# MINUTES CITY COUNCIL MEETING – COLUMBIA, MISSOURI JULY 2, 2012

### **INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, July 2, 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 ANTHONY, HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL and DUDLEY 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 June 18, 2012 were approved unanimously by voice vote on a motion by Ms. Hoppe and a second by Mr. Dudley.

### APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Ms. Hoppe made a motion to move R109-12 from the consent agenda to the new business portion of the agenda, and to approve the agenda with that change. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

### **SPECIAL ITEMS**

None.

# APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

# **SCHEDULED PUBLIC COMMENT**

None.

## **PUBLIC HEARINGS**

# (A) <u>Consider the FY 2013 Capital Improvement Project Plan for the City of Columbia, Missouri.</u>

Item A was read by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid opened the public hearing.

Pat Fowler, 606 N. Sixth Street, stated she was a member of the North Central Columbia Neighborhood Association and understood the Hubbell and Ash Street pipe project had been moved to the 1-2 year CIP list, and asked if the CIP Plan needed to be amended to include that project. Mr. Matthes replied it should be amended to include that project. Ms. Fowler asked if the CIP Plan could be amended tonight to include the project.

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

Mr. Matthes explained he had received a question regarding the passenger terminal upgrade included in the Airport section of the Plan, and noted it was a placeholder as that upgrade would cost significantly more than \$1.4 million.

Mr. Kespohl made a motion to amend the FY 2013 Capital Improvement Project Plan to include the Ash Street to College Avenue stormwater pipe, which was estimated to cost \$150,000. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Trapp stated he was pleased to see the Prairie Lane connector included in the CIP Plan as the neighbors had some safety concerns with regard to flooding.

Ms. Fowler pointed out there were two pieces to the pipe project. There was the piece the developer would install for the City and there was also the elbow portion, which the City would install and was proposed to be on the 1-2 year CIP list. Mr. Matthes stated the entire project would be captured as a 1-2 year project in the CIP Plan.

# (B) <u>Traffic signal improvements at the intersection of College Avenue and Walnut Street.</u>

Item B was read by the Clerk.

Mr. Nichols provided a staff report.

Ms. Hoppe asked if staff had or would look at installing a left hand turn lane for those going west on Walnut to College. She understood parking on the south side of Walnut by Stephens College had been removed so there appeared to be enough room for a left turn lane. She noted cars tended to stack up when turning left or going south on to College and this could potentially impact the FastCAT route if the bus was held up due to traffic congestion. Mr. Kespohl stated he had been told there was still not enough room on that side of the street to install a left turn lane. Mr. Bitterman explained it was not as wide as staff wanted, and noted if a left turn lane was installed, those turning right from College would have to slow down so much more than normal in order to make the turn as it would be difficult to maneuver. Mr. Kespohl asked for the width of the sidewalk on the south side of Walnut. Mr. Bitterman replied he was unsure. Mr. Matthes stated staff would look at the available options.

Mayor McDavid opened the public hearing.

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

Ms. Hoppe made a motion directing staff to proceed with plans and specifications for construction of traffic signal improvements at the intersection of College Avenue and Walnut Street. The motion was seconded by Mr. Dudley.

Mr. Kespohl asked if this was a MoDOT street. Mr. Bitterman replied yes, and explained it was a MoDOT controlled intersection. Mr. Kespohl asked why the City was installing the signals. Mr. Bitterman replied it was an improvement the City had identified as part of the developments in the area, and MoDOT was happy to allow the City to make the improvements. Mr. Kespohl understood the City was paying for the improvements. Mr. Nichols pointed out MoDOT designed the project. Mr. Schmidt asked if MoDOT would maintain the traffic signal. Mr. Bitterman replied yes.

The motion made by Ms. Hoppe and seconded by Mr. Dudley directing staff to proceed with plans and specifications for construction of traffic signal improvements at the intersection of College Avenue and Walnut Street was approved unanimously by voice vote.

# (C) Construction of traffic calming devices on Bourn Avenue.

Item C was read by the Clerk.

Mr. Nichols and Mr. Bitterman provided a staff report.

Ms. Anthony asked for clarification regarding the purpose of the median on Broadway. Mr. Bitterman replied a median was not a part of this traffic calming project. He explained Stadium from Broadway to I-70 would be improved as part of the Stadium corridor project, and a median was proposed for that project on Broadway at Bourn Avenue and at West Briarwood in order to ensure traffic on to Stadium Boulevard was not blocked causing it to become more congested. Ms. Anthony understood this would prevent a left hand turn for those traveling west on Broadway. Mr. Bitterman stated that was correct. Ms. Anthony asked for the current speed limit on Bourn Avenue. Mr. Bitterman replied 25 mph.

Mr. Kespohl asked if the median would also prevent left turns off of Bourn Avenue on to Broadway. Mr. Bitterman replied yes.

Ms. Hoppe asked when this median would be installed. Mr. Bitterman replied the median was part of the Stadium corridor project improvements, which would begin in the spring of 2013 and take approximately two years to complete. He thought the median would be constructed in 2014.

Ms. Anthony asked if there were any prohibitions on left hand turns in or out of Bourn Avenue currently. Mr. Bitterman replied no.

Ms. Hoppe asked if the speed humps would do anything to lessen cut-through traffic. Mr. Bitterman replied it differed location to location, but at this location, he did not think it would deter much of the cut-through traffic. He explained speed humps generally slowed traffic down to a speed interval at which the speed humps were installed.

Ms. Hoppe asked if staff had conducted a traffic count on Bourn Avenue since the completion of the development. Mr. Bitterman replied they had not conducted any additional counts and noted he was not sure any businesses were open yet.

Mr. Schmidt understood the count of 290 vehicles per day was halfway between Concordia and Broadway. Mr. Bitterman stated they showed a count of 290 in the northern section of Bourn Avenue and a count of 400 in the southern section of Bourn Avenue. Mayor McDavid stated the implication was that a lot of cars were going down Loch Lane, turning off on Concordia and traveling south on Bourn Avenue. Mr. Bitterman agreed and noted a lot of traffic was likely headed to the school at the southern end through various streets.

Mayor McDavid opened the public hearing.

Jennifer Sonnenberg, 312 Bourn Avenue, stated she was the President of the Bourn Avenue Neighborhood Association, and explained that when the Council voted to rezone the property at the corner of Broadway and Bourn Avenue for commercial use in October 2010, the developer, Mr. Smith committed to providing \$10,000 for traffic calming on Bourn Avenue. She noted Mr. Dudley had suggested waiting until the building was constructed before pursuing any traffic calming improvements, but she did not feel it was a good idea to wait. On May 23, 2011, the Association held its annual meeting and discussed traffic calming along with other agenda items. The options of an open road closure and speed bumps were both discussed, and a motion was made and passed for a petition to be pursued. The petition was brought before Council on February 6, 2012 and the report provided by staff

presented both the open road closure and speed bump options. The report also acknowledged the Neighborhood Association was concerned the development would exacerbate issues along Bourn Avenue and that speeding and cut-through traffic were problems. An in-depth cut-through analysis was not conducted due to the expense, but the report indicated the nature of the roadway lended itself to cut-through issues and that speeds and cut-through traffic would both be appreciably reduced by the open road closure while the traffic impact to other streets would be minor. With respect to the speed bump option, the report indicated speeds would decrease, but the impact to cut-through traffic would likely be minimal. She stated Mr. Dudley seemed surprised by the petition, but had not contacted the Neighborhood Association to discuss it prior to the June 18 meeting. She noted Mr. Smith, the owner of the rezoned property, had circulated a packet of information on April 24, 2012 that included issues involved in an open road closure, which she did not believe were issues. She explained traffic calming was needed on Bourn, and a petition requesting the open road closure signed by 37 of the 56 land owners had been submitted. She stated the Neighborhood Association was open to further discussions as long as the money from Mr. Smith was guaranteed to continue to be in escrow after the October 18, 2012 deadline as she had heard the money would be returned if a decision had not been made by then. She commented that as a mother and liaison for the Walking School Bus program, the open road closure was the best choice since it would address both speed and cut-through traffic.

Julia Williams, 211 Bourn Avenue, asked if the Council had received a petition from the neighbors of Heather, Loch or Concordia. Mayor McDavid replied they had received a petition. Ms. Williams asked how many had signed the petition. Mr. Kespohl replied about 50 people had signed. Ms. Williams asked about the primary concerns of those that had signed that petition. Mr. Kespohl replied they were primarily concerned with traffic being diverted to their streets.

Ms. Williams stated she was the Secretary of the Neighborhood Association, and noted two years ago, she had personally walked the neighboring streets of Highland, Heather, Concordia and Loch with a flyer requesting input on the open road closure because those on Bourn Avenue knew they would be impacted, and no response had been received. In addition, there had been front page news articles and several letters to the editor in the Columbia Missourian and the Columbia Daily Tribune. As a result, she believed the neighbors had been provided ample opportunity to voice their opinions, but had waited until the last two months to do so. She felt this was a result of the flyer Mr. Smith had circulated, which contained inaccurate and misleading information regarding the open road closure. She noted the February 6 staff report to Council had indicated the traffic impact along others streets would be minor, and that speeding and cut-through traffic would be appreciably reduced by an open road closure while only speeding would be addressed with speed humps. Since they were only one street away from Stadium, they already had a lot of cutthrough traffic and due to the business already there and the others being planned, she believed they needed to plan ahead for the additional traffic. She noted the open road closure could cost as much as \$4,000 less than the speed humps and was the only method that would stop cut-through traffic. She pointed out over 70 percent of those on Bourn had signed the petition for the open road closure and the Neighborhood Association had requested it as well. She did not feel emotion and opinion without facts should decide this issue, and believed the City's evaluation along with the approvals of the Police and Fire Departments were what mattered. She thought the vote of Council should reflect the majority opinion of the residents of Bourn Avenue because they were the most impacted by the cut-through traffic on Stadium and from the businesses. She stated she was sympathetic to the neighbors, but felt their opinion had been formed through misinformation, and noted the facts supported an open road closure.

Joe Battles, 106 Bourn Avenue, stated he had lived at the top of the slope on Bourn Avenue for 22 years and was opposed to the open road closure because he would then only have two ways out of the neighborhood. He would be able to make a right turn onto Broadway or a right turn onto Concordia. They currently had four options, and once MoDOT made its improvements, they would only have two options out. He noted he and his wife made eleven trips per week up and down Bourn Avenue to Rollins, and with an open road closure, those would be eleven times there would not be additional eyes on the neighborhood if a neighborhood watch was enacted.

Dennis Carter, 507 Loch Lane, commented that he was not sure about the open road closure because there was not one in the United States even though there was one in England. He understood Loch Lane was impacted by traffic more than Bourn Avenue and noted the new business at the corner was not yet open. In addition, MoDOT would limit turning movements from four to two in about a year and a half. He thought the speed humps were a good idea because it would slow traffic down.

Phillip Hill, 502 Loch Lane, understood the traffic counts were higher on Highland and Loch Lane than on Bourn, and if the open road closure was approved for Bourn, cut-through traffic from Loch Lane to Highland would increase. He believed speed bumps were beneficial in calming traffic and suggested the burden not be pushed onto other streets due to the new business on the corner as traffic from it would be resolved by the new construction on Broadway.

Jacqueline Pearce, 411 Bourn Avenue, stated she believed there was an open road closure in Berkeley, California, and noted she would be proud if Columbia had the second open road closure in the United States. She pointed out Bourn Avenue was a long and straight street while Loch Lane and Highland were curved, so even though the traffic counts were higher on Loch and Highland, the ability of a motorist to achieve a high speed without noticing was much higher on Bourn Avenue. In addition, the engineers had presented the two options of an open road closure and speed humps, and the open road closure was more appealing since it solved the flow and speed problems. She commented that as a Neighborhood Association, it was important for them to have their voices heard, and the petition submitted indicated over 50 percent of those on Bourn Avenue supported the open road closure. She explained their highest priority was to not let the \$10,000 lapse, and although the open road closure was ideal, they still wanted the opportunity for some type of traffic calming, so the speed humps could be a compromise. She pointed out Mr. Smith had purchased additional properties on the other side of Bourn Avenue at the end of the street, so the Neighborhood Association was concerned additional buildings would be built and would continue to increase traffic flow on Bourn.

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

Mayor McDavid made a motion directing staff to install speed humps on Bourn Avenue, with an all-way stop at Loch and Concordia. The motion was seconded by Mr. Kespohl.

Ms. Hoppe asked how many additional cars were estimated on Bourn due to the new office building. Mr. Bitterman replied a traffic impact study had not been conducted for the development.

Ms. Anthony asked if there was ever a consideration to limit left turns in and out prior to the installation of the median by MoDOT. Mr. Bitterman replied there had not been any proposal to his knowledge. Ms. Anthony asked if it was something that would further calm traffic. Mr. Bitterman replied possibly. He explained anytime there were closures for movement, traffic would be adjusted. He would have to review it to determine exactly what traffic would do. He pointed out the City would have to go through MoDOT to limit the turning movements as Broadway was a State maintained road. Ms. Anthony thought it made sense to restrict the turning movements if it calmed traffic and if medians would eventually be installed.

Ms. Hoppe understood the staff report indicated the traffic impact of an open road closure would be minor for other streets, and asked if staff had changed its mind. Mr. Bitterman replied no, and explained there would be some deflection of traffic. He noted "minor" was a relative term. This street only had about 300-400 cars on it, but many residential streets were in the 500-1,000 car range. A deflection of 20-50 cars was minor to him, but major to the neighbors. He reiterated there would be some deflection, but the amount had not been identified.

Mayor McDavid commented that if he lived on Bourn Avenue and there was an open road closure north of his house, he would drive to Concordia and turn right onto Loch Lane in order to leave the neighborhood, so traffic from Bourn Avenue would then be deflected onto Loch Lane. He noted there was already twice the amount of traffic on Loch Lane as on Bourn Avenue and believed an open road closure would increase that discrepancy, and would support the staff recommendation on that basis. He commented that he was unsure of any collaboration with the Police Department, but felt the residents of Bourn deserved a well timed motorcycle cop for a few weeks in an attempt to break the habits of some drivers as speeds of 40 mph seemed excessive. He thought they needed to do more than just the speed bumps.

Mr. Schmidt suggested they move forward with the recommendation of staff and if it failed to achieve what was satisfactory to the neighbors, it could be revisited.

Mr. Kespohl commented that he had been a member of Trinity Lutheran Church, which was at the corner of Rollins and Bourn, for about 50 years and noted the Church had bought the entire subdivision as a farm. The Church then developed all of the land and sold it all as lots. He pointed out Bourn Avenue was put in because it was a direct route from Broadway to the Church site. He explained Trinity Lutheran Church started a preschool about 25 years ago, which currently had an entrance on the Rollins Road side of the Church and involved approximately 125 children, so most of the traffic going to the learning center entered off of Rollins Street. In addition, the Elementary School began about nine years ago and their

entrance was on the Bourn Avenue side of the Church, so parents either traveled up Rollins or came down Bourn Avenue to drop their children off. He explained, when going to Church, if he missed the left turn light to Stadium, he went to Bourn Avenue, so he added to the cutthrough traffic on Bourn. He understood the school would be moving within 2-3 years as they had purchased their own lot to build their own facility, so that should reduce traffic by about 100 cars per day on Rollins and/or Bourn. He thought the problem of cut-through traffic would solve itself with the move of the school and the restriction of left turns on Bourn and on Broadway from Bourn, which he was in favor of limiting prior to construction of the medians by MoDOT. In order to address the speeding issue, he stated he was in favor of installing speed humps and stop signs. He pointed out time would solve these problems without closing the street.

Mr. Trapp stated he believed he had seen open road closures in Berkeley, California, and was glad someone had validated they had been done in the United States. He explained he was not opposed to open road closures in principle, but found the traffic counts to be the compelling piece of information, and particularly the tremendously higher counts on Loch Lane. As a result, he stated he planned on supporting the speed hump proposal.

Ms. Hoppe commented that she believed the neighborhood had been significantly impacted with the recent rezoning and redevelopment and understood the open road closure would be cheaper than the speed humps while only having a minor effect on the other roads per the staff report. The open road closure was also what the Bourn Avenue residents preferred as it would address both the speed concerns and the cut-through traffic issues. In addition, she understood residents of the adjacent blocks had signed a petition with some misinformation, although she was not sure of the extent the misinformation had affected them in signing the petition. She stated she would vote in favor of the open road closure and against the speed humps.

Mayor McDavid understood one of the speakers had indicated a concern regarding further rezoning on the street, and noted he believed this Council was sensitive to the concern of commercial zoning creeping down the neighborhood.

Mr. Dudley understood with an open road closure, approximately 20 vehicles would go from Bourn Avenue to Loch Lane and asked about the other 270 vehicles. Mr. Bitterman replied he would have to review actual turning movement counts in order to fully answer the question. The counts they had taken were point to point counts. He believed a majority of the traffic on the street was likely going to houses along the street, so they would probably remain on the street. The deflected traffic would possibly be going to the school or somewhere on Broadway to the north. He noted he pulled that number out of the air and it was not a scientific number.

Ms. Anthony stated she planned to support the recommendation of staff as she believed the traffic issue was larger than Bourn Avenue, and affected the entire area. She believed the changes that were coming, such as the median on Broadway restricting left turns, would decrease traffic onto Bourn Avenue. She commented that if this particular motion passed, she wanted staff to pursue restricting the left in/left out at Bourn and Broadway with MoDOT as soon as possible, and prior to the installation of the permanent medians.

Mr. Schmidt asked if MoDOT could place some jersey barriers there in a timely manner. Mr. Bitterman replied MoDOT would probably use delineators similar to what they used in front of Walgreen's on Broadway. Mr. Schmidt asked if that was something MoDOT could do quickly if it was warranted. Mr. Bitterman replied staff would have to ask MoDOT to determine if they would be receptive. Mr. Schmidt stated he had found MoDOT very amenable to suggestions, especially if the City offered to pay for them.

The motion made by Mayor McDavid and seconded by Mr. Kespohl directing staff to install speed humps on Bourn Avenue, with an all-way stop at Loch and Concordia, was approved by voice vote with only Ms. Hoppe voting against it.

#### **OLD BUSINESS**

# B155-12 <u>Authorizing a cooperative agreement with Boone County for video conference equipment to facilitate video arraignments in the Municipal Courtroom.</u>

The bill was given second reading by the Clerk.

Mr. Matthes and Judge Aulgur provided a staff report.

B155-12 was given third reading with the vote recorded as follows: VOTING YES: ANTHONY, HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

# B159-12 <u>Authorizing a First Amendment to Redevelopment Agreement with Broadway Lodging, LLC and Columbia TIF Corporation relating to the Regency Hotel TIF Redevelopment Plan & Project.</u>

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mr. Kespohl made a motion to amend B159-12 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Mr. Kespohl explained he had concerns when he first read the proposed ordinance. After speaking with staff and because the agreement indicated the TIF notes would not be issued ahead of the developer obtaining signed financing, he was less concerned. He understood this could be done simultaneously, but did not want the City to issue notes for \$3.2 million without the developer having financing in place.

B159-12, as amended, was given third reading with the vote recorded as follows: VOTING YES: ANTHONY, HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY. 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.

- B148-12 Voluntary annexation of property located on the east side of South Old Mill Creek Road, south of West Mill Creek Court (4700 South Old Mill Creek Road); establishing permanent R-1 zoning.
- B149-12 <u>Approving the Final Plat of Gentry Estates located on the southeast corner of Nifong Boulevard and Bethel Street.</u>

B150-12 Vacating utility easements within Gentry Estates Subdivision located on the southeast corner of Nifong Boulevard and Bethel Street. B151-12 Amending Chapter 14 of the City Code to change the speed limit on a portion of Mexico Gravel Road. B152-12 Accepting conveyances for drainage, access to storm water facilities and storm water management facility inspection purposes. B153-12 **Accepting Stormwater Management/BMP Facilities Covenants.** B154-12 Accepting a conveyance for utility purposes. B156-12 Appropriating grant funds received from the State of Missouri Children's Trust Fund for child abuse and neglect prevention projects; amending the FY 2012 annual budget to make the social services specialist position within the Department of Public Health and Human Services - Social Services Division a full-time position. B157-12 Appropriating Law Enforcement Training funds for police officer training. B158-12 Accepting a grant from the Youth Community Coalition (YC2) to be used by the Police Department for enforcement activities; appropriating funds. R103-12 Setting a public hearing: 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. R104-12 Setting a public hearing: construction of storm drainage improvements at the intersection of Hitt Street and Elm Street. R105-12 Setting a public hearing: installation of a span-wire signal at the intersection of Fairview Road and Ash Street. R106-12 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Show Me Healthy Women Program. R107-12 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for the Show Me Healthy Women Program. R108-12 Transferring funds from the Public Works Department to the Parks and Recreation Department for the purchase of a handheld GPS device. R110-12 Amending the Fee Schedule for the Rates, Charges and Lease Policy for the Columbia Regional Airport. R111-12 Authorizing an agreement with The Curators of the University of Missouri,

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

on behalf of its Veterinary Medical Teaching Hospital, for emergency

### **NEW BUSINESS**

veterinary services.

R109-12 <u>Authorizing Amendment No. 2 to the agreement with Affinis Corporation</u> for engineering services relating to the Lemone Industrial Boulevard Extension <u>Project.</u>

The resolution was read by the Clerk.

Mr. Nichols provided a staff report.

Ms. Hoppe asked if this work had been performed and if the problem had been corrected. Mr. Nichols replied yes. He explained it had been done before they had opened the road and continued with the north bridge. They also reviewed the footing design with the gabion baskets to make sure what happened on the south bridge was avoided on the north bridge.

The vote on R109-12 was recorded as follows: VOTING YES: ANTHONY, HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY. 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.

- B160-12 <u>Amending Chapter 22 of the City Code to change the months used to calculate the winter-quarter average charges for sewer service.</u>
- B161-12 <u>Authorizing the Clark Lane Phase 2 reconstruction project; calling for bids through the Purchasing Division.</u>
- B162-12 <u>Authorizing an electric distribution line relocation agreement with Boone Electric Cooperative relating to the Clark Lane Phase 2 reconstruction project.</u>
- 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 <u>Accepting conveyances for utility purposes.</u>
- 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.
- B166-12 Rezoning property located south of the Vandiver Drive and Commerce Court intersection (1714 Commerce Court) from C-3 to C-P.
- B167-12 <u>Approving the East Locust Street C-P Plan located at 1110-1116 Locust Street.</u>
- B168-12 <u>Vacating a sewer easement on Lot 5 within The Villas at Old Hawthorne</u>

  Plat 7 located at the terminus of Screaming Eagle Lane and east of Old

  Hawthorne Drive; accepting conveyances for street and utility purposes.
- B169-12 <u>Amending Chapter 20 of the City Code as it relates to quorum requirements for the Planning and Zoning Commission.</u>
- B170-12 Appropriating funds for the Share the Light program.
- B171-12 <u>Accepting a donation from the Sunrise Optimist Club for the purchase of uniforms for the Police Department cadet program; appropriating funds.</u>

#### **REPORTS AND PETITIONS**

# REP102-12 Street Closure Requests - Columbia Track Club and Blue Note.

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

# REP103-12 <u>Communication from the Human Rights Commission and the Disabilities</u> <u>Commission regarding Public Bathroom Facilities</u>.

Mr. Matthes provided as staff report and noted this was fundamentally informational as staff would review and provide a report to Council.

## REP104-12 <u>Broadway Sidewalk Repair Costs and Time Frame.</u>

Mr. Dudley thanked staff for the work already done on Broadway and noted he had received many calls and e-mails thanking the City.

Mr. Schmidt stated those in the First Ward were happy with the improvements.

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Mr. Matthes provided a staff report.

Mr. Kespohl asked for the current replacement cycle for trash trucks. Mr. Nichols replied it was 12 years, and explained that was stretch. Mr. Schmidt understood the cycle should really be 10 years, but the City was extending it.

Mayor McDavid asked where the City was in the process in terms of roll carts. He wondered when they would receive a recommendation from staff. Mr. Matthes explained a decision had not yet been made with regard to whether to proceed with roll carts. Due to the significant savings in terms of the efficiency of roll carts, they could be implemented without increasing solid waste rates. Another benefit would be a reduction in workers compensation claims as picking up trash was a tough job and created a lot of wear and tear on bodies over time. He understood some citizens did not like the roll cart idea because the current system allowed streets to be empty once trash was picked up and that would not be the case with roll carts. Other concerns involved whether the roll carts would be easy to move and where they would be placed. He understood they were easier to move than they appeared, and if they were too difficult to move, the City would continue the service provided now of going to the house to collect the garbage for certain citizens. He noted the carts would be placed where trash was currently placed.

Ms. Hoppe asked if the move to roll carts would result in layoffs. Mr. Matthes replied no, and explained he did not intend to lay anyone off as a result of the roll carts. He noted they would reassign employees to other work. Mr. Schmidt understood there would be a reduction in jobs over time. Mr. Matthes replied there could be a reduction of four jobs over time.

Mr. Schmidt commented that he would be interested in more information regarding the workers compensation issues. Ms. Anthony asked if Council could be provided the numbers in terms of how much the City paid out in workers compensation over a period of time. If this was truly a cost savings, she wanted to know the cost. Mr. Matthes stated staff would provide Council that information.

Mr. Schmidt stated his e-mails were running about 55 percent to 45 percent against roll carts. Some of the negative comments were a result of people not wanting change. Others were concerned with the carts being out by the street until people came home, advertising no one was home. Mr. Matthes agreed the roll carts would require new habits. Mr. Nichols pointed out those that recycled and utilized bins were already returning the bins to the garage from the curb when they arrived home, so it would not be different in those situations.

Ms. Hoppe asked if it would be possible to have a pilot program for demonstration and measurement purposes so issues could be worked out and discussed prior to going City-wide as she had received more negative feedback than Mr. Schmidt. Mr. Nichols replied the purchase of the trucks would make the pilot project difficult. Ms. Hoppe asked if only 1-2 trucks could be purchased to see how it worked. Mr. Matthes replied staff would look into the possibility of a pilot. He thought they might be able to lease a truck from the company. Mr. Schmidt asked if the purchase of those trucks could be phased in over a period of years in order to learn from the first neighborhoods in the program.

Mayor McDavid commented that he believed a pilot was appropriate for a new and innovative procedure or technology, and he did not believe roll carts were innovative as they were widely used in other communities. He thought research needed to be done in terms of other community experiences with the system. Mr. Nichols explained staff had conducted an extensive report based on discussions with other cities that used the roll cart system, and noted they could provide a report to Council. Mayor McDavid asked if that would be provided along with their recommendation. Mr. Nichols replied it could.

Ms. Hoppe asked if the program could be phased and suggested they start with the neighborhoods that were most eager to proceed. Mr. Matthes pointed out what they found in the research was that about 80 percent of those who were convinced they would hate it ended up loving it. He stated they would explore the possibility of a pilot program and provide a report back to Council.

Mr. Trapp stated he was sympathetic in terms of eliminating dangerous and odious jobs, but was also sympathetic to the comments of people in his ward as they had been much more negative than what Mr. Schmidt had indicated for his ward. He suggested graduating the size of the containers so senior citizens did not have to struggle with larger containers. He also suggested setting a maximum limit of trash per household as he believed that would encourage recycling. He asked for options in terms of the size of the rolls carts, and potentially tying a cost to it so they incentivized not creating trash. He also asked how leaf waste would be handled as trees generated more leaves than could fit into the bins. Mr. Nichols explained there were three different sizes of roll carts and it would be a "pay as you throw" system, meaning someone using a smaller roll cart would pay less than someone using a lager one. Mr. Trapp commented that he believed this might make the elderly or those with storage issues feel better.

Mr. Kespohl understood the cost of ten trucks was estimated at \$3.4 million, so the roll carts, which would be owned by the City, would cost \$2.4 million. He also understood part of the motivation for doing this was to not supply trash bags. Mr. Nichols stated that was correct as it was a savings as well. Mr. Kespohl understood they were trying to get away from plastic

because the bio-reactor did not like plastic and asked if biodegradable bags had been considered. Mr. Matthes explained biodegradable bags tended to be significantly thinner and did not do well in the rain. Mr. Kespohl stated the consumer was concerned about not using a bag in the bin, and having to clean out the bins, especially in the winter. He noted his emails were about 20 to 1 against the roll carts and suggested more research be done. He also suggested the pilot be done in areas with larger garages so it was easier to store the carts.

Ms. Anthony stated she had not received one e-mail in favor of the roll carts.

Mr. Nichols stated they would include the workers compensation claim information in the report, but he thought it had been about \$67,000 per month. Mr. Schmidt thought they should keep in mind this was not just an issue of cost as it involved human suffering as well. Mr. Nichols noted they were having difficulty staffing these positions because it was a tough work environment. Mr. Matthes pointed out the employees that did these jobs were in good shape. Mr. Nichols stated the recent heat had taken a toll on those employees.

Mr. Matthes explained staff would come back to Council with a pilot proposal and noted they might want to choose neighborhoods that did not want roll carts so they could determine how they felt after using them.

Mr. Dudley commented that he was agreeable to the conversion to compressed natural gas based on the presentation made by the firm out of Kansas City for a fueling site on Highway 763. In terms of roll carts, he suggested having a person in the picture so people could view the size of the carts in comparison to certain people. He felt most people were visualizing the larger roll carts. Mr. Matthes stated they might place a few in the lobby of City Hall for citizens to view as well.

# REP106-12 State Legislation - 2012 Wrap-Up Report.

Ms. Hoppe commented that she appreciated receiving these updates and believed it was helpful. Mr. Matthes stated he was glad to hear this as they had tried to be more proactive.

### **REP107-12** Intra-Departmental Transfer of Funds Request.

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

### **COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Robert Dudley stated he had serious reservations regarding the trash bin proposal, and those included convenience, aesthetics, safety and flexibility in meeting the needs of the citizens. He believed potential cost savings and change in the name of progress did not outweigh the benefits of the current system. He noted he was a gardener and had a lot of yard clippings, and this proposal appeared to be an attempt to limit the amounts and types of materials people could dispose of since some of that waste could not be placed in the bins. He did not feel this was acceptable. He pointed out trash pick up was an essential weekly service that everyone depended on and paid for, and their needs and requirements for the service were as varied as they were as people. They required the retention of the highly

satisfactory and flexible system the City currently had as it would continue to serve the people well.

Pam Forbes, 707 Donnelly, stated she resided in the First Ward and explained she had visited a friend who lived in the barrio area of Houston, Texas, and the trash bins worked well there. The trash bins were kept outside even in the poorest areas of town there.

J.C. Headley, 5009 Cullen Court, explained he had sent a letter to Council in terms of his feelings regarding roll carts, and noted he and his wife opposed the movement to roll carts. He explained they had experienced roll carts while living in the bay area in California, and he did not enjoy handling them and found it difficult to keep them clean. In addition, he resided in the Highlands where there were covenants with respect to what could be outside of their house. They had a two-car garage and inside it were two cars, a riding lawn mower, a small workbench, one garbage can and a place to keep recyclables and paper. He would not be able to get a roll cart in the garage unless they were offered a small one. He would have to speak with the homeowners association in order build something to enclose the roll cart if he were to keep it outside of his garage. He commented that the conversion to compressed natural gas trucks was an excellent idea and hoped that could be done independently of the roll cart issue. If he calculated it correctly, the difference was \$0.88 per month per household to keep the current system, and he was more than willing to pay that amount as he was not in favor of the roll carts.

Justin Thomas, 202 W. Sexton Road, stated he agreed with the comments of Mr. Headley regarding the roll carts.

Mr. Thomas noted a report had been requested by Council on May 18, 2009 for staff to conduct a study of what it would cost to fix the sewer problems on the 200 block of West Sexton Road, but he had not seen a report and asked for a copy.

Mr. Thomas also asked for a follow up report to the Douglass Park forums that had been led by the Parks and Recreation Department in January 2012 and April 2012 indicating what actions would be taken.

Carol Headley, 5009 Cullen Court, wondered how many bins each residence would receive because in California they had a total of three as one was for refuse and garden clippings, another was for recycling and the third was for ordinary lemon peels. Mr. Matthes commented that at this point, staff was recommending one roll cart per residence for solid waste. In the long term, carts could be used for other items as well. The City's recycling system could not handle roll carts at this time and an investment in the recycling facility would be needed to make that possible. Ms. Headley noted the roll carts were not attractive and stated she did not see the economic sense of spending a lot of money on a car that would have to sit outside so the ugly trash bins could be placed inside the garage. In addition, cleaning out the bins in December would not be fun.

Paul Modisette, 2200 Powell Drive, stated he lived in a neighborhood where no one generated enough trash to fill a roll cart, so he did not think they were necessary. Cleaning the carts was an issue and people would still use bags to put inside the roll carts. He

understood the bags provided by the City were made of a more bio-degradable material than the industrial bags purchased at the store. In terms of trash collection, he understood employees were riding on the back of the trucks as they were going 30-40 mph to the landfill scavenging. In addition, he saw the use of cell phones by employees while on the job.

In terms of the quorum issue on the Planning and Zoning Commission, Mr. Modisette thought they should enforce attendance prior to changing the number of members for a quorum as he believed changing this number might result in more absenteeism or cronyism since they had difficult decisions to make at times.

Kathleen Weinschenk, 1504 Sylvan Lane, stated she saw a lot of problems in terms of roll carts for people with disabilities. She explained she had help, but some disabled people did not have help. She asked the Council to consider those situations when making its decision.

Greg Ahrens, 1504 Sylvan Lane, commented that there was a new trend to have family restrooms so someone with a small child of the opposite sex could take the child to the restroom. He suggested the parks and other public facilities have three restrooms in the future to accommodate a family restroom in addition to the men's and women's restrooms.

Mr. Ahrens stated he recently took his dog to Stephens Lake, and while they were out the dog collapsed due to heat. There was no outdoor drinking fountain near the pavilion or the playground by the pavilion. He suggested placing more drinking fountains along trails and at the parks.

David Dollens, 1201 Paquin, Apt. 307, commented that he was an occupier and the City had left the bathroom open and everything went well. He also noted he had nothing to do with the petition to recall Mr. Schmidt.

Eugene Elkin, 3406 Range Line Street, clarified Boone County had left their building open to the occupiers, and it was appreciated.

Mr. Elkin suggested Council move forward with the use of natural gas in order to lower the cost of operating City vehicles regardless of the decision on roll carts.

Mr. Elkin also suggested the City hold monthly safety meetings if they were not already being held as they could assist with the workers compensation issues.

Mayor McDavid made a motion for the City Council to hold a closed meeting on Monday, July 16, 2012 at 6:00 p.m. in Conference Room 1A/1B of City Hall, 701 E. Broadway, Columbia, Missouri, to discuss personnel matters as authorized by Section 610.021(3) and (13) of the Revised Statutes of Missouri. The motion was seconded by Mr. Kespohl and the vote was recorded as follows: VOTING YES: ANTHONY, HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL, DUDLEY. VOTING NO: NO ONE.

Mayor McDavid requested a legal opinion from staff in the form of a report as to whether the citizens of Columbia could vote for a three percent increase in hotel occupancy tax to be used for airport terminal construction.

Mr. Schmidt noted he had received comments from constituents thanking the Public Works Street Division for quickly and efficiently resurfacing Ash Street.

Mr. Schmidt commented that he wanted to address the personal attacks on his commitment to the First Ward and to his work as a City Council Member. He stated he respected and was grateful for the citizens of Columbia who had engaged him in a productive and community-minded manner on the issues. It had been his lifelong belief and practice to talk to everyone, and to not put stock in divisive labels. In the Columbia in which he was born and raised, citizens could differ over approaches to issues without questioning each other's character and motivations, and that was what he still believed in terms of practicing politics and engaging in public service. Unfortunately, there were a handful of people in the community who would rather engage in the politics of personal attack and who had made repeated attempts to assert national divisiveness and vitriol into local community politics. As his elders would remind him, the enemy on one issue would be the ally on the next issue. He commented that those who wanted to have his ear would find him more open to a conversation that did not begin with a full frontal assault. He understood a rumor had been started indicating he did not live in the First Ward. Some had looked for him on Anderson Street and did not find him there because he lived on Ash Street. A KOMU reporter went to his house after hearing the rumor and everyone who spoke with her indicated he lived at his house on Ash, but the story did not run because there was no story. He believed these were serious legal charges, and noted those that started the rumor did not bother to check with him or his actual neighbors. In addition, they wasted valuable staff time by filing complaints with the City Counselor and the Office of Neighborhood Services. He felt it should be incumbent upon the attacker to substantiate the claims as they were only distracting the public from the real issues facing Columbia. He explained that when he first attempted to respond to the North Central Columbia Neighborhood Association (NCCNA) yahoo group, where the rumor first reached him, he found his post was blocked as well. He asked friends to post his reply and they were blocked. He inquired as to who ran the NCCNA yahoo group and found it was run by the person who spread the rumor. He noted the NCCNA yahoo group was censored and did not reflect the opinions of the neighbors. He believed neighborhood associations should be a vehicle for discussion, getting to know each other, representing the views of all of the neighbors and bringing people together, but when used for personal vendettas, they lost credibility. As a result, he was leaving the NCCNA yahoo group, which did not reflect the diverse opinions of the neighborhood. He would no longer attend its meetings or read its censored communications. He noted individual constituents in the North Central Columbia Neighborhood Association area could continue to contact him with their concerns. He stated he accepted the apology of the West Ash Neighborhood Association Officer and would remain with the West Ash Neighborhood Association, where he resided, for now, even though that person filed complaints with the City without speaking to him. He suggested those that wanted to attack him or any other Council Member to do so with regard to the issues instead of personally. He noted he had been on the radio with Tyree Byndom who had indicated he had signed the recall petition, and pointed out they could still speak to each other as friends because they respected each other.

Mr. Dudley understood it was difficult for the trash trucks to pick up trash dumpsters that had gravel underneath them and asked if the City had a policy regarding the surface on which the trash dumpsters sat. He noted one that was particularly causing problems was at Tiger Tot on Worley across from Family Pawn.

Mr. Dudley understood police officers had to wait for fire trucks to put out small fires because the police cars were not equipped with fire extinguishers and noted he thought it was standard procedure for a police car to have fire extinguishers in them. Mr. Matthes stated he would research the issue and get back to him.

Ms. Hoppe asked staff to get back to the Council and Mr. Thomas regarding the report requested at the May 18, 2009 meeting regarding the West Sexton sewer situation.

Ms. Hoppe understood there was a water fountain on the south side of Stephens Lake and asked for a report regarding the possibility of providing an outdoor fountain on the north side of the park.

Mr. Kespohl stated he had been contacted by a citizen regarding the street lights between Keene and Portland having been removed and not yet replaced, and asked for a report regarding the situation.

Mr. Kespohl commented that he had been contacted by a citizen who wanted to discuss the possibility of disc golf course at Strawn Park with the Parks and Recreation Department. He understood the Park was under development and this citizen wanted to be involved.

Mr. Kespohl explained he had been contacted by a citizen, Sean Day, regarding access for Charity Baptist Church, which was located at the corner of Ballenger and Clark Lane. When the new Ballenger round-a-bout was installed, the road was moved to the east of the fire station and this left the Church with no access to Clark Lane. The minister was concerned people coming to the Church would be unable to find it now. He noted Mr. Day wanted to talk to someone regarding signage on Clark Lane to identify the location of the Church and the possibility of a driveway through to McKee so they could access the Church parking lot from McKee. He asked staff to review the situation and provide a report.

Mr. Kespohl stated he had received a report regarding disability parking in the downtown, and there were four pockets of downtown without any disabled parking, and asked for a staff report as to the possibility of adding disabled parking in those areas.

Mr. Trapp asked for a report regarding the possibility of expanding the plastics recycling in Columbia in order to move more items out of the trash stream. He understood there was a place in Callaway County that recycled plastic nos. 5 and 6.

The meeting adjourned at 8:54 p.m.

Respectfully submitted,

Sheela Amin City Clerk