friend’s son was shot in the ear, which was less than one-fourth of an inch from his head, so she believed it was only a matter of time before someone would die.

Chief Burton stated he was just notified the Police Department had one of the major persons involved in custody along with a juvenile, so they were making progress. He reiterated they had been working on this from the beginning and had been frustrated as well. He pointed out they had not created a new unit as indicated in the media, but had combined resources throughout the Department to work together on this issue.

Karl Skala, 5201 Gasconade Drive, commented that he currently served as the Chair of the Environment and Energy Commission, and explained when he was started his term on the Planning and Zoning Commission in 1999, he had been provided the opportunity to be the liaison to the Bicycle and Pedestrian Commission, the Environment and Energy Commission or the Commission on Cultural Affairs and had chosen the Environment and Energy Commission. He served as the liaison from 1999 to 2006 when he was elected to the City Council, and had to resign from the Planning and Zoning Commission. He noted the Planning and Zoning Commission had been very busy during that time, but he had just assumed it was part of his responsibility to participated in the Environment and Energy Commission meetings and believed it was useful in both directions. He thought the liaison situation needed to be evaluated on a case by case basis because he felt the liaison for the Environment and Energy Commission had been very useful. He explained the Environment and Energy Commission would discuss the proposed board and commission changes and provide Council a recommendation.
Kathleen Weinschenk, 1504 Sylvan Lane, wished Mayor McDavid a happy birthday. Mayor McDavid noted it was Mr. Boeckmann’s birthday as well. Ms. Weinschenk wished him a happy birthday as well.

Greg Ahrens, 1504 Sylvan Lane, explained he moved the flower pot that was located in front of the door opener pad in the lobby so Ms. Weinschenk could get in and out without assistance.

Mr. Ahrens noted the manhole cover in the middle of the street on North College was not raised when the road was resurfaced so it was two inches below street surface level, which did not create a smooth ride if one were to go over it in a vehicle or bicycle. He explained the driveway aprons on Paris Road by Boone County National Bank and Hathman Village were now steeper due to the widening of the road, and the bottoms of certain vehicles scraped the drive, such as accessible or lower to the ground vehicles. He asked if changes in the requirements could be made to address these issues when roads were resurfaced or widened.

Mr. Kespohl asked for the location of the driveways involved on Paris Road. Mr. Ahrens replied all of the driveways along Hathman Village created a problem, but the one by the Mexican restaurant was the least problematic. Mr. Kespohl asked for clarification regarding the location of the manhole cover on College Avenue. Mr. Ahrens replied it was in the right northbound lane between Walnut and Rogers.

Mayor McDavid stated he had been contacted by a local citizen regarding the City’s bid process, which catered to the low bid. He was told a Columbia vendor was outbid by someone in Illinois for $800 on a $55,000 bid. He understood this was a difficult process due to the best and low bid needing to be considered, but asked staff to provide a report regarding ways to provide a local preference dependent on reasonable parameters in terms of the bidding process.

Mayor McDavid explained when he and Ms. Hoppe were in Ames, Iowa to learn about the bus system, they discussed the 93 percent satisfaction rating by students in terms of their transit system based on the annual customer service survey. He understood the City paid $29,000 for its survey last year and believed it was worth doing an annual survey to know the thoughts of citizens. He asked staff to consider conducting an annual customer service survey.

Mr. Schmidt commented that he had participated in the community conversation regarding transit on Thursday and understood several things that did not cost much money could be done quickly. Those things included schedules on all of the bus signs and maps at the bus stops. In addition, a cell phone app if they continued with a 40 minute service route. He suggested these things be done regardless of what happened with transit. He also understood some of the new bus shelters were not ADA accessible, which he thought was embarrassing as this should not happen with newly built shelters. He wondered if the bus stops could be retrofitted at a reasonable fee.
Mr. Dudley stated he had been contacted by a few constituents regarding the transition from northbound Fairview to eastbound Broadway. He noted there were houses at the intersection and people drove very fast trying to beat traffic. He asked staff to provide a report regarding what could be done as the constituents were recommending a stop sign or large spikes to be placed in the turn lane.

Ms. Hoppe explained her transit community conversation was postponed due to snow and was now scheduled for March 12, 2012. She noted she had attended the transit meeting in the First Ward and there were a lot of great suggestions in terms of increasing revenue and ridership, and understood those suggestions would be provided to the City in the future.

Mayor McDavid asked if those suggestions could be provided to the Public Transportation Advisory Commission as well. Mr. Schmidt replied he was sure all of the groups involved would be contacted.

Ms. Hoppe commented that Huntridge Drive by Carter Lane had been patched and repatched and asked staff to review it to determine if it needed to be resurfaced.

Ms. Hoppe stated she had received concerns about U-turns being allowed on Broadway in front of Broadway Village as they were unexpected and created a safety issue at times. She asked staff to contact MoDOT, if it was a MoDOT road, to determine if those U-turns were still safe due to the increase in traffic.

Ms. Hoppe noted the City Council had taken the first step in creating an Enhanced Enterprise Zone (EEZ) at its prior Council Meeting and there were a lot of questions regarding the program. She understood Mayor McDavid responded to some questions on the radio this morning and the newspaper had addressed some questions as well. She believed a public meeting sponsored by staff was needed at City Hall. She thought the meeting should include a staff presentation to answer questions that had arisen and to provide the opportunity for the public to ask follow up questions as the concern and interest was widespread. Mr. Matthes understood the EEZ Board meetings were public and the intent was to have a fairly well marketed overview meeting at that level. He asked if that would be acceptable. Ms. Hoppe replied it would be helpful, but believed a more focused question and answer session should be held. She felt data from other communities should be provided as well in answering these questions.

Ms. Hoppe commented that she believed the EEZ area previously identified was too large and she hoped the EEZ Board would review and provide recommendations in narrowing it. There were affluent sections not connected to industrial or office areas. She thought there would be more community and Council support if the area was narrowed.

Mr. Kesphol stated he had been contacted by some constituents regarding the parking and blocking of alleys in the downtown. He understood the east and west alleys were public alleys and the north and south alleys were private alleys and asked if that was true.
Mr. Kespohl noted he had also received a complaint from a downtown business owner regarding service vehicles parking in the downtown and blocking traffic. This person received a parking ticket when loading and unloading merchandise to his business, while service vehicles did not. He wondered if there was special dispensation for service vehicles as opposed to other vehicles with regard to double parking while loading and unloading merchandise. He asked for a report as he believed they needed to allow business owners in the downtown to be able to load and unload merchandise.

Ms. Anthony commented that the Council had asked if there were unattended consequences in deeming large swaths of property as blighted and they were assured the establishment of an Enhanced Enterprise Zone (EEZ) would not implement eminent domain or condemnation directly, but they were not told that once the property was deemed blighted, it could be used by other governmental entities to impose eminent domain, and this included redevelopment authorities. She stated she read a Missouri Law article regarding the issue of how the power had been abused. She did not believe the EEZ area should be developed by census tracts as it was divisive and unnecessary. She wanted this issue to be addressed, but did not know if the Council would have the opportunity to address it again procedurally. She commented that she could not support submitting an application to the Department of Economic Development if the map previously presented would be used.

Mr. Thornhill noted the area they tentatively agreed upon mimicked the Community Development Block Grant (CDBG) areas, and he believed there might be issues in using census tract data in some areas, but not in all of the areas.

Mayor McDavid understood the EEZ Board would come to the Council with a proposed map, which they would have the authority to approve. Ms. Anthony asked if the map would be readdressed. Mr. Matthes replied he would research all of the questions and provide a report to Council. Mr. Boeckmann explained the Council had approved the map, but it did not mean the map could not be changed. Mr. Matthes commented that fundamentally, the map would become part of the application that would need Council approval. He presumed the EEZ Board would engage the public with regard to the EEZ area and the industries recommended to be targeted.

Mr. Schmidt agreed with the suggestion of Ms. Hoppe that City staff should hold an informational meeting and not completely rely on the Regional Economic Development, Inc. (REDI) for information. He believed it would also behoove the City to have experts on hand to answer questions. Mr. Thornhill felt REDI was the expert. Mr. Schmidt understood that might be the case and suggested an informational meeting be held fairly quickly. Mr. Matthes thought that was the intent. Ms. Hoppe asked if a specific date had been set at this time. Mr. Matthes replied he did not believe a specific date had been established.

Mr. Kespohl commented that there were two areas in the center of the map that were not in the EEZ area. In looking at the lines, it appeared as though it went completely around these areas. He believed different coloring on the map would help Council understand the defined area better.

Ms. Anthony stated she had received a complaint indicating the animal shelter was not open after 5:00 p.m. to claim animals that had been impounded, and explained that the
person felt volunteers might be willing to staff the shelter after hours if the shelter was agreeable.

Ms. Anthony asked for B46-12 and B47-12 to be placed under old business instead of the consent agenda at the March 5, 2012 Council Meeting.

Mayor McDavid made a motion to hold a closed meeting at 6:00 p.m. on Monday, February 27, 2012 in Conference Room 1B at City Hall, 701 East Broadway, Columbia, Missouri, to discuss litigation as authorized by Section 610.021(1) of the Revised Statutes of Missouri. The motion was seconded by Mr. Thornhill.

The vote was recorded as follows: VOTING YES: KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL. VOTING NO: NO ONE.

The meeting adjourned at 10:07 p.m.

Respectfully submitted,

Sheela Amin
City Clerk