

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**JUNE 16, 2008**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, June 16, 2008, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE and NAUSER 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 2, 2008 were approved unanimously by voice vote on a motion by Mr. Janku and a second by Mr. Skala.

**APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA**

Mayor Hindman asked that R137-08 be taken off of the Consent Agenda and added to Old Business. Mr. Sturtz suggested it be placed between B163-08 and B164-08. The agenda, to include moving R137-08 to Old Business and the Consent Agenda, was approved unanimously by voice vote on a motion by Mr. Janku and a second by Mr. Skala.

**SPECIAL ITEMS**

**Randy Boehm, Police Chief – Resolution of Appreciation.**

Mayor Hindman stated it was a great pleasure for him to present a resolution of appreciation to Chief Boehm as he had been with the City for a long time. He noted it was a tough job as the Police Department had the responsibility of public safety while always being criticized for either too much or too little policing activity. He stated he and the Council appreciated what he had done and read and presented the resolution of appreciation to Chief Boehm.

Chief Boehm thanked the Council for the resolution of appreciation and noted he appreciated the support of the Mayor, present and past City Councils, and present and past City Managers. He stated they could not have accomplished what they had without the resources that were given to them. He commented that it had been a pleasure to serve the community and thanked the men and women that were doing the job as officers and support staff for the Police Department as they made his job a lot easier.

Mayor Hindman pointed out Chief Boehm had done a great job as Police Chief and that he was also a nice guy.

**B173-08 Selecting an artist for the Fire Station No. 7 Percent for Art Project; authorizing a Percent for Art agreement with Jane Mudd; appropriating funds.**

The bill was given second reading by the Clerk.

Chris Stevens, 1008 Sunset Drive, stated he was the Chair of the Standing Committee on Public Art and a member of the Cultural Affairs Commission and was representing the

Cultural Affairs Commission. He explained any recommendations made by the Standing Committee on Public Art were passed on to the Cultural Affairs Commission and, if approved, were then passed on to the City Council. He noted Fire Station No. 7 was designated for a Percent for Art project by the Council in June, 2007 and would be the ninth Percent for Art project for the City. The general approach was to first pick an artist and not a specific work of art. This was done in hopes of the artist being able to be integrated into the project and the community in order to make it a very site specific and community specific project. Once the artist was selected, the design phase went through the Standing Committee, the Commission and Council for final approval. The search for this particular artist began with the Standing Committee on Public Art, who decided to limit the search to artists in Boone County and contiguous counties. In January, the Office of Cultural Affairs posted the prospectus project on the City's web site, mailed hard copies to approximately 100 people, publicized the opportunity in the City's Arts Express and through the Missouri Association of Community Arts Agencies and sent out press releases. Eight applications were received by the March 10<sup>th</sup> deadline. The Standing Committee reviewed those and decided to interview four artists for the project on May 6<sup>th</sup> at an open meeting. After deliberation and discussion, they chose Jane Mudd to receive this commission. He noted Ms. Mudd lived in Fulton and was a professor at William Woods University in the Art Department. She also had a studio at Orr Street Studios. She was skilled in two and three dimensional work and had done several public art projects in the Mid-Missouri area. He explained they had expanded the Committee to include two members from the local neighborhood where the fire station would be located and two representatives of the Fire Department. The Committee's recommendation was forwarded to the Cultural Affairs Commission, and at their May 12<sup>th</sup> meeting, they unanimously chose Jane Mudd as the recommended artist for the project. If the Council endorsed Ms. Mudd as the artist, a contract would be drawn up so she could begin the design process. Once she developed designs, they would go to the Standing Committee, the Commission and then on to the Council. He stated he was recommending Jane Mudd as the artist for the Fire Station No. 7 project.

Mr. Sturtz stated Mr. Stevens had made a great point in that it was important to get the artist integrated into the early design so they received the best impact, but the report indicated the construction for the fire station was already underway and this design was not. Mr. Stevens explained they had a lot of discussion regarding that. He agreed it would limit the type of art that would go on the building, but noted Ms. Mudd would still be able to work closely with the fire station. There was a lot of ground for her to cover to come up with something creative while integrating it with the neighborhood and fire station. He reiterated that because of where construction stood, she would be limited in what she could do, but he believed her experience would allow her to integrate a very nice piece of work. Mr. Sturtz understood the general policy was to get ahead of the work. Mr. Stevens replied yes and referred to the new City building as an example where they got in early in the process. He explained this project moved too fast.

B173-08 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

Mayor Hindman noted they had governmental officials from Inner Mongolia studying American government as visitors. They were here under the auspices of the Missouri Asian Affairs Office. He welcomed Robert Ross and the delegation from Inner Mongolia and stated he hoped they enjoyed the meeting.

Mayor Hindman welcomed three boy scouts and their leaders from Troop No. 4 of Trinity Presbyterian Church. They were working on their citizenship in the community and communications merit badges.

### **SCHEDULED PUBLIC COMMENT**

None.

### **PUBLIC HEARINGS**

#### **B141-08 Rezoning property located on the north side of Berrywood Drive, approximately 400 feet east of Portland Street, from R-1 to O-P; approving the Silver Oak Senior Living O-P Development Plan; setting forth conditions for approval.**

The bill was given third reading by the Clerk.

Mr. Watkins explained this was a proposed O-P development plan and the applicant was requesting it be tabled to the next Council meeting.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman continued the public hearing to the July 7, 2008 Council meeting.

Mr. Wade made a motion to table B141-08 to the July 7, 2008 Council meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

#### **B158-08 Approving the Discovery Church O-P Development Plan located on the northwest corner of U.S. Highway 63 and Mexico Gravel Road.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was an O-P development plan located on the northwest corner of U.S. Highway 63 and Mexico Gravel Road in northeast Columbia. The development plan would allow for a three phase expansion of the existing Discovery Church, which presently occupied an old residential structure. The plan met all zoning regulation requirements and the Planning and Zoning Commission recommended approval.

Mayor Hindman opened the public hearing.

Dan Brush, 506 Nichols Street, stated he was the engineer on the project and was available to answers questions.

Mr. Wade noted church parking lots tended to be used for short periods of time and asked if there had been consideration of a permeable surface on the parking lot since it was a low use level, would not be high maintenance and could potentially have a significant impact on stormwater runoff. Mr. Brush replied that when they got into the design phase, they would take a harder look at it. Right now, they met the requirements with the amount of

green space they were maintaining and the wet detention/retention pond. Mr. Wade thought it should be looked at as an option to see if it would work in that location, given the nature of the use of church parking lots.

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

B158-08 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B176-08 Authorizing construction of a picnic area, trails, playground and open space area at Grasslands Park; calling for bids through the purchasing division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize the construction and the calling for bids of a picnic area, trails, a playground and open space area at the Grasslands Park. Staff had worked with the neighborhood and believed the plan before them was a consensus of the neighborhood's desire. The project was included in the FY08 CIP and had a total project budget of \$113,000. Funding would come from the earmarked 2005 parks sales tax. If approved, construction was scheduled to begin late this summer and would be done by outside contractors and City forces. He pointed out this park was donated by the neighborhood, which saved the City a significant amount of money in having a neighborhood park in this area of town.

Mayor Hindman opened the public hearing.

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

B176-08 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**OLD BUSINESS**

**B162-08 Calling for bids relating to construction of the Maguire Boulevard extension project.**

**B163-08 Authorizing the acquisition of easements for construction of the Maguire Boulevard extension project.**

The bills were given second reading by the Clerk.

Mr. Watkins noted a public hearing was held on December 3, 2007 and the Council then directed staff to proceed with final plans. The first piece of legislation would authorize the bidding of the project and the second piece of legislation would allow them to acquire the last easement needed for the project.

Mr. Glascock presented a series of slides on the overhead. He pointed out the alignment of the original project and noted Council had asked staff to go back and look at other variations of the project. He explained Council also asked them to look at an extension off of Maguire as an alternate. With that alignment, they also looked at the portion from Maguire to Warren Road, which connected to New Haven and was part of the project. Staff was asking for authorization to acquire easements and bid the project. He showed the area of the only easement acquisition left to obtain. He pointed out they had narrowed the roadway and showed the cut and fill areas along with the areas they were proposing for

retaining walls. He noted Council had asked staff to bring back something with less of an impact than the standard template. He showed a pictorial of what the retaining walls and fill limits could look like. He stated there would be rock cuts in the area, which allowed them to narrow the roadway quite a bit. He showed the typical from the south bridge and the area between the bridges. He pointed out the column lines were outside the stream area and the ordinary high water mark. It allowed for the trail as well. He showed a picture of what the bridges would look like with the MSC walls and commented that they took less space, so they would not have the fill or disturbed area they would have had with a regular bridge design. He showed a picture of a low water crossing and noted they had an area between two streams, so they had to cross the stream in order to get to the middle area. They were proposing the use of what was shown in the picture so it would not disturb the sediment in the stream, which caused cloudiness, and would help armor the stream.

Ms. Hoppe asked if the armoring of the stream was mainly for construction purposes. Mr. Glascock replied yes. He explained the Corps sometimes allowed them to put pipes and gravel in the stream, which were removed when done. They felt armoring it would keep all of the sediment out and cause it to be more natural.

Harold Wilson, 4 Lavinia Court, stated he lived on the south side of New Haven Road and noted he would not repeat what was stated in the letter Council received when they had the March 17<sup>th</sup> hearing in regard to the agreement with Little Dixie. He explained he had no problem with how they got to Stadium or north of Lemone. He stated they needed relief and did not care which route was chosen. He pointed out the problem was that any consideration of Maguire to New Haven would provide zero impact in reducing the problem at Lemone and New Haven. Anything that came out of Little Dixie and hit New Haven had to go back to the same intersection. All that would do was complicate traffic in front of New Haven Elementary School, the health care center and the child care center on New Haven.

Uel Blank, 5 Lemmon Drive of the Lenoir area, stated he was the President of the Association they had just formed in order to communicate better with the City. He explained in the last few days he had a lot of communication with various people expressing their need to get onto New Haven Road. He asked the Council to try to turn left on New Haven from Lenoir at 5:00 p.m. if they did not think it was a problem because it was difficult. He noted at times he had to turn right and turn around to get to the intersection due to not being able to make a left. As indicated by Mr. Wilson, who was their official spokesperson, the Warren Road entrance from Lemone would not help them. He thought it would hurt them. He understood there were ecological considerations and explained they were in the process of discussing the 13-15 acres of woods at Lenoir Woods because they felt they should be able to enjoy nature on nature's terms. They were aware of the need for nature, but also wanted to impress upon the Council their need to have access to New Haven Road.

Ms. Hoppe understood he had concerns about Warren Road and an access from the north and asked for further explanation. Mr. Blank replied they strongly supported the opening of access of the Lemone Industrial area to the north, but felt adding the east access out of that onto Warren Road would introduce traffic from the east side and make it more difficult to get out of Lenoir and onto New Haven Road.

Mr. Skala commented that they had received a report from staff, which included an analysis of the necessity to improve the overpass across Highway 63 within the next ten years and an improvement to New Haven Road of four lanes with a turning lane. In addition, the Warren access to New Haven was discussed in terms of signalization. He pointed out this was not on the table as the estimate was about \$2 million to improve that section of New Haven, but wondered if it would help the situation at Lenoir if New Haven Road was improved and the areas were signalized. Mr. Blank asked for clarification on what the improvement would be. Mr. Skala replied the overpass on 63 being widened and New Haven Road being widened to four lanes with a turning lane in between. Mr. Blank explained the difficulty was that they had to make a left turn and traffic poured in during shift changes. He stated he would have to defer to traffic engineers as to whether that would improve the situation.

Ms. Hoppe understood he entered New Haven Road on the west side of Lenoir. Mr. Blank replied yes. Ms. Hoppe asked if it would greatly help the situation for the exit to be on the right side, by Warren Road, with a light. Mr. Blank replied they had a small access there now, which was used many times. He pointed out people in the trailer court to the south of Lenoir went onto Lenoir property so they did not have to go up Lenoir Street.

Mr. Sturtz understood it was impossible to make the left hand turn during shift changes and asked if he could describe how long each of those time periods were. Mr. Blank replied it was not impossible. It was just not easy. Mr. Sturtz asked how long that period lasted. Mr. Blank replied it varied and explained that depending on traffic, it could be a couple of hours in the morning and afternoon.

Mr. Wade stated he spent a lot of time at the Lenoir Health Center on New Haven and noted Lenoir Road was the access road along 63 and the main entrance of Lenoir Woods for the residential area as opposed to the health center. There were two other exits on New Haven, which were the driveway exits that came into the nursing home/health care center and were farther east. Those were the points where one could get onto New Haven. Warren Road dead-ended on New Haven coming from the north, so he did not believe that was an option now. Mr. Blank noted people from the south crossed Lenoir to get to the access road by the nursing center.

Nick Boren stated he was Chief Operations Officer of Columbia Public Schools at 1818 West Worley and noted with him was Cindy Giovanini, the Principal of New Haven Elementary. On behalf of Columbia Public Schools, he wanted to express their support of the project that extended Lemone Industrial Boulevard to the new Stadium Boulevard extension. The plan to extend Maguire Boulevard would impact New Haven Elementary School due to its close proximity to the industrial park. New Haven Elementary housed 305 students, which included approximately 275 families and the majority of those families transported their children to school and picked them up each afternoon. He believed the extension to Stadium would alleviate traffic on the New Haven Road/Grindstone overpass. He pointed out New Haven Elementary experienced tremendous traffic congestion on New Haven Road between 3:30-3:50 p.m. each day during student dismissal time. The extension, in their opinion, would provide more than one access and tremendous relief to the congestion in that area. He noted a proposed a connector street from Maguire Boulevard back east to Warren Drive could potentially create traffic concerns for New Haven Elementary if traffic increased during

dismissal time, which started at 3:45 p.m. For the most part buses and parents were clear of the area by 4:05 p.m. He commented that First Student leased a lot off of Lemone Industrial Boulevard and approximately 50 buses traveled that area twice a day, so congestion for the buses was considerable. He stated they supported the proposed project that would extend Lemone Industrial Boulevard to the Stadium Boulevard extension.

Mr. Skala understood at some point down the road, it was the School District's intention to move the school should the Concorde Industrial Park expand and this area become increasingly industrialized and asked if that was true. Mr. Boren replied there were no current plans on the table to relocate New Haven Elementary School.

Ken Pearson, Boone County Presiding Commissioner, stated he was representing the Boone County Commission and their support for the project. He thought the Council had received their letter and commented that they believed this was an important project. With regard to safety, in terms of traffic on New Haven Road, it provided another access to another part of the transportation system on the north side. It would encourage infill development in the area. They also thought it was something that would help when they worked together on other projects, such as Stadium East.

Jim Loveless, 2404 Topaz, stated he was in favor of the proposal. He believed that in other venues and at other times, this Council had considered how to attract and hold employers and those furnishing good jobs in the community. Columbia needed jobs and the jobs in this employment area. This employment area could be expanded, but its expansion required additional access. Improved access meant access to the north and not another New Haven access. He appreciated the Council and staff's diligence in pursuing an access to the north which was the least ecologically damaging. He understood a project of this scope would have at least some temporary ecological damage to the stream bed, which was unfortunate but probably unavoidable. In his opinion, the northern outlet was imperative in protecting the integrity of New Haven Road. He thought Council was aware of the traffic projections for New Haven Road that approached logarithmic numbers as they looked down the years due to the already platted and ready to go residential development to the east of New Haven. He noted the other side of 63 was an arterial or expressway classification already and anticipated a time when New Haven to the east would be an arterial roadway as well. The relief provided by the northern outlet of the employment area was essential to New Haven's future integrity. He stated he believed this project deserved the Council's support.

Phebe LaMar, 111 S. Ninth Street, stated she was present on behalf of a number of businesses and employees who worked in the area of the Concorde Industrial Plaza. She explained Bob LeMone first started working on this plan in 1980. It was almost 30 years later now. It started out as an extension of Lemone and became an extension of Maguire within the last few months. No one in the area had an objection to that. They were in favor of anything that would provide them a northward exit out of the Park. She provided some pictures of Lemone Industrial taken that afternoon as people were trying to leave. She noted the Park was beyond maxed out in its infrastructure. It could not handle the employees it had in the area, which were about 2,000 and could not handle anymore. She commented that there was an existing contract for AmerenUE to purchase property in this area contingent upon the passage of the extension of Maguire. That project would bring a number of jobs to

the area and increase sales tax revenue since it was a training facility for all gas employees of AmerenUE in the Missouri area. Last year, \$674,000 in property taxes came from properties located within the Concorde Industrial Plaza. She thought they needed to see an increase. She commented that they wanted economic development, the jobs they had to continue to be there and for new jobs to come into the area. She noted the Park had additional space that could be utilized. She referred to the handout she provided and stated the first two pictures were taken from the intersection of Lemone and New Haven Road. The pictures on the second page were taken from about quarter of a mile down the road, almost to the Maguire and Lemone intersection. She noted it took about fifteen minutes for people in that traffic to travel the quarter of a mile. She commented that this was a safety concern. There was only one way out of the Park and there had been a couple of events in the last couple years that had made people wonder what would happen if there was a hazardous waste spill. There were also concerns about a fire during rush hour. They did not know what the response time would be and thought they would have difficulty getting there to contain it. She asked the people in the audience that supported the project to stand and about 30 people stood.

Mr. Sturtz stated earlier this morning there was traffic light work happening at the intersection of New Haven and 63 and asked if that was happening at the time the photos were taken. Ms. LaMar replied the photos were taken between 4:00-4:30 p.m. Mr. Sturtz asked if there was work by crews on traffic lights. Ms. LaMar replied it was normal traffic.

Jay Burchfield, 302 Campus View, stated he had worked with directly with Mr. LeMone for the past five years and was responsible for ten properties in the Lemone Industrial Park. They currently had almost 200,000 vacant square feet and another 200,000 square feet of underutilized space. When speaking of underutilized space, he meant tenancies that were month to month, had a year lease, were below market rate or businesses that were not going to grow as much as others. They were businesses that were very transient. Space that was formerly occupied by Anheuser-Busch and Tri-Con Industries were vacant. They were paying real estate taxes paid 8-10 years ago because assessments could not be raised. He thought the value had actually gone down. He understood they were looking for shovel ready sites and noted they had buildings. They had almost 34 acres of vacant land that had very minor infrastructure needs in order to get it up to income producing, taxpaying, and job creating sites. He commented that AmerenUE was an example. They could go anywhere in the State for a training facility, but had chosen Columbia. They did an extensive site search and had chosen a site that was appropriately zoned with compatible uses around it, but could not do it if the only way in and out was through the intersection shown in the pictures. He noted it was tough to show property when they could not get tenants in to see it. If there was a shift change when they were trying to get in or out, the deal was dead.

Carol Van Gorp, 2309 I-70 Drive NW, stated she was CEO of the Columbia Board of Realtors and passed around a petition that was signed by approximately 554 people. She thought they received a summary in the packet last week. She explained most of the people in the petition cited traffic, safety concerns and the efficacy of sitting in traffic burning gas. In addition, there were a lot of invitations for the Council to come out around 5:00 p.m. to see the traffic. She read one of the comments, which stated "A couple of years back, there was a

serious weather warning. The sirens were going off and everyone was trying to leave the area at one time. I could not get off of Lemone to pick up my child from school, who was terrified. It took me 45 minutes to get from Maguire to the Lemone/AC stop sign. This shouldn't happen. No one should fear for their child's safety because there is only one way to get out." She read another comment, which stated "I have worked for Wainwright Industries on Lemone for the past four years and have been concerned about the traffic flow and the safety of my employees in case of a natural disaster, fire, chemical spill, etc. There is only one way out and I have sat for up to one hour waiting for traffic to clear out. I cannot image that this industrial park will draw additional businesses until a new access is provided. Not only the future of this industrial park, but the future of Columbia to draw new employers and additional businesses that provide good paying jobs depends on a positive vote on this issue. Thank you." She stated the comments went on and on, but she would save them the time of reading them.

Chris Knudsen stated he was the Director of Infrastructure Services at CARFAX and noted they were in the Maguire area. He pointed out most of the Council heard him speak for this project in December. He noted he would discuss traffic on 63 in the morning. Last Tuesday, at 7:55 a.m., he was a little late and was driving a little fast. Traffic had already backed up and he had to quickly go from 65 mph to 20 mph from the Stadium entrance just to get onto the AC exit. He wondered what would happen when Discovery Ridge was developed because there would be new traffic coming from the north on 63. He wondered what they would do if 63 was a parking lot. He noted he was fearful for his life due to truckers coming at them quickly. He pointed out a co-worker, when late, would shift his schedule for 45 minutes so he did not have to get on the 63 exit to get onto Lemone. He explained there were several truckers at this location with FedEx, ABC, the buses, the U.S. Post Office, Gates, Dana and the belting company that provided items to Gates. If 2-3 truckers were backed up, one would sit on 63 waiting for someone to come up from behind. He noted CARFAX was bound to expand as they had been expanding in the last many years they were in business in Columbia. They had 130 people now with plans to expand. At some point, they had to ask if it was worth worrying about employees and attracting new technology people into the area when they had to wait 45 minutes to get out. He pointed out they scheduled interviews in the morning so people would not see how bad Columbia traffic could be. On Tuesday on KFRU, someone mentioned a bus route. He thought if there was good access in and out of the area, a lot of people would use the bus due to OATS, Lenoir, the trailers, Dana and the University.

Mr. Sturtz commented that even if this was approved, they would still be looking at quite a while before there was relief to the north and asked if CARFAX had looked seriously at promoting flex-time among employees. Mr. Knudsen replied they more or less already had flex-time. People arrived at 7:00, 8:00 and 9:00 a.m. and left at 4:30, 5:30 and 6:30 p.m. They could not totally have flex-time because they had to develop code, deal with the web sites, etc. They also could not do swing shifts because they needed everyone there on board. He understood Dana had flex-time and multiple shifts. He commented that about two months ago, there was an accident at that interchange with traffic backed up on Nifong to Rock Bridge. He stated people needed the extra access out of that area.

Dave Griggs, 6420 Highway WW, stated he was speaking on behalf of Regional Economic Development Incorporated (REDI) and noted he had sent the Council a packet of information compiled on the site. In that material, they could see there were approximately 2,000 people employed in the area. They were good quality, fully-benefited jobs that paid a good wage. In addition, these employees spent a vast majority of their income in the City of Columbia further benefiting revenues. The taxing entities in this community received \$2 million annually in real estate and personal property taxes at a minimum. He understood at the Council retreat, the Council discussed the possibility of investing several million dollars in order to acquire potential industrial property. He applauded their efforts and pledged to support that initiative. He noted there was a fair amount of vacant space and vacant real estate in Concorde Industrial Park. The zoning and infrastructure were in place. The public dollars that built that infrastructure were spent 20-30 years ago. He saw the Maguire extension project as a significant stimulus in causing development of these existing shovel-ready industrial sites. He felt this would be a great example of infill development benefiting the entire community and thought it was a perfect example of what Council discussed and supported at the Council retreat. He noted they had heard about AmerenUE's new facility that would be a state-wide training center for those involved in gas operations, but asked them not to forget Dana Corporation, another major employer that invested millions of dollars in expanding their facility based on the commitment by the City a couple of years ago to provide additional access to the area. Economic development issues aside, there were a number of unaddressed public safety issues. He understood they were aware of a recent fire at Gates Rubber and how the situation literally trapped hundreds of folks at neighboring facilities. He commented that the community deserved better than several thousand vehicles trying to go through a single point of access to work or to do business with a supplier. He urged the Council's support of this initiative. He stated the decision was the Council's and the time was now as thousands of Columbia citizens were depending upon them to resolve these long standing concerns. On behalf of them and the community, he asked the Council to support the initiative.

Annie Pope, 204 Peachway, stated she was representing the Home Builders Association and noted several people had already spoken very eloquently about the public safety needs, economic development needs and increasing the infrastructure in the area. She commented that because of the potential creation of jobs in the community, the Home Builders Association supported the proposal.

Hank Ottinger, 511 Westwood, stated this seemed like a train that had already left the station, but hoped that was not the case. When he spoke in December, he asked everyone to consider the environmental consequences of the project and was happy to see the designs staff showed that seemed to mitigate as much as one could when building bridges. He hoped, in the construction and post-construction phases, the environmental impacts were minimized as much as possible. It was a beautiful area with habitat and he hoped they could preserve as much as possible. He commented that everyone speaking indicated this would be a relief valve of sorts for the Lemone Park, but wondered to what extent people or traffic engineers had looked at the southbound traffic that would occur. If they built a road and expanded it to "x" many lanes, the minute the road was opened with the expanded lanes, he

expected it would be full of traffic again. This was currently a two lane road. If he worked or lived off of New Haven and wanted to dodge the AC intersection at the off ramp, he would take a short cut by hopping on the new road. He wondered if a traffic flow study had been done on that possibility. He suspected it had not and also suspected that the road would be full both ways throughout the day. He believed there were other possibilities out there and thought they were aware of them or would be made aware of them during their discussion. The whole intersection was a terrible mess and he believed AC needed to be widened. He stated the issue was not just that one road. He thought it concerned a lot of other options that needed to be explored. He asked the Council to table this item and pursue it more thoroughly by looking at other options.

Kee Groshong, 201 West Boulevard South, stated he had been employed at the University of Missouri as Vice Chancellor of Administrative Services for many years and during that time, he was involved with the purchase and operation of several facilities the University owned in this development. He believed the University was concerned about the safety of employees coming to work and leaving, which had been addressed fairly adequately. There was also traffic coming and going throughout the day. This project would improve the amount of time it took to go to and from campus. This was a two point problem for the University. First, it was an economic issue because this would greatly shorten the amount of time it took to get to campus and back. Secondly, it was a safety issue because University employees had to go out on Highway 63 for a short distance and get off the highway. The University had slightly less than 700 employees and this would greatly assist their employees in doing their daily work and with the safety of coming and going. He pointed out the University was on record in support of this project. He thought Mayor Hindman and Mr. Watkins had received a letter signed by Gary Forsee, President of the University, Brady Deaton, Chancellor of the University, and Jim Ross, Executive Officer of the University of Missouri Health Care. He hoped the Council would support this project.

Tina Bernskoetter, 300 South Providence Road, stated she was representing the Columbia Chamber of Commerce and noted this project was vital to the successful, managed growth of the community. With its approval, the Council would be showcasing support of economic development by investing in transportation needs and the safety of the workforce in this area. Concorde Industrial Park had long been a tool for attracting and retaining businesses in Columbia. Its location was excellent and the Maguire extension access would only compliment it. This project was specifically identified in 2005 on a ballot approved by voters as a priority. Tonight was the Council's opportunity to fulfill the wishes of those voters, and to improve the safety of the employees and daily visitors of this area. She understood a traffic analysis had been done, which showed exits other than north of Maguire did not alleviate the congestion of traffic as much as the access north did. She commented that this project positively impacted the entire area, which was comprised of major industrial businesses, small businesses, schools and residential facilities. In addition, it fell into the Metro 2020 plan. She asked Council to be mindful of the letters, e-mails, calls and visitors present tonight asking for support. She stated this project was the Council's chance to make a big difference in addressing their concerns and noted the Chamber thanked them for their support.

Dee Dokken, 804 Again, noted comments were made indicating this was an excellent location with infrastructure in place. She felt it was obviously not an excellent location as it needed millions of dollars worth of infrastructure for it to be safe. She thought there were other places AmerenUE or any of these companies could go. They were acting as if they could not be Columbia if they were not at this site. She believed this was a poor choice for a site because of the problems and felt it was irresponsible to promote business there when it was not safe. She understood the fix was to spend millions of public dollars. She wondered if keeping the Industrial Park prospering was the best way to spend that money. She also felt if this allowed them to grow more, they would bottleneck again. It seemed reasonable to her to do the less expensive things first, such as working on AC, the intersection and the signalized light for Lenoir. Instead of focusing on one solution, she thought they should be trying to find the best solution. She noted she recently received a report indicating the Hinkson was still very impaired, but one of its tributaries, the Grindstone, was still in good condition. She thought this would affect it and felt they would be telling people they had shovel ready streams in town. She believed they would be saying a stream and millions of public dollars was not a hindrance in continuing with a project.

Bob Gerding, 101 South Fifth Street, pointed out they were talking about something that had been on the table for a long time. With regard to comments indicating there were other sites, he wanted to know what those sites were. He noted he was the Chair of the Missouri CORE Partnership and they were about to impart on a plan to encompass economic development within a 12 county region, including Columbia and Boone County. He commented that they asked their new Executive Director, Mike Downing, to inventory the assets in the region because if they wanted him to do his job, he needed places to go and to know what was available and ready to go. He stated he thought the Council had done a good job of elevating the conversation regarding shovel ready sites and was appreciative, but felt it was time to get on with this. He noted infill development was great and he was in support of it. He stated the Missouri CORE Partnership supported this endeavor and would do what they could to further economic development in Columbia.

Marion Mace Dickerson, 3651 S. Ben Williams Road, noted Ben Williams Road was off of New Haven Road, so she was impacted by the traffic situation being discussed. She commented that she felt they would have had more people opposing this had they known about this meeting in time. She and others had only found out about it yesterday evening. She stated that was a problem and hoped the Council would address the issue of why the development community was always knowledgeable with regard to what was going on and the rest of them were rushing to catch up at the last minute. She noted she was the Membership Chair of the Sierra Club and was also speaking for Ken Midkiff, the Conservation Chair. She understood Council had received the position of the Sierra Club, which was to add a right lane to U.S. 63 between New Haven and Stadium in order to negate the need for bridges over the north and south forks of the Grindstone Creek. As a neighbor, she could not agree more with what people had said about the safety issues and congestion in this area because she had experienced it first hand, but as long as she could remember there was also discussion regarding whether to build the bridge. Until recently, there had not been much discussion about other options of what else would work. Some were discussed,

such as re-doing the AC intersection, having a different exit for Lenoir, providing a signal, constructing an extra lane along 63, etc. She felt this was an important process and that they needed to look at it carefully. She thought they needed to look at all of the issues and conduct a cost-benefit analysis, traffic studies, etc. She wanted them to take a careful look before blasting away a very environmentally sensitive area on something that would cost millions. She commented that this was a process issue and hoped the Council would take it into consideration. If they had to table it in the short haul, she did not think it would make much difference in the long haul, if they came up with a good decision. She urged the Council to remember what happened with the high school location. When people pulled back to study it more carefully while looking at options, they came up with a much better solution.

David Davis, 2409 Wild Oak Court, stated he was very familiar with the situation and had seen traffic backed up all of the way to Bearfield in the morning hours from people trying to get into this area. He read R276-05, which was introduced by Mayor Hindman and adopted a list of transportation, public safety and parks projects to be funded by taxes authorized at the November, 2005 election as set forth in Exhibit A, which was attached and made a part of the resolution. It was signed on December 5, 2005 with Mayor Hindman's signature. He understood that once they received the approval of the citizens of the community to extend taxes for these projects, they decided to do them. Now, some were saying it could not be done for this or that reason and it needed to be tabled. He noted it had been approved. The design work was done in 2006 and was slated for next year. He thought it would be a travesty for the Council to not approve this bill this evening as he believed there would be grave consequences seen in the City. He thanked the Council for their time and felt the resolution spoke for itself.

Mr. Skala asked if he had voted in 2005. Mr. Davis replied yes. Mr. Skala asked if when he voted if he saw any of the 18 street projects on the ballot. Mr. Davis replied it was represented and the impression was given to the public that Lemone Boulevard, now referred to as Maguire, was going to be one of the projects. He thought that was why so many people were in favor of it. Transportation, parks and public safety were presented to the public and as a public member, he voted for it because he felt those were good things to spend money on. He thought there was almost \$80 million in the tax improvement fund that was coming forth. He felt to do anything less now would build a great deal of distrust in the community because the impression was the bridge would be built. He believed it was now time to do it. Mr. Skala understood he agreed none of the 18 street projects were on the ballot when he voted. Mr. Davis stated it was in communication by Council or the media that these projects would be included for this purpose. Mr. Skala asked if the actual street projects were on the ballot. Mr. Davis replied no, but noted the resolution referenced Addendum A, which had Lemone Boulevard on it.

Larry Schuster, 3109 Hill Haven Lane, commented that one of the problems with the traffic system was that they had two major highways, Interstate 70 and Highway 63, causing the City to be in quadrants. They did not have a complete and thorough side street system that went north to south and east to west. He noted this was an important part of that segment. He pointed out they never went into large projects, such as Lemone Industrial, with the thought they could do everything up front. They understood it would have to be done in

phases and steps. This was a step that was well timed and ripe to do. There was no need when the project started almost 30 years ago because the congestion was not there. It was vacant ground with one building being developed at a time. It had since grown and the bridge was now important. He felt it was a life safety issue. He did not believe dumping more traffic on New Haven was right. They did not allow people to build homes or offices without multiple escapes and accesses to the area. They forced a street through the Highlands to Old Plank because it was too long of a cul-de-sac and another access was needed, so there was precedent. With regard to Mr. Skala's contention of this not being on the ballot, he was correct. It was not supposed to be on the ballot because it tied the hands of the Council. Legal staff recommended it not be put on the ballot. As a former Council member, they had never reneged on their word as to the projects they would build. They knew they wanted to build this project. There were three items on the ballot issue in November. They passed the development fee increase and the extension of the capitol improvement sales tax, but did not pass an increase in that tax. They then decided what they would do with the money they had because it was time to prioritize projects. The resolution Mr. Davis referred to was a prioritization of what was important and what needed to be done now. He asked them to be honest, forthright and to recognize the work of Council's before them.

Mr. Skala agreed it was important to uphold promises. He explained the result of the 2005 elections, when this had to be reprioritized, was that several road projects had to be dropped that were also made as promises prior to the election. Mr. Schuster stated they were made as promises on the entire package being passed. He felt they needed to follow the resolution Council passed. It was a reprioritization because they could not do them all. These were the ones the community decided were the priorities. He commented that this had been through the public hearing process and everyone knew about it. If the Council could not put life, safety, and the economic vitality of the community as the cornerstone of their job, he did not have an answer.

Larry Dorman, 2504 Oakland Gravel Road, stated he began working on Lemone Industrial Boulevard in 1991. He temporarily moved away when he started working for CARFAX and came back when CARFAX moved out there. He was dismayed to find there was no tangible evidence of anything being done to the infrastructure. In that time, the situation went from annoying to dangerous. He noted he was one of those that had time shifted his schedule because he only had to pick up his children from child care one day a week, but even then he had a 30 minute variance with regard to whether he would get there in time. He commented that when Mr. Skala was running for his Council seat, Mr. Skala had visited him at his home. He appreciated that and the fact he was very frank. He noted he had brought up the issue of Maguire at that time and Mr. Skala had made it clear there were projects he wanted done in his own neighborhood. He stated he thought Mr. Skala should consider his constituents' needs more.

Mike Martin, 206 S. Glenwood Avenue, stated this was an incredible showing of support of this process and project. Given that, he thought there was a way to vote for it with a clear conscience, but it involved recognizing what he had read in the Tribune. He understood Mr. Skala was concerned about the way this was sold to the public as a

public/private partnership because it was a public/public partnership with \$5.5 million of City money and \$3.5 million from a TDD. Given the fact the public was footing the bill for this, Mr. Skala had expressed concern about tight budgets, and Mr. Griggs, in his editorial, had reflected the concern Mr. Skala had about tight budgets. He questioned where the concern for tight budgets was coming from and noted it was coming from City Hall. For the last year, they heard there were tight budgets with regard to the police, unions, new initiatives or anything the Council wanted to do. Because everything was tight, Mr. Skala and the Planning and Zoning Commission reflected that in their thinking. He suggested they dispense with some of that rhetoric in the future. He thought they should fund the violent crimes unit needed. They were going to fund the Maguire extension, they funded the new City Hall, they were funding a parking garage, they funded the Crane property, they provided a salary increase for senior level staff, etc. He noted they were all good things, but felt they needed to split the pie more fairly. He thought they needed to increase the Neighborhood Response Team staff, fully fund REDI when they asked for an increase in funding for economic development, fix up the Blind Boone Home, fix the Heibel-March store, fix all of the sewers in the Old Southwest, provide the Human Society more money, remove graffiti from all of the walls downtown, pay the Council and ensure they had offices, etc. He stated they needed to get rid of the mixed messages they were sending to people. If they were saying budgets were tight, people would have issues with the Maguire extension. It sounded like a good project with a lot of good support and if they approved it, he asked them to approve it with that proviso in mind. He thought they needed to loosen up the budget a little bit.

Don Stamper, 2604 North Stadium, stated he was representing the Central Missouri Development Council and noted there was this idea that the TDD was something new with regard to who paid for things. It was always the end user. It did not matter if it was through rent or fees because it always went to the end user. In this circumstance, the LeMone family had committed significant personal resources outside of the scope of tax dollars and the TDD to make this happen. They understood how it worked and would pass that on to end users within the Lemone Industrial Park. He felt this was an opportunity for the Council to back up what they had talked about at the Council retreat and to make a commitment to economical development, jobs and job growth within the community. He noted he had previously served on a public body where they named the roads on a ballot, which was a big mistake. The right-of-way prices went through the ceiling. They learned and submitted a list of options and those options were based upon the ease of the project, priority of the project, safety, economic development, etc. It was a much better format. He felt to say this should not be done because it was not specifically on a list would be a community mistake. It would also set a precedent for the future they would not want to follow. On behalf of the Development Council, he urged the Council for its support of the last couple of steps needed to extend Maguire so they could move on with it.

Paul Love, 100 Sondra Avenue, stated he worked at CARFAX and noted it took him about twice as long to get off of Lemone as it did to get home to Parkade. They knew traffic and safety was bad. They also knew they would probably make more money in tax revenue and jobs if they expanded the road. He understood the big objection was environmental impact and asked if they had considered the fact they had 2,000 cars idling for 45-60 minutes

per day. The cars in accidents because people were impatient or because the roads were bad went into landfills. There was also power needed to rebuild those cars, so they could be replaced. He was concerned that while they were saying it was an environmental issue, they might not be noticing the burning forest for the trees they were saving. He stated he was a green guy, recycled and liked his renewable power. He agreed the stream was a wonderful place, but thought they were working hard to preserve it while not looking at what it was costing them from a global scale to save that little piece of stream.

Mr. Skala asked if there was any cost in not saving the stream. Mr. Love asked if he meant environmental costs in saving the stream. Mr. Skala replied any cost. Mr. Love stated there would obviously be interruptions to the stream and in water quality. He understood with building a road, there was asphalt, tar, trees being cut down, oil running off of the road, etc., but noted they were burning a lot of gas and a lot of oil was dripping onto the road from old cars. There were 50 buses and about 100 heavy trucks that idled for 20-30 minutes getting in and out of there. If there were other alternatives, they might not have to burn so much gas. He understood they might not have done traffic flow studies as wanted or there might be another brilliant idea, but the daily cost for people was high. He noted he idled for 40 minutes per day and went out there five days a week as did 2,000 other people. From a personal standpoint, the expansion would cut down on his drive time and what he spent on gas. As one person, he did not count, but they worked as a collective group. If it was just him, he agreed it would not be worth interrupting the stream, but 2,000 people put out a lot of pollution and burned a lot of energy and he did not think that had been counted.

Mayor Hindman noted discussion about notice and process and thought it would be good to review the procedures. There was also discussion about not having considered other options, so he thought they should explain the options and what had been looked at. Mr. Watkins explained this was the second read of an ordinance. At the previous Council meeting, which was two weeks ago, it was read the first time. Prior to the first read, he talked about this coming up at his press conference. He again discussed it at his press conference last Friday. He understood it had also been covered by many media outlets. He did not know what else they could do to provide additional notice. There was official notice in the newspaper of the agenda on two occasions. In addition, there had been quite a bit of discussion for a number of weeks. He pointed out they had previously had other public hearings with other notices as well, with the last one being in January per his recollection. He noted Mr. Glascock would discuss the options and what had been reviewed by internal and external traffic engineers. Mr. Glascock stated they had Crawford, Bunte, Brammeier review their data to ensure they were looking at it correctly. He explained early discussions were whether they could use Warren Road to go all of the way through to Broadway/Route WW. Using the overhead, he described how Warren Road could have been used on the south side. While it would be offset toward the University, it would require very little of an alignment change. Once they crossed the south fork of the Grindstone, it took a diversion and was a rural one lane road that was overgrown. It was known as Rustic Road and was shown as going down most of the alignment, but as a traffic and transportation engineer, it was unlikely they would go down that alignment because they would want to offset the alignment behind or around the houses so there were no driveways on a major collector. They also looked at

different routes for getting to Stadium. He noted Stadium was projected to go along the north side of the north fork of the Grindstone. They needed to use the interchange to benefit the trucks. Trucks that went out of Lemone to Stadium would stay within an industrial area. If they started using Warren and went north to Rustic, they would get into a residential area. He pointed out they received many comments regarding keeping trucks out of residential areas. He understood some felt a bridge would not be needed on the north fork of the Grindstone. He noted the Corps required a throat area for water to pass through without flooding anything. They would probably also be looking at a trail there and a bridge was more conducive to a trail than a box culvert. He commented that they would also need enhancements to New Haven. If the trucks went up to Broadway, they would need enhancements there as well to get them back to 63.

Mayor Hindman asked for the comparative cost of Warren Road to Maguire. Mr. Glascock replied he thought it was about \$21 million from New Haven to Route WW. Mayor Hindman asked how much Maguire was. Mr. Glascock replied Maguire was about \$8.9 million and did not include a portion which he thought was another \$2.8 million. Mayor Hindman asked if there would be any contribution to the Warren Road option. Mr. Glascock replied they had an agreement for the right-of-way in the Lemone area, but still needed to obtain another piece of right-of-way from another property owner. Mayor Hindman asked if they did the Warren Road option if there would be a contribution from any other source. Mr. Glascock replied he could not speak for the University, but thought they would have to purchase or condemn the property from most of the property owners.

Ms. Nauser understood with the different alternatives, they would have to cross at least once if not twice. Mr. Glascock stated they all had to cross twice. Ms. Nauser understood any option to the north would have to cross the creek. Mr. Glascock stated that was correct.

Mr. Skala understood he was saying the alignment of Stadium followed the north side of the north fork. Mr. Glascock stated the preferred route being recommended did. Mr. Skala did not think that had been set in concrete. Mr. Glascock explained it was being presented to FHWA. Mr. Skala understood if the alignment of Stadium itself required a bridge to cross over the north fork, some north-south connection could cross just one fork, but ultimately the system would have to cross two. Mr. Glascock stated that was correct.

Ms. Hoppe asked if there had been a study to determine how much additional traffic would be thrown on the extension south and north beyond the local area and Concorde once Crosscreek was developed from people using it as a bypass and not getting on Highway 63. She was not aware of any study being done to show what kind of traffic would be drawn to the area. Mr. Glascock replied there was the 740 EIS study, which took into account the road being in place, so it projected some traffic. He noted they did not have true traffic counts, but there were some planning numbers. Right now, there were 3,500 cars per day in the area. Ms. Hoppe stated she had attended all of the meetings related to the EIS and that was a question she specifically asked. They had indicated they had not contemplated that. Mr. Glascock explained the model used for the study had it in there. Ms. Hoppe asked how much traffic would be attracted to that area once Crosscreek was developed. Mr. Glascock replied he could not tell her the count, but the computer model simulated it. Ms. Hoppe stated she

had asked for the information and was told it did not exist. Mr. Glascock explained he did not believe they could provide a count and neither could he. Ms. Hoppe noted that was one of her concerns. She agreed they needed a way out in terms of access and it had to work, so she was concerned about the amount of traffic that would be drawn to the area. Mr. Glascock agreed some people coming from the west on New Haven would go down Warren to Stadium, but noted they would be going through an industrial area. In addition, the pavement would be 36 feet wide if they ever needed to go to three lanes. They would stripe it for two, but the width would be there for three.

Ms. Hoppe understood the alternative Crawford, Bunte, Brammeier discussed in their March 18 letter was to widen New Haven and improve the interchange, which she thought would happen regardless of this project and noted it indicated no comprehensive traffic analysis or study had been done for the alternative. Mr. Glascock stated that was correct in terms of the interchange. He explained MoDOT was struggling for money, so it would have to be a regional benefit for them to spend any money. He thought the City would have to put up a portion of the cost of the interchange.

Ms. Nauser thought from a traffic safety perspective it was safer for people to drive on a local road as opposed to merging on and off of a highway and using it as an access road, so if traffic was diverted to the outer road, people were much safer. Mr. Glascock stated if people were going from New Haven to Stadium and staying on Stadium, they wanted them on the local street versus Highway 63 because of it creating weaving problems on Highway 63. He explained the extra lane along Highway 63 induced another safety problem due to people trying to get off at Stadium and get onto Highway 63.

Mr. Sturtz understood the cost estimate was \$8.9 million plus \$2.8 million and asked if any of those numbers needed to be updated due to being estimated in a prior year. Mr. Glascock replied they would have to be updated because the retaining walls would cost extra money and the final design had not been done. It was included in the next item the Council would discuss involving Affinis. They needed to finalize the design on the retaining walls and bridge abutments since they were narrowing everything. They wanted to ensure those were agreeable before starting the final design. Mr. Sturtz understood the \$11.7 million total did not include the engineering. Mr. Glascock stated it did include the engineering, but there would be additional cost to the numbers they did not anticipate.

Mr. Skala recalled a 2005 document indicating the Lemone extension would cost \$8,938,000. He pointed out those were 2005 numbers and asked if the cost would be significantly more than \$9 million. Mr. Glascock explained that when they bid the Gans Road project, they received a price that was less than the estimate and that estimate was in 2005 dollars as well. Mr. Janku noted Rangleline was another example. Mr. Glascock stated they had received some great bids recently. He noted the market was down now, so there was good competition.

Ms. Hoppe asked if there were funds to extend Stadium now. She understood Stadium would be extended to I-70 per various reports and wanted to know how soon that could happen. Mr. Glascock replied he understood MoDOT had a \$2 million earmark to begin design work, but noted he did not know when that would happen. He assumed it would be phased in over time. He thought the piece from Highway 63 to Route WW might be

Phase 1 and the piece from Route WW to I-70 might be Phase 2. He pointed out it would depend on what happened with the next highway bill. Ms. Hoppe understood they would be throwing traffic onto Highway 63 and sending it north to Stadium for the next 10-20 years. Mr. Glascock commented that they were also sending some traffic to Stadium, so some would not get on Highway 63.

Mr. Skala commented that with regard to the notification process, the people that had advance notice were those that caught the City Manager on television and those that had paid attention to the Introduction and First Reading portion of the agenda to know when this was being scheduled. Therefore, the only real and legitimate way of getting this information was to go to the website or get a copy of the agendas to review when these things were coming down the pipe. Mr. Watkins stated he thought the agenda was published in its entirety in the Tribune, so they would see the agenda in the Tribune as well. Mr. Wade thought there was also an option for people to receive press release e-mails from the City. He understood they could subscribe to different kinds of information services. He thought people might not be aware of these things being available to help keep them up to date.

Mayor Hindman stated he favored this project. He commented that he thought the presentations tonight were excellent and covered most of the issues. He believed this was an example of industrial development on a quality and good planning scale. It had been done by people who took a risk. They decided to put in an industrial park with no government aid, which was a high risk proposition, for the benefit of the community and he thought it had worked quite well. He understood there were 1,900 employees out there, so there were a lot of people whose jobs and livelihood depended on that area. When considering the benefits of this, the number of employees out there and their interest in having quality industrial development, he thought they needed to be concerned about the safety of those employees. In this situation, the evidence showed difficulties in cases of emergencies. At congestion time, if there was a bad accident, fire, etc., this would be a bottleneck that would jeopardize safety. In addition, they had unnecessary congestion out there because they could do a lot to fix it by putting in an entrance to the north. The entrance to north would provide safety and eliminate the unnecessary congestion that affected the 1,900 employees, the people at Lenoir and the people who used AC. He noted they were currently putting a lot of people onto Highway 63, making it a local street. It was a State highway and was not intended to be a local street. He thought they needed to provide a form of relief to Highway 63. He commented that they also heard there were empty sites. He thought the most important thing they could do in connection with industrial development was to keep what they had. He noted they had 1,900 employees and various employers and he believed they needed to provide them with a safe place of as little congestion as possible. He understood they were talking about having other employers go out there and noted they needed to have the entrance on the north in order to fill up those spaces. He stated this was good planning. It would give them the industrial sites they had been looking for and the typography was appropriate for industrial sites. It was also good planning in the sense that these were nearby industrial sites by today's standards. He commented that they had heard evidence indicating that if they did not do this, people would not locate there and buildings would not be property utilized. If they developed more shovel ready sites, those would be further out and that was

not what good planning techniques called for. He understood they wanted employees to work as close to where they lived as they possibly could. Another important thing was to have a good road system. One of the weaknesses of so many road systems was that they tended to put everything on too few roads and this was an example of that. Everyone had to go out onto AC. They either took AC into town or got onto Highway 63 to go north or south. There were too few roads. He understood it was better to have more roads than too few roads. If they put this in and connected it to the system to the south that went to Discovery Ridge, they would begin to develop a north-south road system other than Highway 63. He thought that was good planning. Later on, they would probably need to develop another north-south road further to the east. He reiterated it was better to have more. He pointed out staff had looked at what they could do to make this as environmentally sensitive as possible. He noted he was concerned about the environment and hated to see a road put through a sensitive area. Council had asked staff to look at making an extra investment in the project in order to make it environmentally sensitive. What they had come up with was pretty good. They had done a lot of good things to ensure this had as low of an environmental impact as possible. He stated he was perfectly willing to spend the extra money in order to accomplish that and hoped others felt the same way. One person spoke of the present contribution to climate change that came from automobiles being caught in congestion or having to take a round about way to the site. He noted that if Stadium went through without a north entrance here, the trucks and traffic going to I-70 would have to go south, then east, then north and then possibly east again toward St. Louis. They would be idling a long time. He thought the speaker had done a great job in pointing out this detriment with regard to climate change. He commented that the environmental impact with respect to this project was a two way street and for the reasons he discussed, he would vote in favor of it.

Mr. Skala stated he agreed the safety and traffic problems were paramount and that this was a huge problem area that needed a solution, but noted he did not necessarily think this northern route was the proper solution. He commented that there had been reference to a document a former City Manager signed as a promise to Mr. LeMone that there was to be a northern extension of this road at some point. He did not know whether the document existed or not, but thought it was irrelevant as he did not believe the former City Manager had the authority to make that promise. The City Council had the authority and as far as he knew no such promise had ever been made. With regard to the 2005 ballot issue, he agreed there was an 18 street priority list that was advertised. He understood there were about 14,000 votes in that election and there were two propositions that dealt with infrastructure. Proposition 5 was an eighth of a cent sales tax increase and lost by 61 percent of the vote. It reduced the \$105 million budget for road infrastructure by \$25 million. Proposition 4 was the extension of the quarter of a cent sales tax and won by 127 votes. If it were not for those 127 votes, they would not be talking about this or other projects. He pointed out he was involved in the loss of the \$25 million. He explained it was not because he thought the City should not have the money. He agreed they needed the money for infrastructure. It was because a group of them felt the priorities were not being set properly. Later in November, after the ballot issue had been voted on, the Council met and set priorities in terms of what money they had and what projects merited being advanced. He commented that he recalled having

a conversation with Mr. Dorman when campaigning about not supporting the northern extension of Lemone at that time. He thought they had also talked about a couple of others projects that had been dropped because there was not enough money since the ballot issue failed. In that conversation, he told Mr. Dorman he was very concerned about the traffic problem and would do what he could to try to find a solution to relieve the problem. He stated that had not happened yet as they were still working on it and noted this was one option. He explained two projects were dropped in November, 2005 and those were the Ballenger overpass across I-70 and the St. Charles improvement from Lake of the Woods to Keene Street. The overpass across I-70 had resurfaced and was back on the CIP Plan. At that time, the Lemone project, which was on the CIP plan with a 5-7 year wait, had gone to the top of the priority chart. He noted the former City Manager had a method by which he sent the CIP Plan to the Planning and Zoning Commission for review and that process had disappeared as well. It was, however, reinstated by Mr. Watkins. In the spring of 2006, the Council sent the revised CIP Plan to the Planning and Zoning Commission, which unanimously recommended the Lemone project be dropped from the CIP Plan for four reasons. They thought the project had a high cost relative to distance, it had a relatively narrow distribution of public benefit, there were much higher impact projects, such as the Ballenger overpass across I-70 and the Waco Road extension, and there were extensive negative environmental impacts. After that process, former Councils extended the planning and design on a couple of occasions. When he and Mr. Wade were elected to the Council, efforts were redirected towards the Maguire option. It was a shift from the Lemone option to the Maguire option. It involved a similar configuration for the bridges, but moved access further east and mitigated some of the environmental problems discussed. Subsequently, he requested a couple reports to include increasing the lanes on 63, which was the Sierra Club proposal. It was covered by a traffic study, which suggested it was a very expensive option and probably not viable. Another report requested involved the Warren Road option, which also seemed to be an expensive option at \$21 million if they wanted to connect it to the north, but he was not sure that was where they wanted to go. With regard to the public/private partnership issue, he explained that when this was first discussed, the City's contribution was supposed to be \$5.5 million for the two bridges and the road in between them. A lot of this, he suspected, was driven by Mr. LeMone being able to take advantage of the other commercial interests on the north side. When Highway 63, LLC bought that property, they put themselves in a position to establish a TDD, which was reimbursable money. He did not believe this was presented fairly. He did not mind the comment indicating the end user paid. He minded the comment indicating they were public/private dollars to try to garner citizen support. He felt it was misleading. He recalled discussions indicating Little Dixie, Mr. LeMone's construction company, might be able to get some of their money refunded through the TDD. There was also a suggestion that if the TDD went on long enough, the City could even recover some of its money. He understood Little Dixie had donated easements and \$350,000 in cash to help the project, but noted Mr. LeMone and Little Dixie, as a part owner of the southern tract, negotiated right-of-way at \$6.00 per square foot for about \$525,000. This meant the City would really pay about \$175,000. As a result, 90-95 percent of the most expensive project from the list of 18 on the original 2005 ballot at \$8.9 million was to be

funded with public money. He stated he would not have minded if that was the way it had been presented. Mr. Skala noted he had just returned from an economic development conference in Charleston, South Carolina and that he attended almost all of the economic development activities at the Chamber. He felt this was an abbreviated vision for Concorde Industrial Park. He saw the potential for expansion of the Industrial Park to the east versus north. He did not think they needed a northern extension. The first thing they needed to do was to make improvements to AC and New Haven as suggested in the traffic report. At some point, they would also have to improve the overpass due to the pressure Grindstone had put on it. In terms of safety, nothing was ever said that Mr. LeMone could not put another exit through the property onto Warren Road. He believed it was bad planning, even if starting out small, to wind up with a large industrial park without two entrances and exits. He did not understand why the blame game had settled on this Council. He agreed they needed to tend to safety and traffic problems and suspected another outlet would go a long way in solving that problem. He did not think there was any reason they could not invest some money on Warren Road because he suspected the Concorde Industrial Park would head east. He thought they might need to negotiate to some degree with the University. He stated growth was often guided by infrastructure and noted Mayor Hindman indicated the need for a grid even further east. He wondered why they would then want to settle on something that would be a frontage road when they could make the improvements needed further down the road and support the kind of economic growth the Concorde Industrial Park would see in the future.

Ms. Hoppe agreed there was no doubt this area was a traffic nightmare for the employees, businesses, Lenoir residents and New Haven parents, teachers and students. There was also no doubt a second workable access needed to be found. She commented that what they had seen was the old way in which the City had not planned for growth. They allowed things to happen in a haphazard manner. As indicated by Mr. Schuster, they would not let this type of development happen without a second access now because it would not be well planned. She thought this was a poster child for what would happen without a growth management plan and good planning. It was bad for the businesses in the area and bad for the adjacent property owners and residents. They now had a nightmare situation where they needed to find a solution. Twenty years ago, two men decided a bridge would be constructed for a northern route. It was not a public process or approved by Council. There was no analysis or traffic study. It was just an idea. Per the letter received from the traffic engineers, there had not been a comprehensive traffic study of the alternatives or even this alternative. Her concern was that they were looking at a very expensive short fix and were looking at it in a very narrow view. From what she understood, this area would grow commercially as it was a good economic area, so they needed to determine the fix needed for the long term. According to the traffic engineers, there was no doubt that New Haven needed to be widened, so there was one alleviation. She referred to a portion of the letter, which read “AC road will need to be improved and New Haven Road widened regardless of whether or not the Maguire bridge is constructed.” As a result, she felt the Maguire bridge was only a temporary fix and would delay the inevitable need to improve the AC intersection. The consultant also indicated this solution would appear to be a temporary relief valve for the

Lenoir residents who had the exit on the west side of New Haven Road, but that in the long term they would get more traffic going down that way, so they would still have the same problem of making the left turn. The consultant suggested either limiting access movements at Lenoir or connecting Lenoir to the Warren location. She noted they took R137-08 off of the consent agenda for discussion and it involved the engineering for a round-a-bout at Warren Road and New Haven Road. She also understood Lenoir was looking at making the access toward Warren Road. That would be the true fix for the Lenoir residents. She commented that her concern was they had started with an end result and were pushing it because they had a nightmare situation. She understood Mayor Hindman had indicated this was a good place for commercial, which was correct, but the topography was not good for a northern extension. With good growth management planning, she was hopeful they would not put another road in a sensitive area in the future when they found other commercial sites. She thought they could all agree planning was not in place for the long run. She stated she had attended all of the EIS meetings and was concerned that they were again looking at the narrow picture. She had asked if they could tell her how much traffic would come from Highway 63 and the Stadium extension because she felt the businesses would be concerned if they were back to a congested situation by outside traffic using that area. She understood it might be a good thing for outside traffic to use, but it did not appear they were taking a comprehensive, objective look to determine what the best and long term solution should be. She reiterated the May 18th letter from the traffic engineers indicated a comprehensive study of the alternatives had not been done and would cost \$95,000. She felt for the money they were paying, they wanted a long term solution. A few years down the line, she understood they would have to improve AC and widen Warren. If true, she did not believe they were not doing an intelligent job of getting the best solution and were unnecessarily putting an expensive bridge into an environmentally sensitive area. She commented that it would be easy for her to say that because so many people wanted it, they should do it, but she felt she had a responsibility to look at the big picture and ensure it was well analyzed. She wondered if 20 years from now she would look back and say it was a good solution or a solution with a very narrow focus and more needing to be done. She stated she wanted a solution and wanted it soon. She reiterated that connecting Maguire to Warren would give them a second access right now. The widening of New Haven would be needed due to the development on that end. She felt this might be an unnecessary and inadequate solution and was concerned with that.

Mr. Wade stated he had worked with this for a long time and was the author and signatory of the 2006 Planning and Zoning Commission letter. He thought the decision before them was a fairly clear decision, although not an easy one. They had to determine the best way to provide adequate infrastructure that served public interest at this location by meeting the immediate needs of public safety and efficient movement of traffic and the future needs for infrastructure east of the Highway 63/New Haven/Grindstone intersection in the most cost-effective and environmentally sensitive manner possible. He thought there were three immediate needs and noted they had all been addressed very well. The Concorde Industrial Park, which was the area north of New Haven and between Warren and Highway 63, needed a second outlet for both traffic and emergency safety. There was a need for the

efficient movement of traffic due to the growing amount of truck traffic. The second immediate need was south of New Haven Road, which included Lenoir Woods and the other residents south of New Haven Road. There need for a second exit was as serious as the Concorde Industrial Park and their solution would only come when Warren Road was extended south to Discovery Ridge in the future. Lenoir Woods could then reconfigure their own road system to come out of the east side of Lenoir Woods rather than the south side for more efficient safety and traffic movement. The third immediate need was the 63/Grindstone/New Haven interchange. He noted there was a second set of needs that had been almost totally overlooked and those were the future needs. He felt they had trapped themselves into thinking the issue was immediate transportation needs for the Lemone Complex only. He thought they needed to look not only at the Lemone Complex, but also south to Discovery Ridge and east of Rolling Hills. He explained Rolling Hills was two miles from the Highway 63 interchange and the only place east of Warren for a north-south collector. Without a north-south collector between Rolling Hills and Highway 63, the traffic problem would be worse. He commented that he dealt extensively with the Lemone extension during his campaign. He opposed it and still did because it did not solve anything. It only provided a northern outlet for the Industrial Complex. It did not serve any of the other problems he previously discussed. After being elected to office and due to the attention he received on the subject, he felt a responsibility to try to address the options and solutions. He believed there were five options. One was to do nothing, which he thought they all agreed was not an option. The Lemone Boulevard extension was also not an option in his mind. The third option was to create a second entrance at Warren and not do anything to the north, which meant they had to talk about upgrading the Highway 63 interchange and add a lane on Highway 63 to Stadium. The estimated cost for the upgrade for the Highway 63 interchange was \$9.5 million and it would be a long time before MoDOT put money into that location. He stated he did not have a cost figure to add the lane between New Haven and Stadium. Mr. Skala thought it was \$2 million. Mr. Wade did not believe that was the cost of the extra lane. He thought that was the cost to make a right turn out. He understood it would include completely rebuilding the bridge over the Grindstone, which would have its own environmental impact and would cost well above \$10 million. Ms. Hoppe commented that the report indicated an additional right lane on U.S. 63 from New Haven on-ramp to Stadium Boulevard off-ramp was \$1.5 million. Mr. Wade did not think that included the reconstruction of the bridge, so the numbers with that option were larger than the Warren/Maguire extension and had substantial environmental impacts along with the responsibility residing heavily with MoDOT. It also did not create an alternative as a local road. He felt using the additional lane created substantial safety problems because of the problem of weaving. In addition, everything was still dependent upon essentially one interchange. It created two exists out of the complex, but left everything tied to one road system and interchange. That left the extension of Warren Boulevard to Stadium or the extension of Maguire to Stadium. The Warren Boulevard extension was 1.8 miles and over \$22 million with a substantial environmental impact. He thought the impact would be greater than the extension of Maguire. Maguire to Stadium was 1.1 miles and would cost \$10-\$11 million with the Warren part. He thought there was probably \$5-\$6 million in City sources and the remainder was

public money that would come from a TDD sales tax and private money from the Concorde Complex. He did not believe Maguire Boulevard to Stadium was a very expensive short fix or short view. He believed it was the best long term fix and did two things. It dealt with the immediate problems and the future needs most effectively with the least amount of environmental impact of all of the options to include not doing the northern extension. In addition, they would have a critical piece of infrastructure in place. They would have a north-south connector that was 4/10 to a half mile east of the interchange ahead of the coming demand, which was something they had not seen much of in this City. Rolling Hills was another 1.5 miles and still too far for the next connector. In addition, he felt his grandkids might be voting on building it. If they put the bigger view into place, it was not just about Concorde Industrial. It was about the City's fundamental road infrastructure from the Discovery Ridge interchange to the Highway 63 interchange east for two miles.

Ms. Nauser stated she thought they needed to go further south than Discovery Ridge. She thought they needed to go to the Airport and beyond. They needed an eastern road system to stop people from using the highway as a City street. She understood there was discussion about fixing some of the other traffic problems and noted it took 20 years to get to this point. They would not solve all of the issues in this corridor overnight. It would take years to work through it. She commented that the tenants of industrial parks were people with big trucks and tractors, people that had a lot of employees and people that provided goods and services to people locally and across the country. She did not think they wanted to narrow the focus to put tractor trailers and hundreds of employees delivering goods and services from Maguire to Warren and then onto New Haven because it would not solve the bottleneck issue of people and traffic on New Haven. She noted that if she was a parent at New Haven Elementary School she would be upset with the thought of directing tractor trailer traffic in front of the School. She stated she did not believe people would want to invest in this Industrial Park if they did not provide extra access. Employers did not want tractor trailers and their employees to sit for 30-40 minutes to get out of the area because that was time and wasted money. She believed they needed a northern access to Stadium and access to the Airport and beyond if they really wanted to talk about road infrastructure planning, and they needed to be thinking about it today versus 20 years from now.

Mr. Janku stated this had been going on for a long time and recalled Mr. Harline, who was on the Council from 1991-1997, experiencing the congestion problem when picking up his daughter at the childcare center at Lenoir and suggesting an alternative that was not suggested tonight. He suggested an overpass near where Gates Rubber was located to the western side of Highway 63. That must have preceded the Bluff Creek subdivision because he did not believe anyone would suggest putting industrial traffic into that neighborhood. He commented that the public process, although difficult, had come forward with an improved product. There was a different alignment and an environmental sensitivity to the bridge project. He pointed out these long public hearings had a benefit to the community. He recognized there would be an impact to the stream, particularly during construction, but there would also be some positive environmental impacts. They had heard about the pollution from the automobiles. In addition, he thought a bus route might be able access the area from the north making it a more accessible job market area for people in the community that did not

have motor vehicles. Pedestrian and bicycle access would also be improved. He understood there was a suggestion that other locations might be available and he agreed there were some. He thought Mr. LeMone had started developing an industrial park south of this area in a more sensitive environmental area in the County. It did not have the environmental protections and stormwater management requirements the City had put into place to protect the environment. As a result, he did not think they wanted to push industrial development outside of the City limits where they did not receive the tax benefits and where the environmental impacts might be worse. In listening to the comments of the people that worked out there, he thought it was like a neighborhood. They experienced common problems and provided insights similar to what people who lived in the area brought to the Council. He felt this was the best alternative they had and was made better through the public process. He stated he intended to support it.

Mr. Sturtz noted his first encounter with the Industrial Park was ten years ago this month when a tornado blew through and he covered the story for the Columbia Tribune. He commented that this had been a very difficult decision to come to and had haunted his days and nights for the last few weeks. The solution was not a panacea for the problems that had been created. He thought it was a shame that they would be dealing with issues like this because of poor planning. If Mr. LeMone had known the Park was going to become this big, it was not the most responsible decision to put it so close to such dramatic ravines as they had to the north of the Park. He thought everyone in the room probably wished it was not so difficult and would not cost so much money to rectify the problem so many years later. It was not a small amount to spend \$11-\$12 million to correct a problem from before. He commented that they had a big victory a few weeks ago with widening Scott Boulevard, but felt they had to acknowledge that was also a defeat in some ways because, years after the fact, they had to spend so much money to correct problems that could have been prevented with better planning. This consensus that would emerge over the next year or two was in favor of a process that would establish, through a natural resources inventory, the precious places in this town where they should not develop and to put in some common sense safe guards, such as a steep slope ordinance and other land disturbance standards. Once they did that, he thought they needed to locate the best sites for industrial development and other development and provide incentives to develop at those locations. He did not think this would have been the location they would have come up with if they had gone through a process like that. He hoped they had the political will and would devote the money over the next year or two to a process like this, so they did not continue to have split decisions that divided the community like they had tonight. He understood they needed to plan far in advance, but also wanted there to be a discussion about the natural limits of Columbia. He did not believe in another 20 years with the way peak oil and global warming was that they could afford to continue to expand a half of a mile out in every direction. He thought, at some point, they needed to concentrate their development in a better way. He appreciated Mr. Wade's analysis of all the different developments, such as South Farm and Discovery Ridge, and hoped in the future some of the beneficiaries of those developments, namely the University, would come to the table and put money into the pot. He explained he would vote against this simply because he felt he needed to send a signal with regard to cleaning up

after bad planning years after the fact with a ton of money, questionable long term public benefits to the road transportation network and environmental problems that had been addressed to a certain extent. He understood there was a 3-4 year planning process for Grindstone and did not believe the result was the best road project due to aesthetics, the environment and many other factors. It was not the kind of road project he wanted to replicate again because it was very agonizing to be part of a system that would put forward a road like that. He stated he believed the Public Works Department had done a decent job and hoped they would stay with it with regard to safeguarding the creeks, forest and the other places they all valued.

Ms. Hoppe understood there would be mitigation in terms of the bridge and that they would not pay money to the Stream Stewardship Trust Fund as was done with regard to Gans Road. Mr. Glascock stated they did not know. He thought they would have to do some mitigation, but did not know the extent. Ms. Hoppe understood there might be a monetary cost. Mr. Glascock replied he thought they would try to mitigate somewhere within the stream before they paid into the fund. He noted they would do some water quality initiatives on the bridge which might mitigate some of those costs. Ms. Hoppe stated that if there was mitigation that was paid for this area, she thought it should go toward a project in this area and suggested the Moon Valley Dam if they could not come up with an alternative. She noted this was an existing new project that would cause some environmental damage. She asked if they needed to include something with this ordinance indicating any money paid for mitigation associated with this project would go toward a local project, such as the Moon Valley project. Mr. Wade stated he thought that was a State decision and not a Council decision. He thought they could try to make it happen, but did not believe they could legally ensure it would happen. Mr. Watkins agreed and stated they could try their best, but he did not believe they could ensure it. They would do their best to try to mitigate within the stream, but they were not far enough along to know how much or what they should be doing. Ms. Hoppe understood the money went in a black hole and did not come out for projects. Mr. Glascock pointed out their first alternative was to do mitigation and not pay into the fund. Paying into the fund was a last resort. He explained they liked mitigation within the watershed being damaged. He reiterated they would look at that first and then at another watershed or Moon Valley. Mr. Watkins stated they only paid into the black hole if there were no other alternatives. Ms. Hoppe asked if it would be appropriate to amend the ordinance. Mr. Boeckmann suggested she make a motion instead of trying to amend the ordinance.

Ms. Hoppe noted this was an area with a lot of public traffic and a great opportunity for a bus route for those that wished to use it. They had great success with the gold route where apartment owners paid for their residents to use the bus. She understood they were the most used buses in the City and were moneymakers. They now had another apartment that was interested in purchasing a bus to add to it. She thought this would be a great opportunity to provide employees a bus route as well.

Mr. Skala understood there were 1,900 employees and some of them lived in other parts of the City where there were also traffic problems, such as Clark Lane. It was the same kind of problem. It was the problem with stacking distances, expanding and drawing more traffic. They also overloaded a two lane unimproved road, which was not dissimilar to what

they had here, with an additional 1,600-1,800 cars because of The Links development. He stated they would see this again with Highway 63/Clark Lane/I-70 as it needed relief as well.

B162-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, JANKU, WADE, NAUSER. VOTING NO: HOPPE, STURTZ, SKALA. Bill declared enacted, reading as follows:

B163-08 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, WADE, NAUSER. VOTING NO: SKALA. Bill declared enacted, reading as follows:

**R137-08 Authorizing Amendment No. 1 to the agreement with Affinis Corporation for engineering services relating to the Lemone Industrial Boulevard Extension Project.**

The resolution was read by the Clerk.

Mr. Watkins explained this was an amendment to the contract with the designers of Maguire in order to add some work outside the original scope. It would allow for the engineering required to extend Maguire to the south along Warren Road and some of the final engineering work required for the additional environmental considerations on the bridge. He stated the amendment was about \$590,000.

Ms. Hoppe stated she understood the consultant would be looking at a round-a-bout at Warren Road. She thought they had previously discussed a traffic signal and asked why it changed. Mr. Glascock replied they would be looking at everything. They were not just looking at one or the other. He explained they discussed an access to the south with Lenoir Woods because they were bringing a road over so the residents could access Warren Road. As a result, they wanted to make sure everything was looked at so they would have what they needed. Ms. Hoppe stated page 2 of the scope of services only mentioned a round-a-bout. Mr. Glascock explained it was specifically in there, but they tried to look at everything. He explained a signal was the standard pitch, but a round-a-bout might serve the purpose for a long time. Mr. Watkins pointed out that would be brought back to the Council. Mr. Glascock stated that piece would have to have a public hearing.

Ms. Hoppe asked for clarification regarding task G-2 involving a land disturbance permit. Mr. Glascock replied it was part of the standard scope of services. A land disturbance permit was required before any grading could be done. They had to apply for all of the permits, whether local, State, or Federal. Ms. Hoppe understood the land disturbance permit would be associated with the existing land disturbance ordinance. She noted they had talked about how the land disturbance ordinance was not as stringent as they wanted and that they would be proceeding under the existing land disturbance ordinance unless it was changed by Council. Mr. Glascock stated they would have to comply with City Code and the State regulations.

Mr. Janku understood it mentioned the retaining wall design and hoped there would be different alternatives. He felt there were different types of retaining walls in terms of aesthetics, so he hoped they would look for something that was relatively attractive and blended into the natural environment as much as possible. Mr. Glascock stated they were not planning to put in many blank concrete walls. Mr. Janku commented that he hoped the

color could look like natural rock as well. Mr. Glascock explained they made form liners, etc. and thought that was what was done on Gans Road.

Ms. Hoppe stated her concern with regard to the round-a-bout was because it appeared the main exit from Lenoir would ultimately come to this location, so she wanted the senior citizens to have input as to what type of intersection they felt comfortable with and wanted to ensure a light was looked at as well. Mr. Glascock noted they had been asked to make presentations at Lenoir Woods once it was designed, so they would obtain input before bringing it back to Council.

The vote on R137-08 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**B164-08 Authorizing the acquisition of easements for construction of street improvements on Hunt Avenue from Worley Street to I-70 Drive Southwest.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize the easements needed for the Hunt Avenue project. There were 36 property owners who would be impacted by utility, storm drainage and street easements.

Mr. Janku recalled narrowing the street width and asked what it would be. Mr. Glascock replied 24 feet. Mr. Janku asked about the sidewalk. Mr. Glascock replied the sidewalk would be on the west side.

Mr. Sturtz stated it seemed as though it was a good project. He explained he had talked to people on Hunt Avenue on Sunday and they seemed to be in favor of it.

B164-08 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B170-08 Appropriating funds to underground electric lines on Scott Boulevard.**

The bill was given second reading by the Clerk.

Mr. Watkins noted this project was scheduled for FY09, but because they were moving the Scott Boulevard project up several months, they needed to get the utility lines done. He explained this would underground the distribution system lines on the east side of Scott Boulevard. The cost was estimated at \$1.2 million.

B170-08 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B171-08 Appropriating funds to build or replace primary electric feeders from substations.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a CIP project and what he would consider major maintenance. He noted it would also provide some additional electric capacity at a couple of the substations. They started doing this earlier in the year and the costs were higher than

anticipated, so they were asking Council to appropriate money from the retained earnings of the electric utility in order to complete the work.

Mr. Wade asked what the extension of substation feeders meant. Mr. Glascock replied they were the lines that directly carried the electricity. They were the big lines that came out of the substation carrying electricity to the house. He noted two were on the Perche Creek feeder to Gillespie Bridge and Cunningham Drive. The Grindstone feeder was being extended to State Farm for the distributed generator. He explained the lines wore out, so some of this was replacing existing lines.

Mr. Janku asked if State Farm would be bringing power from the generator to the system. Mr. Glascock replied yes.

B171-08 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER. 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.

- B159-08 Approving the Final Plat of Landmark Subdivision Plat 1 located on the east side of North Old 63, between Alfred Street and McAlester Street; authorizing a performance contract.
- B160-08 Approving the Final Plat of Rock Quarry PUD Plat 2 located on the west side of Rock Quarry Road and north of Rolling Rock Drive; authorizing a performance contract.
- B161-08 Abrogating the Administrative Plat of Westcliff Plat 2-A located generally north of Chapel Hill Road and east of Perche Creek.
- B165-08 Authorizing an agreement with the County of Boone relating to improvement of roadway corridors in shared jurisdictional areas along portions of Brown School Road, Clark Lane and Scott Boulevard.
- B166-08 Appropriating funds to resurface the City parking ramp located over the police department and installation of an oil/water grit separator in the Plaza parking garage.
- B167-08 Appropriating funds for rehabilitation of the general aviation apron and Taxiway A4 at the Columbia Regional Airport.
- B168-08 Accepting conveyances for drainage, utility, temporary construction and temporary access purposes.
- B169-08 Accepting conveyance; authorizing payment of differential costs for construction of a water main serving The Villages at Arbor Pointe, Plat 3 (Phase 1); approving the Engineer's Final Report.
- B172-08 Accepting conveyances for utility purposes.
- B174-08 Appropriating funds for documenting and maintaining the City's public art program.
- B175-08 Accepting and appropriating grant funds from the Missouri Arts Council to enhance technical assistance the Office of Cultural Affairs provides to local arts organizations.

- B177-08     Appropriating funds for the Memorial Tree and Bench Program.
- B178-08     Authorizing an intergovernmental cooperation agreement with Blue Ridge Town Centre Transportation Development District and Rampart Investments, L.L.C.
- R129-08     Setting a public hearing: voluntary annexation of property located on the north and south sides of Poplar Hill Drive, on the east side of South Bethel Church Road.
- R130-08     Setting a public hearing: construction of the Cascades Pump Station Project.
- R131-08     Setting a public hearing: construction of a water main serving Smithton Villas, Plat 2.
- R132-08     Setting a public hearing: construction of improvements to the Garth Nature Area.
- R133-08     Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for breast and cervical cancer screening services.
- R134-08     Authorizing Amendment No. 3 to the agreement with the Missouri Department of Health and Senior Services for the WIC Supplemental Food Program.
- R135-08     Authorizing the Memorial Day Weekend - Salute to Veterans Corporation to conduct an air show at the Columbia Regional Airport in 2009.
- R136-08     Authorizing Amendment No. 1 to the agreement with Bucher, Willis and Ratliff Corporation for engineering services relating to the rehabilitation of portions of the commercial apron and general aviation apron at Columbia Regional Airport.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

**NEW BUSINESS**

- R138-08     Officially recognizing the Historic West Broadway Neighborhood Association and recognizing it as the official neighborhood organization for the area described in the by-laws of the Association.

The resolution was read by the Clerk.

Mr. Watkins explained this was the standard neighborhood association recognition. They had gone through the various steps and complied with all of the requirements set by Council, so they were recommending the Council officially recognize the Historic West Broadway Neighborhood Association.

Rick Hocks, 906 W. Broadway, stated he was representing the Historic West Broadway Neighborhood Association and thanked the Council for their consideration of them as a group. He noted they had actually been meeting for decades and were meeting more recently due to the possible changes and improvements to West Broadway. They hoped to do a good job of representing, not only their own interest, but the entire City's interest.

Mr. Janku stated he noticed on the neighborhood association map that there were some neighborhood associations that no longer existed. He noted Valley View was historically very active, but was not on the map. He asked if there was a process for taking groups off of the list. Mr. Wade replied he understood there was a process for an inactive group to cease being and to become a part of another one. He explained two inactive neighborhood associations had actually become a part of the next neighborhood association they would be approving. He noted there was a standard form and letter they used, which terminated that one and made them a part of another one. In terms of inactive neighborhood associations just being inactive, he was not sure.

The vote on R138-08 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R139-08 Officially recognizing the Historic Old Southwest Neighborhood Association and recognizing it as the official neighborhood organization for the area described in the by-laws of the Association.**

The resolution was read by the Clerk.

Mr. Watkins stated this was a new neighborhood association, which included the two non-active associations known as Maupin Woods and Old Stewart Road. They had gone through all of the requirements and staff was recommending they be recognized by Council.

Mr. Wade noted the representative of this neighborhood association had asked him to express the fact they were pleased to become part of the City's neighborhood association structure.

The vote on R139-08 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R140-08 Officially recognizing the East Pointe Neighborhood Association and recognizing it as the official neighborhood organization for the area described in the by-laws of the Association.**

The resolution was read by the Clerk.

Mr. Watkins stated this was another neighborhood association. He thought they have had a homeowners association for some time and would now have a neighborhood association as well.

The vote on R140-08 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R141-08 Authorizing Amendment No. 1 to the agreement with Walker Parking Consultants for engineering services relating to the design and construction of a multi-level off-street parking facility located between Fifth Street and Sixth Street, on the south side of Walnut Street.**

The resolution was read by the Clerk.

Mr. Watkins explained this was an agreement with Walker Parking Consultants to do the design and to oversee the construction of the garage across from the Post Office. The

funds would come from the parking utility, which was composed of money from selling parking spaces in the garage and at parking meters. The contract amendment was a not to exceed amount of \$893,500.

Mr. Skala noted they had made some very basic, preliminary decisions on where they wanted to go and asked when they would be making more decisions. He asked if there had been a time frame set for this. Mr. Watkins replied there was not a time frame, but pointed out this firm had a reputation of moving quickly, so he expected more decisions having to be made yet this year.

The vote on R141-08 was recorded as follows: VOTING YES: HOPPE, HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER. 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.

- B179-08**     Rezoning property located northeast of the U.S. Highway 63 and Vandiver Drive interchange from A-1 and PUD-14 to C-P.
- B180-08**     Approving the Final Plat of Hospitality Point, Plat No. 1 located on the north side of Business Loop 70 West; granting a variance to the Subdivision Regulations relating to street right-of-way width.
- B181-08**     Approving the Final Plat of Deerfield Ridge Plat 2 located north of the Scott Boulevard and State Route K intersection; authorizing a performance contract.
- B182-08**     Approving the Final Plat of East Pointe Plat 2-C3 located on the south side of Stadium Boulevard (State Route 740), between U.S. Highway 63 and East Pointe Drive; authorizing a performance contract.
- B183-08**     Authorizing an agreement with Reynolds, Smith & Hills, Inc. for preparation of an airport master plan update for Columbia Regional Airport; appropriating funds.
- B184-08**     Authorizing application for FY 2009 transit planning, operating and capital assistance grants.
- B185-08**     Accepting certain streets for public use and maintenance.
- B186-08**     Authorizing a right of use permit with Fairway Meadows Corporation to allow construction, improvement, operation and maintenance of landscaping, including lighting, an irrigation system, signage and electrical and irrigation conduits within a portion of the Scott Boulevard right-of-way.
- B187-08**     Authorizing a right of use permit with Greenwing Development, LLC to allow construction, improvement and operation of electrical conduits and water service lines and maintenance of landscaping, including an irrigation system and lighting in islands within portions of Wood Harbor right-of-way.
- B188-08**     Authorizing a right of use permit with Greenwing Development, LLC to allow construction, improvement and operation of electrical conduits and water service lines and maintenance of landscaping, including an irrigation system and lighting in an island within Estancia Court right-of-way.

- B189-08 Authorizing construction of water mains serving Smithton Villas, Plat 2; providing for payment of differential costs.
- B190-08 Authorizing supplemental agreements with the Missouri Department of Transportation, the County of Boone, the City of Centralia, the Centralia Special Road District and the City of Hallsville for the upgrade of passive warning signs at Columbia Terminal Railroad (COLT) highway-rail crossings and the closure of a highway-rail crossing on Brown Station Road in Hallsville; appropriating funds.
- B191-08 Accepting conveyances for utility purposes.
- B192-08 Authorizing construction of improvements to the Garth Nature Area; calling for bids through the Purchasing Division.
- B193-08 Accepting and appropriating donated funds for Stephens Lake Park development projects.
- B194-08 Appropriating funds for the police training facility.
- B195-08 Appropriating funds for the production of instructional videos on healthy cooking and eating for the Health Department.
- B196-08 Authorizing an agreement with the Columbia Area United Way for reimbursement of joint social services agency assessment, evaluation and training activities.

#### REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Mayor Hindman noted this report was provided for informational purposes.

(B) Tree Trimming Process.

Mr. Watkins pointed out they were a behind on tree trimming due to the storm damage last year. The crews they normally hired were not available. He noted tree trimming was critical if they were going to keep the lights on. The vast majority of outages in their outage report were a result of issues involving trees. By trimming, they were able to keep those to a minimum.

Mayor Hindman commented that he was riding his bike and noticed a gentleman with a Water and Light Department truck looking up at a tree. He asked if he had planned on trimming the tree. He noted this was on a street where the neighbors had indicated they wanted to bury the power lines. He suggested the neighbors have the opportunity to discuss the possibility. He understood they were behind and were having outages due to trees, however, people liked the trees being grown up. He thought they needed a process where people were able to look at possibilities other than trimming. He noted the gentleman he had spoken with had made some good points in that some leaves, which were against the power line, had burned. He also pointed out that if there was a wet leaf and the power was going down the tree, a person who touched the tree could be hurt.

Mr. Watkins asked if he was thinking about a petition process like with street improvements. Mayor Hindman thought that might work. He felt they needed a policy to deal with these situations. He also thought the City should contribute to a part of it since there was a benefit to the City. He noted they required it of all new subdivisions. The problems

were with the older subdivisions due to driveways, a change from overhead to underground service into the house, etc. He understood it was complicated. The new subdivisions could have tree canopies because their lines were buried. In the older subdivision, the canopies were being disturbed.

Mr. Janku pointed out the challenge involved money. He noted they were undergrounding lines on major roadways for aesthetic and other reasons. Mayor Hindman thought the neighborhoods should have a choice. He commented that they might say no when finding out the costs.

Mr. Skala asked if they provided advance notice with door hangers. Mr. Watkins replied that was the policy. Mr. Skala understood that happened with tree trimming. Mr. Watkins stated it happened except for an emergency where a tree was burning or a wire was down. Mr. Skala asked what the door hanger said. Mr. Watkins was not sure. Mr. Skala asked if it had direction to call someone. Mr. Watkins replied yes. It stated they would be trimming in the area and to contact a particular number if they wanted to talk about it. If it was one they were contracting out, it might be a combined City and Asplundh notice.

Mr. Wade stated he had some experience with this and it was not easy. The City had the right to cut anything they wanted within the national guidelines due to the easement. People had the right to not allow the tree trimming people on their property without a Water and Light employee and they had the responsibility to talk to people about concerns. He commented that he had not been successful in preventing all tree trimming, but they had been successful in keeping them out of the canopy. He thought the canopy was negotiable and if there was a tall enough canopy, they would stay out of it.

Ms. Nauser was concerned about the possibility of hundreds of negotiations regarding trees. If there was a mechanism for people who did not want their trees trimmed, they needed to be solely responsible for paying all costs. She felt if they did not want their trees trimmed, they should bear the cost of tree limbs falling and cutting out power. Mr. Wade did not think that would work if they wanted a canopy as a community.

Mr. Wade pointed out there was nothing that made people angrier than watching someone chop up their backyard. Mayor Hindman noted the incident he was speaking of was not in a back yard. It was on a street. Mr. Janku stated it depended on the subdivision.

Mayor Hindman suggested they ask staff to look at the possibilities for neighborhoods to have public/private participation.

Mr. Wade noted they had no money devoted to undergrounding residential lines, so if a block wanted to underground, they would have to create a NID. The City would participate in that effort, but it was expensive. Also, if the lines were in the backyard, they would have to create a path wide enough for a back hoe. If in the front yard, there were problems with existing trees there as well.

Mr. Janku stated they only had a limited amount of money available. He thought they had \$800,000 - \$1 million per year for undergrounding. He thought they had done a good job with the money on the major thoroughfares. If the neighborhoods wanted to do it, he thought it would be great, but noted the costs were expensive.

Mayor Hindman stated he wanted a report discussing the possibilities. He also wanted to know how other communities had dealt with it.

Ms. Hoppe stated she had experience with this as well. She had made a point to talk to tree trimmers and to be there when they trimmed the tree. She commented that she had that flexibility with her job. She understood others did not and wondered if the tree trimmers would meet with people in the evening. Mr. Wade noted that involved paying overtime.

Mr. Sturtz noted he had been on streets near McBaine and Sanford after the fact and it looked severe. All of the horizontal branches had been cut away. It was hard for him to know what it looked like before.

Ms. Hoppe believed communication with the company and having a neighborhood crew there would help implement the request. She thought it might take a neighborhood effort.

**(C) Noise Baffling for Air Handling for Commercial Rooftop Equipment.**

Mayor Hindman understood this was informational.

Mr. Wade stated he had asked for it. He understood the report indicated there was not a lot of information and no other communities had ordinances. He commented that he would set aside this report and do some research on the equipment itself.

Mr. Watkins noted the Public Works Department had three complaints per their records. Two involved industries on Route B and bearings that were out on the motors. Once fixed, the individual was happy. The other one was at Hy-Vee and they had installed some baffling. They were trying to obtain exactly what they put in from the architects. Mr. Wade understood there was a recording of noise levels on the one at Hy-Vee. The noise level at the household window level exceeded City standards.

Mr. Skala commented that they did not know the extent to which aesthetic baffling attenuated the noise or if there was additional insulation.

Mr. Wade stated he needed to find out about baffling technology. Mr. Watkins noted he was pursuing what they did at Hy-Vee. The solution would be to add it to the Code.

Mr. Sturtz commented that he shared Mr. Wade's interest in this topic. He used to live in East Campus near the Vet School. It was an on-going annoyance to have air sounds close by all day and every day. He thought it was a common annoyance people dealt with, but did not articulate or pursue as a legal remedy. It was, however, something that affected them. He thought they might not know what could be done. He felt if they got rid of some of the unnecessary noise, peoples' lives would be better. He believed it could be done at a minimal cost. Many companies, such as Lennox and Carrier, had pursued coming up with technology that was quieter. He suggested anyone interested in experiencing the sound they go behind the Methodist Church on Eighth Street. One could not have a decent conversation when near the units.

Mr. Janku noted this would be a recurring problem with mixed uses.

Mr. Sturtz stated he was not satisfied with the report because there was a lot of information out there. There was a group called the Noise Pollution Clearinghouse that collected different ordinances from around the nation and placed them on their website. He did not think that just going to the Municipal League was sufficient.

Mr. Watkins stated staff would provide additional information.

**(D) Notification to Neighborhood Associations Concerning Demolition.**

Mayor Hindman understood this was provided for informational purposes.

Mr. Skala thought they had discussed the possibility of the Historic Preservation Commission being involved and asked if this would be in addition to that. Mr. Watkins replied yes and noted he and Mr. Treece of the Historic Preservation Commission were meeting later this week to discuss some items to include this.

**(E) Future Percent for Art Project.**

Ms. Hunter explained this was the typical first step in designating a project as eligible. It would allow them to move forward with expanding the Standing Committee on Public Art so they had project specific people in searching for an artist. It might not happen right away, but would at least provide the designation.

Mr. Wade made a motion to designate the Fifth and Walnut Parking Garage as eligible for Percent for Art. The motion was seconded by Mr. Janku.

Mr. Janku commented that he was a fan of public art and first got involved when he was on the Martin Luther King Memorial Committee. The public process for it involved artists submitting designs and the public commenting or voting for it. He explained the process for the first Percent for Art projects was to allow the public to vote for the art as opposed to the artist. He thought for the smaller projects, the current system was good because they could not expect an artist to come up with a design for the dollar amount to be paid. With regard to the significant projects, such as this one since it was six figures, he wondered if they might want to go back to the old system. He thought they could narrow the group of artists and ask them to submit a design they felt was appropriate for the site. What troubled him with the latest one was that the artwork was produced after the artist was selected and they then started negotiating and micromanaging the design because some were not happy with it. This was after the contract was signed and they were bound to it. He wondered if the Commission would consider going to the previous process for the major projects.

Ms. Hunter stated the highest industry standard for public art was not different than an architect in that they would not design the project in advance. The person was being selected based upon their qualifications. There were programs and projects that were sort of done as Mr. Janku described. The highest standard would be to select the artist and to get them under contract with the design phase as part of the process. If they were to do what was being suggested, they would back out money for the finalists. In using the City Hall project as an example, they would have had to pay the three finalists about \$3,000 each to participate in the design phase. She saw that being done in other projects. It extended the search phase and it would cost more money to bring the finalists in to go through the process. She stated she could discuss it with the Committee.

Mr. Janku stated he wanted the Committee to make its own recommendation on the issue. He was just suggesting it due to their most recent experience.

Ms. Hoppe understood, with the City Building, a consultant narrowed down the artists and the Committee worked with that group. She wondered how the Committee felt about the process. She wondered if they felt it was necessary or if they could do the job. She wondered if they might have wasted money. Ms. Hunter noted the consultant was doing a lot

of other things, such as the Plaza, streetscape, etc. The public art component was one of many. In an office of 2.75, it would be difficult for them to process 136 applications in addition to the other programs and services they provided. From a logistical standpoint, it was helpful to not have to process them. She was not sure what the Committee would say with regard to seeing 30 applications instead of 130. There would have been at least a three day Committee process to review the 130-150 applications. She explained when they went above the \$100,000 mark, and particularly above the \$200,000 mark, it was a different draw with regard to the artists applying. It would be unusual to not have 100 plus applications.

The motion made by Mr. Wade and seconded by Mr. Janku to designate the Fifth and Walnut Parking Garage as eligible for Percent for Art was approved unanimously by voice vote.

Mr. Janku stated he was not directing the Commission to do anything. He thought they could think about it.

**(F) Crosscreek Rezoning Resubmittal.**

Mr. Watkins explained there was a provision in the ordinances that required a year to bring back an exact rezoning, but Council could, at its discretion, wave it. There was a proposal that was almost in front of the Planning and Zoning Commission to rezone approximately five acres as part of Crosscreek to C-P. Staff and the Planning and Zoning Commission felt this was bringing back an exact rezoning request. In order to move the process forward, if they wanted, the Council needed to say it was okay to do it.

Mr. Teddy noted there were two errors in the staff report. One involved a reference to Centerstate Crossing instead of Crosscreek Center. The other involved the hearing date. It should be July 10 instead of June 19. He pointed out a couple site plans had been filed and those were tabled to the June 19 meeting. He explained they received a couple site plans last month for the recently approved subdivision plat of Crosscreek. They were known as Lots 106 and 109 and were for a fast food restaurant and a convenience store gas station. They put those on the Planning and Zoning Commission's agenda because they were development plans with zoning. A tiny fraction of it fell within the area recently acquired from MoDOT. It was less than a tenth of an acre being proposed for rezoning on that site plan. On June 2, they received an application for a C-P plan for the rest of the development. It involved eight lots and the entire area north of the south and main branches of Grindstone Creek. Most of it was already zoned C-P. He explained the provision in the zoning ordinance applied to rezoning and Council could not hear a similar application within a year unless the provision was waived. Permission was being requested on the sliver-like pieces that were indicated to be rezoned and the amendment to the statement of intent, which included the automobile dealership as an authorized use. Those two things could be construed as same or similar. There were a few differences in the statement of intent, but they were otherwise similar. Staff thought Council should authorize the applications. They would not, in any way, be voting on the merits of the request. They would simply be saying they would proceed with the hearing process. They were suggesting that because the applicant had acknowledged they had entered a mediation process in order to work out differences with the neighborhood associations. Mr. States had provided a statement of

awareness on the part of the parties of the mediation process. The applicant pointed out that the Planning and Zoning Commission voted in favor of rezoning the sections of former MoDOT property being proposed to be added to the C-P. They voted against the plan and statement of intent.

Mr. Skala assumed the waiver that existed in the ordinances was used infrequently. He wondered if it had happened before. Mr. Teddy noted an applicant in the downtown area had requested permission to bring back a similar proposal. Mr. Janku asked if that was the one that was changed from C-2 to C-P. Mr. Teddy replied yes. Mr. Janku thought that was a pretty significant change. He noted it was rare to use the provision. He thought there might have been two where they voted to reconsider a proposal. This had been rarely used. He stated they did not have a procedure to address it. He suggested in the future they have a resolution on the agenda for public comment. Ms. Hoppe asked if he meant having public comment on whether a waiver should be provided. Mr. Janku replied yes.

Ms. Nauser stated she thought a lot of the contention at the time was due to the fact there was not a good process between the neighborhood associations and the property owners causing a lack of trust, which spilled over into public comment. They had asked everyone to go back to the table to work things out in trying to come a consensus, which it appeared was being done. By allowing it to come back, they were not approving it. If they did not allow it to come back, she thought it might impact the mediation process. The people with concerns were involved in the mediation process. She did not think they needed a public hearing to approve the waiver. She suggested they just make a determination as to whether they would allow it to come back or not.

Mr. Wade commented that the zoning was in place and they knew they would have commercial uses. There had been significant efforts in terms of the mediation process between the involved groups. He stated he was ready for it to come back in order to see what might have come out of the mediation process. They would see the extent to which the issues were resolved and addressed in the new C-P plan. They could determine if they had a basis for moving the development forward. If issues were being resolved and the work was moving beyond the conflicts that muddied this up from the beginning, he thought they should look at how they could move it forward in a reasonable, deliberative fashion.

Mr. Janku stated he thought the provision had been passed in order to discourage people from repetitively bringing back things. The incentive was to negotiate if one felt they could lose and not bring it back for a year. The neighborhood associations did not have that leverage. He thought in the future, it would be best to have this as a resolution. He noted it was clear the ordinance allowed requests to be made for authorization by the Council and thought they needed to have a process in place that was fair to everyone.

Ms. Nauser agreed and stated she did not want people to think they would not have to negotiate until afterwards. In light of the fact they were moving the process and procedures report forward, which would help deal with issues in the beginning, and the mediation process, she was comfortable with allowing the waiver.

Mr. Skala asked if the C-P plans going to the Planning and Zoning Commission were contingent upon the rezoning of surplus property. He understood there was a small sliver for the one, but wondered if the rest of it affected any other plans. Mr. Teddy explained the

submittals were affected by it. One whole lot would require C-P zoning for commercial use. It involved parts of other lots as well. Mr. Skala stated that was what bothered him a bit. This was a complicated issue in terms of how this might affect the plans and had a bearing on the mediation process as well. He agreed that they should have something in place to ensure the process was understood and that it was not just an exception to be made without a policy.

Mr. Janku referred to language stating “amend the zoning district map” and asked if that would apply to the statement of intent change. Mr. Teddy replied that was a change in the use. Mr. Janku asked if this prohibited someone coming back with a new plan where they already had zoning. Mr. Teddy replied if the plan involved property already zoned C-P, this provision would not apply.

Mr. Wade understood the five acres would have the same zoning and same statement of intent of what they would be a part of already had. Mr. Skala stated that was a decision that had yet to be made.

Ms. Hoppe stated her concern involved abiding by the rules and having a level playing field as they were negotiating. One of the rules was that they could not come back for a second rezoning. Mr. Skala noted that allowed time to negotiate. Ms. Hoppe felt it lowered the neighbors’ negotiating power to say they already had zoning on the property. She was concerned about changing the playing field while the negotiations were on-going. She pointed out some of the neighbors wanted a green open area there. She did not want to take anything away from the neighbors in terms of negotiations. Ms. Nauser did not think they were because they were not approving the rezoning. The rezoning still had to go through the public hearing process. They would just be allowing it to go back through the public hearing process. Mr. Wade noted it already had to be a part of the negotiation process. He thought it was valid to see if it could be put together in a way that would result in a decent outcome. Ms. Nauser reiterated that they had the ultimate say.

Mr. Janku asked if bringing a resolution forward would be a way to address it. They could accept comment from the public and the applicant. Mr. Skala thought that was a good idea. Ms. Hoppe agreed. Mr. Janku thought that if the neighborhood was moving along well in negotiations, they could tell the Council that during the public comment.

Mr. Wade asked what that would do to the time frame. Mr. Teddy stated they would need to advertise this month for the Planning and Zoning Commission to hear it on July 10. He noted that was a tentative date, so he did not know if they would actually have the hearing that date. It was tracking that date at this time. Mr. Janku asked what the Commission would consider on July 10. Mr. Teddy replied the rezoning of 5.10 acres to C-P, the C-P development plan for the remaining lots and the statement of intent. Mr. Janku thought there were two lots. Mr. Teddy explained two were scheduled for a hearing on June 5, but were tabled to June 19. Mr. Janku understood there was not a problem with those proceeding because those already had the zoning. It was just the plan. Mr. Teddy stated they were development plans. One was completely within the C-P tract and the other was almost completely within the C-P tract, so there was a zoning boundary within the lot. The interpretation was based upon lots having split zoning. They would allow the use there if the majority of lot had a particular zoning district. Mr. Janku noted there was nothing they were doing tonight to delay those. Mr. Teddy stated that was correct.

Mr. Janku made a motion directing staff to draft a resolution for the July 7, 2008 Council Meeting authorizing a resubmittal of the Crosscreek application. The motion was seconded by Ms. Hoppe.

Mr. Watkins pointed out this would impact the schedule it was on, which was the first Planning and Zoning Commission meeting in July, due to advertising requirements. Mr. Janku asked if it could be advertised prior to the resolution being adopted. If it was turned down, they would just lose the advertising costs. Mr. Teddy thought that would be hard to explain to the public. Mr. Boeckmann agreed and also noted staff would not likely presume they would adopt the resolution. He suggested Council instruct staff to do so. Mr. Watkins understood that would push the Planning and Zoning Commission hearing to August. Mr. Teddy thought it would.

Mr. Janku asked when it would come to Council if it went to the Planning and Zoning Commission on July 10. Mr. Teddy replied the vote would be at the first meeting in August. Mr. Janku understood Mayor Hindman would not be at that meeting, so there would be a good chance it would be tabled, which would not slow it down that much.

Mr. Wade asked if there was a problem with adding a rule that was not part of the ordinances in the middle of a process.

Phebe LaMar, an attorney with offices at 111 N. Ninth Street, stated she thought what they were discussing would substantially postpone things because it would be a whole new schedule before the things currently on the schedule could proceed. She asked if she was misunderstanding it. Mr. Skala thought if they did not have a resolution, it would be incumbent on the Council to determine if there should be an exception or not to proceed anyway. The year period of time would take effect. He explained they were trying to resolve the issue by allowing people to comment. He noted it would change the schedule to some degree, but it could be a year without it.

Ms. LaMar understood this would be a resolution to bring it to a public hearing to determine whether or not the Council would grant an exception to the year requirement. Mr. Boeckmann stated he thought the resolution Council wanted was to determine whether to allow the exception. He did not think it was to have a public hearing. Mr. Janku stated that was correct, but pointed out they would have public comment on the resolution. Mr. Boeckmann explained it would just be a resolution at the next meeting to decide what they could decide tonight without a resolution. Mr. Janku stated that given the contentious nature, he thought it would be good to allow for public comment. In addition, he would suggest they develop a policy or require a resolution in the future for when applicants make this type of request.

Ms. LaMar commented that one of the people from one of the neighborhood association's was present earlier, so they were aware this was going to be discussed. She noted there would also be substantial changes to the statement of intent that would go along with this as a result of mediation.

Mr. Skala explained this was a type of decision some of them would feel more comfortable with if the public could comment.

The motion made by Mr. Janku and seconded by Ms. Hoppe directing staff to draft a resolution for the July 7, 2008 Council Meeting authorizing a resubmittal of the Crosscreek application was approved by voice vote with only Mr. Wade and Ms. Nauser voting no.

**(G) Fire Territorial Agreement.**

Mr. Watkins explained he was recommending they give notice to the Boone County Fire Protection District of their intent to terminate the current territorial agreement at its renewal date of next January 31. As discussed at the Council retreat, he believed they needed an agreement, but the agreement negotiated 15 years ago was no longer what they needed. The best way of doing that was to give notice and to start all over again. If they did not do that, they would have the same agreement they had now for another year.

Mayor Hindman made the motion directing the City Manager to notify the Boone County Fire Protection District of the intent to terminate the agreement. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

**CULTURAL AFFAIRS STANDING COMMITTEE ON PUBLIC ART**

Burdick, Nancy, 12 McBaine Avenue, Ward 1, Term to expire July 1, 2011

**DISABILITIES COMMISSION**

Peplow, Mike, 2908 Crawford Street, Ward 5, Term to expire June 15, 2011

**BOARD OF HEALTH**

Phillips, Lynelle, 1013 Audubon, Ward 6, Term to expire August 31, 2010

**LIBRARY BOARD**

McDonald, David, 101 West Parkway Drive, Ward 4, Term to expire June 30, 2011

Sievert, Mary Ellen, 300 Edgewood Avenue, Ward 4, Term to expire June 30, 2011

Webber, David, 302 Edgewood Avenue, Ward 4, Term to expire June 30, 2011

**MAYOR'S COMMITTEE ON PHYSICAL FITNESS**

Watson, Sara, 400 South Village Circle, Ward 5, Term to expire November 30, 2008

**RAILROAD ADVISORY BOARD**

Blaylock, Teddy, 1861 N. Boothe Lane, County, Term to expire July 15, 2012

Groshong, Kee, 201 W. Boulevard South, Ward 4, Term to expire July 15, 2012

**WATER AND LIGHT ADVISORY BOARD**

O'Connor, Tom, 806 Leawood Terrace, Ward 4, Term to expire June 30, 2012

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mr. Sturtz commented that there was concern with regard to street cleaning on his street. He thought if they could advertise street cleaning, it could be much more effective in removing leaves and debris than the present system where a lot of cars remained on the street. He understood this was done in other cities.

Mr. Watkins thought they had considered that in the past. He explained they tried to sweep most streets four times per year. If they missed the first Monday, they would be off schedule. He stated they could keep some flexibility and not have to go again for another quarter or they could become more regimented. It was up to the Council on which way they wanted to proceed.

Mr. Sturtz explained the concern was that leaves ended up in the gutter causing drainage problems. On his street, there was a big lake in front of a few houses anytime it rained due to the lack of ability to clean the street sufficiently and people putting debris on the street. He wondered if this was a common problem or if it just impacted his street. Mr. Watkins thought it was a fairly common problem and stated it was a function of how often they wanted to clean the streets. If they wanted it cleaned more often, they would need another crew and sweeper.

Mr. Skala understood the trade-off was how many times they wanted to clean them versus how efficient it was. He thought Mr. Sturtz was suggesting it would be nice to get it done once or twice a year so there were no water problems. Mr. Sturtz commented that he did not know of the financial impact or if it would tie the City into something that was inflexible. He was not sure he was recommending anything specifically.

Mr. Janku asked if drains were being blocked by leaves. Mr. Sturtz replied yes. Mr. Skala wondered if someone could be contacted to help with the problem. Mr. Watkins replied yes. He stated if the neighbors called, he thought they could figure out a way to run the sweeper down one or two blocks.

Mr. Janku stated they received a letter from the Substance Abuse Advisory Commission where the Chair was suggesting a change in the attendance policy.

Mr. Janku made a motion directing staff to prepare an ordinance to follow up on the Substance Abuse Advisory Commission's request regarding the attendance policy. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku thought they might want to begin the Percent for Art process for Fire Station No. 9 as Ms. Hunter had indicated the more time they had, the better it was in terms of getting things started.

Mr. Janku made a motion directing staff to proceed with the Percent for Art process for Fire Station No. 9. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Janku asked what kind of pedestrian crossings the Rangeline improvements included. He wondered if there were countdown timers, buttons, etc. Since a lot of the streets such as Brown School Road and Blue Ridge Road had pedways, he thought there would be a lot of bicycle traffic on them and hoped they would have the things that generated

the light to change when necessary. He wanted to know how they would facilitate pedestrian and bicycle crossing on the major roadways.

Mr. Janku made a motion directing staff to provide a report regarding details of the pedestrian and bicycle crossings included with the improvements along Rangeline. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Janku noted there were problems with the pedway and sidewalk on Garth. The concrete was crunching together. He stated he would send the City Manager an e-mail regarding it as it needed to be worked on.

Mr. Skala understood they had a recommendation regarding ground source heat pumps from the Environment and Energy Commission and asked if it required any further action if they wanted them to look into it. Mr. Watkins suggested they refer it to the Building Construction Codes Commission.

Mr. Skala made a motion to refer the recommendation of the Environment and Energy Commission with regard to ground source heat pumps to the Building Construction Codes Commission for their review. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Skala commented that he missed the Council budget retreat and understood Mr. Wade brought up the issue of having some funded money, which coincided with his suggestion of last year regarding the possibility of an across the board cut for some of the larger departments to enable the Council to have more of a discretionary fund so they were able to do something. He asked if it was an appropriate topic for a report. He understood the Finance Director indicated there was a carry forward issue, along with other issues, last year. He wanted to understand the issues better. Mr. Watkins stated they would add it to the upcoming work session agenda. Mr. Skala thought that was a good idea.

Mr. Skala stated he recently taped another Counterpoint show at CAT-3 with Mike Martin and Mark Farnen and the topics discussed were the post-Council retreat and the controversies surrounding CMDC's ads. He wanted to invite anyone interested to view it later this week and month.

Mr. Wade provided a handout and stated he had tried to submit it for the Council Comment consent agenda per conversation at the Council retreat regarding ways to shorten comments. They had a sidewalk that was taken off of the sidewalk plan when the Stonecrest Neighborhood thought they were going to have their own neighborhood park. The neighborhood park was Longview Park, which was a block away across Gillespie Bridge Road, which was a dangerous road. This was not a request for a sidewalk on Gillespie Bridge Road, but a request to create a safe route for people from Stonecrest to go to Longview. He had a problem with putting it on the CIP because it would be forever before it got done. He wanted a report to recommend a plan of action so kids could safely get from Stonecrest to Longview Park. The main road coming out of Stonecrest came onto Chapel Hill Road in the middle of two curves. He thought those served by neighborhood parks

needed to be able to safely get there. In addition, after getting across Gillespie Bridge Road, they needed a way to get to the park, which was not obvious either.

Mr. Wade made a motion directing staff to prepare a report proposing a plan of action for creating a safe route for people from Stonecrest to Longview Park. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Wade referred to the street that connected the two halves at the extension of Chapel Hill. Mr. Watkins thought that was Limestone. Mr. Wade stated it was an intersection where a lot of kids traveled across. He believed they would see an accident if something was not done.

Mr. Wade made a motion directing staff to provide a report with options available for safe crossing of the Chapel Hill extension at Limestone. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Nauser stated she wanted a report with recommendations on how to shorten the Council Comments section of the meeting. She noted they discussed it at the Council retreat. She commented that she did not know what required a report versus a direct inquiry to the City Manager's Office. She suggested they be provided guidance.

Ms. Nauser made a motion directing staff to provide guidance with regard to items needing a formal public request versus a direct inquiry to the City Manager's Office and a template with regard to what they discussed at Council retreat for shortening Council Comments. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Ms. Nauser thanked everyone for making the Council retreat successful. She appreciated the opportunity for more dialogue and felt it was productive.

Ms. Hoppe made a motion directing staff to pursue trying to get funding back for a project in the area, if they had to pay mitigation funds into the Stream Stewardship Trust Fund with regard to the Maguire extension. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Hoppe stated she had information regarding sustainability directors and the possibility for funding the position. She commented that she looked at the Seattle Mayor's Climate Protection website and handbook in determining what other communities were doing in terms of creating an action plan. She noted many communities were hiring sustainability directors and that she had the job description requirements one community was using. She stated she would provide it to the City Clerk to distribute. She explained she was looking for a way to fund it. One possibility was to charge each household \$1 per month. The payoff would be for all income levels in terms of energy reduction as that was the goal. She was hopeful it would more than pay for itself. She noted it could be something much less than that, such as \$0.25 per month per household.

Ms. Hoppe made a motion directing staff to provide a report indicating how much money could be generated if there was a monthly fee per user on the utility bill in order to come up with a way to fund a sustainability director position to save the City and consumers

money in the long run. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman thought the Neighborhood Response Team (NRT) served a valuable purpose. He felt run-down neighborhoods were a source of serious problems and wanted to be more aggressive about recovering costs by violators. He wanted a report showing what they could do. He was not sure what they should do, but wanted to know what the legal limits were in pursuing going after costs to include administrative costs, etc. He believed it would be hard for them, due to the present budget situation, to increase personnel for those services although he thought they were needed. He wanted to know what they could do to try to recover those costs aggressively. He understood there could be a long delay in recovering costs if they had to sue to exercise a lien.

Ms. Nauser wanted to know if they were seeing repeat offenders, etc. with regard to the nuisance property ordinance. She wondered how the ordinance was working. Mr. Skala thought Chief Boehm provided a report a month or two ago. Ms. Nauser recalled them talking about the demolition of houses, but not this. She also recalled receiving something on the nuisance party ordinance, but not anything on the nuisance property ordinance. Mr. Watkins thought both were addressed in the same report. Ms. Amin stated she would e-mail the report to the Council.

Mr. Skala understood Mayor Hindman wanted information on the legal limits and thought there might be information from other communities.

Mayor Hindman made a motion directing staff to provide a report on the legal limits of recovering costs from violators of nuisance properties along with a cost analysis. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The meeting adjourned at 12:03 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk