INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, March 5, 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 DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL and KESPOHL 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 20, 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

Mayor McDavid asked for R38-12 to be moved from the consent agenda to new business.

Mr. Dudley made a motion to approve the agenda with the change requested by Mayor McDavid. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

SPECIAL ITEMS

R39-12 Authorizing Percent for Art agreements with Norleen Nosri and Joel Sager for interior projects on the Fourth and Fifth Floors of the new addition of the City Hall Building.

The resolution was read by the Clerk.

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

Yolanda Ciolli, 156 Maple Grove Way, stated she was the Chair of the Standing Committee on Public Art and explained she was requesting the Council approve the artists selected for the fourth and fifth floors of City Hall. She described the process by which these artists were selected and how the project was funded. The artists recommended by the Standing Committee on Public Art were Joel Sager for the fifth floor and Norleen Nosri for the fourth floor. She noted both were professional artists residing in Columbia, and provided information regarding their background and experience. She pointed out the Commission on Cultural Affairs unanimously accepted the recommendation of the Standing Committee on Public Art at its February 13, 2012 meeting. She explained contracts would be authorized so both artists could begin the design process if Council endorsed the recommendation.

Mr. Schmidt understood the Committee chose to focus on local artists even though that was not a requirement. Ms. Ciolli explained the artists for the second and thirds floors were chosen in that manner as well so they wanted to be consistent. Mr. Schmidt stated he was pleased these local artists had the chance to express themselves in the local community.
Ms. Anthony stated she was also thrilled to see local artists had been chosen for these projects.

Ms. Hoppe agreed and noted it was also a pleasure to see young and up and coming artists contributing to artwork in City Hall.

The vote on R39-12 was recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDIWARD, SCHMITT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

APPOINTMENTS TO BOARDS AND COMMISSIONS
None.

SCHEDULED PUBLIC COMMENT


Amy Sarver stated she was a parent and the PTA President for Lee Elementary School and explained she and others were concerned with traffic safety issues that had gotten worse over time. In addition, they had some significant parking issues. She hoped a dialogue could begin to develop solutions to the traffic safety and parking issues at Lee Elementary School.

Karen Burger stated she was the Principal of Lee Elementary School and explained they had met with the City about three years ago and the City had accommodated some of their requests at that time, so they were hopeful the City could assist with these new issues as well.

Ms. Sarver explained Locust Street was used as a cut-through street to get to College Avenue, and drivers were unaware of the school zone and traveled at speeds of 30-35 miles per hour throughout the day. Some suggestions to help alleviate this problem included a speed bump, a flashing school zone sign and the posting of the drivers speed as it would get a driver’s attention. Another suggestion was for a four-way stop at the corner of Waugh and Locust as it was the only intersection on Locust that did not have one. There was a crosswalk at this location, but it was often not seen or disregarded.

Ms. Burger commented that with regard to parking, they had a staff of 47, but only had 35 parking spots. In addition, they had over 40 volunteers who had no place to park. She noted Lee Elementary was the only school that had metered parking around its school. She hoped the City could assist in finding parking places for them without them being ticketed or having to pay for parking.

Mayor McDavid stated City staff would contact them to determine if any of these needs could be accommodated.

PUBLIC HEARINGS

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.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.
Mayor McDavid opened the public hearing. 
There being no comment, Mayor McDavid closed the public hearing.

B50-12 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDavid, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

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.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Ms. Hoppe asked for clarification on the policy for deferring special assessments. Mr. Glascock replied the reason for deferments was because property owners did not always have the money to pay for the total cost of the new sewer, and it was a benefit to the City to remove failing systems as it was a health issue. The City was able to bring the sewer up to compliance and the property owner would pay the remainder of the tax bill when the one of the conditions were met as they would then have the money. This was a healthier situation for citizens and residents. Mr. Schmidt understood the deferment allowed for non-payment until some time in the future. Mr. Glascock stated the deferment was in effect until the property was sold, split, rezoned, etc.

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

B51-12 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDavid, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

OLD BUSINESS

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 third reading by the Clerk.

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

Mayor McDavid understood the subdivider would be responsible for maintaining the portion of Kingsbridge Drive that crossed the dam until a certificate of occupancy was issued for the 21 lots, and the City would be responsible for it afterwards. Mr. Teddy explained a performance bond would be provided to the City upon acceptance. Mayor McDavid understood the City would not be responsible for the dam.

Mr. Thornhill made a motion to amend B29-12 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Ms. Anthony asked staff to discuss the unique nature of this situation and to explain why the City was excepting it from the ordinance and stormwater manual. Mr. Glascock replied it was unique because sole access was across the dam. He suggested an ordinance change in the future to not allow sole access on property across a dam.
Mr. Boeckmann understood the right of use permit was no longer needed. Mr. Teddy stated that was correct. Mr. Boeckmann noted the sections of the bill involving the right of use permit needed to be deleted.

Ms. Anthony made a motion to amend B29-12 by deleting Sections 4 and 5 of the original bill, which involved the acceptance and recording of the right of use permit, and to renumber the remaining sections. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Cory Ridenhour stated he was the Executive Director of the affected homeowner association and noted they were supportive of this change.

Bob Wagner, 1907 Kingsbridge, thanked the Council and staff for their willingness to reach out to the neighborhood association by addressing a problem and finding a satisfactorily solution.

Mayor McDavid stated he was happy that tabling this item had resulted in a solution.

The vote on B29-12, as amended, was recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B39-12A Amending Chapter 27 of the City Code as it relates to billing and payment.

The bill was given third reading by the Clerk.

Mr. Matthes provided a staff report.

Mr. Schmidt understood the service fee would be set to reflect the cost by appropriate staff. Mr. Blattel explained staff would set the fee to approximate the charges the City would incur for individuals using a credit card based on research by the Finance Department in coordination with the Water and Light Department since the charges flowed through to that department.

Mr. Schmidt asked if staff anticipated a drop in prompt collections due to making it harder to pay with a credit card of if they thought customers would consider it an incidental fee. Mr. Blattel replied he believed it would depend on the individual and the size of bill because a larger the bill would have a larger the fee, since the fee would be based on a percentage.

Mr. Dudley asked if this would affect people paying other bills and fees, such as business licenses. Mr. Blattel replied this particular legislation only addressed utilities, but they would use this as an indicator of what Council preferred. He noted they were in the process of instituting an online payment service for business licenses and miscellaneous utilities and would implement convenience fees with those online payments as well.

Mr. Schmidt stated he liked the fact the administrator would be allowed to adjust the fees, if necessary, instead of specifying the fee in the ordinance.

Mayor McDavid thanked staff for bring this forward as this was $450,000 that would not be reflected in increased utility fees in the future since the costs were passed on to all utility customers. This would absorb some degree of rate increases in the future. He understood the problem of sending multiple bills to a single entity, such as Columbia College,
had yet to be resolved and looked forward to a new billing system that would take care of those types of inefficiencies in the future.

The vote on B39-12A was recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDaviD, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

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.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid asked how this was in conformance with the Sasaki Plan. Mr. Teddy replied some general schemes in the Sasaki Plan had shown multi-family housing and additional parking structures in the area. He also noted the Sasaki Plan looked at the idea of expanding urban development into the area in a general way.

Ms. Anthony understood there were three descending votes on the Planning and Zoning Commission due to the lack of parking and asked for clarification. Mr. Teddy replied there was a lack of parking, and explained a representative of the church had indicated they were looking at possible shared parking arrangements. The City did not have additional parking deck space or a capacity to sell parking in the area. This area would require a private sector solution to the parking issue that would have to be managed if they moved forward with higher residential density. The street parking available was time restricted and might serve business use, but they would likely have to offer off-site parking to the residents until the City built another parking utility structure or a private structure was built.

Mr. Schmidt asked if this part of town was viable in terms of a private company building a parking structure. Mr. Teddy replied he understood the conceptual plan for the adjacent property had built-in parking, but it was not a parking structure that would provide a general service for the downtown. He explained urban buildings did not demand as much parking on a unit by unit basis because they could offer the amenities of walkable destinations, biking and transit. Mr. Schmidt asked who would live in the apartments. He assumed it would be people that did not want to use a car or did not have a car. He wondered if there was a way to quantify it. Mr. Teddy replied zoning was a general allowance.

Ms. Hoppe understood a 150 unit maximum would be allowed with the rezoning and asked for clarification regarding how that was different than what would be allowed with the current C-P and R-3 zoning. Mr. Teddy replied C-P would allow for more units. The C-P that existed on about half of the site allowed one unit per 2,500 square feet of lot area. He pointed out C-2 zoning existed elsewhere in the downtown area and he believed there were probably some C-2 zoned vacant or underused lots. There was no height limit and no restriction with regard to the number of units on C-2 property. He pointed out the zoning was an allowance and he did not believe this should be treated as a plan for 150 units. The actual number might be less.
Mr. Schmidt understood C-2 had no height limit. Mr. Teddy stated that was correct, but noted in practice, economics and technology intervened. Mr. Schmidt understood various planned zonings had height limits. Mr. Teddy explained most zoning districts had a height limit. The C-2 zoning district was an exception.

Ms. Anthony made a motion to amend B45-12 per the amendment sheet. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Craig Van Matre, an attorney with offices at 1103 East Broadway, stated he was representing the applicants, which included the Odle family and their entity, 10th and Locust, LLC, and the Catholic Diocese that owned the farthest south of the four properties, and provided a hand out of his presentation. They were asking for a change to the existing C-P statement of intent for two of the properties and were asking for a rezoning of R-3 to C-P for the other two properties. He explained they were not going to provide on-site parking, but C-2 zoning, which was a substantial part of the downtown, did not require parking. He noted the present statement of intent did not quantify the amount of space for the sidewalk, and his clients were willing to provide 10 feet from the curb. The current language indicated it was 7.5 feet including where it might end up if the street was widened. They needed a finite boundary line in order to start building. The amendment provided by staff would make this change. He explained the restrictions included a prohibition against any adult entertainment, pornographic shops, etc. and those would remain as restrictions for the new portion of this district. The maximum approved was 150 units, but it was highly unlikely that number would be reached. He thought there would be 100-125 units and noted they would be coming back with a full plan. He commented that the existing neighborhood was rough and believed it would be beneficial for the City for it to be replaced by high rise apartments. The only voiced concern they had heard was tonight from the Lee Elementary School representatives with regard to parking. He explained a bus would run on a regularly scheduled basis from these complexes to outlying parking areas so any tenant that had a car would have transportation via the bus. As a result, they would not have a need to park on the street. He noted his client’s experience was that only 25 percent of the downtown occupants had cars. He stated they were willing to have a dialogue with the school and cooperate as good neighbors, and pointed out they had offered to rent as many spaces as the City would allow in the garage on Hitt Street. They also anticipated students with cars would rent spaces in the Fifth and Walnut garage because it would be on his client’s bus route.

Mr. Thornhill asked if this was proposed as a mixed-use development. Mr. Van Matre replied yes. Mr. Thornhill asked if they anticipated retail. Mr. Van Matre replied they anticipated small retail, restaurants or something similar on the ground floor.

Mr. Schmidt asked if the developer would be involved in selecting the type of business that would be housed there or if they would build raw space and let the market decide. Mr. Van Matre replied the developer did not have any built in retail use, so they would lease the property to businesses. Mr. Schmidt commented that there was a demand for basic services, such as dry cleaning or a grocery store, and wondered if the developer had any intention of working in that direction or if it would just build first floor commercial space and allow the market to decide. Mr. Van Matre replied he thought it would be driven by the market.
Ms. Hoppe understood the developer was very interested in working with Lee Elementary School, particularly when a C-P plan came forward in terms of traffic issues, so the school would not be negatively affected. Mr. Van Matre commented that he believed the developer would take prompt action if a tenant was violating the school’s parking area. He pointed out his clients would meet the needs of the tenants in terms of parking and transportation as it would negatively affect them if the need was not met. He stated they would meet with representatives of Lee Elementary School to discuss the issues.

Amy Sarver commented that she appreciated the fact the developer had consideration for the school. She understood the decision regarding the waiver of the parking requirement would be based upon the proposed use, the availability of other parking in the area and other relevant factors affecting the existing community. She explained this street had two churches, Stephens College and an elementary school, and she did not believe it was a bad area. She asked that the parking situation be reviewed carefully because currently the Baptist Church and the Sacred Heart Church rented out their lots to students. The Hitt Street parking garage was often nearly full as well, especially in the evening. She believed those living in the apartments would want to park close to their residences for loading and unloading purposes.

Juliee Fisher commented that while she appreciated what the developer was proposing, she was a concerned mother, and explained this street was very hazardous. She encouraged the Council to come by the school during a drop off or pick up time. This development would add 100 additional people in the area and 25 percent of those people would have cars. It would add to the number of cars that might not be paying attention on this one-way street. She encouraged the Council to come up with a solution before voting on this issue.

Lana Coggeshall stated Lee Elementary School had no interest in having the meters removed. As much as they were fined by the meters, the meters ensured someone could not monopolize the parking spot all day. She explained the street was very congested, especially in the mornings when buses were dropping children off and other buses were moving tenants to and from their apartment buildings. It was also dangerous for emergency vehicles to pass through on the street.

Ms. Hoppe understood parking and traffic problems currently existed at Lee Elementary School and asked if the representatives of Lee Elementary would be interested in meeting with staff to explore what could be done to improve the situation now.

Sarah Horn stated they were concerned because a lot of college students were already using this street. Traffic drove fast on the street and there were no school zone signs there. Another apartment complex would increase the number of cars traveling at high speeds on that street.

Mr. Schmidt asked why Lee Elementary did not have the traffic mitigation other schools had. Ms. Horn replied she did not know. She noted she had been there three years and had never seen a police officer ticket anyone for speeding on the road.

Ms. Sarver stated they would be happy to have a dialogue with regard to potential solutions to the current problems at Lee Elementary, but noted they were also concerned about the potential approval of a 150 unit building that would be adjacent to a 190 unit
building when neither had parking provisions. This would be a nightmare for not only the school, but for the entire downtown area.

Father Thomas Saucier stated he was the Pastor of Sacred Heart Church and agreed the safety issues of the children were paramount, so he would support a stop sign at Waugh and Locust as well as the monitoring of the street. In addition to the safety issue was the parking issue. He explained the church owned the 1116 Locust lot and another two lots on the south side of Locust. They owned the lot behind 1116 Locust and another lot behind it. He noted the sale of the property at 1116 was currently being negotiated and that parking was an issue for them as well since they would not exist without it. He stated he would be supportive of metered parking along the entire length of Locust, between Waugh and Hitt, because students tended to leave their cars in those locations for extended periods of time and he believed it would help the situation. He noted he had lived at the parish, and although he did not consider the area blighted, he believed anything that could be done to improve the neighborhood was a benefit. He reiterated that the conversation with the developer was an initial conversation and not the end of the conversation.

Mr. Kespohl asked if the church was currently leasing part of its parking to students. Father Saucier replied it was either reserved for staff or leased to students. He thought they leased approximately 65 spots and noted they would lease to anyone, but students were primarily the lessees. Mr. Kespohl asked if parking was leased for week days only. Father Saucier replied yes and explained the parking was needed for parishioners on the weekends.

Kate Akers, 1411 Anthony Street, stated she had sent an e-mail to the Council with her thoughts on the situation earlier today and explained she was a 16 year resident of East Campus. She noted she was well acquainted with the rigors of living amongst rental properties and felt over time as the number of single family homes had decreased in the area, the number of nuisances in terms of trash, noise, parking and traffic had increased. She explained she had a daughter at Lee Elementary School and was concerned with the increase in density in the area in terms of trash, noise, etc. in addition to parking and traffic.

Mr. Schmidt understood there was already a traffic and safety issue in the area, and that those issues would be reviewed. He also understood this was a zoning application and that a plan with more detail would be submitted in the future and might address some of the questions raised. He found it interesting that 75 percent of the people that chose to live there would not have a car because this was a moment of change in the culture for Columbia. If they continued to build a parking space for every unit, the City would continue to sprawl. He agreed there was an issue with students getting to and from school as Lee Elementary was a magnet school and not a neighborhood school, so most children did not have the opportunity to walk to it. He understood there was discussion about making Locust wider, but felt the narrower street probably helped with traffic calming. He thought the issue of speeding and the potential installation of speed bumps and a stop sign needed to be addressed.

Mr. Dudley asked the applicant to consider parking across the street when they came forward with the business portion of the plan because the business would also need parking spaces. He thought a stop sign needed to be installed as well. He believed this was a perfect development in terms of infill.
Mr. Schmidt asked if money was set aside for traffic mitigation in order to install a stop sign, cross walk and a speed bump. Mayor McDavid suggested they ask for a traffic analysis report for this area at the end of the Council Meeting.

Ms. Hoppe commented that this was an opportunity to create density and follow the Sasaki Plan with a developer who had a good history and a bus system for its own residents. In addition, the City wanted infill in order to expand and improve the transit system so it would serve the parents and students of Lee Elementary. She understood the fear and concern of the Lee Elementary School parents in terms of additional traffic because of the existing traffic problem that needed to be addressed. She felt the City needed to ensure the development took Lee Elementary School and its existing traffic problems into consideration. A potential solution was to restrict traffic on Locust, from Waugh to College, to parents only for a certain period of time in order to allow the drop off and pick up of students. She believed there were a variety of options. In addition, the developer was interested in exploring options and being supportive of Lee Elementary School. She suggested staff provide recommendations on how to control the present traffic and any future traffic. She also thought a meeting involving the PTA, the principal, staff and any interested Council Member should be held to discuss the ideas to ensure another problem was not created by solving these problems. She saw a possibility of helping Lee Elementary School with its traffic and safety issues while creating density for the opportunity of improved transit. She commented that she would be more concerned if it was a different developer and noted this developer provided private transportation services and off-area parking for its residents.

Ms. Anthony stated she planned to support this development from a planning perspective as the area was perfect for redevelopment and infill development. She believed this area was proper for a multi-use building. While she understood the parking issue, she concurred with Ms. Hoppe and Mr. Schmidt in that they were trying to make residents and citizens less reliant on vehicles. Those leasing at this property would not be able to rely on a vehicle everyday. They would have to rely on the transit system provided by the Odles. She agreed the issues involving Lee Elementary needed to be addressed through meetings and conversations, and noted she was happy the Odles would be present during the continuation of those discussions.

Mr. Kespohl commented that he believed this would be an enhancement to the area. He noted he participated in a walking school bus two years ago and the sidewalks were very narrow and broken. This development provided an opportunity for half a block of new sidewalk 10 feet wide in the area. He stated he was glad the issue came forward because it drew their attention to the area and noted he did not realize there were no stop signs at Locust and Waugh. He believed stop signs should be installed at that intersection and the crosswalk should be enhanced. He stated he would vote in favor of this bill.

Mayor McDavid stated he would support this bill as this development met all of the criteria for smart growth and the infrastructure was already there. He thought this development forced pedestrian, mass transit and bicycle use because there really was not much of a choice. He referred to an article he had read involving Champaign-Urbana as it had decided to help businesses by demolishing buildings and building parking lots, and now all they had were parking lots and no businesses in the downtown. There would not be
parking for those that chose to live here and the Odles had a GPS enabled transit system for their properties, which was better than the City’s transit system. He noted he liked the fact the Odles were in Columbia as he could talk to them when needed and because they used local contractors and bought local materials. He understood the Odles preferred to not have the transit system and to roll it into the City’s system, which was the City’s vision. He thought they could use this system as a model to help integrate with the University. He believed this development would be a great asset to the City.

Mr. Schmidt commented that by increasing pedestrian traffic, they would increase pedestrian safety. Approximately 75 percent of the tenants would not have a car and would be walking, which would help safety along with traffic mitigation.

B45-12, as amended, was given third reading with the vote recorded as follows:
VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

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.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mr. Kespohl made a motion to amend B58-12 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

B58-12, as amended, was given third reading with the vote recorded as follows:
VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

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.

The bill was given second reading by the Clerk.

Mr. St. Romaine provided a staff report.

Mr. Thornhill understood the contract indicated construction would begin July 1, 2012 and would be substantially complete by November 30, 2013 and asked what “substantially complete” meant. Mr. St. Romaine replied he believed the developer wanted to be on the same schedule, but noted lots of things could happen. They could not begin construction until the City was mostly complete with that side of the garage. Depending upon when the City was done and the weather, they agreed substantial completion might not occur until November, but were planning on being done in June or July of 2013. He thought substantial completion meant the project was under a roof and essentially enclosed. In addition, most of the interior finishes would be close to completion. It just would not be ready for a certificate of occupancy.

Mr. Kespohl understood the footing that would be shared on the north wall of the parking garage and the south wall of the building would be poured by the City and asked about the City’s liability. Mr. Boeckmann replied the risk was likely not great. If something went wrong, everyone would likely be sued, but it was a question of who was at fault and if
there was any negligence involved, and that was unlikely to fall on the City. Mr. Kespolh wondered if those issues needed to be addressed in the document. Mr. Boeckmann replied he did not believe it could be addressed in this document as it was only between two parties, and other parties would likely be involved.

Mr. Kespolh understood the two buildings would be attached, but the contract indicated there would be a gap between the parking garage and the building and each party would be responsible for protecting its structure from any rainwater that entered the gap. He asked if the buildings were attached. Mr. St. Romaine replied they were attached mechanically, but there would be a gap between the two buildings.

Mr. Kespolh understood the contract indicated the City was responsible for all of North Light's stormwater from Lot 1 to Lot 2, so the City would handle all of the stormwater for both buildings. Mr. St. Romaine stated that was correct. Mr. Schmidt understood North Light did not have any place to put the stormwater because every inch of what they were buying was covered by the structure. Mr. St. Romaine noted they were not increasing the impervious nature. The existing surface parking lot was totally impervious. They were placing another structure on the lot, but were not increasing the size of the lot, so the impervious nature of the lot was the same.

Mr. Schmidt asked where the City was putting its stormwater. He wondered if there would be underground collection. Mr. St. Romaine replied there would not be underground detention. There would only be stormwater treatment. Mayor McDavid asked why detention was not required as it was required for Boone Hospital and the Columbia Orthopedic Group. Mr. St. Romaine replied he thought it had to do with the LEED designation requirement as detention was required for the City Hall expansion. Mayor McDavid stated he did not believe the Columbia Orthopedic Group had sought a LEED designation. Mr. Glascock replied downtown was currently exempt from detention requirements.

B59-12 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

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

The bill was given second reading by the Clerk.

Mr. Boeckmann provided a staff report.

Mr. Thornhill made a motion to amend B60-12 per the amendment sheet. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Kespolh understood the agreement indicated the cost of the parking spaces was the average of parking spaces throughout Columbia. Mr. St. Romaine stated that was correct with the exception of the Fifth Street garage. Mr. Kespolh noted the agreement indicated the price of the storage space lease should be included in the price paid by the tenant for parking spaces. He felt the City was providing an added value while reducing the number of parking spaces. Mr. St. Romaine stated he believed the hotel was providing the City some added value as well. He explained that as part of the original agreement with the hotel, the City had agreed Regency could include its own parking system for its spaces, which would have
eliminated several City spaces. Regency had now agreed it would work with the City to jointly use its parking system with their parking system for their clients. This would save several spaces, and as a result, they believed due compensation was needed for the storage space. There would be some dead space in the southeast corner of the garage, which would be used by the City for storage, and they had agreed to include some of that storage space for use by the hotel.

Mr. Kespohl stated his concern was that those renting spaces in the garage would not understand this was a reduction in space for the hotel and would feel the City was not being consistent. Mr. St. Romaine commented that he did not believe they had any other clients renting spaces in the parking garage for storage and felt this was fair since they had been able to increase the number of parking spaces in the garage from about 410 to about 420-425, which would result in an increase in potential revenue in the garage. Mr. Schmidt understood the hotel was not receiving spaces for less money as they were making other considerations for those spaces. Mr. St. Romaine stated that was correct.

B60-12, as amended, was given third reading with the vote recorded as follows:
VOTING YES: DUDLEY, ANTHONY, HOPPE, MDCAVID, SCHMIDT, THORNHILL, KESPOHL. 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.

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.

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.

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.”

R28-12 Setting a public hearing: construction of a public drop-off facility at the Columbia Sanitary Landfill.

R29-12 Setting a public hearing: construction of street improvements to widen Forum Boulevard from Katy Lane to the bridge over Hinkson Creek to accommodate left turn movements from Forum Boulevard into the Victoria Park driveway and MKT driveway.

R30-12 Setting a public hearing: construction of sidewalks along the west side of Fairview Road from Fairview Elementary School to north of Rollins Road, and along the south side of Rollins Road from Fairview Road to Cambridge Drive, and construction of a mini roundabout at the intersection of Fairview Road and Rollins Road.

R31-12 Setting a public hearing: consider the FY 2011 Consolidated Annual Performance Report (CAPER).

R32-12 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for child care health consultation services.

R33-12 Authorizing a memorandum of agreement with the Missouri Department of Health and Senior Services as it relates to the electronic transmission of immunization health records.

R34-12 Authorizing an agreement with Boone County for animal control services.

R35-12 Authorizing an agreement with Boone County for public health services.

R36-12 Authorizing an agreement with The Curators of the University of Missouri regarding the 2012 Missouri State Senior Games and Show-Me State Games.

R37-12 Authorizing an agreement with Columbia Farmers Market for temporary bus service to The ARC.

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

NEW BUSINESS

R38-12 Authorizing the sale of Sewerage System Revenue Bonds, Series 2012.

The resolution was read by the Clerk.

Mr. Matthes and Mr. Blattel provided the staff report.
The vote on R38-12 was recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

B61-12 Authorizing the issuance of Sewerage System Revenue Bonds, Series 2012.

B62-12 Amending Chapter 22 of the City Code as it relates to specific pollutant limitations for commercial and industrial facilities for discharge into the sanitary sewer system.

B63-12 Authorizing a right of use permit with MM II, LLC to allow construction, operation and maintenance of an underground detention basin, water quality unit and storm sewer piping and boxes within a portion of the alley right-of-way located north of 308 South Ninth Street, west of Watson Place.

B64-12 Accepting a conveyance for utility purposes.

B65-12 Appropriating funds received from recycling efforts as part of the 3M Urban Ecological Restoration Project.

REPORTS AND PETITIONS

REP38-12 Street Closure Request - Columbia Area Earth Day Festival.

Mayor McDavid made a motion to approve the street closure as requested. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP39-12 Parking Prohibition - South Side of Savoy Drive.

Mr. Matthes provided a staff report.

Mayor McDavid made a motion directing staff to prepare an ordinance amending Ordinance 14-324 prohibiting parking on the south side of Savoy Drive from a point 400 feet west of Napa Drive, thence west 360 feet at all times. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP40-12 Parking on Pannell Street.

Mayor McDavid made a motion directing staff to prepare an ordinance amending Ordinance 14-324 to remove the parking prohibition on the east side of Pannell Street, from Smith Street, thence south 350 feet. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP41-12 Preventative Salting During Inclement Weather.

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

Mr. Schmidt commented that the City was always balancing the environmental cost and the cost in terms of destruction of the pavement of salt versus public safety, and
understood the City would err on one side or the other. Mr. Glascock replied the amount of preventative treatment provided depended on the snow storm.

REP42-12  **Disabled Parking Spaces on Broadway.**

Mr. St. Romaine provided a staff report and explained he was not certain the $450,000 cost was accurate although a lot was involved in creating a parking space to ADA standards.

Ms. Hoppe commented that one of the e-mails she had received indicated Lee Elementary School did not have disabled parking and asked if adding a disabled space in that area would be as expensive. Mr. Glascock replied it would have to meet all ADA standards, so access to the sidewalk, etc. was necessary. He explained a review of the area would be needed to determine if one could be installed.

Mr. St. Romaine noted the City anticipated about half of the $850,000 in Community Development Block Grant (CDBG) funds expected to be received to be used for sidewalk work. The City was working with the Disabilities Commission to identify priority areas within the central City area. Mr. Matthes asked if disabled parking spaces on Broadway would be a part of this request. Mr. St. Romaine replied it could be a part of it if priority was high enough, but the preference was to do them one block at a time and he did not believe they would be using CDBG funds for Broadway itself as he believed there should be some participation by the businesses along Broadway unless there was an identified City need to improve the sidewalks.

REP43-12  **80% Renewable Report from the Water and Light Advisory Board.**

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

REP44-12  **Intra-Departmental Transfer of Funds Request.**

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

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Ms. Hoppe commented that Earth Hour would be celebrated on March 31, 2012. She understood Mayor McDavid had agreed to do a proclamation, which would be read on March 22, 2012. The organization that sponsored this event usually came to Council on an annual basis to request the proclamation and for City staff to lead community participation in the event.

Ms. Hoppe made a motion for the issuance of the proclamation and the celebration of Earth Hour to be done annually until Council decided otherwise. This would eliminate the need for the organization to come to Council annually and for the Council to approve it annually. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

Ms. Hoppe asked staff to look into installing a stop sign at Waugh and Locust and to determine other measures that might reduce the speed on Locust, such as enforcement of the speed limit and signage showing the speed vehicles were traveling. Ms. Anthony suggested the installation of a flashing school zone sign.
Ms. Hoppe asked that a meeting be set up with the Lee Elementary School PTA and principal to explore solutions to some of the other problems identified, and to coordinate with any Council Member interested in participating so they could be proactive in solving these problems now and determining what might be possible in the future as the C-P Plan for the project in the area came forward.

Ms. Hoppe understood there had been some eviction notices and court proceedings involving the residents of the Regency Mobile Home Park. She also understood the management office had been closed for some time, so there was not any place for residents to pay rent or address any concerns that might arise at the Mobile Home Park. She wondered if not having access to onsite or nearby management constituted, in any form, the closing of the Park, such that it violated the rezoning. She asked staff to provide a legal opinion.

Mr. Kespohl stated he wanted to see enhanced traffic enforcement on Locust in front of Lee Elementary School as soon as possible. Speeding needed to be addressed if people were driving 35-40 mph on that street.

Mr. Kespohl asked staff for a map or list of downtown disabled parking spaces from Ash Street to Locust Street and from Tenth Street to Providence Road. He was told there was one per block, but was not certain that was true.

Mr. Thornhill asked staff for clarification on the policy regarding tree trimming under power lines versus the removal of those trees.

Mr. Thornhill asked staff for clarification regarding the notification process for red light violations. He explained he received an e-mail from someone that had been unaware of a violation and later learned of a bench warrant because notification had been sent to his previous address and had not been returned or forwarded to his current address.

Mr. Thornhill asked staff for a report regarding the training process for paratransit drivers. He explained he had been made aware of two incidents in which a rider had not been secured properly and had been involved in an accident.

Ms. Anthony asked staff to prepare an ordinance clarifying the City’s position with regard to dams that provided sole access to future subdivisions.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Sheela Amin
City Clerk