

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JULY 16, 2012**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, July 16, 2012, in the Council Chamber of the City of Columbia, Missouri. Mayor McDavid asked everyone to stand to join in a moment of silence in memory of two young men of Boone County, Specialist Sterling Wyatt and Specialist Zane Lee, who had both answered a call to their Country and would be forever American heroes. The recitation of the Pledge of Allegiance was lead by Boy Scout Troop 706 of Saint Andrews Lutheran Church. The roll was taken with the following results: Council Members HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY and ANTHONY 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 July 2, 2012 were approved unanimously by voice vote on a motion by Mr. Dudley and a second by Ms. Hoppe.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

Citizen Heroism Awards – Fire Chief Witt will present Tonia Turner and Ballagio Pinkett with Citizen Heroism Awards for their heroic actions on Monday, May 14, 2012.

Mayor McDavid invited Chief Witt, Tonia Turner and Ballagio Pinkett to the podium.

Chief Witt stated it was his privilege to present Tonia Turner and Ballagio Pinkett with the highest award, the Citizen Heroism Award, the Columbia Fire Department had to bestow upon a citizen. He explained on May 14, 2012 at approximately 5:15 p.m., Ballagio Pinkett was with a friend at Douglass Park when he heard a noise and observed smoke coming from the rear of a residence on Fifth Street. He immediately called 911 and ran to the home. Tonia Turner was driving in the area and noticed smoke coming from the same home. Ms. Turner and Mr. Pinkett met on the front porch when a neighbor indicated someone was inside the home. Mr. Pinkett kicked in the front door and he and Ms. Turner entered the smoke filled home to search for any victim. Mr. Pinkett searched two rooms before becoming overcome by smoke. He exited the residence, caught his breath, went back in and found the homeowner in a bedroom. He and Ms. Turner assisted the homeowner out of the home to safety. Chief Witt pointed out the Citizen Heroism Award was presented for a capacious act of valor and heroism by citizens under hazardous and life threatening conditions, and noted the acts of Mr. Pinkett and Ms. Turner were without a doubt deserving of this recognition. He presented Ms. Turner and Mr. Pinkett the Citizen Heroism Award on behalf of the men and women of the Columbia Fire Department.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

BICYCLE/PEDESTRIAN COMMISSION

Heise, David, 12A East Clarkson, Ward 5, Term to expire July 31, 2015
Kassel, Brant, 4500 Forum Boulevard, Ward 5, Term to expire July 31, 2015
Moore, Ben, 400 Ridgeway, Ward 1, Term to expire July 31, 2015
Sommer, Andrew, 209 St. Joseph Street, Apt. D, Ward 1, Term to expire July 31, 2015

BOARD OF ELECTRICAL EXAMINERS

Andrade, Amanda, 1608 Whitburn Drive, Ward 5, Term to expire August 1, 2015

BUILDING CONSTRUCTION CODES COMMISSION

Carlson, Kas, 204 Peach Way, Suite E (business address), Ward 5, Term to expire August 1, 2015
Muzzy, Douglas, 2202 Potomac Drive, Ward 4, Term to expire August 1, 2015
Page, Jr., John, 8391 Forest Creek Drive, Boone County, Term to expire August 1, 2015
Rose, Mike, 11101 West Highway 40, Boone County, Term to expire August 1, 2015

COLUMBIA COMMUNITY DEVELOPMENT COMMISSION

Schepers, James, 4009 Beach Pointe Drive, Ward 4, Term to expire November 1, 2013

COLUMBIA LIBRARY DISTRICT BOARD

French, John, 2209A N. Creasy Springs Road, Ward 2, Term to expire June 30, 2013

COMPREHENSIVE PLAN TASK FORCE

Saunders, Adam, 214 St. Joseph Street, Ward 1

MAYOR’S COMMITTEE ON PHYSICAL FITNESS

Goyne, Jennifer, 705 Norman Drive, Ward 6, Term to expire November 30, 2014

STORM WATER ADVISORY COMMISSION

Hjelmfelt, Jr., Allen, 1004 Maplewood Drive, Ward 4, Term to expire June 30, 2014
Patterson, Lowell, 1917 Vassar, Ward 4, Term to expire June 30, 2014

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

(A) **Construction of the East Side Sidewalk Phase III project to include the reconstruction of sidewalks along portions of Locust Street, Waugh Street, Windsor Street, Melbourne Street, Pratt Street, Ripley Street, William Street, Bass Avenue and Broadway.**

Item A was read by the Clerk.

Mr. Glascock provided a staff report.

Ms. Hoppe understood the sidewalks on the south side of Walnut Street, west of College, had recently been replaced with funds from the American Recovery Act and would now be replaced with 10 foot sidewalks due to the Odle development. She was concerned this would occur on Locust Street as well, and asked about sidewalk standards and whether these sidewalks would be permanent versus temporary. Mr. Glascock replied staff would talk to the developer to determine the time frame of the project. If it would be five years before the property was planned to be developed, staff would then likely proceed with then installation of the sidewalks. He noted they would communicate with Stephens College as well. He stated they would not install sidewalks if the owners planned to build them within two years. Ms. Hoppe thought they should hold off on installing the sidewalks even if they were constructed in five years as she felt the sidewalks should last longer. Mr. Glascock explained the developer would have to reinstall the sidewalk if they were torn up. Ms. Hoppe thought it would be a waste of money and resources to construct a sidewalk and have it removed within five years. Mr. Glascock asked if Ms. Hoppe preferred they look at another area. Ms. Hoppe replied she would, if the developer would be constructing the sidewalk on Locust. Mr. Glascock stated staff would talk to the developer.

Mr. Kespohl wondered how close the sidewalks were to Lee Elementary School and asked if they would be in front of the school. Mr. Glascock replied he thought the sidewalks would be located short of the school. Mr. Kespohl thought they would be close to College Avenue, and asked if the school was the block west of College Avenue. Mr. Glascock replied yes. Mr. Kespohl noted the proposed sidewalk would be in front of the school if that was the case. He understood there had been some concern regarding sidewalks, crosswalks and traffic calming by Lee Elementary School representatives due to the development, and believed the sidewalk should be installed if it would be a while prior to the developer constructing it. Mr. Glascock asked if Mr. Kespohl was requesting the sidewalk be installed all of the way to College Avenue. Mr. Kespohl replied yes.

Mayor McDavid opened the public hearing.

Kurt Albert, 1512 Windsor, stated he was concerned the City would be removing sidewalks that were perfectly serviceable and not cracked or damaged, in order to add only a short distance of width to the sidewalk. Plenty of federal money had been used to install sidewalks on Windsor, Ripley and Walnut, and although there were sections that needed to be repaired, the existing sidewalks were in good shape. He encouraged the Council to look at the sidewalks in question prior to make a decision as he believed they were in good shape and serviced the handicap and neighborhood. He suggested the use of this money be extended to other neighborhoods where sidewalks were really needed.

Ms. Hoppe asked if he could list the particular areas where the sidewalks were in good condition and should not be replaced. Mr. Albert replied if Council postponed this decision in order to view the sidewalks, it would be obvious where the bad spots were located. He noted 90-95 percent of the sidewalks were in excellent condition. He suggested the City preserve its resources.

Mr. Kespohl asked if the existing sidewalks were four feet wide. Mr. Albert replied yes, and noted he did not believe people in wheelchairs had any problems with four foot sidewalks. Mr. Kespohl asked if people in wheelchairs used the sidewalks very often. Mr.

Albert replied they were rarely used. He explained sidewalks had not been constructed on North Ann and suggested sidewalks be installed there and in areas without sidewalks.

Mr. Kespohl understood a lot of housing for disabled people was located in the area, and wondered if the lack of the use of the sidewalk there was due to having to cross College Avenue at Windsor since it was a bad crossing. He thought the sidewalk might be used more if something was done on College Avenue. Mr. Albert stated he thought most disabled people were using public transportation or other transportation systems that catered to disabled people.

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

Mayor McDavid suggested Council delay a decision in order to further review the proposed project. Mr. Glascock pointed out the City would lose this CDBG funding if it was not spent by November 1, 2012.

Ms. Hoppe asked if this money could be used in areas where there were not sidewalks or the sidewalks were in worse shape. Mr. Glascock replied the areas proposed had been identified in a recent study, and staff had been directed to use the study in prioritizing sidewalk replacement. They would be replacing four foot sidewalks, so they were now five feet sidewalks. He explained he would then have to obtain easements for streets, such as Ann, where there were no existing sidewalks, and the right-of-way process would take a long time to get through. Staff was trying to use this money in areas where they already had right-of-way.

Mayor McDavid understood this would create five foot sidewalks, which was better for ADA compliance. Mr. Glascock stated five foot sidewalks were the City's standard.

Mr. Schmidt stated he had been a member of the Bicycle/Pedestrian Commission when this had been discussed. He understood a fair amount of thought had gone into choosing the sidewalks, and while Mr. Albert had a valid point, he thought they might want to follow the study.

Mr. Kespohl asked if the sidewalks on Hinkson were in better condition than these sidewalks. Mr. Albert replied he did not know. He reiterated there were no sidewalks on Ann Street. Mr. Kespohl understood the City did not have an easement to construct sidewalks on Ann Street, which made it difficult to accomplish.

Mr. Trapp understood the Freedom House was at the William and Windsor intersection and thought people might use the sidewalks if they were five feet in width instead of four feet, and suggested they proceed if they had to move forward in a timely manner.

Mr. Schmidt explained he used to live in the area and his neighbors in wheelchairs had indicated there were issues with pitch, etc. He assumed the sidewalk would be constructed to an ADA grade. He noted a neighbor of his had been thrown from his wheelchair due to the grade.

Mr. Kespohl asked if the project had to start by November 1, 2012. Mr. Glascock replied the money had to be spent by November 1, 2012.

Mayor McDavid commented that since a third party had made this recommendation, he would support moving forward as recommended by staff.

Mayor McDavid made a motion directing staff to proceed with the final design of the East Side Sidewalk Phase III project. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

(B) Construction of storm drainage improvements at the intersection of Hitt Street and Elm Street.

Item B was read by the Clerk.

Mr. Glascock provided a staff report.

Mayor McDavid opened the public hearing.

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

Mr. Dudley made a motion directing staff to proceed with the Hitt and Elm storm drain replacement project. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(C) Installation of a span-wire signal at the intersection of Fairview Road and Ash Street.

Item C was read by the Clerk.

Mr. Glascock provided a staff report.

Mr. Dudley asked if flashing lights would be installed at the top of the hill, south of the intersection, to warn people there was a light at the intersection. Mr. Glascock replied signage would be installed and a message board would likely be placed in the area in the beginning to warn people of the light. He pointed out they normally had them on as flashing lights so people became aware of the signal before implementing it.

Mr. Kespohl asked if that intersection was a problem during school hours. Mr. Glascock replied no. Mr. Dudley understood it was a problem when MBS employees got off of work. Mr. Kespohl asked if this intersection was a better candidate than Chapel Hill and Fairview, as that intersection was a real problem during the rush hour. Mr. Glascock replied that intersection was very visible. This intersection was not as visible and cross traffic did not stop at Fairview. He also pointed out the crest at Ash could not be moved due to a 36 inch water line being located there. Mr. Kespohl understood that intersection was more accident prone. Mr. Glascock replied that was correct.

Mr. Schmidt asked if there would be pedestrian heads and striped crosswalks. Mr. Glascock replied he thought there would. Mr. Schmidt stated that would provide for a big safety improvement.

Mayor McDavid opened the public hearing.

Albert Prouty, 3714 Santiago, pointed out Ash Street was north of Broadway, and not south of Broadway, as Broadway was south of Worley and Ash Street. He noted he was a patron of the Credit Union on the corner and traffic tended to back up, so a signal was needed.

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

Mr. Trapp agreed this was a rough intersection and believed staff had made a good choice. He noted he was also glad staff was looking at Parker and Vandiver as it was a problem intersection as well.

Mr. Schmidt stated he had received quite a bit of public comment in support of this project when it was initially discussed.

Mr. Kespohl asked if this was temporary. Mr. Glascock replied yes, and explained the signal would be on wood poles. Mr. Kespohl understood a round-a-bout was going to be installed somewhere in the area in the future. Mr. Glascock replied it would be at Worley and Fairview and would realign Fairview.

Mr. Kespohl made a motion directing staff to pursue installation of the span-wire signal. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

OLD BUSINESS

B160-12 Amending Chapter 22 of the City Code to change the months used to calculate the winter-quarter average charges for sewer service.

The bill was given second reading by the Clerk.

Mr. Matthes and Ms. Cannon provided a staff report.

Mr. Dudley asked if people that were previously overcharged would receive a credit. Mr. Blattel replied if the customer requested a credit, staff would look at the situation and adjust the bill appropriately.

Ms. Anthony asked how people would know if it pertained to them. Mr. Blattel replied he thought they would know if the sewer portion of their bill was high based on what it was prior to the change.

Mr. Dudley stated he had been approached by a few people and had sent them to the Finance Department. Mr. Blattel noted some customers were waiting for this to be approved so their bills could be adjusted.

Mr. Kespohl asked if this addressed the irrigation system problem. Mr. Blattel replied it fixed it for the most part. There still might be a few situations this did not fix, but based on the statistics, they believed less than one hundred customers would still be affected. He explained they did not always know who had an irrigation system and who was filling a pool, so those customers needed to contact the Finance Department, so staff could work through their situation with them. Mr. Matthes pointed out the idea of dropping the highest month was meant to accommodate these situations. Ms. Cannon commented that while they had nine complaints, they had also received a letter from Consolidated Water District No. 1 indicating they had received several complaints from their customers because their billing cycle might have included September usage in addition to October usage.

Mr. Kespohl explained he had been contacted by a citizen in his ward indicating his water bill had been \$142.00 and his sewer bill had been \$102.00 last month due to an irrigation system. Mr. Blattel asked Mr. Kespohl to have the citizen contact the Finance Department so it could be addressed.

Mr. Kespohl asked how staff would estimate the amount of water used for irrigation if it was all on the same meter. Ms. Cannon replied the purpose of using the winter quarter average was to help offset the usage that was not going through the sewer. Mr. Blattel pointed out staff should be able to determine a reasonable average based on the twelve month water usage.

Ms. Anthony understood the only way irrigation water was not going to be included was if it was separately metered, and asked if it was prohibitively expensive to get a separate water meter for an irrigation system. Ms. Cannon replied the cost depended on the size of the meter and other parameters. Ms. Anthony asked if they could provide a cost for regular residential meter. Mr. Blattel replied it would involve a separate connection fee, and was therefore fairly expensive. Ms. Anthony asked if it was hundreds of dollars. Mr. Blattel replied yes.

Mr. Kespohl explained the City had recommended a one inch meter for irrigation at one time years ago, and as a result, he had two meters. The irrigation had been billed at a commercial rate at that time as well. He had to call the City to turn on the meter in the summer, and noted sewer was not charged to that meter.

Ms. Hoppe asked how apartment residents would be treated. Mr. Blattel replied they would have a winter quarter average if they had a water meter. Ms. Anthony asked how it would be handled if the apartment complex had a master meter. Mr. Blattel replied if there was a master meter, it would be considered commercial and was applied to the apartment owner. Ms. Hoppe asked how this would affect them. Mr. Blattel replied it should not affect them as apartment owners had a fairly level usage.

Ms. Anthony asked for clarification in transferring the winter quarter average. If someone had a larger family and more water usage, she wondered how the winter quarter average would be corrected. Mr. Blattel replied it would be corrected with the next cycle.

Mr. Dudley made a motion to amend B160-12 per the amendment sheet. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Bill Weitkemper, 3717 Bray Court, provided a handout and stated he had four suggestions. He suggested customers living in dwelling units constructed to allow for metered water usage to be used outside of the dwelling unit should be billed for sewer based on the winter quarter average, and since the ordinance changes would not be effective until October 1, he thought there was ample time to determine if a residential sewer customer lived in a house, duplex or apartment. He did not believe there was a need to bill people in apartments based on a winter quarter average. He also did not feel it should be mandatory to transfer winter quarter average and suggested the customer be provided an option. A student living with three other students and moving into an apartment by himself would have a high winter quarter average transferred with him until it was reevaluated and reset. He understood a new residential sewer customer that moved into a residence after the winter quarter average was billed on actual water usage instead of two ccfs would allow for a situation in which a customer could be charged for outside water usage and thought that needed to be changed. He understood the Finance Director had the authority to review accounts and adjust averages and felt customers needed to be made aware of this, and suggested it be added to the ordinance.

Mr. Kespohl asked Mr. Weitkemper if he was suggesting a customer be billed on actual usage or two ccfs if the customer did not have enough billing periods to establish a winter quarter average. Mr. Weitkemper replied he thought they should be billed at a maximum of two ccfs.

Mayor McDavid asked for a response from staff with regard to Mr. Weitkemper's suggestions. Ms. Cannon explained they had discussed the winter quarter average transfer issue, and 90 percent of the time, it would be to the customer's benefit to transfer the winter quarter average. In a situation where a student was residing with three other people had moved out on his own, the student could contact the Finance Department after the first bill and explain the situation, and staff would review the situation and adjust the bill appropriately.

Ms. Hoppe asked if notification to the customer indicating they had the opportunity to meet with the Finance Department if they were aware of a problem was included on the bill now. Ms. Cannon replied it was not on the bill, but was a part of City ordinance. Mr. Matthes noted it could be added to the bill as a bill stuffer.

Mr. Trapp stated he appreciated the work of Mr. Weitkemper. He understood there were inequities with the prior system and was glad staff was trying to address those situations.

B160-12, as amended, was given third reading with the vote recorded as follows:
VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B165-12 Voluntary annexation of property located on the west side of North Highway 763, south of East Boone Industrial Boulevard (4515 North Highway 763); establishing permanent C-P zoning.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Anthony asked for clarification regarding the process by which an applicant could ask for a modification of the statement of intent after November, should the Council adopt the restrictions recommended by staff. Mr. Teddy replied that if the ordinance Council passed tonight included use restrictions, the statement of intent would be reduced accordingly in the number of approved uses. The process of adding a single or multiple uses back into the ordinance would be the same as an ordinary rezoning. It would go to the Planning and Zoning Commission following an application submittal to the Community Development Department, and would then go to Council with a recommendation.

Mr. Dudley understood the restrictions were on the current owner and not the property and noted he did not have an issue with approving the rezoning without the restrictions. Mr. Boeckmann explained there was no limitation on the Council zoning the property to allow the uses. It was acceptable legally, but the property owner would not be able to use it for those purposes until after November when the injunction expired.

Mr. Kespohl asked if the property was sold and the new owner wanted to remove some of the use restrictions if that new owner would have to go through the process for a new zoning. Mr. Teddy replied an application could be made by the current owner or a buyer contingent upon rezoning. Mr. Kespohl understood the restrictions would be on the property and not the owner. Mr. Teddy replied the ordinance before Council would affect the property.

Robert Hollis, 1103 E. Broadway, stated he was an attorney representing the applicant, Karen Rowe, and explained he believed the orders from the court should not have any bearing on the decision of Council as they were only applicable to the property owner and property until November 30, 2012. He was uncertain as to what the court would do at

that point, but understood the Council was free to zone the property as they chose. A fundamental tenet of land use was that it was a legislative process. He believed the Council needed to only consider the property and not the property owner, just as it did with other land use decisions. He noted there were plenty of ordinances and codes to address situations with the property owner. He reiterated land use decisions needed to be separate from ownership and the identity of the owner of the property. He thought the uses suggested by his client made sense, and noted a restaurant would be excluded based upon the recommendation of staff, even though it would be perfectly reasonable for that property to house a restaurant. He explained they were opposed to the screening requirements because the general plan was to get this property connected to the sewer. He believed this property being annexed with proper commercial uses while being connected to the sewer and required to comply with all codes should be enough, and to impose additional restrictions would be onerous and expensive when redevelopment was not being proposed. He stated they chose simplified rezoning because redevelopment was not being proposed and no one was using the property at this time. If this or another property owner chose to use the property in any meaningful way that was different, a full C-P plan would be required at that point, and screening, etc. would be dealt with at that time.

Ms. Anthony understood the first decision of Council was whether the City would annex the property. Mr. Hollis stated that was correct and noted it was an assumption he had made. Ms. Anthony asked how his client would be affected if the City did not annex the property. Mr. Hollis replied it depended upon whether the City would allow his client to connect to the sewer system without being annexed. If that was allowed, his client could then comply with the court order. If it was not allowed, his client would be unable to comply with the court order.

Ms. Anthony understood if the City annexed the property and did not restrict any uses or require any screening or improvements to the parking lot, his client could operate the business she previously closed after November 30, 2012 since she would then be connected to the sewer without any extra burdens. Mr. Hollis stated he was not sure of code issues, but noted they had agreed the property would have to meet all City codes prior to any certificates of occupancy being issued. Ms. Anthony understood Mr. Hollis had suggested no additional burdens be placed on the property. Mr. Hollis stated there might be some burdens. He was suggesting the Council allow the property to be annexed, connect to the sewer and comply with any codes that might apply without doing anything different.

C. J. Dykhouse, 801 E. Walnut, stated he was the attorney for Boone County and thanked staff for trying to address County concerns. He commented that he was the attorney on the second court order with the use restrictions. In a typical situation when an application was before the Council for annexation, if the applicant felt the Council was going in a direction it did not prefer, the applicant could voluntarily withdraw the application. In this situation, the applicant did not have that option because to do so would likely put her in contempt of the court order. On behalf of the Boone County Commission, he noted he was authorized to tell the Council that the County supported the staff recommendation of restrictions, which was also supported by the Planning and Zoning Commission. Based upon his review of the Planning and Zoning Commission minutes, City staff had based those

recommendations on the recommendation of the Fire Department and Police Department in addition to the court orders.

Mayor McDavid made a motion to amend B165-12 per the amendment sheet requested by the applicant to approve less stringent screening requirements than those set forth in Section 29-17(d)(6) of the Zoning Regulations so that additional landscape screening would not be required along the north property line. The motion was seconded by Mr. Trapp.

Ms. Anthony stated she would not support this amendment as she intended to support the staff recommendation.

The motion made by Mayor McDavid and seconded by Mr. Trapp to amend B165-12 per the amendment sheet requested by the applicant to approve less stringent screening requirements than those set forth in Section 29-17(d)(6) of the Zoning Regulations so that additional landscape screening would not be required along the north property line was defeated by voice vote with only Mr. Trapp voting in favor of it.

Mayor McDavid made a motion to amend B165-12 per the amendment sheet recommended by staff to delete several permitted uses and add four conditions. The motion was seconded by Mr. Schmidt.

The motion made by Mayor McDavid and seconded by Mr. Schmidt to amend B165-12 per the amendment sheet recommended by staff to delete several permitted uses and add four conditions was approved by voice vote with only Mr. Dudley voting against it.

Ms. Anthony commented that she had been troubled by the restricted uses and did not believe they should make zoning decisions on the reputations of people, but did not feel that was what they were doing in this situation. She noted this particular property had been a public nuisance for a number of years in terms of uses, buildings, disrepair, etc. She understood the Police and Fire Departments had asked for restricted uses and believed they had an obligation from a public safety perspective to honor that request. She pointed out the problems were not rumored. They had been substantiated by court orders, etc. She stated she planned to support the ordinance as amended.

B165-12, as amended, was given third reading with the vote recorded as follows:
VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B166-12 Rezoning property located south of the Vandiver Drive and Commerce Court intersection (1714 Commerce Court) from C-3 to C-P.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid stated he believed this was an ideal location for light industrial use and would provide needed production jobs in the community. He noted he would support this rezoning.

Ms. Hoppe referred to the staff report and indicated she liked the fact the supporting documentation indicated no use or activity would result in the harmful discharge of any waste materials into the ground or within any sanitary or storm water system.

Mr. Trapp stated he was also pleased to see some industrial development and gave staff credit for bringing jobs to the community as he knew it did not happen on its own.

B166-12 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B167-12 Approving the East Locust Street C-P Plan located at 1110-1116 Locust Street.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe noted there was discussion involving a vortex system and stormwater going into a private collector and the sewer, and understood they normally tried to keep stormwater out of the sewer. Mr. Teddy replied he understood the vortex system was a separator causing water to go down a drain fed by the downspouts of the building to separate particulates that accumulated as a result of runoff. Ms. Hoppe asked if the stormwater would go into the stormwater system. Mr. Teddy replied it would go into the storm sewer system.

Ms. Amin pointed out the bill needed to be amended because the date of the plan was June 15, 2012 and needed to be June 14, 2012.

Mayor McDavid made a motion to amend B167-12 by changing the date in Section 1 from June 15, 2012 to June 14, 2012. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

Mayor McDavid understood one of the Planning and Zoning Commissioners felt there should be parking and noted this developer was committed to the transit system and would be purchasing passes for his clients. He felt this would make the need for cars substantially less important and would help keep traffic away from Lee Elementary School. He believed this was an ideal development for this part of town.

Mr. Kespohl asked if this was designed for student housing. Mr. Teddy replied yes. Mr. Kespohl stated his concern with parking was not immediate with student housing, but felt there might be a need twenty years down the road when the apartments were no longer new and were rented by residents with cars instead of students. Ms. Hoppe stated she hoped future residents and students that lived downtown would use the transit system.

B167-12, as amended, was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B169-12 Amending Chapter 20 of the City Code as it relates to quorum requirements for the Planning and Zoning Commission.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Ms. Anthony understood the Planning and Zoning Commission had already discussed and voted on this issue. Mr. Teddy explained the Commission had examined the issue after the earlier failure to raise a quorum at a meeting, but did not recommend changing the quorum number. He thought a decisive factor for the Commission was that votes of 3-2 or 4-1 would create a situation whereby a minority of the full membership was recommending approval of a project. Mr. Matthes thought that happened now because with six members if only four voted in favor of it.

Ms. Anthony asked if the Commission actually dealt with this particular proposal of changing the quorum. Mr. Teddy replied they did not discuss the current bill. Weeks earlier they had discussed whether they should change the rules of procedure to amend the quorum requirement and had come to the conclusion the quorum should remain at six members. They had also discussed other methods to police their attendance so they could avoid the problem.

Mayor McDavid suggested referring this bill to the Planning and Zoning Commission for a formal response.

Mayor McDavid made a motion to table B169-12 to the August 20, 2012 Council Meeting. The motion was seconded by Mr. Kespohl.

Ms. Anthony suggested they just defeat this bill as she believed the substance of the conversation had occurred and this would merely be a formal response. She noted she had an objection to the way this had been handled as the stakeholders had not been consulted, and did not believe the process should be rewarded with referring the bill to the Commission now. She commented that the Planning and Zoning Commission was the most important commission the City had and the quorum of six was purposeful. She believed the citizens of Columbia valued land use decisions and preferred they be made by a diverse group. In addition, it was possible a vote of four with a new quorum of five would allow an item to be placed on the consent agenda for a Council Meeting, which she believed was alarming. She understood the concerns due to two meetings in the recent past without a quorum, but felt those were aberrations and the Chair of the Commission had dealt with the problem. She did not believe it would happen again and noted it had not happened in the past. She suggested this bill be defeated.

Ms. Hoppe commented that it sounded as though the Commission not only rejected changing the quorum but also proactively dealt with ensuring quorums for the future. She noted they had a long history of good attendance and believed the Council should give them the opportunity to fix the situation without changing the quorum. She did not believe this issue needed to be tabled.

Mayor McDavid stated he would prefer an official response, which could be done with one sentence.

Mr. Kespohl noted the tabling of this bill would allow the Planning and Zoning Commission quorum to remain at six members, so Council would not do anything except delay a decision.

The motion made by Mayor McDavid and seconded by Mr. Kespohl to table B169-12 to the August 20, 2012 Council Meeting was defeated by voice vote with only Mayor McDavid, Mr. Kespohl and Mr. Dudley voting in favor of it.

Mr. Trapp stated he had met with Doug Wheeler, the Chair of the Planning and Zoning Commission, and another former and current member of the Planning and Zoning Commission, and felt they had taken steps to ensure the lack of quorum did not happen again. He noted he would be uncomfortable with a quorum of five as it would allow a vote of three, which was one-third of the Commission, to be able to advance an item. If the Planning and Zoning Commission had rules similar to those of the Council, he would be comfortable with reducing the quorum as it would require five favorable votes for any positive

recommendation, but he understood decisions were based on the majority of people present at the Planning and Zoning Commission meetings, and as a result, was not comfortable with a reduction in the quorum.

B169-12 was given third reading with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY, ANTHONY. Bill declared defeated.

CONSENT AGENDA

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

- B161-12 Authorizing the Clark Lane – Phase 2 reconstruction project; calling for bids through the Purchasing Division.
- B162-12 Authorizing an electric distribution line relocation agreement with Boone Electric Cooperative relating to the Clark Lane – Phase 2 reconstruction project.
- B163-12 Authorizing construction of a 10-foot high wildlife deterrent fence along the perimeter of the Columbia Regional Airport; calling for bids through the Purchasing Division.
- B164-12 Accepting conveyances for utility purposes.
- B168-12 Vacating a sewer easement on Lot 5 within The Villas at Old Hawthorne Plat 7 located at the terminus of Screaming Eagle Lane and east of Old Hawthorne Drive; accepting conveyances for street and utility purposes.
- B170-12 Appropriating funds for the Share the Light program.
- B171-12 Accepting a donation from the Sunrise Optimist Club for the purchase of uniforms for the Police Department cadet program; appropriating funds.
- R112-12 Setting a public hearing: consider route changes to the Columbia Transit System.
- R113-12 Setting a public hearing: consider sanitary sewer utility and hauled liquid waste rate increases.
- R114-12 Authorizing an agreement for professional engineering services with Geosyntec Consultants for ambient monitoring and assessment services for the Columbia Regional Wastewater Treatment Facility.
- R115-12 Authorizing CDBG and HOME agreements with various community agencies.
- R116-12 Approving the Preliminary Plat of Konstantin Subdivision Plat 2 located on the southwest corner of I-70 and U.S. Highway 63.
- R117-12 Authorizing an operations agreement with Thumper Productions, LLC for a concert in Stephens Lake Park.

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

NEW BUSINESS

None.

INTRODUCTION AND FIRST READING

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

- PR118-12 Establishing a fund balance reserve policy.
- B172-12 Amending Chapter 29 of the City Code as it relates to the scenic roadway area overlay.
- B173-12 Approving the Chapel Mills Estates O-P Planned Development located on the northeast corner of Chapel Hill Road and Mills Drive.
- B174-12 Changing the uses allowed on C-P zoned property located on the east side of State Route B (Paris Road), north of East Brown Station Road and south of the U.S. Highway 63/Paris Road overpass (3300 Paris Road); approving a revised statement of intent; approving the Paris Road Plaza C-P Plan Phase 4.
- B175-12 Approving the Final Plat of The Villas at Old Hawthorne Plat 7, a Replat of a Portion of Lot 5 of Old Hawthorne Plat 1 and Lots 309A-C through 311A-C of The Villas at Old Hawthorne Plat 3, located on Screaming Eagle Lane and east of Old Hawthorne Drive West; authorizing a performance contract.
- B176-12 Authorizing an annexation agreement with the Columbia Public School District for property located on the north side of St. Charles Road at Battle Drive, the Battle High School site.
- B177-12 Appropriating FY 2012 CDBG and HOME funds.
- B178-12 Authorizing construction of the East Side Sidewalk Reconstruction Project, Phase 3; calling for bids through the Purchasing Division.
- B179-12 Appropriating anticipated revenues for the operation of the FastCAT route for the remainder of FY 2012.
- B180-12 Appropriating funds for consultant services for the assessment, preparation and implementation of revisions to the City of Columbia zoning ordinances and subdivision regulations.

REPORTS AND PETITIONS

REP108-12 Changes the LAGERS Employee Groups, Police Officers and Firefighters are Recommending to the Three Respective Pension Plans.

Mayor McDavid commended the City Manager, the Finance Director and the leadership of the employee groups for coming up with a solution that increased the funding level of the pension plans to 80 percent in a twenty year time frame without tax increases, which was a major accomplishment.

Mr. Matthes provided a staff report.

Brad Frazier, the President of the Columbia Professional Firefighters, stated he believed this was a big accomplishment and noted many municipalities were spending an enormous amount of taxpayer dollars fighting these issues in court. He felt two things helped them get to this point. He noted Mayor McDavid had framed this as a math problem early in

the process, which helped take some of the personal elements out of this sensitive issue. In addition, the City Manager and Finance Director had set the tone for constructive meetings, which helped them work on the problem. When they started working on this issue approximately two years ago, the targeted savings based on 2010 data was \$23 million, and that number rose to \$27 million when 2011 data became available. He noted the firefighters had agreed to a second tier pension plan within the current plan that would provide for lower benefits for new employees and to eliminate the City's 401(A) match, and this resulted in a \$26 million savings. He stated they were proud to come to this agreement as it would help the City meet its obligations while still allowing the benefit package to be competitive.

John Dye, a Director Columbia Police Officers Association Board, commented that Columbia was one of the few communities in the Country where management and labor met to solve this problem, and he agreed with Mr. Frazier in that it was a huge accomplishment. When they started meeting a couple of years ago, they had a \$16.1 million deficit that needed to be addressed based on 2012 data, and in 2011, the deficit was \$17.6 million. The police officers had agreed to a new second tier plan, which would reduce benefits for future hires in the Police Department. They had also agreed to give up the 401(A) match, which equaled \$3.6 million in order to address the deficit. He stated they were proud to be able to work with the City instead of going through litigation as it would save the City more money.

Mayor McDavid made a motion to approve the employee proposals and to direct staff to implement the required changes. The motion was seconded by Ms. Anthony.

Mr. Schmidt agreed this was a great accomplishment and good reflection of the employee groups and staff. He thought this would allow employees to rest easier in terms of the City delivering what was promised, and taxpayers would also rest easier in terms of being able to pay for what was promised. Almost every week, they heard about another community in financial crisis because they waited too long to address the issues. He thanked everyone involved for working to solve this problem.

Ms. Hoppe agreed with Mr. Schmidt and thanked staff and the employee representatives of fire, police and LAGERS. She felt this showed the beauty of Columbia and its new City Manager in terms of working in a positive, collaborative and problem-solving way.

Mr. Kespohl commented that this was a fantastic result of a difficult problem, but pointed out the liability would continue to increase for the next few years before coming back down, and as a result, they would continue to have a tight budget for the next 3-4 years since the liability would increase in those years. He understood the liability would eventually decrease, and over the course of twenty years, the City would save \$50 million. He reiterated he believed this was a great result to the problem.

Ms. Anthony thanked everyone involved and agreed they should be proud of this accomplishment as it was a wonderful resolution.

Mr. Dudley thanked everyone involved and noted the City had the protection it had yesterday, and would continue to have that protection in the future.

Mr. Trapp agreed this was a great result and stated he liked the process as everyone worked together to solve the problem. He commented that people were living longer, which was good, but it led to consequences requiring adjustments, and appreciated everyone's willingness to make those adjustments.

The motion made by Mayor McDavid and seconded by Ms. Anthony to approve the employee proposals and to direct staff to implement the required changes was approved unanimously by voice vote.

REP109-12 St. Joseph Street Traffic Calming.

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

Ms. Anthony asked if there was a similar problem on St. James Street or if the problem was unique to St. Joseph Street. Mr. Glascock replied it was a problem in the neighborhood as the concern was that people would cut-through those streets to or from Ash Street to get to or come from Park Avenue. He noted it would be difficult to determine a solution until everyone moved into the apartment complex that was under construction to see the traffic patterns. Ms. Hoppe pointed out St. James was not really residential.

Mr. Schmidt stated he appreciated staff working with the neighbors on this issue and noted he was interested in traffic calming with the understanding some of it was experimental.

Mr. Glascock pointed out Hubbell could have some impact as well, but they would not know without studying the entire area.

Mayor McDavid made a motion directing staff to hold interested party meetings with property owners and residents along Saint Joseph and Saint James Streets for a traffic calming project. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

REP110-12 Street Closure Requests - Roots N Blues N BBQ Festival and Bengals LIVE.

Mr. Matthes provided a staff report, and noted they had recently received correspondence from Columbia College regarding concerns involving the footprint of the Roots N Blues N BBQ Festival, which had asked for time to work out issues with Thumper Entertainment.

Mr. Kespohl asked if there was urgency in approving the request.

Betsy Farris stated she was the President for Thumper Entertainment and explained she did not believe there was urgency. She pointed out, Jessica Brown, the Festival Director, had been in discussions with Columbia College in an effort to come to an agreement.

Ms. Hoppe asked if the building was still called the YouZeum building. Ms. Farris replied it was now known as Federal Hall. Ms. Hoppe suggested the diagram be updated to show it was Federal Hall.

Mayor McDavid understood Council could approve the street closure request of Thumper Entertainment with the contingency of an agreement with Columbia College. He noted the Bengals LIVE street closure request still needed approval of the University of Missouri in terms of Elm Street, so that approval would require a contingency as well.

Ms. Hoppe noted an additional concern that needed to be addressed was the fact some of the blocked streets would be utilized by the FastCAT route, so provisions needed to be made for the bus to travel on alternate streets and for users to be informed of the change. Mr. Matthes explained this was a situation that occurred frequently and the transit staff was

fairly adaptive in altering routes. He pointed they would have a GPS application for iPhones and Androids in the future, which would assist with the timing and location of routes.

Mayor McDavid made a motion to approve the street closure requests and the waivers of the open container ordinance contingent upon agreement between Thumper Entertainment and Columbia College and agreement between Bengals LIVE and the University of Missouri. The motion was seconded by Mr. Schmidt and approved unanimously by voice vote.

REP111-12 Security Improvements to Douglass Park.

Mr. Hood provided a staff report.

Mayor McDavid understood these recommendations came from collaboration between the Parks and Recreation Department, the Police Department and the neighborhoods. Mr. Hood stated the meetings involved all three parties, but the recommendation was coming from the Police Department and the Parks and Recreation Department as a result of the meetings with the neighborhoods.

Mr. Schmidt commented that he had attended several of the meetings and concurred with the assessment of Mr. Hood in that, although it was not unanimous, a majority of the neighbors were willing to accept the cameras to help with safety in Douglass Park.

Ms. Hoppe asked if the neighborhood was specifically in favor of the new cameras, which would be similar to those in the downtown. Mr. Schmidt replied he thought the suggestion actually came from an audience member. Mr. Hood explained four meetings had been held and the issue of cameras had surfaced in many different ways at those meetings, but at the last meeting, it surfaced as described by Mr. Schmidt. He thought the concept of adding better security cameras came out of the meetings, but the Parks and Recreation Department had decided to go with the same level of security cameras as those in the downtown because they felt they could work more closely with the Police Department by tying into the existing system. Ms. Hoppe stated she wanted to ensure those that had attended the meetings understood the cameras were capable of being monitored twenty-four hours per day, and if they did not, she thought it needed to be explained to the Douglass Park Neighborhood Association. Mr. Schmidt commented that he was under the impression those attending the meetings believed it was twenty-four hour a day, seven day a week problem. Mr. Hood believed those that wanted the cameras were asking for around the clock coverage and he thought they had referred to the level of coverage in the downtown, but pointed out he did not think they specifically stated it was a twenty-four hour per day camera.

Mayor McDavid asked if this would be more accurately described as the replacement of the existing cameras. Mr. Hood replied yes, but noted the two cameras currently there were old in terms of technology for security systems, and those two existing cameras would be replaced with the two cameras with the same technological capabilities as the downtown cameras.

Mayor McDavid made a motion directing staff to install the new security cameras in Douglass Park. The motion was seconded by Mr. Kespohl.

Mayor McDavid stated he appreciated this collaborative process as it was hard to go into a neighborhood and impose anything, and credited staff for going to the neighborhood in welcoming way. Ms. Hoppe commented that she wanted to make sure the neighbors

wanted this type of security camera. Mr. Hood reiterated that not everyone wanted the security cameras, but they felt a majority of the neighborhood wanted the cameras.

The motion made by Mayor McDavid and seconded by Mr. Kespohl directing staff to install the new security cameras in Douglass Park was approved unanimously by voice vote.

REP112-12 Public Input for the Grindstone Creek Trail Phase I.

Mr. Hood provided a staff report.

Mayor McDavid stated he was agreeable to the Parks and Recreation Department proceeding with the public review phase for this project, but noted he had visited the home of 2309 Bluff Pointe Drive and the trail had the potential to be devastating to that property, so he was interested in seeing what staff would come up with in terms of the route of the trail.

Ms. Hoppe suggested the Environment and Energy Commission be allowed to comment as well. She explained she had been working with the East Pointe Neighborhood Association and understood they had tried to come up with alternatives in an effort to not significantly impact the two residences involved. She understood the Neighborhood Association was in strong opposition to the negative impact of the trail on the two residences. She agreed the City should continue with the interested parties meetings and obtain feedback from the various commissions because this project was part of the park sales tax ballot, but pointed out many people voted in favor of it without knowing the specifics and how it would impact them or their neighbors. She thought they needed to consider the fact there were many other trails in the central city area that would be supported, so there were many other uses for this money. She pointed out she did not want to undermine the construction of trails by forcing it into areas in which people were adamantly opposed to them.

Mr. Schmidt asked if this was something IBM specifically requested. Mr. Hood replied this was the trail project that was discussed as part of the recruitment process to bring IBM to Columbia. If he recalled correctly, at that time, they had not had the park sales tax ballot issue yet. He believed a promise was made to IBM that the City would attempt to gain approval of funding for the project, and Council chose to put that specific trail project on the ballot issue with the understanding it was the trail that would serve the Lemone Industrial area and IBM. He explained it was approved by the voters as part of the 2010 park sales tax, and as a result, he agreed they needed to go through the process. The Council could then decide whether to proceed with the trail project or whether to utilize the money in another manner.

Mr. Schmidt commented that this was an area that was not well served and he hoped staff could work something out with the neighbors in the interest of IBM and others in that area.

Mayor McDavid made a motion directing staff to hold a public review of the proposed trail project. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP113-12 North 763 Community Improvement District Annual Budget.

Mr. Matthes provided a staff report.

Mayor McDavid asked if the funding source was a half cent sales tax. Mr. Matthes replied he believed it was.

Mr. Kespohl noted there was a \$62,865 expense item on the statement for debt service and asked if they were servicing a debt for an improvement made. Mr. Matthes replied he believed \$1 million worth of projects had been identified, but did not know if they had been completed. Mr. Kespohl understood they had borrowed money and were paying debt. Mr. Matthes stated he thought that was correct.

REP114-12 Hazardous Tree Removal.

Mr. Hood provided a staff report.

Ms. Hoppe stated she appreciated the replacement of one of the trees and noted there was a good explanation in terms of other trees growing in the area. She recommended staff look at the tree, north of the dam on the walkway going towards Reichmann Pavilion as it appeared to be dead. She noted it was surrounded by a lot of scrub trees so it was hidden and thought it might be danger. Mr. Hood stated staff would be happy to look at that tree.

REP115-12 Capital Improvement Program Sidewalk Projects - Carter Lane.

Ms. Hoppe asked if Council action was needed to add the Carter Lane sidewalk to the CIP. Mr. Glascock replied staff would add it to the CIP.

Ms. Hoppe understood a sidewalk involving part of Carter Lane, south of Huntridge Road, was to be installed by the developer within 36 months of June 2009, and asked why the sidewalk was had not been installed as it was past due. Ms. Anthony understood that was the developer of a commercial site. Mr. Glascock agreed it should have been installed per ordinance, but normal practice had been to allow the sidewalk to be constructed when the lot was developed. Ms. Anthony thought the time requirement in the agreement should supersede the practice. Mr. Glascock stated he would need to check with Mr. Teddy as this fell under his purview.

REP116-12 Demand Side Management.

Mr. Johnsen provided a staff report.

Ms. Hoppe thanked staff for providing the report to Council and making it available to the public as it was important since the cheapest energy was that which was not used. She commented that the draft report did not include anything regarding the downtown energy efficiency grant, and noted she had not yet had a chance to review the final report, which had been provided today. Mr. Johnsen stated the grant program was still in progress and they did not have specific numbers. The final numbers in terms of cost, participation and estimated or actual energy savings would likely be included in next year's report. Mr. Kespohl pointed out the final report indicated 109 downtown buildings had applied to participate in the grant.

Mr. Trapp stated he was glad the City was being aggressive on energy efficiency.

REP117-12 Intra-Departmental Transfer of Funds Request.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Albert Prouty, 3714 Santiago Drive, commented that there was not an asphalt shoulder on the north side of Nifong between Bethel and Forum, which was okay, but due to the lack of rain a tree had fallen over on to the bank and had the potential to fall across the road. There was another tree closer to Forum that appeared to be in the same condition. He asked that they be removed before they fell across the road and injured someone.

Mr. Kespohl asked if the trees were in the road right-of-way. Mr. Prouty replied they were located where the ditch bank went up on the back side. Mr. Kespohl asked how far off of the street the trees were located. Mr. Prouty replied it was about ten feet from the edge of the asphalt to the root of the tree.

Mr. Prouty understood the City had discussed installing wind turbines north of town about a year ago and asked if the City still planned to move forward. Mr. Matthes thought they had discussed a contract to purchase energy from a wind farm. Mayor McDavid commented that the City did not have any plans to build its own wind turbines and explained the City had only contracted for wind energy. Mr. Prouty stated he wanted to see the turbines when the project got underway. Mayor McDavid noted they were located in Iowa. Mr. Matthes explained there was a lot more wind in Iowa and Kansas so the City purchased energy from companies there.

Dan Cullimore, 715 Lyons Street, commended Council for defeating B169-12 and supporting citizen participation in government. He thought anything that could be done to increase citizen involvement and engagement should be done and anything that would limit citizen engagement, especially in terms of the Planning and Zoning Commission, should be opposed.

Mr. Schmidt commented that at the last meeting he had made remarks about the North Columbia Central Neighborhood Association (NCCNA), and had since heard and met with them at their July 10, 2012 meeting. The NCCNA Board asked him to make a statement in an effort to clarify the situation and he was pleased to honor their request. He explained the Council relied on receiving accurate and complete information from the public, and in order to do their job, they needed to know what people thought. When he joined the NCCNA in 2004 or 2005 as a member, he also signed up for the NCCNA yahoo discussion group as he thought the group reflected the concerns and views of the Associations' members. After his remarks on July 2, 2012, he had received several e-mails from current and former NCCNA board members and others indicating they had lost control of their yahoo group in about 2007 to Mike Martin, who censored the group by blocking some posts and by refusing to share the group list with the Board. He understood the NCCNA was considering proposing to its members that they leave the yahoo group, which they did not control, and join the Google group, which they did control, as the Google group would reflect the concerns, values and aspirations of the NCCNA. The Google group was one he would be proud to join. He noted he was wrong on July 2, 2012 and offered a full apology to the NCCNA, its members and its board. The NCCNA represented many values that were central to his own beliefs and they worked hard to achieve those goals. At their July 10, 2012 meeting, for example, they

discussed looking at a zoning overlay, a neighborhood improvement district, preservation of affordable housing and collaboration with stakeholders and others to achieve good results. He stated the NCCNA could look to his full support in those efforts.

Mr. Dudley stated he had been asked by residents and drivers of West Broadway to fix the east bound lane at approximately 2700 West Broadway as the seam was starting to come apart and the road was rough for about 100 yards. He asked staff to contact the State to address the situation.

Ms. Hoppe commented that on June 18, 2012, she and Ms. Anthony had requested the Enhanced Enterprise Zone (EEZ) Board be asked to review Section 135.959 and provide hard data that clearly showed the EEZ program worked. She understood this request had not reached the Board, and asked staff to ensure the Board received the request.

Ms. Hoppe understood board and commission applications were currently due at noon on Fridays, and felt people often missed the deadline not knowing it was a noon deadline as most assumed it was a 5:00 p.m. deadline. She asked why the deadline was at noon and whether it was possible to change it to 5:00 p.m. on Fridays. Ms. Amin replied the deadline had been noon before she started working for the City, and a change would require a change to a policy resolution. She noted the policy resolution needed to be updated with regard to other issues as well. Ms. Hoppe asked that an updated policy resolution be provided to Council for consideration with a 5:00 p.m. deadline instead of a noon deadline.

Ms. Hoppe understood there were still signs on Broadway and other directional signs referring to the Youzeum, and asked staff to contact the CID to determine if the signs could be updated since it was no longer in existence.

Mr. Kespohl understood the City planned to chip and seal Ash Street within the next four years and the back-in parking would then be taken out. He suggested the angled parking be changed to allow for head first parking instead of back-in parking prior to the chip and seal being done as it could be four years until that was done. They could then go back to parallel parking after the street was chipped and sealed if necessary. Mr. Matthes stated he thought that could be done, but would have staff look into it and get back to Council.

Ms. Anthony commented that in light of the fact they had approved a lot of student housing without parking, she asked staff to look into the possibility of neighborhood resident parking permits and visitor tags as she felt many students would park in nearby neighborhoods. She asked staff to prepare a report regarding its feasibility of this and how it could be implemented in a timely manner as she believed it would soon be a problem.

Ms. Anthony asked for the most recent development agreement that governed the supposed park that was on the corner of Rock Quarry and Grindstone. She believed the agreement had been associated with the Wal-Mart development and thought there might be some promises and guarantees in that agreement that had not been honored. She understood more development was being proposed along the corridor and believed Council

needed to understand what had been done, what should be done and who could be held responsible. Ms. Hoppe noted she had asked staff to look into this situation as well along with proposing suggestions for better enforcement. Ms. Anthony thought this specific situation needed to be reviewed as soon as possible as other developments would soon come before Council.

Mr. Trapp thanked staff for resurfacing Garden Drive and noted he had received questions regarding the sprinkling of small gravel on top of roads when they were resurfaced. He understood it was tracked into houses which some people did not like and asked staff to explain the reason for that part of the process so he could respond to those asking.

Mr. Trapp also thanked staff for placing a sign telling drivers to slow down due to children on Garden Drive. He noted there were more kids in the duplexes on the north side at the top of the hill and asked staff to consider placing an additional sign in that location for safety purposes as there was fast moving traffic and no sidewalks in the area.

The meeting adjourned at 9:31 p.m.

Respectfully submitted,

Sheela Amin
City Clerk