

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JULY 20, 2009

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, July 20, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL and SKALA were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of July 6, 2009 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Skala.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

The agenda was approved unanimously by voice vote on a motion by Mr. Thornhill and a second by Mr. Skala.

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

Karen Taylor – Reconsider legislation to install video cameras in The District.

Karen Taylor, 3709 Frontenac Place, explained her son was attacked from behind and knocked unconscious in the Tenth and Cherry parking garage on June 6. Although he remembered little of the event and was unable to identify his attackers, the event occurred in front of a video camera in a well lit area. Within six hours of seeing the video, the Columbia Police Department was able to make some arrests. She believed the video camera along with good police work led to the arrests and felt video cameras were an important tool for law enforcement in identifying criminal suspects. In her review of some statistics, she understood there had been a 13.4 percent increase in crime in the downtown area from January 2008 to June 2009. She asked the Council to consider a proposal for video cameras in order to assist in fighting crime.

Adam Taylor – Reconsider legislation to install video cameras in The District.

Adam Taylor, 3901 Monsoon, stated he was the victim of the June 6 attack and asked the Council to reconsider the downtown camera issue. He believed cameras would prevent and deter criminals from minor and violent crimes. He thought citizens should feel confident in using the downtown for shopping and entertainment and businesses should feel protected. He understood the right to privacy, but noted his rights were immediately taken without approval when he was attacked. He commented that one reason he was able to move forward from this traumatic event was because he knew justice had been served, and without

the cameras, this would not have happened. He asked the Council to ensure this did not happen again.

PUBLIC HEARINGS

B183-09 Amending the Major Roadway Plan, a part of the 2025 Transportation Plan to downgrade West Boulevard from a minor arterial street to a major collector street.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposal would reconsider the classification of West Boulevard.

Mayor Hindman opened the public hearing.

Patty Hoddinott, 1000 Prospect Street, stated she and others in the area shared the same concerns regarding the classification and traffic on West Boulevard and thanked Mr. Wade and Mr. Glascock for their efforts.

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

Mr. Wade commented that two actions would take place to assist with the West Boulevard situation, and this reclassification was one of those actions. When West Boulevard was first designated as a minor arterial, it was the westernmost north-south route, and this had since changed. He noted the second action would restrict truck traffic in the West Boulevard Elementary School area to enhance safety and provide traffic calming to the west.

B183-09 was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Considering the Wastewater Facilities Plan.

Item A was read by the Clerk.

Mr. Watkins explained that by going through this process, they could make the Wastewater Treatment Plant eligible for State Revolving Loan Fund (SRF) financing, so the interest rate on the project would be reduced. The estimated cost was over \$60 million.

Mr. Glascock stated they had made application to utilize the SRF program. In order to meet program requirements, the Wastewater System Facilities Planning Report dated November 30, 2004 and the Wastewater Treatment Facilities Conceptual Report dated February 8, 2008 were being combined into a single document titled Wastewater Facilities Plan.

Larry Chapel, the Senior Engineering Manager of Black and Veatch, explained they had looked at the treatment facilities to ensure the long term needs of the City could be met and had identified many improvements to the existing facilities as well as the expansion and increase of treatment capacity. Since all of the improvements did not need to happen right away, they identified some as the Phase 1 improvements. They had recently completed a detailed design and were near sending it to the Missouri Department of Natural Resources for their approval process so they could bid the project. He explained the objectives of the project were to improve plant reliability, meet regulatory changes to include treating

ammonia, rehabilitate existing facilities, upgrade technology through process enhancement, improve bio-solids processing and reduce odor levels.

Ms. Hoppe noted the City was adding ammonia to water to counteract the THM's and asked how that fit in with this. Mr. Chapel replied most of the ammonia in the wastewater stream was a human waste by-product and he did not think they wanted to use that ammonia in treating the water. The ammonia in the wastewater stream came through the sewer system and they were being asked to provide a treatment to eliminate it because it was a toxic to wildlife and biota in the wetlands.

Mr. Skala understood this would handle the increased capacity as well as the existing capacity. Mr. Chapel stated it would and explained there would also be room for a third centrifuge when needed.

Mr. Sturtz asked if Mr. Chapel could determine how much of the \$67 million project cost involved just increasing the capacity to handle growth. Mr. Chapel replied he could not do that easily.

Mr. Wade understood the change in federal and state requirements, aging technology with a need to modernize and an increase in demand made it difficult to provide separate costs because they were all involved in the design proposal. Mr. Chapel stated that was correct.

Mr. Skala understood the extra capacity required for regulatory purposes had a side benefit of increasing the capacity. Mr. Chapel stated that was correct. He noted it was a side benefit and was not the driver for why the improvements were needed.

Ms. Nauser understood this would meet the City's needs through 2030. Mr. Chapel stated it would meet the population of 2030, if growth continued as projected.

Mr. Sturtz asked for the cost of supporting another 10,000-20,000 people from there. Mr. Chapel replied he thought \$14.4 million would be close as it was the cost of another train.

Mr. Watkins noted that if they reduced infiltration and inflow by addressing combined common collectors and removing the sources of infiltration and inflow, they would slow the need for future capacity.

Mayor Hindman opened the public hearing.

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

Mayor Hindman made a motion directing staff to proceed with the proposed sewage improvement project as outlined in the Wastewater Facilities Plan. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(B) Approval of the Wastewater Facilities Plan Environmental Information Document for the Columbia Regional Wastewater Treatment Facilities Plan Phase I Improvements Project.

Item B was read by the Clerk.

Mr. Glascock stated the purpose of the Environmental Information Document (EID) was to present environmental information with regard to the Columbia Regional Wastewater Treatment Facility improvement project, and a public hearing on the EID was required by the Department of Natural Resources.

Larry Chapel, the Senior Engineering Manager of Black and Veatch, described some of the items addressed in the EID and noted the Phase 1 improvements would provide a

more consistent level of treatment and higher quality effluent and would reduce levels of ammonia from the mechanical plant and the constructed wetlands treatment units, which in turn would better ensure the protection of the water quality of the receiving stream and serve to protect water quality and public health. In addition, it would improve the condition of the surrounding neighborhood through the reduction of odors and a decrease in the number of trucks hauling sludge from the treatment plant through the neighborhood.

Mayor Hindman opened the public hearing.

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

Mr. Wade made a motion to approve the Environmental Information Document. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(C) Construction of the Columbia Regional Wastewater Treatment Facility improvement project.

Item C was read by the Clerk.

Mr. Glascock stated they could bid the project as described by Mr. Chapel in September with Council approval.

Mayor Hindman opened the public hearing.

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

Mr. Wade made a motion directing staff to proceed with the final plans and specifications for the Columbia Regional Wastewater Treatment Facility improvement project. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(D) Construction of a sidewalk along the north side of Walnut Street between William Street and Old Highway 63.

Item D was read by the Clerk.

Mr. Watkins explained this project involved the construction of a six foot sidewalk on the north side of Walnut between William and Old Highway 63 and would be funded with non-motorized transportation funds.

Mr. Sturtz recalled approving a project west of this on the north side of Walnut, between William and College, a few meetings ago and asked if that was correct. Mr. Glascock replied he did not recall and stated he thought there was already a sidewalk there.

Mr. Skala understood the reason non-motorized funds could be used for sidewalks was because it was to be used for multi-modal transportation. Mayor Hindman explained it provided interconnectivity.

Mayor Hindman opened the public hearing.

Kathleen Weinschenk, 1504 Sylvan Lane, stated she was on the Disabilities Commission and the Commission was in favor of this sidewalk because many people in wheelchairs would use it to get to Stephens Lake Park.

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

Mr. Skala stated he was glad to see this happen. Ms. Hoppe agreed and noted it was needed.

Mr. Skala made a motion directing staff to proceed with final plans for the sidewalk on the north side of Walnut Street between William Street and Old 63. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

OLD BUSINESS

B160-09 Amending Chapter 21 of the City Code to establish the Citizens Police Review Board.

The bill was given third reading by the Clerk.

Mr. Watkins explained Council had suggested a number of amendments based on the comments received at the special meeting previously held on this ordinance. Mr. Boeckmann summarized the items on the amendment sheet that had been prepared.

Ernie Lee, 3906 Dublin, commented that he was prepared to address a couple issues of concern, but understood the training standards and standards for personnel serving on the review board had been addressed with the amendment sheet.

Charles Nilon, 1303 Parkridge Drive, provided a handout and stated he was speaking on behalf of the Minority Men's Network with regard to the proposed amendment to Section 21-47(b). He noted they agreed with the proposed amendment and urged the Council to approve it.

John Clark, 403 N. Ninth Street, stated he felt the purpose statement was too constricting. He believed the purpose was to increase community trust in the police and police trust in the community. He commented that the proposed purpose reduced the emphasis of the second duty identified in Section 21-49. If they did not broaden the purpose statement, he suggested the first three duties of Section 21-49 be included as part of the purpose statement.

Dan Viets, 15 N. Tenth Street, stated he was the President of the ACLU of Mid-Missouri and commented that he thought the Committee appointed by the Mayor to study the issue voted to include subpoena power, so the ACLU was disappointed it was not part of the proposal. Nonetheless, they felt this ordinance was a good proposal as it represented a good compromise. He noted they believed the essential elements of the review board were to provide an external and independent venue for appeals.

Mayor Hindman pointed out the Committee had voted, by one vote, to not have subpoena power and that was reason it was not included in the proposal.

Mayor Hindman thanked the Committee for its work on this issue and noted the Committee and public had a major impact on the proposed ordinance. He believed this was a good ordinance and was supportive of all of the suggested amendments. He felt the final benefit of this ordinance would be a greater trust in the Police Department by the members of the public and better interaction between the Police Department and the public.

Ms. Hoppe made a motion to amend the purpose in Section 21-44 of the amendment sheet by replacing fair and objective with external and independent. The motion was seconded by Mr. Skala and approved by voice vote with only Mr. Wade voting no.

Ms. Nauser stated she believed there should be requirements for some of the members. She was concerned with eight laypersons reviewing Police policies and procedures. She suggested the membership include at least three or four members having a background in disciplines such as law, criminal justice, human resources and law enforcement, as well as having lay individuals.

Mr. Skala stated he did not have a particular objection to the approach proposed by Ms. Nauser, but wondered where they would draw the line and asked if a psychologist would be needed. He thought the qualifications of the members were dependent upon the issues being appealed and believed the Board had the ability to request expertise if they felt it was needed.

Ms. Nauser understood this issue could be addressed in the future if they found additional membership requirements were necessary.

Ms. Nauser commented that when other boards and commissions wanted to suggest policy recommendations or rules, they had to go through the Council. The proposed language in this ordinance would allow the Citizens Police Review Board to go directly to the Police Department or City Manager to make changes. She suggested they be required to go to the Council first since it was Council appointed board.

Ms. Hoppe asked where the language Ms. Nauser was referring to was located in the ordinance. Ms. Nauser replied Section 21-47(b) and 21-49(3). She explained she was concerned with the Board having the authority to promote ideologies and changes that did not come through the elected official process.

Mayor Hindman pointed out Section 21-49(4) indicated the annual report to Council should include any recommendations made on police policies, procedures and training, so Council would be made aware of the recommendations made.

Ms. Nauser understood they had the authority to go directly to the City Manager and Police Department and she wanted the Council to be involved prior to them going to the City Manager and Police Department.

Mr. Skala felt they had the protections necessary in Section 21-49(4) to review policies.

Mr. Wade commented that he did not have a problem with the way it was, but it was a Board that answered to the Council, and the review and recommendation of police policies, procedures and training were issues internal to the administration and operation of the Police Department. He suggested removing Section 21-49(3). The report would then come to Council and it would be the City Manager's responsibility to follow up on the recommendations.

Mr. Thornhill stated the concern he had was that they might make a recommendation the Council did not find out about until ten months later.

Ms. Nauser made a motion to amend the amendment sheet by removing Section 21-49(3). The motion was seconded by Mr. Thornhill and defeated by voice vote with only Ms. Nauser, Mr. Thornhill and Mr. Wade voting yes.

Ms. Nauser made a motion to amend B160-09 by adding a five year sunset clause. The motion died for a lack of a second.

Mayor Hindman made a motion to amend B160-09 with the amended amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The vote on B160-09, as amended, was recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B177-09 Voluntary annexation of property located on the west side of Range Line Street, southwest of the intersection of Range Line Street and Boone Industrial Boulevard (4515 and 4525 North Highway 763); establishing permanent C-3 zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this involved the voluntary annexation of about 8.95 acres in north Columbia and the requested zoning was C-3, general commercial. The Planning and Zoning Commission had recommended against the C-3 zoning by a vote of 4 to 3.

Mr. Thornhill stated he was uncomfortable with C-3 zoning given the history of activity at the property and suggested amending the zoning to C-P so they had better control over potential uses.

Mayor Hindman asked if they could amend the zoning to C-P or if only the applicant could. Mr. Boeckmann replied the Council could do it, but the applicant had the right to withdraw.

Mr. Sturtz noted the applicant had already articulated they did not want C-P zoning.

Mr. Boeckmann explained the problem with changing it to a planned zoning was the fact a planned district required a statement of intent, which was in letter form and to be proposed by the applicant.

B177-09 was given third reading with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. Bill declared defeated.

B178-09 Voluntary annexation of property located on the south side of Richland Road, along both sides of Rolling Hills Road, extended; establishing permanent C-P, PUD-10, PUD-5 and PUD-8 zoning; authorizing a development agreement.

The bill was given second reading by the Clerk.

Mr. Watkins noted the applicant was requesting this be sent back to the Planning and Zoning Commission to discuss potential amendments.

Robert Hollis, an attorney with offices at 1103 E. Broadway, explained that based on the comments of the Planning and Zoning Commission, the applicant had agreed to make significant changes. As a result, they were suggesting the Planning and Zoning Commission be allowed to make a recommendation on the revised proposal.

Mr. Thornhill made a motion to remand this item to the Planning and Zoning Commission. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B181-09 Approving amendments to the PUD development plan of The Highlands Phase 8 located southwest of the Forum Boulevard and Old Plank Road intersection; granting a variance to the Subdivision Regulations; setting forth conditions for approval.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a request by the Highland Properties Company, the owner of the property, for a major amendment to The Highlands Phase 8 PUD plan. The amendment primarily dealt with a change in the extension of a road and a request for variances to the sidewalk requirement and the maximum cul-de-sac length.

Mr. Teddy commented that Stonehaven Road was planned to go all of the way to Old Plank Road, but as the lots were developed, the street was not extended, and it was currently a dead end. He noted there were still two vacant platted lots and a platted right-of-way. The Planning and Zoning Commission recommended a compromise involving a 20 foot wide pedestrian and emergency vehicle access. It would be a private roadway with a knock-down gate located north of Old Plank Road. With regard to a sidewalk on Old Plank Road where the subdivision had frontage, the Commission recommended accepting a payment in lieu of a sidewalk. The Planning and Zoning Commission voted 4 to 3 in favor of the compromise solution.

Mr. Sturtz asked if in 1987 the developer had agreed to the sidewalks and the extension of Stonehaven through a performance contract. Mr. Teddy replied the performance contract used then was not as effective as the one used today, but there would have been construction plans for a street all of the way to Old Plank Road.

Mr. Sturtz understood the City could hold a developer to a commitment now in a way they could not back then. Mr. Teddy explained the City could enforce the performance contract by installing the improvements and taxbilling the lots or by requesting a performance bond at the end of the performance period and using the bond to install the improvements.

Mr. Sturtz asked if there was a certain point at which they knew these things were not happening. Mr. Teddy replied he did not know the reason for not requiring the original subdivider to extend the road to Old Plank. The explanation at the hearing was that there were additional connections in the general area that became available.

Mr. Skala understood there were guidelines for cul-de-sacs and asked when they were discouraged. Mr. Teddy replied at 750 feet. Mr. Skala asked for the length of this street. Mr. Teddy replied approximately 3,000 feet.

Mr. Skala understood they had a flawed document and asked where it left the City if the Council decided they wanted the street to connect. Mr. Teddy replied the Council could recommend the last two lots be developed as originally planned with the right-of-way intact for a conventional local street. They could also agree to an altered alignment with a reconfiguration of the two remaining lots if desired by the applicant.

Mayor Hindman asked if they had any way of enforcing the immediate construction of the street or if they had to wait for the development of the lots. Mr. Teddy replied they would request the street be put in if a permit was pulled for one of the lots. Mayor Hindman understood that if the Council did not agree to the compromise, it meant nothing would happen unless the developer was motivated in developing the two lots.

Mr. Thornhill understood the compromise gained emergency vehicle access that did not exist now. Mr. Teddy stated that was correct as it was a dead end street now. Mr. Thornhill assumed it was cost prohibitive to construct the street otherwise it would have already been done.

Mayor Hindman understood the private street would be built to the City's alley standards and asked if there was guaranteed public access. Mr. Teddy replied access would be provided to emergency vehicles. Mayor Hindman asked about pedestrian and bicycle access. Mr. Teddy replied the Homeowners Association could restrict access to the general public.

Ms. Nauser asked if there would be a sidewalk in conjunction with the road. Mr. Teddy replied the sidewalk would be on Old Plank. Ms. Nauser understood that was a payment in lieu of situation and wondered how they came up with the \$20 per lineal foot.

Robert Hollis, an attorney with offices at 1103 E. Broadway, provided a handout of his presentation and explained this was a mature subdivision that had developed additional connectivity and had connectivity that was not planned at the beginning. He commented that there would be a knock-down gate and they were agreeable to all of the recommendations of staff and the Planning and Zoning Commission except for the roll-back curbs because the roll-back curbs would cause stormwater issues that were not necessary. He believed safety would be compromised with the Stonehaven connection to Old Plank due to a line of sight of only 220 feet. In addition, the cut-through traffic would be fast and there would not be any sidewalks. If this plan was not approved, nothing would change and it would remain a dead end. He provided a letter of support from the Homeowners Association and the people living on Stonehaven. He noted it was the intent of the applicant to provide access to the City for emergency vehicles and access to the public for pedestrian and bicycle use.

Mayor Hindman asked for the reason for making it a private street instead of a public street. Mr. Hollis replied he was not sure how they could make it a public street and restrict access.

Ms. Hoppe asked if the Homeowners Association would clear snow. Mr. Hollis replied yes.

Mr. Hollis reiterated there was no sidewalk. It would be 20 feet of pavement. Mayor Hindman understood the 20 foot pavement would go all of the way to Old Plank. Mr. Hollis stated that was correct.

Mr. Glascock asked who would maintain the private road. Mr. Hollis replied the Homeowners Association. Mr. Glascock asked to what standard it would be maintained. He explained a decision needed to be made with regard to who would make the call as to whether the road needed maintenance work. Mr. Hollis replied they would be agreeable to including a standard and asked for suggestions. Mr. Glascock noted it needed to be smooth and taken care of like a City street.

Ms. Nauser asked how other private drives were handled. Mr. Glascock replied the City went around and looked at them on a periodic basis. He pointed out those allowed traffic. The only gated one he recalled them approving was at some apartments on Old 63 and the road was very short.

Mr. Hollis stated they could include a standard indicating the Homeowners Association would be required to abide by whatever recommendation the City had when it inspected the road. Otherwise, they could indicate it would have to be smooth and traversable street.

Mayor Hindman commented that not doing what had been agreed to was one of the reasons developers were getting a bad name. Some of the applicant's argument made sense, but it was also hard to say there was too much connectivity. He noted the City should have seen to it that something was done at the end of the three years of the performance contract.

Mr. Skala understood the recommendation of staff prior to it going to the Planning and Zoning Commission was to deny the request and asked if requiring the extension of the street

really produced a safety hazard. Mr. Teddy replied he knew of a situation on Rock Quarry where the sight distance was improved by cutting back the vegetation. Mr. Skala asked if there was a different standard for emergency vehicles in terms of sight distance. Mr. Teddy replied no.

Mayor Hindman asked if everyone was happy with the \$20 per lineal foot. Mr. Thornhill replied it was a recommendation of the Planning and Zoning Commission. Mr. Wade commented that it was a standard that had been in place for a long time. He believed they needed a policy change versus changing it for a single item.

Mr. Wade made a motion to amend B181-09 by adding two conditions to Section 3 that would read “the private street shall be maintained by the Homeowners Association to standards which allow the streets to be used by emergency vehicles” and “the private street shall be available for use by the public for pedestrian and bicycle access.” The motion was seconded by Mr. Thornhill.

Ms. Nauser understood a comment had been made indicating the roll-back curve would cause more water run-off and noted she had received complaints from property owners along Old Plank with regard to flooding. She asked for clarification. Mr. Hollis replied he understood that if there were curbs, the water would be pushed toward Old Plank. Without curbs, the water would sheet flow across and not go directly toward Old Plank. Mr. Glascock stated he believed there would be a water issue either way and in his opinion the curb should be required. He explained the water was draining toward Old Plank either way due to the contours and believed there would be water damage to the private street without a curb.

Ms. Hoppe asked if there was a way to handle the water problem without roll-back curbs, so the street would not be eroded. Mr. Glascock suggested energy dissipation at the bottom of the hill. Mr. Thornhill asked if that was in lieu of the roll-back curbs. Mr. Glascock replied no. It was in addition to it.

The motion made by Mr. Wade and seconded by Mr. Thornhill was approved unanimously by voice vote.

Mayor Hindman asked if the ordinance needed to be amended to ensure they would not create an additional water problem for Old Plank Road. Mr. Glascock replied the applicant would have to submit a construction permit and the City would review the plans then. Mayor Hindman understood staff would be able to handle this without a change to the ordinance. Mr. Glascock stated that was correct.

Mr. Skala stated he did not like broken promises. He understood that by not going along with the compromise, they might be stuck with something that might cause the City to be responsible for the connectivity. He agreed connectivity was almost always a good idea. He thought there might be an ultimate solution to this, although he did not know if there was any way to provide an incentive to the developer to participate.

Mr. Sturtz commented that he did not like developers flouting rules, but beyond that, he did not see any real good coming out of not agreeing to the compromise as it would provide more safety for the people living on the street. Although he did not like doing so, he thought he would vote in favor of it.

Ms. Hoppe explained that since it would enhance safety with emergency vehicles and the City was a little at fault for not having enforceable ordinances, she thought this was a reasonable solution and a better solution than no solution.

Ms. Nauser stated she did not like the way this had developed over the years, but with regard to connectivity, she did not see anyone from Old Plank using this road as access because it would take that person through the Highlands to get to the same place as Forum Boulevard. People from the Highlands might use it to access Old Plank Road, but they had done without for 20 years. This proposal provided some protection for the residents living there with the breakaway gate. In addition, it provided the cul-de-sac turn around for City vehicles. She agreed they needed to revisit the \$20 per lineal foot amount for sidewalks because it was completely inadequate, but planned to support this.

Mayor Hindman commented that since they had agreed to provide pedestrian and bicycle access, he hoped it was implied there was adequate entry without having to climb over the gate. He suggested they use a gate similar to those on the trails.

B181-09, as amended, was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL. VOTING NO: SKALA. Bill declared enacted, reading as follows:

B186-09 Authorizing construction of sidewalks and striping bike lanes on Range Line Street (Route 763), between Business Loop 70 and Big Bear Boulevard; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Watkins noted this project would be funded with non-motorized transportation funds.

Mayor Hindman stated this project needed to be done as it filled a sidewalk gap. Mr. Wade agreed.

B186-09 was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B187-09 Amending Chapter 14 of the City Code to prohibit parking along a section of Woodrail Avenue.

The bill was given second reading by the Clerk.

Mr. Watkins explained this request was received through the Council by a neighborhood association to prohibit parking on the north side of Woodrail Avenue, between Woodkirk Drive and Woodbine Drive.

Rick Royer, 1515 Woodrail Avenue, stated he was the President of the Woodrail Homeowners Association Number 4 and explained they had a traffic situation involving safety with traffic lined on both sides of the street due to the success of the tennis and swimming programs of the Country Club of Missouri. They were asking that traffic be restricted to one side of the street because they had several near misses with children darting out from around parked cars. The members of the Association voted 23 to 3 to support this restriction.

Ms. Nauser stated there was an increasing safety problem and she planned to support it.

B187-09 was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B196-09 Authorizing changes in the Water and Light Department Demand Side Management Program; amending the FY 2009 Annual Budget and the Classification and Pay Plans to add and reclassify positions in the Water and Light Department; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained the Council approved the IRP earlier this year and part of the program was to focus on demand side management. This ordinance would add funds and three positions to implement the program. Part of the additional budget was software that would allow them to monitor the program to determine if it was working.

Mr. Kahler noted they were placing a greater emphasis on commercial and industrial programs and described those. In addition, there was additional funding for the Home Performance with Energy Star program.

B196-09 was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B197-09 Designating a portion of the City of Columbia as a redevelopment area; approving the Tiger Hotel tax increment financing (TIF) redevelopment plan and project.

The bill was given second reading by the Clerk.

Mr. Watkins noted the Council approved a policy resolution about a year ago indicating the Council would consider tax increment financing in the downtown area subject to thirteen considerations.

Mr. St. Romaine stated he believed this process began in January of 2006 with the Visioning process, which had a downtown citizen topic group that looked at the vitality of the downtown. In addition, Sasaki and Associates had conducted a Campus/City Opportunity Study that identified certain underutilized spots within the downtown area. The downtown citizen topic group recommended the use of incentives to stimulate the downtown and the formation of a leadership council. In March of 2008, the Downtown Columbia Leadership Council was established to look at some of these issues. In addition, the TIF Commission was established and PR 47-08 established certain policy guidelines for the TIF Commission to follow in reviewing applications. He showed the Council a list of the policy criteria to include the “but for” analysis. He commented that staff believed that as these catalytic projects were built, they would have a synergistic effect on other areas within the downtown, so even though real estate property taxes were being frozen at a certain level, additional sales taxes would be generated by other businesses. This was an opportunity for retaining existing businesses and attracting new businesses to the downtown area. He explained it did not reduce property tax revenues. The real estates taxes on these developments would be frozen at the current level upon passage of the application and would continue to be distributed to taxing jurisdictions as they were now. In addition, personal property taxes would continue to flow to the jurisdictions. The analyses showed the taxing jurisdictions

would actually see increases over the 23 year life of the projects if the projects performed as expected. Also, at the end of the TIF period whether 23 years or sooner, the taxing jurisdictions would see the benefit of the increased assessed values. He pointed out there was no risk to the City. The developer would bear all of the risk. He displayed slides showing the sales tax growth rate and business licenses within the SBD in comparison to the areas outside of the SBD.

Laura Radcliff of Stifel, Nicolaus and Company explained the theory with TIF was that there was a tax base at present and once development occurred due to TIF, there would be new incremental growth in the tax base. At the end of the TIF, there were new taxes available for all of the taxing districts. Without TIF, the existing tax base would grow due to inflation, but would grow only to the extent there was inflation. The increase was not due to new growth. Per Missouri statutes, the Council had to make a finding that the redevelopment area would not be reasonably anticipated to be developed without TIF in order to adopt the TIF. She explained it came down to whether it worth it for the developer to undertake the project. This was measured using an internal rate of return analysis and was the discount rate that made the net present value of all of the cash flows of the project equal to zero. When determining whether or not the project would be developed without the use of TIF, one was looking at how that rate of return compared to other investment alternatives. In order to get to a rate of return that would entice a developer to undertake a project, public capital would need to be put into the project or public infrastructure would need to be provided. With regard to the Tiger Hotel, the internal rate of return was 6.8 percent without the TIF and 9.273 percent with the TIF. She pointed out there were a series of assumptions that went into this analysis and was based on projected income from the project and projected net TIF proceeds.

Mr. St. Romaine noted that if Council approved the TIF applications, they would be approving the redevelopment area plan and project. The next step would be a redevelopment agreement which would address many of the issues still needing to be addressed with each applicant.

Steve Erdel, 2605 Vista View Terrace, stated he was the Chair of the TIF Commission and explained the resolutions for both projects, the Tiger Hotel and the 10th and Locust development, were approved on June 5, 2009 with the caveat that during the process of negotiating the redevelopment agreement consideration should be given to shortening the maximum 23 year tax recapture period if feasible and to the treatment of surplus TIF revenues. He understood they could be used to shorten the 23 year period or given to the taxing entities. The Tiger Hotel project passed with a vote of 5 to 4 and one abstention. The 10th and Locust project passed with a vote of 6 to 4.

John Ott, 212 Bingham Road, provided a handout and explained the Tiger Hotel was a significant project for a lot of reasons. It was a historic hotel that had underperformed as a property for several decades and was a community landmark. He commented that the study completed by Sasaki and Associates had suggested housing, museums, destinations and overnight accommodations were important components to the downtown. The benefits of the Tiger Hotel being renovated as a boutique hotel to the downtown area and community included the fact it would be a catalyst project. It would create jobs, generate sales for

retailers and restaurants and generate several million dollars for the taxing entities after the TIF was retired. The streetscape of the project would meet the standards of the Avenue of the Columns and funds would be set aside to ensure the streetscape would function in relationship to the rest of the projects along Eighth Street. He noted the downtown area was vital to the community as indicated in the Sasaki study and the Visioning process. He felt this was a viable project that would be successful and believed this project would add to the identity of Columbia and its sense of community. He noted the only way this project could happen was with a public-private partnership. He asked the Council to support the Tiger Hotel TIF project.

Arnie Fagan, 808 E. Broadway, stated he believed TIF's provided developers millions of tax dollars and diverted money from schools. He noted the Sasaki study discussed some catalyst projects, but the Tiger Hotel project was not listed as one of those projects. One of the catalyst projects identified was a convention center with an attached hotel that would be located a block south from the Tiger Hotel. He believed the Tiger Hotel would complicate the ability to get a large developer to put forth a proposal for a large convention center. As he looked at the numbers with regard to the Tiger Hotel, he felt there was a good chance it would not work. He commented that the project would create some jobs, but they would be low paying jobs. In addition, it would create unfair competition by giving a tax break to one hotel. He explained that other than the nights all of the hotel rooms around town were filled, it would compete with the other hotels. It would also compete with other retail businesses. He noted an assumption was that 60 parking spaces would be leased in the garage across the street and wondered how that would be accomplished as there were no spaces available. With regard to development not happening without TIF dollars, he felt development was happening everywhere as people like him were investing in the downtown, and he did not believe they should have to compete with businesses that had tax breaks. He commented that the developer had bought into the project, so this was essentially a bailout. He pointed out the developers were selling the property to themselves at an inflated price. The value per the assessor's records was \$1.5 million, but they were selling it to themselves at \$4.5 million. He wondered why they would freeze it at \$1.5 million when it was valued at \$4.5 million. He asked the Council to look at the numbers and its effect on the schools, and suggested the City look into a definitive conflict of interest policy. He also asked the Council to delay this vote and obtain more information.

Chris Belcher, the Superintendent of the Columbia Public Schools, explained he was present to reiterate the opposition by the Columbia Public School Board of Education for the use of TIF for the two projects being presented tonight. About 60 percent of the Columbia Public Schools funding was from local property taxes. He noted other tools existed such as a CID, sales tax, etc. that could be considered in supporting economic development and pointed out 23 years was a long time to wait for the revenue generated by these properties.

Mark Stevenson, 19 S. Fourth Street, stated he was representing the Columbia Apartment Association and they opposed the use of TIF funding for either development. He did not believe economic success was determined solely by considering the number of business licenses and the amount of retail sales tax generated. Neither considered increases in employment or non-sales or non-retail economic activity. He listed a number of

businesses within the downtown that did not pay sales taxes. He thought the downtown was changing from retail to service oriented business and that it was not blighted. He pointed out hotels in Columbia currently had low occupancy rates and faced financial difficulties. In addition, the Tiger Hotel had already received tax subsidies and was now asking for more government money. He wondered what would happen if it failed again. He thought these developments would harm the downtown economy as any TIF project would have a 20 percent economic advantage and this would discourage and prevent other taxpaying developments. He believed the Columbia Public Schools needed the property tax money to provide a good education.

Richard Ditter, 2701 Malibu Court, stated he owned D-Sport and his wife owned KeLani, and they supported both TIF projects. They felt the projects would improve the overall area in which they were located, improve the overall economic impact on Columbia and generate more tax income. He noted they had been through unprecedented growth and the unprecedented availability of money, but these areas did not develop then. These properties, particularly the one at Tenth and Locust, had stayed the same for 40 years, so no additional income had been generated by the properties.

Tony Marshall, 906 W. Boulevard South, asked the Council to support the TIF for the Tiger Hotel.

Randy Gray, 301 Edgewood, stated he believed the Tiger Hotel was a great project and an appropriate downtown development project as it reinforced part of the community's heritage and would be an attraction for cultural heritage visitors. He commented that cultural heritage tourism visitors spent more money and stayed longer than business travelers and those attending sporting events, and a downtown boutique hotel was more apt to appeal to this market segment than a franchise facility on the interstate. He understood some people were philosophically opposed the concept of tax increment financing, but noted a public process took place resulting in a policy adopted by the Council and the Tiger Hotel project met that policy. It also adhered with a development vision statement in Imagine Columbia's Future vision report. He asked the Council to approve the Tiger Hotel proposal that would protect a community landmark while providing a complimentary economic activity for the on-going development of the downtown.

Tina Bernskoetter stated she was a registered lobbyist for the Columbia Chamber of Commerce at 300 S. Providence Road and noted the Chamber supported tax increment financing as a tool to support economic development in Columbia. They supported the use of the TIF Commission and its policies for deciding the eligibility of a project. The Chamber believed it would lead to employment and quality jobs in the area.

Travis Tucker stated he was representing Bleu Restaurant at 29 S. Eighth Street and encouraged the Council to approve the TIF for the Tiger Hotel. Due to the proximity of Bleu to the hotel, he received daily comments regarding the need for a place to stay in downtown Columbia. He thought a boutique hotel was needed and believed it would boost business for those in retail and those with bars and restaurants.

Paul Rubenstein, 1003 Marcassin, stated he was a small business owner within The District and both of the proposed projects made minimal accommodations for on-site parking despite the fact both would substantially increase demand for short- and long-term parking in

the downtown area. The Tiger Hotel proposal did not contemplate on-site parking despite the fact 62 guest rooms would be put into operation. It indicated the hotel would lease spaces in the City-owned parking garage immediately east of the hotel. The City would need to displace other downtown patrons that currently leased parking spaces to accommodate the request. He understood there was already a backlog of requests for monthly parking leases in the garage. Granting the hotel this request would defeat the purpose of enhancing the downtown experience for all patrons and workers. With regard to the 10th and Locust project, the proposal contemplated the use of the adjacent City-owned parking garage. In addition, there was a proposal to acquire a City-owned parking lot, which would eliminate 20 existing parking spaces. Tenth and Locust would be re-striped in order to create 21 angled parking spaces for the exclusive use of patrons of the first floor retail establishment. He noted this did not reduce surface parking. It just shifted it to the street and gave a business preferential treatment.

John Clark, 403 N. Ninth Street, recommended the Council delay a decision on both projects. He stated a good Sasaki study would have established the long range goals for a downtown revitalization against which these projects could be judged and they did not have that at this time. He believed the Visioning process indicated the need for that kind of planning. It did not indicate they needed hotels downtown. He thought the approval of these projects were premature. He did not believe these were catalyst projects and felt they would only receive more TIF project applications. The Sasaki study indicated large public projects by the University would be the catalyst for other private investments. This would allow public money to be the catalyst for some private investments. He asked the Council to not approve these applications for the short-term sales tax revenue at the long-term expense of the Columbia Public School District. If the Council decided to move forward, he recommended limiting participation to 10 percent instead of 20 percent, reducing the 23 year time period and setting up the real estate tax base so it would increase by the CPI plus 3-5 percent per year to narrow the gap.

Marty Waigandt stated she and her husband were developing property at 808 Cherry Street based on the Sasaki study recommendation for increased mixed-use. They saw a need for apartments and used their personal funds to complete the mixed-use project, which included seven apartments and 1,200 square feet of retail space. If they thought The District was blighted, they would have waited for tax free assistance. She asked how they could compete with other entities given economic advantages. She also asked for the vote to be tabled in order to gather more information and public opinion.

Larry Schuster, 3109 Hill Haven Lane, stated a TIF was a granting of public tax dollars to a private individual. He thought they should look at studies by Washington University and the Brookings Institute and at the failures of TIF in several communities in the Kansas City area. He commented that Missouri was the poster child with regard to how not to do a TIF. The Washington University study indicated the greatest reform was needed in the “but for” clause, the blight definition and the removal of retail TIF projects due to their failure to return tax dollars as promised. He stated he thought it was shameful for the State statute to allow a Council to transfer the tax dollars of another political jurisdiction to a private individual. He

also thought it was shameful to have seven financial institution members on the TIF Commission.

Skip Walther, 700 Cherry Street, stated he practiced law and owned a business in the downtown and that a successful downtown and Tiger Hotel were important to him. The Tiger Hotel was a largely vacant underperforming property with little sales and no overnight visitors. The real estate property taxes on the Tiger Hotel were about \$23,000 per year. He noted he paid more than that on his two-story building on Cherry Street. Without the TIF project, the School District would continue to receive its allocation from the \$23,000 and he would be surprised if that number ever went up. He commented that since 1980, there had been six different property owners that had tried to make a successful Tiger Hotel. He did not believe the development of this property would work without assistance. Over time, the increase in property taxes would benefit the School District. He stated he did not understand the argument indicating the School District would lose in this proposition and believed they were a significant beneficiary of this project over time. He also believed the businesses downtown would benefit. He urged the Council to vote in favor of this proposal.

Jack Miller, 2201 Country Lane, stated he had a business at 21 S. Ninth Street and was a former partner and investor in the Tiger Hotel. He commented that large historic buildings, such as the Tiger Hotel, faced certain challenges unlike any other developments. When the developer finished floors two through eight, there would be more than 60 hotel rooms in downtown Columbia that were unlike others. He believed the increased activity would account for additional money flowing to other businesses. He did not believe this project took money away from the schools as one could not take away money that did not exist in the first place. This project would not happen without additional support. The Tiger Hotel met the qualifications for a TIF and if the Council did not approve the Tiger Hotel project, he wondered what project would satisfy the requirements for a TIF. He believed much of the debate involved whether or not TIF's were good instead of whether the Tiger Hotel project was a good TIF project. He asked the Council to approve the Tiger Hotel project.

John Riddick, 602 Rollins Court, stated he had known John Ott for a while and believed anything he did would be done right. He felt the Tiger Hotel was a perfect TIF project.

Jim Spencer commented that he moved back to Columbia after graduate school and brought a company, which partnered with the Journalism School, with him. He suggested the Council consider public-private partnerships and described the public funding they received. He also listed the local companies they were supporting by being in Columbia through the partnership. He noted everyone would benefit from the success of the public-private partnership.

Joan Beard, 154 W. Green Meadows Road, stated she was opposed to TIF because she did not believe public money should be used on private property. She also felt funds were being diverted from the School District and believed that was wrong. She commented that TIF's gave more power and authority to developers than the regular citizenry. She believed this was unfair to other hotels, apartments and businesses that had spent their own money and obtained their own loans. In addition, due to the tight City budget, she did not

think City funds should be used for the projects. She felt that since the developers would benefit the most, they should take the most risk.

Carol Stevenson, 3204 Crestwood Lane, stated she found several aspects of the TIF highly objectionable. She was concerned with the toll the TIF program would exact on school children and legitimate taxpayers in Columbia. The Tiger Hotel TIF project would open the door to other downtown projects and was an invitation to not support the schools for decades. She believed the ordinary taxpayer would be forced to assume an even larger burden as schools would still need money while a few lucky developers would escape their responsibility. She did not think downtown Columbia was blighted as it had some of the most expensive real estate in town. Downtown might not be the only place to shop in Columbia, but it was alive with business, entertainment and select shopping. She commented that Columbia hotels had low occupancy rates and many struggled to survive, so she did not feel now was the time to financially assist a competitor. She did not believe the Tiger Hotel was a good TIF candidate and asked the Council to make its choices carefully.

Fred Demarco, 6591 Sabine, commented that he believed the Tiger Hotel was a business deal that went wrong and the City was going to bail them out. He displayed a photo of the Vault, a business in the Tiger Hotel, and stated he was not sure how this was a TIF project as it was not blighted. He explained he was approached with a business proposition involving the use of the Tiger Hotel and thought it could be done without a TIF. He suggested the Council delay a decision for 21 days to obtain input from the public.

Matt Istwan, 3701 Watts Drive, stated he did not believe the Tiger Hotel was a blighted area. He felt the Flat Branch area could have been considered blighted in the past and thought savvy private financing along with the City's park development had turned it into a focal point in the downtown. As a result, he believed it could be accomplished with private financing. He also believed more and more people would come to the Council with TIF projects and understood two projects that were set to start were placed on hold awaiting this decision. He noted he was also concerned with the promise of a large tax revenue return in the form of sales tax as the hotel, restaurant and bar industries were high risk and thought the increased returns were speculative. He asked the Council to give this more time as he felt this could be done with private financing when the economy recovered.

David Streeter, 2007 Chapel Ridge Road, stated he was the general manager of the Holiday Inn Select Executive Center and his concern was the overdevelopment of one particular business. He had been in Columbia for three years and occupancy rates were level or low, and even with the development of new hotels, no additional tax revenue had been generated. This meant the pie was the same, but everyone's piece of the pie was smaller. The Tiger Hotel might create new jobs in the beginning, but other jobs at other hotels would be eliminated, so in the long run new jobs would not be created. He did not believe this was the right type of business for a TIF at this time.

Mary Wilkerson, 1404 Fir Place, stated she was the Chair of the Special Business District (SBD) and noted the SBD voted in favor of the formation of a TIF Commission in February, 2008. They believed these types of economic incentives would create the future economic strength of downtown Columbia. They were in support of converting empty lots into income producing properties, rehabilitating historic buildings and building up in the

downtown versus out in the fringes of the community. They wanted a 24-hour downtown where people lived, worked and played. She noted many of the projects discussed tonight happened due to historic preservation tax credits. She urged the Council to approve the two TIF projects under consideration.

Alan Dodds, 4504 Fallwood, stated he and his family had owned Tropical Liquors in downtown Columbia for 24 years and commented that TIF financing did not start out as public money. It started out as private money that he and other retailers in the downtown could use to expand their own businesses. If this was approved, their money would go to the Tiger Hotel to expand its business instead.

Richard King stated he owned the Blue Note at 17 N. Ninth Street and noted he wanted to speak on behalf of both TIF projects. He believed they were lacking a hotel in downtown Columbia as it had been voiced to him by customers, agents and band managers, and felt it was time to help get the Tiger Hotel project off of the ground.

Mayor Hindman commented that the downtown was an important part of the economic soul of this community and believed they needed to keep it vital. He believed a boutique hotel would be a catalytic investment in the downtown and noted Eighth Street was an underutilized street with many vacant spaces to include the Tiger Hotel. He agreed it might have been a bad investment and might be developed in the future, but he felt the chances of it being developed in the near future were slim. He realized there was concern regarding whether the schools would suffer as a result of this and noted they had heard good arguments indicating they would not because it would be years before there was any increase in tax revenues without a TIF. The questions raised about competition were fair questions, but he believed everyone would benefit with the success of the Tiger Hotel and a few other catalytic projects. With regard to whether they would be opening the door to an unstoppable deluge of TIF projects, he noted every project would be different. Since these investments were in the downtown, the infrastructure already existed and the projects would not add many people to the school system. The projects would, however, create construction jobs at a time when it was needed. In addition, there was no City risk.

Mr. Sturtz stated he believed they needed to be selective in the projects the Council approved as these were game changing projects. He noted the Tiger Hotel was a landmark and would have 60 hotel rooms that would be unlike any others in town. He thought they made a convincing case that this would not take away from other hotels. He felt 23 years might be a little long, but did not believe the schools would be negatively impacted as much as expressed by some. In addition, he believed it would be a tax boost for the City in the end. He noted he owned part of a building in the downtown and felt he would be helped by it along with many other businesses in the downtown. He commented that he planned to vote in favor of this, but did want to discuss the issues involving the \$4.5 million in acquisition costs, on-site parking, etc.

Mr. Skala noted they were considering the area plan and the project. They were not dealing with the details of the development plan at this time. He tended to agree blight was not happening in the downtown, but pointed out that was not the category in which this TIF fell. This was a conservation area TIF. He commented that he did not understand why the Columbia Public Schools felt they would be operating within the context of less money given

there would be some increment on a yearly basis. He stated he had some concerns with the economic activity tax and sales tax as he would rather rely on property tax. He felt those details could be worked out in the development agreement as they proceeded. With regard to this opening the door to other TIF projects, Mr. Skala noted they could say no to TIF projects they believed were inappropriate. He commented that he was interested in the discussion of whether the amount of time for the TIF could be reduced, but understood they needed to be careful so they did not risk failure. He also thought they might want to structure it so the School District was provided some of the excess in any successful year or require the loan to be paid off sooner. He stated he planned to support this effort as a catalyst project.

Ms. Hoppe stated she believed TIF incentives needed to be used sparingly and cautiously to ensure only appropriate projects were supported. She could not think of a project that was more appropriate in terms of historic preservation than the Tiger Hotel. She did not believe it would be competing with other hotels. There had been a need for a good hotel in the downtown for many years. She felt this was a catalyst project that would bring economic revenue to the community and School District in the long run. With regard to crime in the downtown, she noted there was no better way to prevent crime than having a vibrant and active downtown during all hours. This was in-fill development and did not require additional infrastructure, and she believed it was an appropriate project.

Mr. Wade understood this project met the “but for” criteria and asked for an explanation. Ms. Radcliff explained the analysis performed by Stifel, Nicolaus and Company was limited to the quantifiable portion of the “but for” test. They determined a 6.8 percent rate of return without TIF and a 9.3 percent rate of return with TIF assistance. The expectation was that without this assistance, a developer would not undertake the project.

Mr. Wade stated he understood the “but for” criteria had been met and trusted the information provided by the consultant. He commented that he felt the downtown had peaked due to the way its economic system was structured, and unless they restructured the downtown economy, he thought it would decline. He noted his definition of a catalyst project included whether it contributed to the beginning of a different kind of downtown. He thought the Tiger Hotel did that by providing a different kind of hotel and by being a catalyst to the revitalization of the concept of the Avenue of the Columns. He believed the outcome of this restructuring would be a downtown in which people came to do things other than eat and drink, but still ate and drank because they were there. He stated he was surprised with the decision of the Columbia Public Schools because the data from the consultant showed the “no build” concept had far less tax money going into the public sector than the “build” concept, even with the TIF diversion. He understood the return on public investment was higher on a percentage basis and was comfortable with supporting the public investment with the way the TIF was structured.

Mr. Thornhill stated he believed projects that made Columbia a more attractive place to visit or live were a benefit to anyone who owned a business. He noted the Council had taken on the responsibility of pursuing ways to encourage economic development and this project in its current form would not cost the City or taxpayers any money as there was zero risk to the City. He understood these projects met the criteria and felt they should be

considered. He noted comments had been made indicating the investors were not using their own money, but were using the City's money, and that was not true. The investors would have millions of their own dollars invested in these projects at their own risk. Another comment made was that ordinary taxpayers would have to pay more in school taxes due to these projects and he did not believe that was true either. With regard to the concern of more TIF projects coming forward, he explained they had to meet minimum criteria and it was not cheap to even apply for a TIF project, so he did not think a lot of people would come forward with projects that were not viable. In addition, the Council had the ability to say no.

Ms. Nauser reminded everyone this was not a discussion of whether or not they would approve the concept of TIF's as that was done last year. She noted she had not been a proponent of the public sponsorship of development projects, but for the City of Columbia to compete, she felt they needed this economic tool. TIF projects needed to meet 17 criteria and the Tiger Hotel met those requirements. As a result, she planned to support this project.

Mr. Sturtz understood there were some concerns with off-site parking as the Tiger Hotel would be leasing spaces that were currently being used by others and asked for an assessment as to how this would affect the parking infrastructure downtown. Mr. St. Romaine replied that at this time they had not conducted a detailed study of the parking availability in that particular garage. This issue along with a few others would be addressed in a redevelopment agreement assuming Council approved this project.

Mr. Sturtz noted there was also a concern regarding the property acquisition cost being inflated to \$4.5 million and folded into the TIF and asked for clarification.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, explained his clients had more than that invested in the property. Per the criteria, the maximum amount of benefit that could be requested was 20 percent of eligible costs. His clients had already expended \$4.5 million plus renovation money. There was not going to be a dummy sale for an inflated price as the money had already been spent and was an eligible cost for the purpose of this computation.

Mr. Sturtz noted the assessed value was cited as \$1.5 million. Mr. Van Matre stated that was the amount the assessor had on the tax roll. He believed real estate taxes were assessed by taking a third of the true fair market value and applying the tax rate to it.

Mr. Sturtz asked how the 23 year time period was determined. Mr. St. Romaine replied it was the maximum amount of time allowed for a TIF. He noted these projects might be able to go forward with less than 23 years, but a change would affect a lot of the analyses that had been done. He explained they were talking about a set amount of money in this particular case as they were asking for the amount of funds necessary to amortize a \$1.7 million loan over the 23 years. He thought they were talking about dollars more so than the term for this project.

Mr. Skala stated he was concerned with the economic activity tax and the relative contribution of sales tax to this increment financing given the information he had been provided regarding TIF projects being overly reliant on sales taxes. He expected staff and the applicants to discuss his concern and determine what the balance should be.

Ms. Nauser asked if property tax rate increases and sales tax increases over the 23 years would be captured by the TIF.

Mark Grimm with Gilmore and Bell explained the assessed valuation was frozen, but the tax rates were not frozen, so each taxing district would continue to receive the then current tax rate times the initial assessed valuation. In addition, the personal property taxes and the commercial surcharge were excluded from capture.

B197-09 was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B198-09 Designating a portion of the City of Columbia as a redevelopment area; approving the 10th & Locust tax increment financing (TIF) redevelopment plan and project.

B199-09 Authorizing an agreement with 10th & Locust, LLC relating to the sale of a City owned parking lot located on the north side of Locust Street between Tenth Street and Hitt Street.

The bills were given second reading by the Clerk.

Martin Ghafoori of Stifel, Nicolaus and Company noted the internal rate of return was 4.9 percent without the TIF and 6.685 percent with the TIF. They also looked at the cash on cost return for the developer based on debt service at 6 percent over 25 years, and without a TIF, the developer's return was about 2 percent. With a TIF, the developer's return was around 7 percent.

Mr. Skala understood there was some significance to the 9 percent internal rate of return for the Tiger Hotel project and asked for clarification with regard to this project.

Laura Radcliff of Stifel, Nicolaus and Company explained there were expected rates of return for every type of development project for every part of the country. The rate of return for a hotel project in the Midwest was 9 percent. The data for a primarily residential project was harder to determine because there was not as much residential development nationwide, but she thought it was fair to say that it was a lower number today than the 8 percent it was a year ago.

Mr. St. Romaine noted the finding by the TIF Commission was that the redevelopment area for this project was a blighted area and had not been subject to growth and development by private investment in the past. In addition, it was not reasonably anticipated to be developed without the use of tax increment financing.

Wesley Fields, an attorney with offices at 1200 Main Street, Suite 3500, Kansas City, Missouri, stated he was legal counsel for 10th and Locust, LLC and described the location of the 10th and Locust redevelopment area using the overhead. Three of the four parcels that would be comprised by the project area were owned by the applicant. The fourth was a surface parking lot currently owned by the City. The project would consist of an eight-story 100,000 square foot mixed-use building with 10,600 square feet of retail and 16,300 square feet of retail/office, 58 residential units and 11 parking spaces. Mr. Fields displayed the public improvements associated with this project and explained the portion of the project for which the developer was seeking support related primarily to the implementation of these public improvements as opposed to the building being constructed. The estimated cost was \$17.2 million and \$3.2 million or 19 percent was being requested for reimbursement consideration. The balance would involve private debt financing and the equity in the

investment. He noted they believed the policies established by the Council had been met and described how they had been met.

Mr. Sturtz understood the building would be a LEED building and asked if it would be at a Silver or Gold level.

Nathan Odle stated that in looking at the initial LEED checklist, they were certain they could meet the certified level with this budget, but thought they could obtain the Silver level. He was not sure they could go beyond that level without pricing themselves out of the market.

Mr. Sturtz asked if there were any requirements with LEED involving how they demolished the existing buildings. Mr. Odle replied there were and understood they involved the recycling of demolished materials. Mr. Sturtz assumed most of this stuff would not end up in the landfill. Mr. Odle replied less would.

Mr. Sturtz noted 25 permanent jobs were cited and asked if most of those would be in the grocery store. Mr. Odle stated that was correct and explained the 25 jobs were ones they knew of for sure. He thought there could be more as the 16,000 square feet of office space might be able to attract some businesses. In addition, there would be some construction jobs.

Mr. Skala asked if they would look at using local labor. Mr. Odle asked for the local sub-suppliers in the audience they used to stand. Approximately ten people stood. Mr. Odle noted those were local people who would be working on the project.

Mr. Thornhill understood the plan called for 11 internal parking spaces and noted that if they filled the building, they would need more spaces than those. He asked how parking would be accommodated. Mr. Odle replied he thought there was sufficient space in the parking garage nearby for tenants and patrons as the garage was half-empty a lot of the time. With regard to the grocery store, they had an arrangement to use street parking. He felt this was justified because a grocery store was an important needed amenity for people living in the downtown.

Fred Demarco, 6591 Sabine, stated he understood the issue of allowing a TIF was discussed in March and noted he had not come to the Council then because he did not believe the Council would approve it. He commented that he thought the School Board had done its homework in making its decision. He provided examples of developments to include developments he was involved with that had succeeded and increased the property tax base without assistance. He noted there were four projects within the downtown ready to move forward and believed they would risk \$10,000 in order to receive \$3 million. He stated Dr. Miller had been ready to move forward with a similar project without any TIF assistance had the University provided him the land which housed Bambinos and the International Café. He pointed out there were more than bars within the downtown and noted there were plays at the Missouri Theatre, the United Methodist Church and Rhynsburger Theatre in addition to patrons of the Show-Me State Games this past Saturday. He reiterated he knew someone who was interested in buying the Tiger Hotel, even though the Council did not believe anyone was interested in it. He listed the improvements to the downtown in recent years and noted it was developing without TIF projects. He asked the Council to delay its decision in order to obtain more public comment. He believed that if the Council approved this project, the City would be sued in the future by other TIF applicants.

Mark Farnen, 103 E. Brandon, stated he was speaking on behalf of Harry and Sunny Patel, who were the owners of the Hitt Street Mini-Mart located at the corner of Locust and Hitt, and noted they had some concerns. He understood one of the terms of the sale of the parking lot involved the creation of 21 new on-street parking spaces along Locust and Tenth Streets and that no one could use those parking spots on a public street except for the patrons of this TIF grocery store. Without the City's involvement in this project, they would not have a new competitor selling the same line of products as they sold. He noted there was not enough room to do what was proposed and an additional five feet was needed. If a setback occurred pushing the curb and sidewalk back and the City determined this setback with curb and sidewalk was required along the entire length of the street, they were concerned the Mini-Mart would be taxbilled for the portion across its property. They were asking the City to either not build it that way or to not taxbill them if it were built that way. He noted they anticipated their revenues would go down due to the competition of another grocery store and were asking for some relief in that regard. He understood Locust Street between Tenth and Hitt might be closed for a period of one year. The Odle's did not intend to block any property other than their own, but in talking with City staff the comment was made that staff thought the entire block would be closed off. They wanted assurance that the interpretation of the City was the same as the intent of the developer and his clients, which was not to block the driveway of the Mini-Mart. He reiterated this project, which was subsidized with taxpayer dollars, would compete directly with them. They talked to the Odle's with regard to partnering in some way, but it did not work financially. They were asking the City to create a fund or allow them access to a special allocation fund for improvements to their property since their taxes would go up while their revenues would go down.

Mr. Skala understood they could not come to an agreement regarding one entity handling the grocery aspect and the other handling the liquor aspect of a store. Mr. Farnen stated that was correct.

Mr. Thornhill asked if his client was willing to invest the minimum 15 percent as was required for these projects. Mr. Farnen replied he thought they would be.

Mr. Sturtz asked for the square footage of the convenience store. Mr. Farnen replied the total footprint of the building was about 2,400 square feet and they had about 1,800 square feet of sales space. The maximum size they could build on that lot was around 3,000 square feet if they wanted to expand.

Mr. Sturtz thought it was different than a grocery store. Mr. Farnen replied it was, but the grocery store would sell all of the products they sold plus other items.

Judy Baker, 3075 S. Range Line, stated she was supportive of this project because it was everything they wanted, to include a walking neighborhood and a 24-7 sustainable environment for the downtown, but no business model had been able to accomplish it prior to the TIF opportunity. She felt the criteria developed by the City for TIF projects showed they wanted it to provide a public benefit, such as a sustainable environment and the creation of jobs, and this project met those criteria.

Nick Peckham stated he owned the building at 15 S. Tenth Street and noted a number of downtown groups to include the Chamber of Commerce, the Special Business District and the Central Columbia Association were in favor of the TIF project. He believed the TIF

Commission voted in favor of it as well, partially in response to the Visioning ideas, which were generally in support of this kind of a downtown. The Downtown Columbia Leadership Council was also in favor of it and had made the recommendation of a TIF district which might address the issue of an influx of TIF applications. From an urban design standpoint, he thought there were a number of benefits to concentrating some of the growth in population to the downtown, such as conserving energy. He believed these two TIF projects would be successful and urged the Council to vote in favor of this project.

Arnie Fagan, 808 E. Broadway, stated he was disappointed because he felt decisions had been made before public comment had been provided tonight, regardless of the number of people that spoke against the TIF projects. He commented on disclosure and felt more public discussion was needed with regard to conflicts of interest and accountability.

Richard Ditter, 1034 Walnut, stated he and his wife owned Keeneland Downs Apartments and must not be part of the Columbia Apartment Association, who was opposed to TIF, as he thought this TIF project would be a great addition to the demographics of the people that lived downtown.

Mike Teel stated he represented Mid-City Lumber at 4709 Paris Road and believed the TIF projects would be a pleasant addition to the downtown area.

Mayor Hindman stated he agreed this was the very thing they had been asking for in the downtown, and if one believed the evidence that had been presented, it would not happen without TIF. He thought it would be a benefit to the downtown and was in favor of it.

Mr. Sturtz commented that he believed the biggest need was having more units downtown for people to live in as it would help all of the downtown to include the retail establishments. He was pleased to see 58 housing units and an upwards of 100 people. He hoped they could get more of these within a mile or two of downtown, so they would have a more vital City core. In addition, this was environmentally friendly as they would be getting people near the employment centers. He noted he was supportive of the project.

Mr. Skala pointed out they were only talking about approving the redevelopment area and project. He suspected the issues of parking and the concerns Mr. Farnen spoke of would be discussed as part of the development agreement. He thought this project would be catalytic and would support it as he did the Tiger Hotel project.

Mr. Thornhill explained the reason he and other Council people were supportive of these projects was because of what they thought was happening downtown and because they wanted to improve it. He listed some projects within the downtown that might not have occurred as quickly or successfully without the assistance of historic tax credits and stated he planned to support this project.

Mr. Wade stated he believed the “but for” test was clearly met, it was a catalyst project and there was a return on the public investment as they would get 58 residences without the public subsidy for arterial and connector streets, etc. He noted he planned to support it.

Ms. Hoppe commented that the City along with other organizations had been pushing for a mixed-use project of this magnitude and now had the opportunity to get it done. It was not only a catalyst project, but also a good example of what they wanted in developments as it would be LEED certified and would have a grocery store. She hoped this would create the critical mass of people needed for a 24-7 downtown community. She stated she did not see

this as competition to existing housing or student housing as they were aiming at a different market.

Ms. Nauser stated she believed this project met the criteria they had set for a TIF project and noted she would support the project.

B198-09 was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B199-09 was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. 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.

- B179-09 Rezoning property located on the southeast corner of Garth Avenue and Texas Avenue (1610 North Garth Avenue) from C-P to O-P zoning.
- B180-09 Rezoning property located on the northeast corner of Holly Avenue and Andy Drive (2207 Holly Avenue) from C-P to O-P zoning; approving less stringent yard, screening and parking requirements; setting forth conditions for approval.
- B182-09 Approving the Providence Village South O-P/C-P Development Plan located on the northeast corner of Green Meadows Road and Providence Outer Road (Carter Lane); approving less stringent screening requirements; amending Ordinance No. 016642 relating to conditions of approval.
- B184-09 Approving the Final Plat of Howell Subdivision – Plat 2 located on the west side of Strawn Road (Route ZZ), north of Broadway; authorizing a performance contract.
- B185-09 Changing the name of “Vincent Lane” to “Emery Drive”.
- B188-09 Amending Chapter 22 of the City Code relating to refuse collection.
- B189-09 Authorizing a contract to purchase real estate from Carl H. Almond in connection with the reconstruction of the Old Route K Bridge over Hinkson Creek.
- B190-09 Authorizing an agreement with Robert J. and Marilynn Lea Young relating to the acquisition of easements for construction of Mexico Gravel Road from the Vandiver Drive Connection to the intersection with Ballenger Lane/Route PP.
- B191-09 Authorizing an agreement with the Mid-Missouri Solid Waste Management District for the purchase of rear loading recycling containers for commercial use; appropriating funds.
- B192-09 Authorizing the City Manager to execute the Minor Plat of Coyote Acres located adjacent to the Columbia Regional Airport.
- B193-09 Authorizing an airline airport agreement with Delta Air Lines, Inc. for commercial air service at the Columbia Regional Airport.
- B194-09 Accepting conveyances for temporary construction and sewer purposes.

- B195-09 Authorizing a supplemental agreement with the Missouri Highways and Transportation Commission relating to construction of the Columbia Terminal Railroad (COLT) bridge over U.S. Highway 63.
- R153-09 Setting a public hearing: voluntary annexation of property located on the south side of Richland Road, east of the Richland Road and St. Charles Road intersection.
- R154-09 Setting a public hearing: considering an amendment to the 2009 Community Development Action Plan.
- R155-09 Setting a public hearing: considering the FY 2010 Capital Improvement Project Plan for the City of Columbia, Missouri.
- R156-09 Authorizing an Adopt a Spot agreement.
- R157-09 Accepting an emergency shelter grant program contract with the State of Missouri, Family Support Division; authorizing agreements with various human service agencies.
- R158-09 Authorizing an agreement with the Columbia School District to provide a crosswalk guard at Grant Elementary School.
- R159-09 Authorizing Amendment No. 2 to the agreement with Peckham & Wright Architects, Inc. for architectural services relating to construction of Fire Station No. 7.
- R160-09 Authorizing Amendment No. 2 to the agreement with Donohue & Associates, Inc. to provide engineering services for the Bear Creek Stream Bank Stabilization Project.
- R161-09 Authorizing Amendment No. 1 to the agreement with HDR Engineering, Inc. for engineering services for design of a bikeway from MU to Rock Bridge Elementary School.
- R162-09 Authorizing the Memorial Day Weekend - Salute to Veterans Corporation to conduct air shows at the Columbia Regional Airport in 2010 and 2011.

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

NEW BUSINESS

Upon her request, Mr. Wade made the motion that Ms. Nauser be allowed to abstain from voting on R163-09. Ms. Nauser noted on the Disclosure of Interest form that her husband sold alcohol beverages. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

- R163-09 Authorizing an agreement with Thumper Productions, LLC for the 2009 Roots 'N Blues 'N BBQ Festival; closing certain streets for the festival; and excluding certain streets from the provisions of the open container ordinance during the festival.

The resolution was read by the Clerk.

Mr. Watkins explained Council directed staff to prepare a resolution addressing the street closures, the festival layout, the open container waiver area, the ticketing areas and the ticketing policies and procedures.

Mary Hussmann, 5306 Rice Road, provided a handout and asked the Council to delay the vote on this agreement in order to gain more information. She noted the City invested \$110,000 as a sponsor of this Festival in 2008. In addition, even though the fire, police, set up, clean up and sanitation services totaled \$62,630, the City gave Thumper a discounted rate of \$38,000 to be paid on or before October 31, 2008, but this discounted rate was not paid until July 6, 2009. Since learning of Thumper's 2009 request to make money through admission fees, as they had indicated they lost money in 2008, she requested a copy of the 2008 report, but had not received it. She wondered if the Council had seen it and whether the \$110,000 had been accounted for. She believed the Council needed to ask for and receive the full 2008 accounting. She understood Thumper wanted the Festival to be successful for everyone, but wondered how that could be accomplished when the admission fee would keep many families who could not afford it away. She believed the staff report indicating a zero cost to the City was inaccurate as she understood Thumper was again receiving a discounted rate. She commented that if Thumper could not hold this event without admission fees, she felt it would be better not to have the event at all. If the for-profit event was allowed, she did not believe the City should be a sponsor and should be paid the actual cost of services.

Fred Demarco, 6591 Sabine, explained the problem with the Roots 'N Blues Festival was the open container issue. He suggested this event be held some place where a fence could be put around it as it was too difficult to enforce if done like last year.

Matt Istwan, 3701 Watts Drive, stated he was a managing partner with Déjà Vu and noted Déjà Vu and number of other businesses in the Flat Brach area had suffered losses during the Roots 'N Blues 'N BBQ Festival weekends because no one could get to their businesses due to the street closures. He suggested signage from the three main arteries to the downtown so people knew how to get to different areas. He noted they had asked to have some exclusivity to the Sixth and Cherry parking garage as there was only one way to get to their area. With regard to the open container waiver, there was a lot of confusion by patrons as to where they could drink. They were told at the CCA meeting that drinking would be limited to a beer garden area and later found out drinking would be allowed along sections of Fourth and Fifth Streets, which was where Déjà Vu was located. He explained they were trying to recoup some of their lost money by having a beer garden in their parking lot, but would not be able to allow people with drinks to leave their area even though people would be able to drink directly across the street. He asked the Council to help make these types of issues clear to the public this year. He noted he understood the Business License Office was asking that specific plans be submitted for business licensing and was concerned by the fact stringent polices were included making it impossible for restaurants or bars that wanted to display what they had for sale. It required the same investment as if it were being done permanently. He asked that some consideration be given to that issue as well.

Mr. Skala suggested they consider allowing open containers within a perimeter rather than just in restricted areas in future years as he experienced a similar festival in Montreal, Canada that was free to the public and had done that. He understood the City would not be subsidizing the festival this year, even with a discounted rate, and asked if he was correct. He asked if the \$41,000 was the cost of recovery. Mr. Watkins replied the costs were broken

into two categories. One category involved refuse and clean up and that would be at cost. The other involved public safety and they did not count those employees that would be on duty. The cost only included the overtime and additional people needed for safety.

Mr. Skala noted he received many e-mails regarding the prohibition of people bringing chairs and many people suggested they would not attend. He wondered if this was negotiable. Ms. Hoppe stated she had raised that issue and thought she had received some assurance that Thumper would make some provisions for chairs even if they were provided and set up by the event versus individuals bringing them to the Festival.

Richard King of Thumper Entertainment stated they had discussed seating issues and would provide handicapped accessible areas by both stages. He noted there was a considerable safety issue with people setting up chairs in front of the stages. He did not have an answer as to how to deal with those who might need to sit and were looking into setting up picnic tables in areas away from the stage to sit, eat and drink.

Mr. Thornhill asked what had been done the first two years. Mr. King replied they allowed people to bring chairs and they had people setting up rows and rows of chair, but leaving the area, and it created a lot of problems.

Mr. Skala commented that in Montreal, people were allowed to bring chairs, but if there were too many people near the stage with chairs, they were asked to move those chairs.

Mr. King noted that for an event that was not much over 24 hours, they were looking at 900 hours of police service. He understood there were a lot of people, but felt it had been a relatively safe event for downtown.

Mr. Skala understood people could bring their own alcoholic beverages into the parks and asked how that would be reconciled with the areas they had cordoned off. Mr. King replied there were no beer sales in the Flat Branch Park area. If people chose to bring alcohol to the Park, there was nothing they could do about it.

Mr. King noted Flat Branch Park would include the free stage on both Friday and Saturday. In addition, of the fifteen blocks they were requesting be closed, only five of those blocks would be ticketed.

Ms. Hoppe stated she believed it was a problem not to have seating for the elderly and the ill. Mr. King stated they would have an area for people who were handicapped or had similar difficulties.

Mr. Wade commented that he felt part of the frustration was the continuing problem of building a cooperative relationship with the businesses. Mr. King stated they had tried to address the issue and noted the footprint of the Festival had been altered to stay away from those business and to allow those businesses to have parking, etc. Although some were not satisfied, there were others that were happy with them.

Ms. Hoppe asked for clarification regarding the cost of City services due to the difference between this year and last year. Mr. Watkins replied the total expense to include the people on duty was \$62,000. Mr. Skala understood it was really only about \$41,000. Mr. Watkins stated that was correct and noted it was really about the same as last year.

Mr. Thornhill asked if there was any way to address the concerns of businesses in the downtown that could not get people to their locations at this late date. Mr. Watkins replied

they could work on parking, but due to the closure of some streets, there would be some problems. At a minimum, Mr. Thornhill stated he would like to find a way to make it as easy for them to sell beers as they did for the people that were there only for the two days.

The vote on R163-09 recorded as follows: VOTING YES: WADE, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. VOTING NO: NO ONE. ABSTAINING: NAUSER.

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.

- B200-09 Approving the Final Plat of Providence Village South Plat 1 located northeast of the intersection of Green Meadows Road and Providence Road, east of Carter Lane; authorizing a performance contract.
- B201-09 Approving the Final Plat of Stephens College Plat 2, a Replat of Lot 28 Stephens Second Addition, located on the northeast corner of Broadway and College Avenue.
- B202-09 Appropriating CDBG, HOME and Neighborhood Stabilization Act Program Funds.
- B203-09 Accepting the work for construction of Southampton Drive from its former terminus east of State Route 163 (Providence Road) to Nifong Boulevard, south of Grindstone Parkway; approving the report of the Director of Public Works; authorizing Change Order No. 1 to the contract with Emery Sapp & Sons, Inc. for the project; levying and assessing special assessments.
- B204-09 Authorizing construction of the Brandon Road Phase I storm water management project; calling for bids through the Purchasing Division.
- B205-09 Authorizing construction of the Hinkson Creek (Greenbriar) Trail Connection Project; calling for bids through the Purchasing Division.
- B206-09 Authorizing the acquisition of easements for construction of the Hinkson Creek (Greenbriar) Trail Connection Project.
- B207-09 Authorizing the acquisition of easements for construction of the Garth Extension MKT Connector Project.
- B208-09 Amending Chapter 14 of the City Code to establish an all-way stop at the intersection of Nifong Boulevard and Rock Quarry Road.
- B209-09 Amending Chapter 14 of the City Code to prohibit through truck traffic along a portion of West Boulevard.
- B210-09 Amending Chapter 14 of the City Code to prohibit parking along sections of Bouchelle Avenue.
- B211-09 Amending Chapter 14 of the City Code to establish back-in angle parking on a portion of Ash Street.
- B212-09 Authorizing an agreement with the Missouri Highways and Transportation Commission to allow for the installation of noise enforcement signage along Interstate 70 and U.S. Highway 63.

- B213-09 Authorizing a right of use permit with Mill Creek Elementary PTA for placement and maintenance of a double-sided illuminated sign with solar panel within Sinclair Road right-of-way.
- B214-09 Accepting certain streets for public use and maintenance.
- B215-09 Authorizing Change Orders No. 2 and No. 3 to the agreement with Modjeski and Masters, Inc. for engineering services for the design of the Columbia Terminal Railroad (COLT) bridge over U.S. Highway 63.
- B216-09 Accepting a conveyance for utility purposes.
- B217-09 Amending Chapter 14 of the City Code as it relates to automated traffic control systems.
- B218-09 Accepting funds from the Missouri State CIT Council for crisis intervention team training through the Police Department; appropriating funds.
- B219-09 Authorizing a subaward agreement with The Curators of the University of Missouri for the Police Department to provide surveillance and human trafficking training to law enforcement and social service providers; appropriating funds.
- B220-09 Authorizing a sub-recipient monitoring agreement with the County of Boone relating to acceptance of the U.S. Department of Justice 2009 Byrne Justice Assistance Grant to purchase equipment for the Police Department; appropriating funds.
- B221-09 Appropriating funds for Share the Light Program.
- B222-09 Authorizing a break in limited access agreement with the Missouri Highways and Transportation Commission, Crossroads West Shopping Center LTD and the Stadium Corridor Transportation Development District A; authorizing a break in limited access agreement with the Missouri Highways and Transportation Commission, Stadium Plaza Shopping Center, LLC and the Stadium Corridor Transportation Development District A; authorizing a second supplemental agreement with Stadium Drive Corridor Transportation Development District A relating to the Route 740 (Stadium Boulevard) improvement project.

REPORTS AND PETITIONS

(A) Intra-Departmental Transfer of Funds Requests.

Mayor Hindman noted this report was provided for informational purposes.

(B) Stormwater Problem on Bluff Boulevard – Follow up Report.

Mayor Hindman noted this report was provided for informational purposes.

(C) Traffic Control at Providence Road and Blue Ridge Road.

Mr. Glascock explained the northward extension of Providence Road up to Blue Ridge was almost complete and staff felt it was appropriate to make the intersection an all-way stop prior to opening that portion of Providence Road.

Mr. Thornhill made a motion directing staff to install an all-way stop at the intersection of Providence Road and Blue Ridge Road. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

(D) Volunteer’s Use of Mechanized Equipment.

Mayor Hindman noted this report was provided for informational purposes.

(E) 2009 Disinfection By-Products Analysis Project Report.

Mayor Hindman noted this report was provided for informational purposes.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

BOARD OF ELECTRICAL EXAMINERS

Thomas, Robert, 3911 Foxcreek Way, Ward 5, Term to expire August 1, 2012

BUILDING CONSTRUCTION CODES COMMISSION

Kas Carlson, 1110 Willowcreek, Ward 5, Term to expire August 1, 2012

John Hansman, 4505 Reedsport Court, Ward 2, Term to expire August 1, 2012

Curt Lichty, 501 W. Hickman Drive, County, Term to expire August 1, 2012

Douglas Muzzy, 2202 Potomac Drive, Ward 5, Term to expire August 1, 2012

Gary Naugle, Sr., 1700 Dozier Station Road, County, Term to expire August 1, 2012

Robert Thomas, 3911 Foxcreek Way, Ward 5, Term to expire August 1, 2012

BICYCLE AND PEDESTRIAN COMMISSION

Heise, David, 1707 Hinkson, Apt. 2, Ward 3, Term to expire July 31, 2012

Schmidt, Frederick, 1304 St. Christopher, Ward 4, Term to expire July 31, 2012

Segafredo, Blake, 3601 W. Broadway, Ward 2, Term to expire July 31, 2012

DISABILITIES COMMISSION

Aimee Wehmeier, 3803 Jungle Tree Drive, Ward 2, Term to expire June 15, 2011

HOUSING AUTHORITY BOARD

Carol Van Gorp, 5002 Innsbruck Way, Ward 5, Term to expire May 31, 2011

LIBRARY BOARD

Jones, James, 915 Hulen Drive, Ward 4, Term to expire June 30, 2012

PLANNING AND ZONING COMMISSION

Matthew Vander Tuig, 2013 Valley View Road, Ward 6, Term to expire May 31, 2014

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ms. Nauser made a motion directing staff to prepare legislation regarding the purchase and use of cameras in the downtown. The motion was seconded by Mayor Hindman and defeated by voice vote with only Mr. Thornhill, Mayor Hindman and Ms. Nauser voting yes.

Ms. Hoppe commented that a geography class had conducted an emergency response study for East Campus and one recommendation was for lines to be painted at the unusual intersection of Cliff Drive and Ann Street. She asked staff to look into it. Mayor

Hindman did not think a motion was needed for this. He suggested she provide the City Manager's Office the information.

Ms. Hoppe made a motion directing staff to determine if fireworks needed to be added to the nuisance party ordinance or the peace disturbance ordinance.

Mr. Skala noted fireworks were illegal. Ms. Hoppe understood the police needed more enforcement capability.

The motion made by Ms. Hoppe was seconded by Mayor Hindman and approved unanimously by voice vote.

The meeting adjourned at 2:28 a.m.

Respectfully submitted,

Sheela Amin
City Clerk