



City of Columbia, Missouri

Meeting Minutes

Building Construction Codes Commission

Monday, May 21, 2018

4:30 PM

Conference Room 1C

City Hall

701 E Broadway

MR. CONNELL: We're going to call the May 21, 2018 Building Construction Codes Commission meeting to order. We're going to call the roll and see who's voting. We'll start with the regulars. Kas Carlson.

MR. CARLSON: Yes.

MR. CONNELL: And are you voting on all three?

MR. CARLSON: Yes.

MR. CONNELL: Todd Noordsy.

MR. NOORDSY: Yes.

MR. CONNELL: Voting on all three?

MR. NOORDSY: Yes.

MR. CONNELL: John Page.

MR. PAGE: Here voting on all three.

MR. CONNELL: Dave Weber.

MR. WEBER: Yes, all three.

MR. CONNELL: Matt Young. Not hearing Matt Young. Austin Tipton.

MR. TIPTON: Yes, voting on all three.

MR. CONNELL: Okay. Rob Jackson is not here, and we don't have an alternate for Rob. James P. Watson.

MR. WATSON: Yes, all three.

MR. CONNELL: Andrew Wallace. And his alternate John Neyens are not here. Brian Connell is here voting on the first two cases, not voting on the third case. Jonathan Trunk --

MR. TRUNK: Here.

MR. CONNELL: -- is here and he will vote on the third case. Jay Creasy.

MR. CREASY: Yes, all three.

MR. CONNELL: Richard Shanker.

MR. SHANKER: Yes, yes.

MR. CONNELL: And yes?

MR. SHANKER: Yes, yes.

I. APPROVAL OF AGENDA

MR. CONNELL: Okay. Are we good? I'm going to ask for a motion to approve the agenda. Are there any proposed amendments to our agenda this evening? If not, I'd like to hear a motion.

MR. PAGE: Motion to approve.

MR. CONNELL: Motion to approve by Mr. John Page.

MR. WATSON: I'll second it.

MR. CONNELL: Second by J.P. Watson.

MR. WATSON: All in favor of approving the motion say aye. All opposed say nay. Hearing none, the agenda is approved.

MR. CONNELL: Okay. Are we good? I'm going to ask for a motion to approve the agenda. Are there any proposed amendments to our agenda this evening? If not, I'd like to hear a motion.

MR. PAGE: Motion to approve.

MR. CONNELL: Motion to approve by Mr. John Page.

MR. WATSON: I'll second it.

MR. CONNELL: Second by J.P. Watson.

MR. WATSON: All in favor of approving the motion say aye. All opposed say nay. Hearing none, the agenda is approved.

Motion to approve.

Yes: 12 - Carlson, Connell, Creasy, Jackson, Noordsy, Shanker, Weber, Young, Page, Tipton, Watson and Trunk

II. APPROVAL OF MINUTES

MR. CONNELL: Let's move on to the approval of the minutes. You may recall we did not have a meeting in April. So we are asking for approval of the minutes from the March 26, 2018 meeting. Do I hear a motion?

MR. WATSON: I'll make a motion to approve.

MR. CONNELL: Motion. Second?

MR. TIPTON: Second.

MR. CONNELL: Second by Austin. All in favor of approving the minutes say aye. Any opposed? The minutes are approved.

Motion to approve.

Attachments: [March 03-2018](#)

III. OLD BUSINESS

MR. CONNELL: Let's move right on into our new business. I don't think we have any old business. We have three cases this evening.

IV. NEW BUSINESS

Attachments: [Case #18-005](#)

A. University Centre LLC, Case No. 18-005

MR. CONNELL: I'll go ahead and recite the appeal for the first one. **This is Case No. 18-005. This is Notice of Appeal from the Decision of Code Official. Property is legally described as University Centre LLC known as 211 North Stadium Boulevard, Suite 201. Applicant is requesting a variance or ruling with respect to the above-described property on the 26th day of March. Said code official disapproved the location of the required second exit from the upper level. The reason that he gave for such action was that an exit access must provide direct and unobstructed access to a public way. There is an exception, however, if the exit in question does not meet all of the provisions of the exception, which does not comply with Section 1028.5 of the 2015 IBC as adopted by the City of Columbia, Missouri, which provides or requires that: The exception requires that a safe dispersal area be not less than 50' away from the building and on the same lot. The safe dispersal area is not on the same lot. The basis for this appeal is undue hardship is created by strict compliance with the letter of the Code but has no significant effect on the health, safety and welfare of the public or any individual. (Attach a cost estimate for hardship encountered.) Applicant is requesting a variance or ruling, or both, in the way of carrying out the strict letter of the Code because: A second exit could be gained via a second stairway to the south, however, we feel that a second exit to the west provides better safety to the occupants. There is also hardship involved to build a second stair or purchase more property. Applicant is proposing: We will provide a letter from the adjacent owner (Cemetery Board) allowing the use of a safe dispersal area in case of emergency or fire only. Name Bill Spires. It's signed dated April 4, 2018.**

Are the applicants present? I'm going to take this opportunity to swear in anybody who's going to speak on behalf of this case, as well as any city officials that may testify as well. So we'll ask our court reporter, can you swear them in.

(Speakers were sworn.)

MR. CONNELL: Floor is yours.

MR. BERENDZEN: The first I think several pages you've probably already seen. I'll just quickly go through. The first is just the cover letter asking for the meeting. The second page is the application or the appeal application which was just read. Third page is the response from the City of Columbia, which was also read so I won't read it again. The third page is the estimate for the second stair and also part of the application. The third page is the existing building. It's two stories. It's been completely gutted except for the stair and the old elevator, both levels. The second page is the proposed, and it's preliminary, the proposed floor plan for the music venue, first floor on the left and second floor on the right. As you can see, the second floor on the right, it shows the stair is the one exit for the upper level, the exit to the south directly outside, which is not on the property. The next page is Code Analysis which we didn't have any problems except for this issue. The next page is a letter from the Columbia Cemetery Association. I guess I'll read that since I don't think you've seen that yet. This is addressed to Gina Rende from MALY. They're actually representing the owner of the building. The gentlemen here are the tenants or proposed tenants. Ms. Rende, You have indicated you are working with University Center, LLC on possible renovations to the building between Office Depot and Lucky's for use as a music venue. The city requires a "safe dispersal area" be defined in the event of an emergency. One of those areas involves the planned exit on the west side of the building -- we're actually showing it on the south. It could be either west or south -- adjacent to Columbia Cemetery Association property. Our position on a safe dispersal area relating to this project is that we have no objection of such a designated area as long as it is confined to the existing 4' wide easement. They're referencing the construction easement that is just directly adjacent to all the buildings back there. Anything beyond the existing easement could affect future plans for our own property and would not be acceptable. The next page is just an aerial view of the property. The yellow line is what they're showing as the property line. I don't think it's exactly correct. And then if you go to the last page, they give a small schematic showing possible exits. Based upon the letter from the Cemetery Board, we'd be limited to that 4' construction easement. So we could either go north along the back side of Office Depot or come around and go south along the west side of Lucky's Market. And the Code states 50' away from the building. You can see the 50' dimension. That would be limited to a 4' by 87' area for the safe dispersal area. That's whether it would go to the south or to the north. Are there any questions?

MR. SHANKER: What does Avery's Live mean?

MR. BERENDZEN: That's just the name of the proposed business that would be going in there.

MR. SHANKER: What kind of business is it?

MR. BERENDZEN: Music venue. So it would be an assembly space as far as the Code.

MR. PAGE: If I remember right, is this the old Baskin Robbins building; is that right?

MR. BERENDZEN: I think the building has been vacant for eight or ten years.

MR. SCHRICK: I believe there's an embroidery shop there too recently within like the last four or five years. They moved across the parking lot from that building.

MR. WEBER: Holly's.

THE COURT REPORTER: I'm sorry, but I don't know your name.

MR. SCHRICK: I'm sorry. Jason last name Schrick, S-c-h-r-i-c-k.

MR. BERENDZEN: Our problem is that the property line is basically right on Office Depot and it comes around and it's directly on the building, the facade of the building, same with Lucky's Market. So we have the construction easement which is all that can be used.

MR. CONNELL: I have a question for city staff and I don't know if I direct it to John Simon or Shane Creech. The question is, do you find this document acceptable in terms of an egress access easement across the adjoining property?

MR. SIMON: I'll speak to it, if you wish. I think, and tell me if I'm wrong, Nina, I think if it was a permanent easement and not just a construction easement that would make a big difference. I'm not seeing the exits from the building into the easement is part of my problem.

THE COURT REPORTER: I'm sorry. Do you want these little conversations recorded?

MR. CONNELL: No, we don't. Everybody has to go in turn.

MR. WEBER: I guess, Jay, those little arrows you have are proposed potential exit locations? Is that what you're getting at?

MR. BERENDZEN: Yes, from the second level. Yeah, exit one would be the one that goes down the stair to the second level and out. The other two show potential exit to locations. And I don't know if I made it clear that if you're looking at this plan to the south and west, the second level is at grade. So that basically this is a retaining wall.

MR. SIMON: Back to me? So the exception states it has to be 50' away from the building. My concerns are that this is not 50' away from the building. 50' away

from the suite but are these two separate buildings? It could only be two separate buildings if there's a firewall in place.

MR. BERENDZEN: These two buildings meet at the corner.

MR. SIMON: I would have to know the characteristics of the assembly between those to determine if those are separate buildings.

MR. CREECH: Brian, your question to John and I, was that in regards to whether that's a legal, you know, a legal 4' construction easement? I haven't seen a recorded document or anything like that. So I couldn't speak to that.

MR. CONNELL: I think specifically my question is, is it a durable enough easement to satisfy the Code concerns about an access to a public way?

MR. CREECH: My knowledge of this would be that if they needed to get out they'd have someplace to go. So I think the cemetery writing a letter that says that, you know, what we had hoped for was at least to know that they would be okay with them using that in an emergency situation. That 4' isn't far enough away from my understanding. They would have to go out on to the cemetery property if there was an emergency.

MR. SIMON: Or the public way, lead to the public way. Do these, in fact, lead to the public way or no?

MR. BERENDZEN: No, I wouldn't say they would.

MR. CONNELL: Mr. Shanker.

MR. SHANKER: John, what's the public way mean?

MR. SIMON: Out to the street or sidewalk, public property so that they could -

-

MR. BERENDZEN: I'm not sure. It doesn't have to be accessible but it needs to be -- I couldn't say for sure that it did.

MR. SHANKER: One more follow up, please. Is this a fire code thing or is this the building? What is this?

MR. FRAZIER: Fire code hasn't been cited.

MR. SHANKER: It has not?

MR. FRAZIER: We haven't reviewed it. Brad Frazier.

MR. CONNELL: Mr. Page.

MR. PAGE: Question. The dimensions look the same on this. It's showing the first floor has got 4,063'. The second floor looks like it's got 2,998.

MR. BERENDZEN: In the remodel plans, part of the upper level would be taken out to open it up. That's where it goes down. I should have made that clear.

MR. PAGE: So part of it is a two-story area then?

MR. BERENDZEN: Correct. And it's the lobby here. You see the X'd out areas?

MR. PAGE: Got it.

MR. BERENDZEN: This would be open.

MR. PAGE: Okay. Thank you.

MR. SHANKER: Brian, may I ask Brad Frazier another question? So this is not a fire safety issue; is that correct?

MR. FRAZIER: The fire code hasn't been cited. I haven't reviewed it. So I don't have any comments on it. I'm not familiar with the space.

MR. CONNELL: I have a question for the applicant. Obviously there's a concern about the physical configuration of this exit way and access to a public way. Do you foresee any opportunity for you to acquire that from the Cemetery Association?

MR. BERENDZEN: An easement? That's what we were hoping for. Eventually I think they would need to get a legal easement from them. We got the letter. Kind of sounded like they were open to it. Probably would need a legal easement. And I don't know what they would call it. The construction easement is a legal easement. I haven't seen that document. The owner of the building might know more. Ms. Rende was going to attend the April meeting but is out of town this month.

MR. CONNELL: Any other questions or comments for the applicant? Mr. Carlson.

MR. CARLSON: It looks like in the back square of this building you're still on your property as you come out to the west. How many feet is it from the building that's in red versus the Office Depot building and is that on ground level if you come out to the west?

MR. BERENDZEN: You're talking about this square right here?

MR. CARLSON: Yeah, uh-huh.

MR. BERENDZEN: It's not more than 50', and I was told that the property line -- this is from the Boone County parcel viewer. I was told that it's not correct. It actually does follow the building. But I've not seen a legal survey or anything.

MR. CARLSON: When the 50' part of the exiting comes in, is that straight away? Can you exit and go to the side of the building in that case or do you have to exit and go straight away from the building at 50'? How does that read?

MR. SIMON: It's measured perpendicular from the building.

MR. CARLSON: Perpendicular.

NINA: May I clarify what the Code actually states? It says the area shall be

located on the same lot not less than 50' away from the building requiring egress. I think that's the important part is from the building requiring egress. It could be from any direction away from the building the way I read that.

MR. WEBER: That's what I was wondering about. So that north dimension that's sort of at that angle, that's away from the building and that's why I guess that was done that way instead of perpendicular because it says away. So that makes sense. I would say too that I have at the request of Office Depot gone in there and done some work with them and I can tell you it's a CMU wall all the way around the outside of the Office Depot building. I can't tell you if the subject building has a shared wall or is separate or whatever, but I can tell you Office Depot is a CMU wall building.

MR. BERENDZEN: The subject building is also CMU, but I couldn't tell you if it's a double wall. I would say Lucky's Market and the subject building just meet in the corner there. They wouldn't be considered the same building by the Code I wouldn't think.

MR. CARLSON: So you think we're looking for an egress easement from the cemetery that something that's permanent that makes this happen because right now all we have is a 4', I guess this line is a 4' construction easement or this is a property line and does this 4' construction easement, has it existed since this building was built whenever back in the early '70s or did it just happen?

MR. SCHRICK: I don't know either. I think they said they had that easement since the Kroenke Group had opened it is what we were led to believe.

MR. BERENDZEN: That came from Gina Rende with MALY who's representing the owner of the building.

MR. CARLSON: So we haven't seen it. They said it was there.

MR. CONNELL: Any other questions? Yes, Mr. Weber.

MR. WEBER: I have a question that's more of a dumb question. Because it's an occupancy change is why this is triggered? Before it was okay because it was a different use, is that what's going on? It's a public occupancy use now?

MR. BERENDZEN: That's the way we looked at it, yes. We were told it was a business or B use, it would be considered an assembly or A use under this tenant.

MR. CONNELL: Is anybody prepared to make a motion? Mr. Carlson.

MR. CARLSON: We don't have the paperwork in front of us that says this 4' building easement even exists. Does the city know that this 4' building easement exists or is it hearsay from the MALY group that this 4' easement exists?

MR. SIMON: I am unaware of any. I have not seen any paperwork on the

easement.

NINA: I've not seen anything. On this letter from the Cemetery Association, they make reference to an existing easement, but I don't know.

MR. CONNELL: Mr. Weber.

MR. WEBER: To me it seems like if we did go there we would have to have a caveat -- the reason why I like caveats is I want to make things as hard as possible for the city to administer in the future. If we did that, wouldn't we want to say well, within a certain time period they would have to prove that there is, in fact, some legal access or document to kind of corroborate this letter? I would think we'd want to do that. Is that something that could be administered from your end do you think practically?

MR. SIMON: I believe that we could administer that, yes.

MR. WEBER: Put it on your Outlook calendar or something?

MR. CONNELL: Mr. Carlson.

MR. CARLSON: I guess one of the questions I'd have might be for the fire department. As part of this egress, do they need to come -- and it's stated that it needs to come out on the property line or public access. Is part of that so you can get emergency vehicles to that point if there are people that are egressing that are needing paramedic attention or anything else? You don't want to just go out into the graveyard. Do we need to go to a public site or do we need to go to this parking lot? I guess that's what I'm asking. Does emergency vehicles have to get to that point?

MR. FRAZIER: That's a separate fire code issue.

MR. CONNELL: I'd like to respond to that in the best way I know how. I think if you can imagine that the property owner owned this property, owned the graveyard, there wouldn't be any reason why people couldn't come screaming out of that door and just run across the yard until they got to the street. So the technicality here is the property owner doesn't own this property outside that door. That's the issue.

MR. CARLSON: So he needs an easement for the people to come out screaming and yelling to get onto the property?

MR. CONNELL: So that the graveyard can't come back and say we prohibit you from having access to our property or building a wall or some other obstruction thus blocking this exit. That's the issue. Mr. Weber.

MR. WEBER: Brian, the way I saw it was is that in theory in the future the graveyard could build a building probably not like Poltergeist but build something

technically 4' away?

MR. CONNELL: Or less.

MR. CARLSON: And block it.

MR. CONNELL: They own right up to the face of this building, as I understand. So they could build something right in front of that right next to the wall.

MR. WEBER: That's why I was saying if we're going to do this we should probably have something that's a real document and not a letter probably.

MR. CONNELL: What I'm going to state is that if the applicant is able to acquire such a document, they don't need to be here.

MR. WEBER: True.

MR. CONNELL: So what I'm sensing, it's not my place to steer this, but what I'm sensing is that without that kind of credible document that has some durability I don't know how we can approve this. But I can't speak for this Commission. That's my opinion.

MR. WEBER: Well, I think without a credible document it's a different request from the applicant probably, you know, not an egress on a 4' wide thing. It may be something else, right?

MR. CONNELL: Mr. Shanker.

MR. SHANKER: Either, John or Shane, what is it that we're actually voting for in terms of a variance? Is it the fact that they don't own the land, because I hate to agree with David Weber, but if that would be the case I don't think we can -- is that what we're dealing with, John?

MR. SIMON: I agree with Mr. Connell's assessment that if we have a document that shows they have the 4' easement, then they don't need a variance. Would you agree, Nina?

NINA: Well, it still doesn't lead to a public way.

MR. SHANKER: I think either way they need a variance because it has to lead to a public way.

MR. SIMON: The exception says where access to a public way cannot be provided, a safe dispersal area shall be provided where all the following are met. So if it's sized to meet 5 square foot for each person, not less than 50' away from the building, permanently maintained and identified as a safe dispersal area, so we would have to get that hurdle, and the area shall be provided with a safe and unobstructed path of travel from the building. So if they could provide that area, then they don't need a variance.

MR. SHANKER: The owner of the property would have to have it, not this

company, right? You're not granting a legal parcel of land to a company. You're doing it to the owner, right; is that right?

MR. SIMON: A legal easement is acceptable I believe, don't you, Shane or Nina? I believe that's acceptable.

MR. CREECH: Typically be something that's recorded on that property.

MR. CONNELL: There's another aspect of this that's kind of interesting. When you look at the layout of the cemetery, it's served by a series of drives. It's quite, and I don't know

this for sure but it looks like if you were to exit this building along said construction easement it would lead you to a paved drive that you could leisurely stroll out of the cemetery to Broadway. The question is that's on somebody else's property. It's not gated. It's never restricted. I don't know if that could possibly play into this at all. I think that should be part of the language in a document in my opinion. Mr. Shanker.

MR. SHANKER: I make a motion that we offer to table this for the applicant to do due diligence in regards to these real estate complexities because it seems like what John and Shane are saying is we cannot grant this variance, isn't that correct, or are you saying we can grant it?

MR. CREECH: They're appealing what it says in the Code. You can grant a variance from that requirement of the Code, correct?

MR. SIMON: Yes.

MR. CREECH: You can grant it.

MR. SHANKER: Well, then what's all this talk about legal stuff that they have to have documentation that they have rights?

MR. CREECH: I was asked if they had a 4' easement. I've seen no recording document so I can't tell you whether they have that or not.

MR. SHANKER: So if we grant the variance, what does that mean? That they don't have to get that?

MR. CREECH: There's no guarantee they have this access forever and always.

MR. SHANKER: I see. So we could grant a variance?

MR. CREECH: Yes.

MR. SHANKER: And they do have free path to somewhere obviously, right? They don't?

MR. CARLSON: Not without an easement.

MR. CONNELL: Mr. Watson, you had your hand up.

MR. WATSON: If I understand correctly, we could grant a variance that would let them exit out of that way but like you mentioned, Brian, the cemetery could decide

to build a wall right there. So we could grant a variance and then it could be thwarted by what the cemetery chooses to do. Obviously we have no mechanism to make sure that the cemetery does not encroach on that without the easement. So we could do it but we could be setting up a problem in the future.

MR. CONNELL: The possible scenario that I see here is that if we proceed with a variance, with the document that Jay has presented us this evening and ten minutes from now the cemetery decides that they're going to build a monument or another building or something on their property right against this building, then what would immediately happen is perhaps if building and site development were made aware of that situation it would be incumbent upon them to then go back to the applicant and say the condition by which we granted you a permit is no longer valid and you have to find another means of egress from that second floor. Now, that's assuming that they would be notified, and again I don't know that there's a mechanism for that. Mr. Page.

MR. PAGE: So if there is a legal easement filed, they could still build right up to the building or does that change things?

MR. SHANKER: That would change things.

MR. CONNELL: If the cemetery granted them a permanent easement for access or egress, I think that would be a durable document.

MR. PAGE: Where they couldn't build right up to the building.

MR. CONNELL: Mr. Weber.

MR. WEBER: So I know there's a motion on the table. To me I don't understand why you're saying, and maybe you can explain it to me, you were saying that if they have a 4' construction easement they could come and build a building right next to that building. So that construction easement is not an easement like I'm envisioning that typical easements are if they can do that. So your concern is, is the verbiage of the construction easement may allow them to build into that easement and we don't know that, or is that your understanding of how a construction easement really is? I thought they were 4' off and they could get confirmation of that. That's the frustrating thing about this, right, is right now we know they can get out there and they're in this spot that is no big deal, but we can't prove that that's the case in the future.

MR. CONNELL: I'll use an example that I'm familiar with. The city quite often will acquire a construction easement to build improvements on a street or some other improvement and infrastructure in town. Once the construction is completed, they relinquish the construction easement. So in my experience they tend to not be

permanent, but we don't know that. It's being described as a construction easement apparently that's been there for awhile. So my request would be to confirm the permanence of that easement, and maybe we just simply need to call it something other than a construction easement. Maybe it's now an egress or access easement.

MR. BERENDZEN: We'll have to get that from the owner.

MR. SCHRICK: So more or less we have to find some kind of legal documentation through MALY that says that 4' easement is relevant and has been there for a period of time to pass?

MR. CONNELL: And will be there.

MR. SCHRICK: And will be there.

MR. BERENDZEN: Do we need to come back if we can provide that information?

MR. SIMON: No.

NINA: I don't think so.

MR. CONNELL: Mr. Watson.

MR. WATSON: Just on that note, so the exception didn't require the assembly area to be on the same lot, or did it, because I'm just trying to figure out do they need any variance to that section of that exception because we're still not on the same lot but we're on an easement?

MR. SIMON: That's true. So that would be the variance. That's a good point, J.P.

MR. WATSON: So could we grant a variance contingent on a permanent easement?

MR. WEBER: That is what I was trying to do but I didn't say it right. I'm sorry. That way they wouldn't have to come back.

MR. SIMON: That was a very good point.

MR. WEBER: I get it. We talked a lot.

MR. CARLSON: Do we make a motion then?

MR. CONNELL: So we have a motion on the table to table the variance.

MR. WEBER: I think we have to second that, right, to let that go to fruition?

MR. SHANKER: If it doesn't get a second, it dies.

MR. WEBER: I'm not going to second that.

MR. CONNELL: So that motion dies. We're still in discussion. Mr. Jackson.

MR. JACKSON: Just to clarify, if the people go and get this 4' variance, is that going to satisfy the 50' be able to egress that we're talking about?

NINA: I think so, yes.

MR. SIMON: Yes.

MR. JACKSON: Even if they have to walk around the buildings and things?
Okay. Thank you.

MR. CONNELL: I would entertain a motion.

MR. WEBER: I'll give it my best shot. I make a motion to approve this variance contingent on having an easement that is permanent to have this 4' access because we're not sure the construction easement is.

MR. CONNELL: Do I hear a second?

MR. CARLSON: Second.

MR. CONNELL: Mr. Carlson. Any further discussion? We're going to do roll call. All in favor of granting the appeal as stated by Mr. Weber.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Weber, Mr. Young, Mr. Jackson, Mr. Watson, Mr. Connell, Mr. Creasy, Mr. Shanker, Mr. Noordsy, Mr. Carlson, Mr. Page.)

MR. CONNELL: Motion carries. Good luck acquiring an easement.

MR. SCHRICK: Thank you, sir. Thank you very much for your time.

Motion to approve this variance contingent on having an easement that is permanent to have this 4' access.

Yes: 10 - Carlson, Connell, Creasy, Jackson, Noordsy, Shanker, Weber, Young, Page and Watson

Non-Voting: 2 - Tipton and Trunk

Attachments: [Case #18-006](#)

B. 5938 Screaming Eagle, Case No. 18-006

MR. CONNELL: Let's move on with the next case. **This is Case No. 18-006. It's a Notice of Appeal from the Decision of Code Official in regard to the following described property in the City of Columbia, Boone County, State of Missouri: Legally described as Lot 802A The Villas at Old Hawthorne and known as 5938 Screaming Eagle. Applicants request a variance or ruling with respect to the above-described property. On the 16th day of April, said code official disapproved final inspection. The reason he gave for such an action was that no outlet in island for lower level bar which does not comply with Section 210.50 of the IRC. One outlet in kitchen island is what's required. The basis for this appeal, as permitted by the International Building Code is the undue hardship is created by strict compliance with the letter of the Code but has no significant effect on the health, safety and welfare of the public or any individual. (Attach a cost estimate for hardship encountered.) Applicant**

is requesting a variance or ruling, or both, in the way of carrying out the strict letter of the Code because bar island was added by customer after flooring was installed. Applicant is proposing no plug in bar island. Mr. Don Stohldrier, address 5818 Screaming Eagle signed and dated 4/17/2018. Mr. Stohldrier.

MR. SHANKER: Brian, before you go on.

MR. CONNELL: Yes, sir.

MR. SHANKER: This is a basement bar area. It is not the kitchen; is that correct?

MR. STOHLDRIER: That is correct.

MR. SHANKER: Thank you.

MR. CONNELL: Would you like to make your presentation?

MR. STOHLDRIER: Not much of a presentation. It's just a simple 2' by 4' bar that the lady added at the end to the downstairs basement bar. She already had flooring down, didn't want us to come in and cut concrete and mess up her house. It's not actually a kitchen. It's a bar. And if we would have just put it on legs and set it there or not attach it to the floor, it wouldn't need an outlet. Instead of removing it and making it not permanent, we just want to get a variance and not have to put an island in it or a plug in the island.

MR. CARLSON: So behind the bar there's more cabinets, there's plugs?

MR. STOHLDRIER: Plugs, everything, yeah. It's all set up like a regular bar.

MR. CARLSON: It's just a bar to set and have a drink?

MR. STOHLDRIER: Yep. Or set food on to serve.

MR. CONNELL: Mr. Simon.

MR. SIMON: Just to be clear, because my inspector told me it was a kitchen, there's no kitchen equipment?

MR. STOHLDRIER: She did put a stove in there.

MR. SIMON: So there's a stove and a sink.

MR. STOHLDRIER: It's not a kitchen. It's a downstairs bar that's got a stove in it.

MR. CONNELL: Mr. Shanker.

MR. SHANKER: I want to refer to Todd because he's the electrical. You say there's a stove there?

MR. STOHLDRIER: There is.

MR. SHANKER: Whole different ball of wax, but go ahead. Mr. Todd.

MR. NOORDSY: Do you have a dimension on all this again? I'm trying to

picture.

MR. STOHLDRIER: The island, it's a 2' cabinet that's 4' long with a top on it.

MR. NOORDSY: It's not attached. It's just in the middle of nowhere then kind of?

MR. STOHLDRIER: L-shaped kitchen. It sits on the floor out in front of it.

MR. CONNELL: Mr. Page.

MR. PAGE: So what you would have to do is cut the concrete, put some sort of a conduit in it and run a wire to it?

THE COURT REPORTER: Wait a minute.

MR. PAGE: The flooring is already in. You have to put conduit in it to get to it. There's no wall connected to it. It's just out in the open.

MR. STOHLDRIER: That's correct.

MR. CONNELL: Mr. Shanker.

MR. SHANKER: Is there an island on the top level?

MR. STOHLDRIER: Yes.

MR. SHANKER: Is there a receptacle there?

MR. STOHLDRIER: Yes.

MR. SHANKER: Precluding the fact that there's a stove there, I'd like to grant the variance.

MR. CARLSON: Second.

MR. CONNELL: So we have a motion by Mr. Shanker, a second by Mr. Carlson. Any further discussion?

MR. WEBER: I have a comment.

MR. CONNELL: Mr. Weber.

MR. WEBER: What did you mean by that precluding the fact there's a stove there?

MR. SHANKER: I will talk to you about it after this.

MR. WEBER: But I mean why would I want to vote for a variance that I don't understand the context of what you mean.

MR. SHANKER: I will explain it to you. I was under the impression, John, correct me if I'm wrong, that you cannot have a stove in a secondary area; that for some reason in the past people were putting in stoves, sinks and all of a sudden it turned into a duplex where grandma and grandpa stay or the child or something like that. That could just be old history. That's why it's not germane to this.

MR. SIMON: So the ordinance used to say that you can't have a second kitchen in a single family dwelling.

MR. SHANKER: Right.

MR. SIMON: That ordinance has since been removed.

MR. SHANKER: No problem then.

MR. CONNELL: Mr. Weber.

MR. WEBER: I have a question. So the purpose for this outlet at the end of an island, I know this was added in some recent years. Maybe that recent year was 15 years ago for all I know. That's for convenience of the occupants because if somebody built a spec home the occupants would have the convenience of having an outlet on the end because, and I don't want to sound like a libertarian here, but what if I wanted to build an island and I didn't want an outlet on the end? Can I do that? I'd be violating code, right? Is that what we're getting at? I just wanted to ask that. I don't understand exactly the real life safety issue with an outlet on the end of an island. I'm just asking.

MR. CONNELL: Mr. Shanker.

MR. SHANKER: The history of it is this. If you have an island, somebody is going to want to put a blender and they don't want you to go from the island back here and stretch a cord across where a kid can come and jump on it and get hurt. Then the code changed. It was a 2' rule. Then it went to a 4' rule. Now it's just one outlet. There was a time at which if you had an 8' outlet you had to have, you know, several outlets. And then they changed it because it was ridiculous like you're indicating to one. So it was a matter of safety.

MR. CONNELL: Mr. Simon, did you have a comment?

MR. SIMON: I would agree the intent is so you don't run extension cords.

MR. CONNELL: Any other discussion? Call the roll.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Young, Mr. Jackson, Mr. Watson, Mr. Connell, Mr. Creasy, Mr. Shanker, Mr. Noordsy, Mr. Carlson, Mr. Page. Voting No: Mr. Weber.

MR. CONNELL: The ayes have it.

MR. STOHLDRIER: Do I need to do anything or will they just issue the CO upstairs?

MR. SIMON: I would have to review what's left on the project.

MR. STOHLDRIER: That's it.

MR. SIMON: They won't know what's happened here. I'll e-mail it to you, Don. Is that okay?

MR. STOHLDRIER: I didn't know if I needed to go up and talk to them.

MR. SIMON: I'll be happy to e-mail your CO if that's all that's remaining.

Grant the variance.

Yes: 9 - Carlson, Connell, Creasy, Jackson, Noordsy, Shanker, Young, Page and Watson

No: 1 - Weber

Non-Voting: 2 - Tipton and Trunk

Attachments: [Case #18-007](#)

C. 3412 Grindstone Parkway, Case No. 18-007

MR. CONNELL: Let's move on to our third and final case. **We have a Notice of Appeal from the Decision of Code Official in regard to the following described property: Chalet Subdivision Lot 6, and I can't read that, East something North 30'. Address is 3412 Grindstone Parkway. On the 5th day of June 2017, said code official disapproved request to extend the variance period pertaining to installation of sprinkler system. The reason he gave for such action was that previous variances had been granted which does not comply with Section 903.2 of the 2006 International Fire Code as adopted by the City of Columbia, Missouri, which provides or requires that the building should have a sprinkler system. The basis for this appeal is undue hardship is created by strict compliance with the letter of the Code but has no significant effect on the health, safety and welfare of the public or any individual. (Attach a cost estimate for hardship encountered.) Applicant is requesting a variance or ruling, or both, in the way of carrying out the strict letter of the Code because: Property will be developed. The judge ruled in our favor for a prescriptive easement. The building has sprinklers in previously identified areas of concern. The arcade, laser tag and front of building. The gym and bowling areas have low fire loads, and I'm going to be lost in this --**

MR. WEBER: Numerous exits and minimum of flammable materials.

MR. CONNELL: They appear safe. Thank you all. Applicant is proposing a five-year variance. Applicant's name is Rob Hill. It's signed and dated April 6, 2018.

MR. HILL: That's me.

MR. CONNELL: Applicant, you have the floor.

MR. HILL: Present for myself this time. First I want to thank you all for your service. I realize this one has been under the gun for I believe 18 years. I think I saw some of your names on those minutes from 2000. I think Mr. Shanker and Mr. Carlson have been at this for 18 years; is that right?

MR. CARLSON: At least.

MR. HILL: I want you to keep in mind that I have had the building for 18 months. So I know it's been a frustrating property. Keep in mind I've had it for 18 months. I met with Brad after we had the last meeting, and honestly I kind of shook my head like why do we really need a sprinkler system. He walked me through it and showed me that these are true areas of concern. I shook my head and said yes. Especially the laser tag area where it's dark, he talked about it being a safety hazard not just for the users of the building but for his fire personnel as well. So sprinkled the arcade, the front area and the laser tag area and did not sprinkle the bowling alley and the gym, which leads to the question of why didn't you sprinkle those. As stated in the appeal process, the fire load is very low. The ceilings are very high. They have rated doors between them and numerous exits, quick exit time. I forgot to show some of you who have been out there that they have laser beams in the bowling alley that pick up smoke. If there's smoke there, it sets off the alarm. Fire station is not too far away either. So I know they don't meet code but they appear to be at very low risk. My hope is that you can appreciate that I have addressed the areas of primary concern and can be reasonable when considering the gym and the bowling alley. 186,000 for temporary sprinklers doesn't seem like a good use of money for me and doesn't seem very practical, especially when there's not a safety concern from my opinion. Many of you have been out there and toured the site. How many have been at that building at all? Just a show of hands. How many have had family out there bowling or anything else? Several. That says something about the safety. You wouldn't be out there if you didn't feel like it was safe. I'm asking for a five-year variance to not put the sprinklers in. My reason for five years is I was granted the easement. You can see that on the notice there. I kind of highlighted the pink area. It took a long time to get that little easement, but that gets me access to the lake at Grindstone which is instrumental because you can't take a left turn out of that property without risking your life during various times of the day. That allows me to develop the area. I might be the worst developer in town to have one building on 12-1/2 acres. So some people might think I am. Obviously I want to develop that area, and that allows me to do that. In discussions with Mr. Matthes and Mr. Glascock -- let's see. If you're looking at the next page there it says Subplex Electric Easement, this one here. That's what they had intended ten years ago. And you'll see the Ice Chalet Antique Mall on there. That's the laser lanes building there. They've got Ponderosa going up to Grindstone there. That was a plan ten years ago, eleven years ago. There's no funding to do that. They're not going to kick La Crosse out. I'm trying to buy La Crosse now with the idea of making that roadway from Ponderosa up to

Grindstone. I spoke with Mr. Glascock and Mr. Matthes about how long that process might take. They said I would allow five years for that process. That's why I'm asking for five years. I included the letter from Mr. Glascock per Mr. Shanker's suggestion so it wouldn't just be hearsay. Open up to any questions you have.

MR. PAGE: Rob, in the letter that Glascock wrote, it says the city is willing to allocate five years to allow you to complete the plan you described and for the process to unfold. Allocate, what does he mean by that, the city is willing to allocate five years? That's a pretty general statement. What specifically did he mean by that?

MR. HILL: You're asking me to interpret what he's saying. I will do my best. It comes back to me saying how long do you think this process will take because if I buy La Crosse, I have to give them a year to relocate most likely and then putting in the roads and doing the improvements. He said you're probably looking at five years for the whole process to unfold. He said if I were you, I'd go in and ask them for a five-year variance because you don't want to have to go back every six months or every year.

MR. PAGE: So that was his way of saying to you to ask us for a five-year lead time?

MR. HILL: That would be my understanding.

MR. PAGE: Oh, okay.

MR. HILL: I probably would have been dumb and said let's do another year, because I like you guys so much.

MR. PAGE: Well, there's no question that corner up there what you're doing is good. It needs to have something done with it. There's no question about that. I just, I don't know, getting La Crosse bought out is going to be a tough road, isn't it?

MR. HILL: It may be. If not, I'll go ahead and develop the land without it.

MR. CONNELL: Mr. Shanker.

MR. SHANKER: I'd like to hear what staff/fire has to say.

MR. FRAZIER: I went out with the fire chief and looked at the building I want to say in April and the condition that it was in when we saw it. It is sprinkled on the laser lane side. There's very little fire load, little, if any, fire load in the gymnasium. There's a wood floor, but it would take a lot to get that going. The bowling alley, the only fire load of significance is the seating. There's some upholstered seating. There is fire load in both areas, but it's minimal. There are 30' ceilings. The ceilings are roughly 30', I think. So one of the concerns in a large space like that is searching for people in a smoky condition. There's a number of exits. It would have to be going for a considerable amount of time that smoke to bank down. That is a concern with

no power and a large area. That's always of concern. But what we observed was again low fire load, there's adequate exits and high ceilings. I think that area of greatest concern is sprinkled. It does not meet code. I want to be perfectly clear about that. Obviously it needs to be sprinkled.

MR. CONNELL: Mr. Page.

MR. PAGE: Question for you. I've been in there before. Of course, they sprinkled where you have the gaming area, but did they also not put one or two heads through the wall into the bowling alley area?

MR. FRAZIER: Not that I --

MR. HILL: I don't believe so.

MR. FRAZIER: I don't think so.

MR. PAGE: Okay. I thought for some reason that there was one or two heads that had been poked through that wall.

MR. FRAZIER: I don't believe so. I didn't see.

MR. CONNELL: Mr. Shanker.

MR. SHANKER: May I ask John something? What kind of code change would have to be initiated in order for this to comply, or maybe Brad. Let's say this happens again in six months. What is it that makes this required to be sprinkled?

MR. FRAZIER: It's not separated, the square footage and the use.

MR. SHANKER: What kind of separation would it need?

MR. FRAZIER: Firewall.

MR. SHANKER: So by putting a firewall in he doesn't have to do this?

MR. FRAZIER: Correct.

MR. SHANKER: Doesn't have to sprinkle?

MR. FRAZIER: He's got a wall, he's got a rated wall. We believe it's rated.

MR. SHANKER: Is it a two-hour firewall?

MR. SIMON: Yes.

MR. FRAZIER: It doesn't meet the definition of a firewall and extend past the roof.

MR. SHANKER: But a person could put in 2 by 4 walls, double 5/8 sheetrock and be done; is that correct?

MR. SIMON: No. It's the termination characteristics at the roof that are presenting all the problems.

MR. SHANKER: I see. Thank you.

MR. CONNELL: I'd like to speak up a little bit. First of all, I've been involved in this project in the past. I'm sure most of you remember that. So I have to abstain

from voting today. My alternate Mr. Trunk will vote on this one. But I do want to say that the issue is this. We're talking about the subtle differences between a firewall which creates separate buildings and fire barriers that create fire areas. This building is subdivided by fire barriers and it's subdivided into fire areas, but it's simply too big of a building to avoid being sprinklered. That's part of the issue. The other issue is we have fire areas where when you look in the code the criteria for a sprinkler requirement are either in the event, for example, an A3 assembly which is what amusement arcades are classified. You can go up to 12,000 square feet or 300 people. In a couple of areas, we exceed those thresholds which is the requirement for sprinklering. We've looked at this building a couple of times. And the prior code in Chapter 34, the existing building evaluation, we've looked at it more recently in the Chapter 14 existing building code. And again we just can't quite get there to score enough points to make it a compliant occupancy because there are areas that are just too big. That's the issue. The building is equipped, areas are equipped with sprinklers. It's got plenty of exits. I believe it's equipped with all the required emergency egress lighting. It's got a state of the art fire detection and alarm system. It's just there are areas that are too big for the type of use and the number of people that are in it. That's the issue.

MR. SHANKER: So we could change the code. We could recommend to the Council to change the code; is that correct?

MR. FRAZIER: We would not recommend that.

MR. SHANKER: Okay. Thank you.

MR. CONNELL: Mr. Creasy.

MR. FRAZIER: If I may. I talked to Rob about this. If this were to go through, exits would have to be maintained, occupant load would have to be maintained. Right now it's a low occupant load in those spaces. For example, if you've got a large gymnasium, we would not be okay with them having a large dance party in there, right. So as long as the space is used for what it's designed for now and all those conditions are maintained, that would be something we would -- I'm not telling you what you should do. I'm just saying if you chose to do that, that would be something we would be looking at.

MR. CONNELL: Mr. Creasy.

MR. CREASY: Is this the same? Has anything been changed since the last time we granted you a year's?

MR. HILL: Yeah, sprinkled the exterior and the interior with the laser lanes, the arcade.

MR. CREASY: That was all recent within the last year?

MR. HILL: That's new. That's what I've done in the last few months.

MR. CONNELL: Mr. Young.

MR. YOUNG: How big is the water main that's currently in there for the fire suppression system?

MR. HILL: I do not know that. They talked about installing a new 6-inch main.

MR. CONNELL: It's every bit of a 6. We have to remember that this was the Ice Chalet and it had water service to flood that whole thing and freeze it. It's every bit of 6 inches.

MR. YOUNG: So on that, if it's 6 inch already installed in there and it doesn't need to be upgraded, we could probably strike the 55,000 off the fire sprinkler bid, correct?

MR. HILL: My understanding is that they will have to run a new 6 inch to make it work. That's according to Steve. To me, I'm just appealing the common sense when you walk in a gym and the ceilings are 30' high and there's six exit doors, I go by what's a reasonable standard, what's reasonable. My mother has lived with me the last four years. She's overweight, doesn't walk well and she's blind in one eye. She could get out of that area unless somebody threw 50 gallons of gas in it and put it on fire. I could not imagine a situation in which she couldn't get out of either the bowling alley or the gym. So to spend \$186,000 to officially meet the code in a noncritical area doesn't make any sense, especially when the building is coming down in a matter of time.

MR. CONNELL: Mr. Weber.

MR. WEBER: Rob, what did that cost to sprinkle that front? It's basically the front half.

MR. HILL: 60,000.

MR. CONNELL: Mr. Watson.

MR. WATSON: The code and the requirement for the sprinkler that you reference, that's for amusement type you said?

MR. HILL: Yes.

MR. WATSON: Is that the whole building is considered amusement? So like the gym, there's no --

MR. CONNELL: Yes. The whole building is not considered amusement, but there are, for example, on the perimeter of the periphery of the building you have two restaurants but they're actually separate buildings. They're subdivided by firewalls and they are considered A2 occupancy, restaurant or nightclub just to be clear, but they're

completely separated. Everything within the area that Rob is discussing today is considered A3 amusement essentially.

MR. WATSON: So a gym that's wide open, has a few people in it is considered the same as what the arcade area is as far as people load or the consideration?

MR. CONNELL: It would be described as recreation. And it is interesting that the gymnasium has per capita more exit than any other portion of the building. So the fewest people are served by the most exits in that particular part of the building.

MR. WATSON: So if it was all code compliant, you could fill that whole thing with arcade machines and pack as many people in there?

MR. CONNELL: Yes.

MR. WATSON: It could be set up as that type of occupancy?

MR. CONNELL: Yes. Well over a thousand people could fit in that gym based on egress capacity alone if it were properly sprinklered. Mr. Weber.

MR. WEBER: I've only been on here since '97. So this is just three years new to when I first came on. So to me, I'm just going to give my two cents. If we're ready for a motion, fine. To me remember last time I was pretty just thinking why are you here. So this has been 18 years. And I remember when the first folks, it was Galactic Fun Zone at the time, were opening the place up and we were giving them time, they're going to see if it worked, and it went on and on and on with all these occupants. Now we have a guy that's actually put his money where his mouth is the first time in 18 years and then he has -- the difference to me is he's improved it where the big concern was and secondly he has, I believe it now, because he has the access. He's going to tear that thing down. We want that tore down. My wife wants a coffee shop and a grocery store. So this is what we want. We want our city to grow and be occupied and be safe. So it seems to me like this is what we want and we should try to finish this deal, and this seems really reasonable to me.

MR. SHANKER: Five years seems reasonable?

MR. WEBER: Yes, and the reason why is because I think it's really going to happen because he's got the access. You know, to me I've just got to say after 18 years of nothing and then he improves the property where it really matters and he has access now, it seems like a reasonable, and I may regret it because we may be back here in five years and then I'm mad again like the last time. But we finally made progress here. And I just think from my perspective from nothing for 18 years and now we're progressing with the safety issue, specifically the laser tag was the big concern, these dark areas, it seems like that we're on the downhill slide. I mean, and I know we can discuss or whatever, but I'd make a motion to accept this with five

years and then after five years either it has to be raised or be done once and for all. I think a firewall is less than subtle, Brian. That's a huge difference. There's a reason why they're not there. That's not tenable in cost. You know that. And that's why it hasn't been done. So the building needs to be raised or fixed, and I don't think it's unreasonable after 18 years to say well, he improved it this amount and in five years we really mean it, we're not going to accept it. I think it's going to happen because of this access. I mean I would if I bought it, I'd want to make money on the property. And so I would make a motion to approve this with the caveat that the occupancy does not change from where it currently is. This is really from Brad's comment.

MR. PAGE: I'd second the motion.

MR. CONNELL: So we have a motion and a second from Mr. Page.

Discussion?

MR. PAGE: Again, this corner has been somewhat depressed for a lot of years and hasn't looked very good. It's an important corner in our city. And I think what he's trying to do there is a very positive thing. I've said this at the last meeting too that we had about this. And I think these things do take time. And obviously from this letter that he's got from the city manager's office, they're on board with what he's trying to do. I don't think we should stall him.

MR. CONNELL: Mr. Simon.

MR. SIMON: I just wanted to clarify one thing because the 18 years sounds funny and everything, but the first variance was granted in 2010, June of 2010.

MR. WEBER: Eight years.

MR. SIMON: Yeah. I just think it's important for the record.

MR. CONNELL: Mr. Shanker.

MR. SHANKER: I can't accept a five-year variance. So for whatever that's worth.

MR. PAGE: I thought it had been way longer than that because I remember we were at the armory over there when those guys first came to us. By the way, I've been on this for probably 28 years, but we were over at the armory when those guys come over there. That hasn't been 2010. That just seems odd to me that it hasn't been longer than that.

MR. CONNELL: Mr. Creasy.

MR. CREASY: I think we've kicked the can down long enough. It's always we're going to do it, we're going to do it, we're going to do it. Now, instead of going a year or year and a half

now we're going to bump it out five years. I think the problem has been identified a

long time ago and it's always we're going to do it next time, we're going to do it next time. That's kind of how I feel about it.

MR. SHANKER: I would be in support if everyone wants to give a variance for a little time but not five years. No way.

MR. CONNELL: Mr. Shanker. Mr. Jackson.

MR. JACKSON: I haven't been on it nearly as long as Mr. Page has, but certainly when the Galactic gentlemen were around and one of the things I walked out there based on Rob's invitation, saw the work that had been done. He did what he said. He sprinkled the area that's the problem. He's gotten an easement, which is an amazing opportunity, you know. I mean that's a feat in and of itself. You're making progress, albeit slow. I'm going to put that towards your thing there. I would go with your motion.

MR. CONNELL: Any other comments? Mr. Carlson.

MR. CARLSON: I think it would be a lot more negative if it was the same person coming back time and time again asking for extensions and not doing anything. We have a new owner that is improving the property and is making steps in the right direction. And to grant a two-year extension or three-year extension I think we'd be back in two or three years. I think part of Dave's motion was that it's five years and that's it and it's done.

MR. CONNELL: Mr. Jackson.

MR. JACKSON: But even that five years I'll add is based on what the city is saying that it could take the time to do. So we're working within that. Just advocate for him again. He's been working on this for 18 months and in my opinion has gone further than most anybody has with this in his short amount of time.

MR. CONNELL: I'd like to add again that I cannot vote on this, but I would like to say that I hope that the motion that's on the table that is seconded will incorporate the items that were addressed by the fire department. I don't know if that was clarified well enough.

MR. WEBER: I tried to. I left it pretty high level and said as long as the occupancies remain as they currently are and don't change like Brad said. I don't know if that is specific enough.

MR. FRAZIER: It's good enough for us. We understand what's intended and everyone here.

MR. JACKSON: Was there not an exit concern that you had as well, sir?

MR. FRAZIER: No. Exits be maintained. Exits, all the emergency lighting, the alarms, all that is maintained. The occupancy load is maintained. The use that it's

intended for right now is maintained.

MR. JACKSON: Fair enough.

MR. FRAZIER: They don't turn the bowling alley into a dance hall or put a stage in the gym, that kind of stuff.

MR. CARLSON: Have rock concerts like they used to back in the '70s.

MR. WEBER: Before we vote, to me I see this as a major frustration, but I think that what's really going to be frustrating is if he doesn't tear this thing down within five years and we're back talking about this. He said I should be done in six months. That's what's really going to be ugly, because we're all going to be here and it will be really, really, really ugly and it could very well happen. And the reason why is because it's happened before five times.

MR. JACKSON: That's true.

MR. WEBER: That's the ugly thing is I think in some ways like Rick is saying, we're kind of being foolish but we have a new owner, and the frustrating too thing to me is, I see it from his perspective. He just dropped 65, \$66,000 on something he's going to tear down. He knows that. This thing has been in existence in this occupancy for so long that that's -- so this is really gray and him jumping in here and spending that kind of money to assuage the safety concern at the laser lanes so he can tear this thing down is commendable to me and that's why I'm kind of being the way I am.

MR. CONNELL: Any other comments or questions? Mr. Watson.

MR. WATSON: I guess I just appreciate the fact that you've got a plan, you talked to the city, put together as best you can a realistic timeline. It is five years. And I get what you're saying too, Dave, that we could come back and still need six months to finish it. This is a real plan and there's been real progress.

MR. CONNELL: Mr. Carlson.

MR. CARLSON: If this is turned down, does that mean the bowling alley and the gym is closed and everything else stays open? What's this mean when this is turned down?

MR. CONNELL: A question for city staff.

MR. FRAZIER: We've talked about that. We would have to look at the occupancy permit.

MR. SIMON: And then there's other avenues to appeal as well with Circuit Court. But yes, we would have to act on how the Board sees this, yes.

MR. CONNELL: Hearing no further discussion, I'll call the roll.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr.

Weber, Mr. Young, Mr. Jackson, Mr. Watson, Mr. Tipton, Mr. Trunk, Mr.

Noordsy, Mr. Carlson, Mr. Page. Voting No: Mr. Creasy, Mr. Shanker.

MR. CONNELL: Majority has it. Your appeal is granted.

MR. HILL: Thank you all. Appreciate it.

Motion to accept

Yes: 9 - Carlson, Jackson, Noordsy, Weber, Young, Page, Tipton, Watson and Trunk

No: 2 - Creasy and Shanker

Non-Voting: 1 - Connell

D. Discuss a formal response to the invitation from EEC

MR. CONNELL: All right. We have another item for discussion under New Business. Item D on our agenda is to discuss a formal response to the invitation from the Environment and Energy Commission, and I failed to bring a copy of my e-mail invitation. But back in early May I received an e-mail from Mr. Ken Midkiff who is the Chairman of the Environment and Energy Commission, and he specifically requested that I come to their next meeting, which is tomorrow night, May 22 at 7:00 p.m. and make a presentation on behalf of this Commission explaining, and I'm paraphrasing at this point, explaining our approach to how we interpret and how we adopt the building codes and specifically the energy codes. I immediately contacted a couple of the members of this Commission. I spoke to Mr. Simon who was also referenced in the invitation that he would also be invited, and I will say that it occurs to me that first of all I'm the least likely candidate to show up and explain our process in terms of how we've processed and ultimately made recommendations for adoption of the energy code because that's not my technical expertise. But it occurs to me that this may be an opportunity for us to show up at the meeting, next month's meeting which will be sometime in June, with a contingent from this Commission made up of I would like to see everybody there if possible but certainly those that have a specific interest and even expertise in the energy codes. So I'm throwing it open for a discussion. I don't know how to say any more about the invitation than that. Mr. Weber.

MR. WEBER: We've already adopted it as written. What do we want to make it more restrictive? I mean what's the point? Why are we summoned to have to present something we've already -- we've done all this work and then they adopt it as written as they request. We're done, right? What's going on? Did they give you a clue?

MR. CONNELL: I recited to you exactly. So I don't know how to anticipate

what their thinking is or what their intention is other than that they would like for me specifically to come before them as the chairman of this Commission and make a presentation as to how we operate.

MR. CARLSON: Really. So could we extend an invitation to them to come to our meeting so they can tell us how they operate?

MR. CONNELL: Certainly.

MR. CARLSON: Because that's what we don't understand is how they operate. We try to look at the code as it pertains to life safety and the citizens of Columbia, and they do not participate in it whatsoever. They do not come to any of our meetings, make suggestions or anything. And then they write letters to the City Council that overrides everything that we try to do in the energy code to make it right. And they get recognized and we don't.

MR. CONNELL: Again, I'm speculating at this point. I know there's been a lot of I'll say tension between our respective commissions in the past code cycle.

MR. CARLSON: That was me candy coating too when I said that.

MR. CONNELL: Again, this is my perception, but I believe that there is concern on their part that, A, we're not adopting, we're not recommending adoption of the energy code as published without any exceptions, and you may recall, if I recall correctly, I think on the commercial energy code we did change the word should to shall or shall to should in terms of commissioning; is that correct?

MR. SIMON: That's exactly right.

MR. CONNELL: Softening it up a little bit. In my opinion, I think that was a prudent step where obviously we're promoting that activity on the side, on the energy conservation side but we're not mandating it. I can't even recite any other amendments that we've made other than the fact that do we still not have a -- did we not generate a table for the residential rather than having to go through the empirical data in the code, we actually produced a table that builders can use?

MR. SIMON: We did that but it was rendered unusable by the foam.

MR. PAGE: Foam was the problem.

MR. CARLSON: The 24-inch extension of the foam from ground level straight down uninterrupted changed it all.

MR. SIMON: So in essence we are complying with the full residential code as it's written now.

MR. CONNELL: And the only amendments on the commercial side are what I just stated should instead of shall.

MR. SIMON: The heating systems as a water heating system went from shall to

should.

MR. CARLSON: We're complying with the residential side by a process --

MR. SIMON: Correct.

MR. CARLSON: -- of evaluations.

MR. SIMON: Correct.

MR. SHANKER: Brian --

MR. CONNELL: Mr. Shanker.

MR. SHANKER: -- is your meeting tomorrow night?

MR. CONNELL: No.

MR. SHANKER: When is it?

MR. CONNELL: We're here to discuss how to respond to the invitation.

MR. SHANKER: When do they want to invite you?

MR. CONNELL: I notified Mr. Midkiff that we would not be at tomorrow evening's meeting and that depending on the nature of our discussion this evening and what, if any, action we take on it, we may be at the next meeting which will be sometime in June.

MR. SHANKER: So why don't you just e-mail us and if we want to go we'll go and if we don't we don't. End of story.

MR. PAGE: I'm not sure what they want.

MR. SHANKER: Excuse me. You won't know until you go.

MR. PAGE: Well, they ought to spell it out in a letter so a guy can go and be prepared for something. You don't just walk into a meeting not prepared.

MR. SHANKER: We did tonight.

MR. PAGE: We're not sure what they want. Why can't we ask him to be more specific on what he wants?

MR. CONNELL: Again, do you have that e-mail on your phone?

MR. SIMON: I do not. I looked for it.

MR. SHANKER: John, what Brian said was the process by which we make our decisions.

MR. PAGE: What?

MR. SHANKER: What do you mean what?

MR. PAGE: What decision? Council adopted the energy code in full. So I don't know what we're responding to.

MR. CONNELL: Mr. Creasy.

MR. CREASY: I think they need to send a representative to our meeting and they can see exactly what our process is as opposed to us going and trying to explain

to them. If they want to know how we make our decisions, they're welcome to sit in any meeting.

MR. CONNELL: Yes. I mean we conduct public meetings.

MR. CREASY: We're not hiding. It's not a secret process we're doing. If they want to find out how we make a decision, come to a few meetings when we're discussing it.

MR. CONNELL: I'd also like to say this Commission saw fit to make recommendations to Council to add one additional regular member and one additional alternate two of which represent some expertise in energy conservation. I know from myself I had it in my head that that might actually be a member of the EEC and it turns out that that didn't happen, which is okay. I mean I'm very pleased with the two individuals we have on our Commission. I find it interesting that there was no attempt on the part of the EEC to fill those roles because I think, am I wrong, isn't that what we were kind of looking for?

MR. PAGE: We thought.

MR. CONNELL: The opportunity for them to have input and a presence here?

MR. WEBER: Well, and, you know, my whole thought was is that this a body of compromise with different interests, group interests to supposedly come together and come to some amicable agreement on everything. And it seems to do that really well. We disagree. I disagree with Mr. Shanker with a fervor on a regular basis and then we vote and we move forward. That's how this thing works. But it seems like that their organization has an edict, has accomplished that edict and there's really no discussion or compromise from that group. It's just a group brought together to push forth an agenda and they've achieved that because now we do what's written except for a couple of words, and I would suggest we just change those words the next code cycle and be done with it because it's a waste of our time to go against the Council's wishes by making the group there in the first place. My hope was is if we had representation from that that could be part of the way the process should work, not just pushing an agenda, but I really don't have any care either way. It's just everyone knows what's going on. We have to compromise and they're all singing the same choir which is fine because they were made to do so and they've achieved their goal except for two words apparently.

MR. CONNELL: Mr. Young.

MR. YOUNG: I think the reason because of this is because we did not have an expert that dealt with the Energy and Environment Code per se on this committee. We did not have an expert to give information to the committee before we made a

recommendation to City Council. So that was probably the biggest thing with this code cycle now that we do have somebody that can actually rebuttal with them and maybe have some sort of, I don't know, common ground found at some point or another. I think it's ultimately going to fall on deaf ears. It's pointless if you ask me.

MR. CONNELL: I've had several thoughts about this invitation. One is that I would really like to seize on the opportunity to attend this meeting in numbers with people who would be willing to state the concerns that we're discussing right here right now directly to the Environment and Energy Commission with the opportunity to have some dialogue or debate if that's what it turns into. The other thought that I have is, and I would provoke everybody on this Commission to go back and go to the city website, go to the boards and commissions and read the mission statement for our Commission and read the mission statement for the EEC. And I have a question for Shane and John here in the room. I don't know who wrote those descriptions of the purpose or the mission of the respective commissions. I don't know if that's codified in our ordinance. It would be interesting to know what is the source of that because it's interesting. It's worth everybody taking the time to do that.

MR. WEBER: Could you give me a little synopsis? I mean, you've read it and it's stuck in your brain. What do you mean?

MR. CONNELL: Again, my ability to recite it from memory is horrible, but our, seems like our mission statement is that we review the building codes and, you know, our attention is to life safety, health and welfare and as such we review codes and make recommendations to Council for adoption. It's pretty straight forward. When you read the mission statement for the EEC, I think you touched on it earlier. Their mission is very focused on making Columbia, Missouri a leader in environmental design and energy conservation.

MR. TRUNK: Isn't it tied to the protocol?

MR. CONNELL: I honestly don't know. That isn't stated.

MR. TRUNK: When the mayor set up the Council, he stressed that Columbia was not going to withdraw from that and then this Council comes about in order for us to be in lockstep with that.

MR. CONNELL: I don't know how to answer that. Shane. Mr. Creech.

MR. CREECH: I was just going to say that the Energy and Environment Commission predates that. Most of the time the stuff that you see on the website has been there since the group was made a commission and put into play, whether that was written by I would assume staff or that was written soon after the group was formed.

MR. CONNELL: Okay. Mr. Shanker.

MR. SHANKER: At the risk of being optimistic, I would gladly accept their invitation for whatever reason. Why not. If people don't want to show up, that's fine too. Let's give them the benefit of a doubt. Maybe they don't look at a practical side of things. Maybe they don't look at costs. And maybe we could enlighten them to that.

MR. CONNELL: Mr. Creech.

MR. CREECH: This is totally up to you guys, but it makes sense to propose it as a joint meeting meaning both groups are there and equal numbers.

MR. SHANKER: I don't know about that.

MR. CONNELL: Mr. Page.

MR. PAGE: I think you were at the last meeting. A group of us were invited to the Environment Commission meeting. We went there. We started talking and we were told to shut up, we weren't allowed to talk. We got up and walked out. I think you were there, weren't you?

MR. CREECH: I was there. I was the only one in that back row that was there when you walked out too.

MR. PAGE: They told us we couldn't talk. We don't want to hear it.

MR. CONNELL: I do want to say in my reply to Mr. Midkiff I made the comment that my goal was to try to invite as many of us as were willing to come and his reply was, you know, that's probably okay, and I'm paraphrasing again, however we typically only allow two minutes per speaker, which I find interesting because we don't limit the time that people can come and speak to us which is interesting. So again, I don't want to curtail any further discussion here. Mr. Watson.

MR. WATSON: What do they do in their meeting? They're not hearing appeals. People don't bring them variance requests, right? They're there to --

MR. CONNELL: I think we need to go there to learn what they do.

MR. WATSON: I would be interested in going. I'd be happy to go. But I don't have a good feel for what they're actually doing. Apparently they don't either for us and that's why we're supposed to go and tell them?

MR. CONNELL: I think so. I have a radical thought. It occurred to me. I mean I thought about this invitation for quite a while before I talked to John and before I responded. It occurred to me that it might be worth discussion for us to consider handing off the review of the energy code and any recommendations to Council to the EEC.

MR. WEBER: It's already done anyway.

MR. CONNELL: Now, I know we just brought on two very viable members that are experts or have expertise in energy and environment and energy conservation thus bringing our numbers to 11, but, you know, it seems like from my perspective our focus has always been more on life safety, health and welfare which is tied more to the building code, the fire code, the mechanical plumbing, electrical, et cetera. And it seems like the energy code has been troublesome.

MR. WEBER: And I think the reason why they're here is so we can have expert opinions on variance issues. I don't know in our mission on our list of things we're supposed to do it says anywhere that we're supposed to review and make recommendations to adopted code changes.

MR. SHANKER: Correct. That's not our mission. Our mission is variances.

MR. SIMON: It's also if Council requests to review codes and make recommendations for adoption and amendments.

MR. CONNELL: What's interesting when you read our mission statement on the website, it does state that but it doesn't say anything about the energy code.

MR. PAGE: I would be very opposed to turning anything over to them. They're overstepping their grounds anyway because it talks about in their mission statement energy conservation and buildings. It doesn't say anything, for example, about radon gas. We got that shoved down our throat because of them. I would be opposed to turning anything over to them because you think it's bad now, it will get worse if you turn them loose with it.

MR. CONNELL: Again, this is hearsay. I've not heard this directly from anybody that officially represents their commission, but my understanding is based on people who have gone and who have witnessed their meetings, their interest is not only adopting a code that is as published but more stringent.

MR. CARLSON: I would say that's right.

MR. CONNELL: So I think what I'm hearing is there's a consensus that we should definitely get together with them and exchange ideas and perhaps adopt a procedure for how we work together towards making recommendations to Council for the adoption of codes?

MR. SHANKER: I think what I understand is that we'll accept their invitation period. Leave it there.

MR. CONNELL: That's why we're here talking about it.

MR. SHANKER: I'd like to make a motion that you send out e-mails for the next meeting and we take it from there.

MR. WEBER: I would say this that the problem with us doing what we did

before going in there in a subordinate whatever procedure is that they'll -- what happened before was not a meeting. We had to sit there and then one person talk for two minutes and then --

MR. CARLSON: That was it.

MR. WEBER: -- that was it. So there was no reason for anyone to show up in mass or whatever because there's -- So to me maybe what should happen is you should go and say here's our process, here's our mission, find out if they're willing to have a meeting that we can air any problems or issues because it seems like a waste of time to have that what happened before happen again.

MR. CONNELL: I liked Shane's thought earlier about a joint meeting. I don't know if that's something we want to recommend first or like, as you said, do I go attend and explain what we're interested in? Mr. Shanker.

MR. SHANKER: There's a motion. Is there a second?

MR. CONNELL: Haven't heard one yet.

MR. SHANKER: My motion is that you send out e-mails to us when this next meeting is, go from there.

MR. CONNELL: Is there a second?

MR. TRUNK: If we're going to go as a council and meet with them, we need to go on equal footing. We need to go with our own standing and not as their guest and then we can work things from there.

MR. CARLSON: It's a joint meeting?

MR. CONNELL: That's what you're describing. That's not what the motion is. Mr. Watson.

MR. WATSON: The meetings are public, right? We can all go. Is there a time for public comment or is that not something that is not included in those meetings?

MR. CONNELL: I have to admit I'm not certain.

MR. SHANKER: They would have an agenda like we do.

MR. TRUNK: But if we go as their guest and we follow -- if we go as a joint meeting, then we can establish some playing rules.

MR. WATSON: Yeah, because I'm just not clear on what the invitation really is. If it's to come and have one person talk for two minutes, it sounds like we could show up at any meeting and sit there and listen. So I guess --

MR. CONNELL: Their meetings are public. They're on the 4th Tuesday of every month at 7:00 p.m., I believe. They have a number -- I looked at the agenda online. It looks like they have pretty regular subcommittee meetings as well, but their regular

monthly meeting is Tuesday at 7:00 p.m. after ours. We still have a motion to put out an invitation.

MR. SHANKER: It died. I would like to be notified. I've got a Council meeting I have to go. So you will notify at least me when it is?

MR. CONNELL: We'll motor on here and see what happens. Thank you.

MR. WEBER: I guess I'm confused, Brian, why you can't just go and say what we do and then suggest we have a joint meeting if there's any issues that we need to discuss because when you're stuck in their format, it's a total waste of time. There's no sense in wasting, because you only have a minute anyway. What's the -- I mean I guess maybe the objective is to have to kneel to Zod or whatever, that's a Superman II reference, but I just don't -- I went to the last one and it was not collaborative like this one. I know we have our disagreements, but we always come to some conclusion whether it's on a vote or not. And we all know why that is because there's no one in that group that is a different thinking person. There's no compromise. It's just a group of like thinking people and that's fine. But they won twice in a row now. Isn't that fine? What now? They want you to go so that what? And so maybe you go and say here's our process, let's have a meeting so we can talk about if you have any problem and we can explain why you might have a problem, because I would love to talk with them about anything they want to talk about but the format last time was worthless. It really was bad.

MR. CONNELL: Well, the invitation was extended to Mr. Simon. I'm hoping that you'll be there as well. I know you can't speak for our commission.

MR. SIMON: Right.

MR. CARLSON: But that will not be tomorrow; that will be at their next meeting?

MR. CONNELL: It will be a month from tomorrow, whenever that is.

MR. WATSON: I'll come too. I'm not beat down yet. I haven't gone through this only to get ignored.

MR. CONNELL: What I might do then, with or without an action on the part of this Commission, I'll extend the information to everybody and invite anybody who wants to come and help me explain to the EEC how our process works.

MR. CARLSON: Brian, did we not extend invitations to them through the last two processes that we went through on codes --

MR. CONNELL: No doubt.

MR. CARLSON: -- to ask them to come and discuss the energy code and they did not show up. Did we not invite them? I don't understand. We've invited them to

our meetings to discuss what they're the most about, and they would not even show up and discuss the code in front of us while we're reviewing it. I don't understand that. I think that should be brought up at the meeting.

MR. PAGE: Wait a minute. Ben did come to a few of those meetings, if you'll recall. We had them upstairs. Ben come to a few of those meetings. I don't know if he lost interest or what happened.

MR. CARLSON: That was during the public meeting.

MR. PAGE: He even talked.

MR. CARLSON: Wasn't that during the public meeting?

MR. PAGE: No. It was upstairs when we had some meetings in our code review he came to them.

MR. CARLSON: Last time?

MR. PAGE: No, no, no.

MR. CARLSON: Time before?

MR. PAGE: At least twice, at least two times ago.

MR. SIMON: 2012 codes.

MR. WATSON: Did we make recommendations that were not -- I know the shall versus should. That was in there. That went through. That's the only thing that went through. Were there other recommendations that were specific to other parts that we tried to suggest?

MR. CARLSON: We kicked out the Styrofoam. That got turned down.

MR. WATSON: Because on my side, we deal with the lighting controls, the lighting wattage requirements, the HVAC side. There's some stuff in there. I'm sure you all went through it. For example, the thing that we run into in the office all the time is the code, the IECC does not allow you to use a 5 ton split system. You're over the maximum btu's that are allowed that in an economizer. So you'd have to design everything no greater than a 4 ton. There's ways around that. You can two and two and a half tons and you're at 5 tons. You just take up more space. You are more expensive but you can do it and you're code compliant. There's things in there that don't make sense. In answer to their question as to what we do when we're reviewing the code, to me that's something that there should be an exception. Instead of 54,000 btu's, that should be up to 60,000 without an economizer and then you can use a 5-ton unit. You can use whatever standard residential equipment is available because, like I said, there's ways around it. It's more expensive. It's less convenient, but you can still do it. So I don't see where that's beneficial. I doubt that they would see it that way because if it's in the energy code it must be there for a reason. It's

going to save the world. At least that's an example. That's one of many little things that we come across all the time that as designers now what do we do with that because the inspectors aren't going to know. It happens. We'll spec a 54,000 btu furnace which how are you going to get that and then they're going to put in a 60, but do we really design to the letter of the code? Do we try to get that enforced or do we get an exception to it, go the right way through the channels of getting that approved? Maybe that's -- probably get shot down. They wouldn't like it. That's an example of where it's something, like you said John, I'd hate to hand it over and not even try, not even raise that question because I feel like this is my only real course to make my case.

MR. WEBER: J.P., you're exactly right. What we did for two code cycles is we ad nauseam went through the code like we normally do and we made compromises from step to step to step through those codes like we always do and presented it and then we're subverted. And after you get whacked twice, I'm glad you're here because it's good to kind of keep that old college try back in. When you get beat down, you're right, you're absolutely right and I agree, and what we would do is we would haggle it out and work it out, but there is none of that from there. We should do it.

MR. CARLSON: For two years in a row we've recommended things to the Council and they send a letter and everything they ask for they get and it overrides everything we work for in our committees to look at and hash out every single time word for word. They get it word for word every single time.

MR. PAGE: Some years ago Freddie Malicoat and I ended up at one of their meetings, I'm not sure what the reason was, to talk to them. And I tried to explain to them that the code is not always just about a bunch of experts set in the room figure out that there's a lobbyist involved. If somebody can lobby and get their product as a code compliant product, they can make a lot of money. There's more than just -- it's not just -- so when you see stuff in the code, sometimes stuff don't make sense. It may not be that it was an expert that got it in there. It might be a lobbyist that got it in there. I actually saw a few of those people like they might have understood what I was saying. Maybe they didn't. I don't know.

MR. WEBER: Well, it's a committee just like we are. It's at the national level. They have to haggle -- remember the IOC wall top connection, then it flipped back. They're always haggling for political reasons.

MR. PAGE: Oh, sure.

MR. CONNELL: Okay. Any other discussion? I will put out an invitation to this

Commission. I mean I'll be prepared to go state as best I can and again energy and environment is not my forte but I'll be willing to go and at least try to describe our process. I would welcome all the help I could get.

MR. PAGE: Did Wallace get on the Energy and Environment Commission?

MR. CARLSON: Huh-uh.

MR. PAGE: He did not. Wasn't he going to?

MR. CARLSON: His employee was going to.

MR. PAGE: And that didn't happen?

MR. CARLSON: No, because he didn't live inside the prescribed area that they required. We had two other people try to get on it that was kind of related in the building field but when they handed in their application they were immediately asked, and the only two people that were ever asked this, what qualified you to be on this. That's never asked.

MR. SIMON: We've got an engineer from, doggone it, Eric Lidholm is on that.

MR. CARLSON: From Crockett.

MR. SIMON: And he's a county appointee.

MR. PAGE: That's good he's on it.

MR. SIMON: I would make one point and that was every amendment you guys asked for last time except for the foam was accepted.

MR. CARLSON: And they got the foam passed because they lied to the Council on what it would cost and we couldn't rebut it. They lied to them. They said oh, a couple hundred dollars you can foam your own God damn house. You can't foam 20' of wall for \$200, let alone all the way around your house. They lied to them and they passed it. And now the fact that we're doing this because we couldn't get that kicked out, there's no way we could sit down and figure out what it costs to do a residential house any more the way they're doing it versus the way it was because it's astronomical.

MR. WEBER: So John, what you just said is that it is a good compromising process in fact.

MR. SIMON: I just wanted to point out we did receive every variance we sought except for the foam.

MR. CARLSON: And that's only because they didn't go against us. If they wanted to go against us about something else, if they would have wrote a recommendation about the damn stairs, we wouldn't have got that either.

MR. WEBER: Well, I think, though, the first time we tried to do the easy button and write these prescriptive a way for the city and the builder to have an easy button

and we really did a lot of work. That was nixed. That was two cycles ago.

MR. CARLSON: Last cycle we come up with a prescriptive way of being able to follow that code and that got turned down.

MR. SIMON: Two cycles ago we had prescriptive methods that everybody used.

MR. CARLSON: And it worked.

MR. WEBER: The last cycle we didn't do all that and we tried to go through and cherry pick specific.

MR. SIMON: We did it again, but they didn't buy off on the foam.

MR. CARLSON: Which kicked everything else out.

MR. SIMON: Which was so cost prohibitive that everybody chose just to use the energy rater because it's less expensive.

MR. CARLSON: Glad you got that cost prohibitive down in writing.

MR. SIMON: I do understand.

MR. CARLSON: I agree.

MR. SIMON: Maybe prohibitive isn't the right word but it is less expensive to have the energy rater.

MR. WATSON: Do they get a chance to review our suggestions after we make them before the Council? Can they look at that and like if we say you don't need foam, they can say yeah, you do, you need foam? Do they actually get a chance to one on one just look at the suggestion and rebut it?

MR. CONNELL: My understanding is they do.

MR. CARLSON: The Council provides that to them.

MR. CONNELL: Our recommendation is public information.

MR. CARLSON: What they're thinking is not public information because we didn't see the letter that went to Council. We didn't see any of that.

MR. PAGE: Are you prepared to make a motion?

MR. CARLSON: Make a motion to what? I'll make a motion that we get out of here.

V. GENERAL COMMENTS BY PUBLIC, MEMBERS AND STAFF

VI. NEXT MEETING DATE - JUNE 25th 2018

VII. ADJOURNMENT

MR. CONNELL: Mr. Carlson, will you make our favorite motion?

MR. CARLSON: Adjournment.

MR. CONNELL: All in favor.

(The meeting adjourned at 6:30 p.m.)

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