

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
FEBRUARY 7, 2011**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 7, 2011, in the Council Chamber of the City of Columbia, Missouri. The recitation of the Pledge of Allegiance was lead by Girl Scout Brownie Troop 56 of Columbia Catholic. The roll was taken with the following results: Council Members HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY and NAUSER were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

SPECIAL ITEMS

Presentation of Resolution of Appreciation to Lorah Steiner.

Mayor McDavid asked Ms. Steiner to join him at the podium, and read and presented her with a Resolution of Appreciation acknowledging and thanking her for over 20 years of service to the City as the Director of the Convention and Visitors Bureau.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of January 18, 2011 were approved unanimously by voice vote on a motion by Mr. Dudley and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

Upon his request, Mayor McDavid made a motion to allow Mr. Kespohl to abstain from voting on B17-11 due to a conflict of interest. Mr. Kespohl noted on the Disclosure of Interest form that he was a downtown property and business owner. The motion was seconded by Mr. Sturtz and approved by voice vote.

Upon his request, Mayor McDavid made a motion to allow Mr. Thornhill to abstain from voting on the Citizens Police Review Board vacancy due to a conflict of interest. Mr. Thornhill noted on the Disclosure of Interest form that he was related to one of the applicants. The motion was seconded by Ms. Hoppe and approved by voice vote.

Upon his request, Mayor McDavid made a motion to allow Mr. Sturtz to abstain from voting on B17-11 due to a conflict of interest. Mr. Sturtz noted on the Disclosure of Interest form that he had an ownership stake in a downtown building. The motion was seconded by Mr. Thornhill and approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon receiving the majority vote of the Council, with Mr. Thornhill abstaining, the following individual was appointed to the following Board and Commission.

CITIZENS POLICE REVIEW BOARD

Sheltmire, Steve, 1908 Tremont Court, Ward 4, Term to expire November 1, 2012.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B17-11 Approving a petition requesting the formation of the Downtown Community Improvement District.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Ms. Nauser made a motion to amend B17-11 per the amendment sheet. The motion was seconded by Mr. Dudley and approved by voice vote with Mr. Sturtz and Mr. Kespohl abstaining.

Mayor McDavid opened the public hearing.

Mike Vangel, 3511 I-70 Drive Southwest, stated he was a member of the Special Business District Board, a member of the Downtown CID Committee and a business and property owner in the downtown. He commented that a community improvement district (CID) was a tool that had been used successfully in the State of Missouri and listed some communities in which CID's were located. This process began three years ago with a series of meetings involving Central Columbia Association (CCA) and Special Business District (SBD) members and interested parties to discuss the success of the downtown. He listed the priorities identified by the participants and noted there was also a desire to replace the old CCA and SBD with a new combined board that would better represent downtown stakeholders. This process led them to propose the formation of a CID. The petition indicated 58 percent of property owners on a per capita basis and 71 percent of property owners on an assessed value basis had approved the formation of the CID. They wanted downtown to be vibrant, attractive, clean and safe, and wanted it to be a compelling reason for people to live and visit Columbia. He believed the CID would help make that happen and asked the Council to approve the formation of the Downtown CID.

Kurt Mirtsching, 7551 S. Bennet Drive, stated he had been working downtown for the past 32 years at Shakespeare's Pizza and was the current President of the Central Columbia Association. The CCA and SBD had brought many positive changes to the downtown, but Columbia had grown since their inceptions. This outreach process, which involved meetings, surveys, etc., pointed to the need to restructure the organizational framework used by the people that promoted, improved and served as the voice of the downtown. The restructuring of the CCA and SBD into one organization would allow its members to be more efficient and effective with less duplication and allow for a better specialization and prioritization of efforts. He believed the CID was the right direction for downtown today.

Mary Wilkerson, 1404 Fir Place, commented that she was the Vice Chair of the SBD and described her many years of involvement with the downtown. She believed this change to a CID structure was important to the future of downtown Columbia and listed some of the benefits. She asked the Council to approve the CID proposal.

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

Ms. Hoppe stated she understood the downtown community had come to a consensus and that this involved an increase in sales tax, which was in place all over Columbia, and a property assessment. She believed they wanted to ensure the downtown was as thriving and vibrant as possible as it was the heart of the City. She felt the CID was a reasonable approach in helping to accomplish that goal.

Mr. Kespohl noted page 5 of the petition indicated the maximum amount charged for any special assessment would be 60 cents per \$100 of assessed valuation and page 7 indicated the District would not be limited to the amount of revenue that could be generated by special assessment. He felt those comments were contradictory. Mr. Boeckmann commented that he thought the special assessment would be limited to the amount specified, but over time the assessed values would increase, and as a result, the revenue generated would increase. Mayor McDavid stated that was his interpretation as well.

B17-11, as amended, was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, THORNHILL, DUDLEY, NAUSER. VOTING NO: NO ONE. ABSTAINING: STURTZ, KESPOHL. Bill declared enacted, reading as follows:

(A) Construction of the Westwood Avenue and Edgewood Avenue PCCE #7 Sewer Improvement Project.

Item A was read by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid opened the public hearing.

Hanna Klachko, 407 Westwood Avenue, commented that her driveway terminated onto Westwood where there was a culvert. During rain events, soil and water runoff would block the bottom of driveway causing flooding in the area and making it difficult for them to get through it. She understood the sewer work would address the flooding issue as well.

Mayor McDavid asked if there would be an improvement in water drainage from this project. Mr. Glascock replied that if the culvert needed to be replaced, it would be addressed with this project.

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

Mayor McDavid made a motion directing staff to proceed with the final plans, specifications and construction of the Westwood Avenue and Edgewood Avenue PCCE #7 sewer improvement project. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

OLD BUSINESS

B18-11 Rezoning property located on the west side of College Avenue between East Walnut Street and Ash Street from R-3 to C-2.

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report.

Mr. Sturtz referred to the map created by H3 Studios and asked for additional information regarding the green area to the west of horseshoe shaped residential yellow area. Mr. Teddy replied he thought they were suggesting parking at that location as the plan recommended parking be required for all of the infill developments, but that the parking areas

be concealed from the street. Mr. Sturtz understood the plan did not specify garages versus flat parking. Mr. Teddy stated that was correct. He believed density would drive the decision as to whether structured parking was feasible or needed.

Mr. Sturtz understood the applicant would need to go to the Board of Adjustment for a conditional use permit, but they would not be required to come back to Council afterwards. Mr. Teddy stated that was correct and explained the Board of Adjustment had the authority to make the final decision. He noted staff would provide a recommendation to the Board of Adjustment.

Mr. Sturtz understood this would be the first development of its kind that would have this much flat parking. Mr. Teddy replied he could not think of a downtown development recently that might have this type of parking, but noted they had not researched it. Mr. Sturtz asked how this would compare to the Osco/Office Depot area. Mr. Teddy replied they considered that a more suburban type development since parking was in the front. In those types of developments, the surface for parking equaled or exceeded the building footprint area.

Ms. Hoppe asked for the time frame involved in obtaining C-P zoning. Mr. Teddy replied it depended on whether the applicant filed a site plan with the application. It could be done in three months with a rezoning application accompanied by a site plan. If rezoning was not accompanied by a site plan, it would take a minimum of another three months for site plan review and approval. In practice, it might take longer for a site such as this because C-P was not well designed for downtown development if the desired outcome was to have buildings close to the street with parking in the back because much would need to be negotiated and many variances would be required.

Ms. Hoppe asked what other types of zoning communities had in place to allow this in the downtown without C-2 zoning. Mr. Teddy replied if there was not a base downtown zoning, there might be an overlay technique that allowed standards to change depending on the context. Ms. Hoppe understood Columbia did not have this type of technique now. Mr. Teddy stated Columbia had C-P and C-2.

Mr. Sturtz understood this development could limit options involving Walnut in the future and asked for clarification. Mr. Teddy replied Walnut was a narrow street with a jog at the intersection so it did not operate as efficiently as it could. The applicant would go through the subdivision process, and as part of that process, the City would request additional right-of-way on Walnut and Ash, which would be the first step in enabling a turn lane.

Ms. Nauser asked if a traffic study would be conducted as part of the re-platting process. Mr. Teddy replied MoDOT had notified the applicant that a traffic study might be required. He was not sure if the study would be elaborate. Mr. Nauser understood it would be taken into consideration when going through the right-of-way process in terms of road improvements needing to be made. Mr. Teddy explained road improvements were not tied to C-2 zoning.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, provided a handout and stated his client needed C-2 in order to proceed with the project in terms of density and mixed-use. This applicant had a history of doing substantial, quality projects, which were maintained at a high state of utility and attractiveness. As a result, he did not believe a useful

product would come out of the C-P zoning process. The re-platting of the site would address traffic concerns, access and the donation of right-of-way. In addition, the Board of Adjustment would address the parking issue. If the City built a parking garage at the north end of Short Street, his clients would permanently lease fifty spaces within that garage to provide the additional parking some felt was necessary, even though the applicant's experience had shown the 200 spaces they had planned for the site would be more than adequate. This was infill development with infrastructure already in place and the project would provide more permanent residents in the downtown. In addition, the footprint of this development was almost identical to the footprint of the charrette that was recently completed for the downtown. The project fit well within everything the City wanted for the downtown. He stated the project would look like the renderings provided and would be amongst the highest quality apartment projects in Columbia when built. He asked the Council to grant C-2 zoning.

Mr. Sturtz asked if he could describe the commercial portion of this project. Mr. Van Matre replied the 45 degree angled corner, which was 5,000 square feet, would house the commercial portion. Tenants had not been identified, but he believed it would be a restaurant. Mr. Sturtz understood it would be geared for people in the area. Mr. Van Matre replied he could not say for sure. Mr. Sturtz asked if the parking allocation for the commercial portion would be in the back with the residential parking. Mr. Van Matre replied if parking was needed, it would be in the back. Mr. Sturtz asked how many spaces would be designated. Mr. Van Matre replied he was not sure parking would be required since it was in the downtown and reiterated that his client would lease fifty spaces if a parking garage was built on Short Street.

Mr. Sturtz asked when the project would be built. Mr. Van Matre replied they intended to open in August 2012. Mr. Sturtz asked for the time frame for the parking garage on Short Street, if approved by Council. Mr. Watkins replied it would likely be January, 2013.

Mr. Thornhill asked about the ratio in the other apartment complexes in terms of tenants with and without cars.

Nathan Odle, 6706 Stanwood Drive, replied forty percent tended to require a parking space.

Ms. Hoppe understood the Odle's owned Brookside Apartments and provided bus service at that location and asked if bus service would be integrated into this development as well. Mr. Odle replied their long term plan was to network all of their housing locations with buses.

Mr. Kespohl understood the applicant would grant additional land for right-of-way in connection with re-platting and asked if he envisioned it to be on the Walnut side. Mr. Odle replied they were discussing Walnut and Ash at this time. Mr. Kespohl asked if it would be large enough for a left turn lane. Mr. Odle replied that was the intent.

Mr. Sturtz stated the site currently had about 60 parking spots used by Stephens College students and staff and asked where those people might be parking when the site was developed. Mr. Odle replied he was not certain. Mr. Van Matre explained Stephens College did not oppose the development, but was nervous in terms of the parking situation. He understood they were hoping the City would build a garage on Short Street.

Mr. Sturtz asked how many spaces were planned for the potential Short Street garage. Mr. Watkins replied 300 spaces, which included 100 for the hotel and another 50 that was committed. He noted Stephens provided a strong letter of support for the garage and asked to be involved in its planning, but also indicated it could not guarantee the rental of certain spaces. The College could, however, market spaces to their students. He noted the City wanted to maintain the bottom floor, which involved 60-70 spaces, as metered parking so it could serve other users of the downtown. Mr. Sturtz commented that it seemed as though this garage might be undersized compared to the needs in the area. Mr. Watkins replied the study recently completed showed a probable need for another story or 400 total spaces, but the City needed to have a significant number of those spaces pre-committed in order to finance it. As a result, they were being conservative in terms of the size of the garage.

Ms. Hoppe commented that one of the main concerns of the Planning and Zoning Commission was zoning as they felt the property should be zoned C-P since it would be zoned forever unless someone volunteered to down-zone, and asked why they chose not to request C-P zoning. Mr. Van Matre replied it would take an additional six months and C-P did not work in the downtown. In addition, most of the downtown was C-2, so the same risk existed in the entire downtown. Access to the issues that most concerned the City could be addressed by the Board of Adjustment and during the re-platting process. Mr. Odle explained they owned the land now, so they had a vested interest in developing the property as shown.

Kurt Albert, offices at 1512 Windsor, stated he and his wife bought their first home on Windsor in 1977, and noted there were already parking problems in the area. He commented that he was generally opposed to any development that did not provide for its own parking, particularly if parking was needed. He liked the idea of requiring the developer to lease parking in the garages as it would address some concerns. He stated he was concerned with privatizing profits while socializing problems. He hoped this would not add to the existing parking problems.

Glenn Rice, 602 Redbud Lane, stated he and his wife owned property on Hubbell Drive and noted they did not object to multi-family residential development of this type in this location. In addition, if the applicants followed through and created a development that looked like the drawings they provided, it would be wonderful as it was a nice looking, high density infill development. His concern was with providing open C-2 zoning because there was not any legal reason the developer could not change his intention before, during or after construction. The applicant's development at Tenth and Locust had changed since its original conception due to market changes and other considerations. He was not suggesting the applicant had done this intentionally, but pointed out open zoning allowed this type of change, while planned zoning did not. Anything that happened at this location would profoundly affect everyone who lived, worked, drove or owned property nearby. The outcomes were too important to be left up to the good intentions of a developer. Many specifics that were not addressed would be with C-P zoning, such as how parking would be accessed, whether traffic calming devices would be installed, whether a traffic signal would be installed, etc. The City, to include its citizens, would have input and potential issues could be mitigated, if the property was zoned C-P.

Nina Wilson-Cannon, 305 St. Joseph Street, stated she supported the position of the North Central Columbia Neighborhood Association that the property at the corner of Walnut and Ash should be zoned C-P. She understood this development would involve 100 three-bedroom units with 200 parking spaces. She wondered if the leasing structure would be geared toward students with individual leases for each of the three bedrooms. If it was a high-end, luxury student apartment complex, the tenants would have cars and their friends would have cars. She commented that the area was already congested in terms of traffic and she was not sure how the Bicycle Boulevard would operate if access to the development was off of Ash. She noted she was not opposed to multi-use areas in the downtown and wanted it to be a better place to live, but she felt that meant attracting permanent residents to the area. This development would likely not facilitate that as it was too large. She believed there should be a compromise in terms of the development.

Patrice Albert, 400 E. High Point Lane, commented that she and her husband owned apartments and houses in the Benton-Stephens area and noted the mere fact the Odle's wanted to open in August, 2012 meant they were catering to students.

Adrienne Stolwyck, 1107 Locust, stated she was in favor of rezoning the property to C-2 because she believed there needed to be more amenities for people in the downtown in order for them to be less dependent on cars. In addition, in order to draw retailers, such as grocery and hardware stores, there needed to be more density so those businesses could be profitable. This development would help enable the kind of density needed to draw those types of retailers while creating a pedestrian-friendly city. She felt the alternative would result in a less dense development.

Mark Timberlake, offices at 1101 E. Walnut, stated he owned several properties on Orr Street and was in favor of the project. This development was very close to the H3 charrette vision for the corner of Walnut and College. He believed the site was appropriate for C-2 and thought C-2 zoning would grow in the downtown area over time as it was a sign of health. He commented that it was good that they were discussing problems of congestion and parking in downtown Columbia. He understood the philosophy in the downtown was that parking in the C-2 area would be accomplished by parking garages, which the City would provide once there was a need. He believed this was a natural and appropriate progression, and not a problem.

Nick Peckham, offices at 15 S. Tenth Street, provided a handout and stated he was in favor of the project. He noted the Downtown Columbia Leadership Council and the Planning and Development Department had discussed the possibility of form-based zoning in the future in downtown Columbia, and if form-based zoning existed, he believed this project would fit into it. Without form-based zoning, this development was spliced into existing zoning districts. Form-based zoning had block, building, architectural and green building standards, and this project, as presented, would likely meet all of those standards. The project was also nearly identical to what was shown as part of the H3 charrette, supported the urban boulevard concept for College and worked with the PedNet plan and the downtown transit system. He listed downtown design principles referred to another plan that would be met with this proposed project.

Mr. Sturtz commented that he did not realize they were talking about flat parking with increased density in the downtown and asked for clarification. Mr. Peckham replied he believed the notion of working as a community to minimize surface parking and increase structured parking was understood and noted there were many more surface parking areas years ago.

Ms. Hoppe asked for Mr. Peckham for his comments on new urbanism without open C-2 zoning. Mr. Peckham replied form-based zoning could address the concerns being voiced, but it was something the City did not have. Ms. Hoppe understood a new urbanism design would not include on-site parking. Mr. Peckham stated that was correct.

John Clark, 403 N. Ninth Street, stated he was President of the North Central Columbia Neighborhood Association (NCCNA) and provided a handout with the position of NCCNA. He asked the Council to reject this rezoning application as approval would be premature, speculative and unwise, and suggested the Council only approve C-P zoning for this property after completion and adoption of comprehensive planning and gateway strategy planning. He believed they had problems in Columbia because they had proceeded without plans for too long. He commented that he did not believe the Council had enough information that the proposed project would align with the conclusion of those planning processes. He also felt this was an application for rezoning, but everything that supported the application had been for a project. In addition, the proposed project did not meet the principle land uses for C-2 zoning and this area was not part of the core downtown. He believed this would be another lost opportunity in developing vibrant gateways to the downtown on Providence and College and that the applicants had the financial capacity to go through the C-P process.

Richard Ditter, 2701 Malibu Court, commented that he owned and operated D-Sport, which was located at 1034 E. Walnut, and his wife owned Kelani, which was at 1100 E. Walnut. In addition, they owned an 85-unit apartment complex at Keene and St. Charles and less than 25 percent of their occupants were students, so the student population could be controlled. He believed this was an opportunity. The project could assist the problem of Walnut needing a left turn lane and create an exciting building as a gateway into Columbia. He stated he had known the Odle's for a long time, and they built properties beyond standards and kept properties as well.

Patrick Earney, 113 West Boulevard North, stated he was in support of the proposed rezoning and noted the Odle's had high standards for everything they did. He did not believe there was a risk to providing them this C-2 zoning.

David Owens, 110 Hubbell, noted he had lived on Hubbell for 17 years and liked the idea of high density in urban areas, as he walked to work everyday, but was concerned with this project's affect on the neighborhood. He liked the Sustain Mizzou demonstration farm and the neighborly feel of the area. He was concerned with cars as they went faster than needed on the narrow streets and suggested the parking spaces be removed for greenspace. He was also worried about drainage issues in the area and suggested porous parking. Per tonight's discussion, he believed another zoning system was needed.

Adam Saunders, 214 St. Joseph, stated he resided north of this development and that he was President of the Columbia Center for Urban Agriculture, which had a garden adjacent

to the project. He appreciated being able to express his concerns to one of the developers a couple of weeks ago and explained he wanted to keep traffic off of Ash versus pushing traffic north into his neighborhood or west on to Hubbell while maintaining the Bike Boulevard. If this development used Ash as a primary corridor, safety issues recently addressed would return. He understood this was a design detail outside of the scope of the zoning discussion, and noted he was cautiously and optimistically in favor of the rezoning as he liked the idea of mixed-use and higher density. He asked the developers to continue reaching out to the stakeholders as they proceeded.

Mike Vangel, 3511 I-70 Drive Southwest, stated he had worked in the downtown for over 40 years and had participated in many conversations regarding what was wanted in the downtown. He believed the proposed project was worthy of the Council's approval as it involved infill, density, residential growth, etc. In addition, the developer involved had a track record of doing what he stated. He urged the Council to approve the rezoning request.

Paul Love, 100 Sondra, noted the developer would be completing a large building project in the downtown without asking for any public money and already owned the property. In addition, 40 percent of the tenants would walk or bike, so the project being located near the Bicycle Boulevard was appropriate. He understood the developer would provide land to the City to widen the road as well, and believed the Council should approve the request.

Randy Gray, 301 Edgewood, stated he was the Chair of the Downtown Columbia Leadership Council (DCLC) and noted the DCLC was unable to take a position of support on this project. The DCLC felt the site could be better if it had a better diversity of housing types in terms of ages and incomes as they believed the design limited it to one market.

Ms. Hoppe understood the DCLC did not take a position of opposition either and asked if that was correct. Mr. Gray replied there was not a clear consensus to allow them to write a letter of support for this project.

Mr. Sturtz asked what was needed for this project to provide the type of mixed housing that would attract different ages and income levels. Mr. Gray replied he was not sure. It was just an issue that was identified and repeated at the meeting. The DCLC had hoped it was an issue that would have been resolved before the project started, but they had not determined how it could be resolved. Mr. Sturtz understood the concern was that it would be student housing. Mr. Gray replied yes.

Ed Scott listed the properties he owned in the downtown area and stated his support for the project. He had personally known the elder Odle for almost 50 years and had the utmost integrity in him. He noted they were in friendly competition as they both owned medical space and stated it had been a privilege to work with and against them.

Mr. Sturtz commented that this was a very interesting project. He believed the biggest need they had in the downtown was more people and this project would double the number of people living in the downtown. It seemed as though everyone liked the idea more people in the downtown, but not the increased number of cars on flat parking in the downtown. Many good concerns were listed tonight, but he believed the applicant was sincere in completing a good development. He thought they needed many more people in the downtown to attract a grocery store and other amenities. He stated he believed this was a

decent gamble to take and that he would favor it with some reservations along with a real hope that all of the pledges made would be fulfilled.

Ms. Hoppe noted she agreed with much of the statement made by Mr. Sturtz. She understood the concern of the Planning and Zoning Commission, but since the City did not have form-based codes or the type of zoning needed to guarantee the success of new urbanism type projects, she also understood why the applicant was requesting C-2 zoning. This was infill development with a high density. There was an historic preservation aspect to it as well since it mirrored Stephens College. She was not concerned about parking since it was in the downtown area and would discourage the use of cars. Since Columbia did not have form-based codes and due to the developer's track record, she noted she planned to support the request.

Mayor McDavid stated he agreed with Mr. Sturtz and Ms. Hoppe. This was infill development that efficiently used existing infrastructure. The City could not meet the vision of the H3 charrette through public money alone. Entrepreneurship and investors willing to risk large amounts of capital would be needed as well. This applicant was willing to help and would likely be a catalyst in bringing the needed population to the downtown, so it was vibrant and felt safe. He noted he would support the rezoning request.

Ms. Nauser stated she agreed with the previous comments and pointed out planned zoning was not intended to allow Council and staff to provide input on all details of a project. It was intended to allow flexibility on properties that were hard to develop. She believed C-2 was viable zoning and applicable to this development. They needed infill development and density in the downtown if they wanted the amenities that would follow. She stated she would support the request and noted some of the concerns in terms of stormwater and traffic would be addressed as part of the platting process.

Mr. Thornhill commented that he found it ironic to question whether students would reside in a location that was across the street from Stephens College and three blocks away from Columbia College as it was a legitimate place for students to live. Some would have cars, but would likely not need them. He believed it was a good looking project that made sense for the location and noted he would support the rezoning request.

Mr. Kesphl stated this area of downtown was in the process of redevelopment and listed some the recent and proposed changes. He did not think they should stop the momentum and noted he planned to support the rezoning request.

Mr. Dudley commented that he did not believe they could wait for all of the planning processes to be completed as it might stagnate the growth that was happening now. He thought this was a good plan for the downtown.

B18-11 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B20-11 Amending Chapter 14 of the City Code to increase the minimum fines for parking meter violations.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid understood this change would create an estimated \$100,000 increase in fines and asked if staff felt there might be a change in behavior. Mr. Watkins hoped behavior would change because the purpose of parking meters was to get parking to rollover. It was not intended to raise money. Mayor McDavid understood the money would go into the general fund. Mr. Watkins replied that was correct.

Mr. Dudley understood employees of the downtown were parking at the meters all day long and asked if anything could be done to ensure this did not happen. He wondered if the tire of a vehicle could be marked. Mr. Watkins stated staff would provide suggestions on how people could be moved from the street to the garages with the Short Street garage proposal. He thought there needed to be a financial disincentive to stay on the street.

Mr. Kespohl understood meter violations in other communities ranged from \$5 to \$25, and he wondered if \$10 was the right amount. Mayor McDavid replied it put Columbia in the middle for Midwest university towns. Mr. Kespohl thought a complete study of all parking and traffic related fines might be needed because Columbia was low in comparison to other communities.

Mr. Sturtz wondered why the SBD did not provide comments on this subject as it would affect business in the downtown. Mr. Kespohl stated he understood Ms. Gartner had indicated the SBD wanted to be included in a discussion regarding parking fees and fines, which included more than meter fines. They were okay with the \$10 fine, but wanted to be involved with any other changes.

Mayor McDavid stated he believed this was a great time to re-evaluate the reasons and amounts the City charged for parking.

Mr. Sturtz noted he heard complaints from employees indicating they could not obtain a monthly parking space in the downtown and asked if that was a concern. Mr. Watkins replied there would be more spaces in about a month. The City's philosophy was to keep some spaces in each garage for hourly parking, but that might need to be revisited. Mr. Sturtz asked how many spaces the new parking garage would have for monthly permits. Mr. Glascock replied he thought about half would be at this time, but it might be adjusted over time. Mr. Sturtz asked how many spaces were in that garage. Mr. Glascock replied about 660. Mr. Sturtz asked how much per month a permit would cost. Mr. Glascock replied he thought it was \$50 for covered parking and \$40 for uncovered parking.

B20-11 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY. VOTING NO: NAUSER. Bill declared enacted, reading as follows:

B21-11 Repealing Ordinance No. 009719 to remove the three-way stop at the intersection of Blue Ridge Road and Skyline Drive.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

B21-11 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B26-11 Amending Chapter 2 of the City Code to repeal Division 9 of Article V relating to the Youth Advisory Commission.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Ms. Nauser understood the Youth Community Coalition would be the conduit to provide youth input to the City and asked for its status. Mr. Hood replied he intended to bring a resolution forward indicating the Youth Community Coalition would be the organization that would advise the Council on youth issues.

B26-11 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B19-11 Vacating a water and electric easement on property located at 1 Business Loop 70 East.**
- B22-11 Authorizing a cooperative agreement with Boone County, Missouri for mobile data terminal hardware and software to be used in emergency vehicles at the Columbia Regional Airport; authorizing a letter of intent for the purchase of data services through the State of Missouri Western States Contracting Alliance.**
- B23-11 Accepting conveyances for sewer, drainage, access to storm water facilities and sidewalk purposes.**
- B24-11 Accepting Stormwater Management/BMP Facilities Covenants.**
- B25-11 Accepting a conveyance for utility purposes.**
- B27-11 Accepting and appropriating donated funds for the Parks and Recreation Department's Toys for Columbia's Youth Program.**
- B28-11 Accepting and appropriating donated funds from the Wal-Mart Foundation for the purchase of equipment for the Fire Department.**
- R7-11 Setting a public hearing: considering sanitary sewer rate changes.**
- R8-11 Authorizing an agreement with Boone County for public health services.**
- R9-11 Authorizing an agreement with Boone County for animal control services.**
- R10-11 Authorizing Amendment No. 1 to the agreement with Cook, Flatt & Strobel Engineers, P.A. for engineering services relating to the Route 740 (Stadium Boulevard) improvement project.**
- R11-11 Authorizing Amendment No. 1 to the agreement with Burns & McDonnell Engineering Company, Inc. for engineering services relating to the construction of Bioreactor Disposal Cell #5.**
- R12-11 Authorizing Amendment No. 1 to the agreement with Burns & McDonnell Engineering Company, Inc. for engineering services for bioreactor landfill operational support.**
- R13-11 Authorizing an amendment to the airline airport agreement with Delta Air Lines, Inc. for commercial air service at the Columbia Regional Airport.**

- R14-11 Authorizing an agreement with the Memorial Day Weekend - Salute to Veterans Corporation for an air show to be held at Columbia Regional Airport May 25 - 31, 2011; authorizing the City Manager to provide support services for the Memorial Day activities planned by that organization; and authorizing a parachute jump onto Broadway.
- R15-11 Terminating the CDBG agreement with Mid-Missouri Access to Justice Project; authorizing a CDBG agreement with Mid-Missouri Legal Services Corporation.
- R16-11 Authorizing an agency agreement with Midwest Independent Transmission System Operator, Inc. for open access transmission service for non-transferred transmission facilities.

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

NEW BUSINESS

- R17-11 Authorizing an agreement with the PedNet Coalition, Inc. for the Mayor's Challenge: Bike, Walk & Wheel Week event.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

The vote on R17-11 was recorded as follows: VOTING YES: HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- B29-11 Approving the Final Plat of The Grove at Columbia, Plat No. 1 located at the northeast corner of Rock Quarry Road and Grindstone Parkway; authorizing a performance contract.
- B30-11 Authorizing an amendment to the agreement with Community Housing Options for the lease of property located on the northwest corner of Vandiver Drive and Oakland Gravel Road.
- B31-11 Amending Chapter 2 and Chapter 22 of the City Code as they relate to public improvements.
- B32-11 Amending Chapter 29 of the City Code as it relates to the floodplain overlay district.
- B33-11 Authorizing construction of the Bear Creek Bank Stabilization Project; calling for bids through the Purchasing Division.
- B34-11 Authorizing the acquisition of easements necessary to construct the Bear Creek Bank Stabilization Project.
- B35-11 Authorizing the acquisition of easements necessary to construct the Upper Hinkson Creek Outfall Sewer Extension Phase I Project.

- B36-11 Accepting conveyances for utility purposes.
- B37-11 Authorizing an agreement with the National Association of County and City Health Officials for the Medical Reserve Corps program; appropriating funds.
- B38-11 Appropriating funds to recover costs associated with the formation of the Downtown Community Improvement District.
- B39-11 Appropriating funds from the credit card revenue account to the City Council contingency account.
- B40-11 Designating a portion of the City of Columbia as a redevelopment area; approving the Regency Hotel financing (TIF) redevelopment plan and project.
- B41-11 Approving a redevelopment agreement in connection with the Regency Hotel TIF Redevelopment & Project.

REPORTS AND PETITIONS

REP16-11 Intra-Departmental Transfer of Funds Request.

Mr. Watkins noted this report had been provided for informational purposes.

REP17-11 Street Closure Request – Columbia Earth Day.

Mr. Watkins provided a staff report.

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

REP18-11 Environment and Energy Commission request for ordinance.

Mr. Watkins provided a staff report and suggested they schedule a work session on the building codes inviting the Environment and Energy Commission (EEC) to participate in the discussion.

Mr. Thornhill thought they had decided to not make any changes. Mr. Watkins replied the Council recently discussed the hiring of a consultant and had decided not to retain a consultant to look at the code dealing with energy conservation.

Ms. Hoppe made a motion directing staff to schedule a work session on the building codes and to invite both the Building Construction Codes Commission (BCCC) and the EEC. The motion was seconded by Mr. Kespohl.

Mayor McDavid stated he thought they had decided to follow the recommendation of the BCCC. Mr. Sturtz clarified that was with regard to not hiring the consultant.

The motion made by Ms. Hoppe and seconded by Mr. Kespohl directing staff to schedule a work session on the building codes and to invite both the BCCC and the EEC was approved unanimously by voice vote.

REP19-11 East Columbia Environmental Impact Statement Advisory Committee.

Mr. Watkins provided a staff report.

Mr. Dudley asked how this differed from the East Area Plan and if they could use the same people. Mr. Watkins replied the East Area Plan was a much larger area that involved more than just the design of the road. Mr. Dudley understood it included the area where the

road would be placed and asked what this committee would specifically do. Mr. Watkins replied this group would advise MoDOT in terms of whether the road would be a parkway, its width, its functionality, sidewalks, etc.

Ms. Hoppe commented that some of the participants of the East Area Plan should be selected to participate on the committee. She also thought the Planning and Zoning Commission and the Environment and Energy Commission should be represented as well as the Ward 6 and Ward 3 Council Members.

Mr. Glascock recommended a representative of the University because the road would feed to the University.

Mayor McDavid suggested each Council Member nominate two people as it was simpler than trying to arbitrate an equitable balance at this time.

Mayor McDavid made a motion for each Council Member to nominate two people for this committee. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Watkins asked for a time frame so this could be brought to the Council and approved publicly. Ms. Nauser suggested the first meeting in March and everyone appeared to be in agreement.

REP20-11 Scenic Roadway Overlay District and Rock Quarry Road.

Mr. Watkins and Mr. Teddy provided a staff report.

Ms. Hoppe commented that she was happy this was an interim report as she understood the Planning and Zoning Commission had not seen the draft. She noted she had not had the opportunity to thoroughly read through this document and suggested tabling it while staff proceeded with working with the Planning and Zoning Commission.

Ms. Hoppe made a motion to table REP20-11 to the February 21, 2011 Council meeting while still having staff proceed with working with the Planning and Zoning Commission. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP21-11 Citizens Police Review Board 2010 Annual Report.

Mr. Watkins provided a staff report.

Mr. Kesphl noted page 3 of the report included a sentence that indicated the Citizens Police Review Board (CPRB) could conduct its own investigation by hiring a private investigator or by interviewing and hearing comments of witnesses to the incident, but the City Code indicated that subject to the availability of appropriate funds, the City would contract with independent investigators to assist the Board in its investigation. He believed those statements were contradictory. Mr. Boeckmann explained only the City Manager and the Purchasing Agent could sign contracts on behalf of the City. He noted boards and commissions did not have that authority themselves, and believed the CPRB understood that.

Mr. Dudley made a motion to accept the report. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP22-11 Yow & Bond Annexation.

Mr. Watkins provided a staff report.

Ms. Hoppe commented that the fiscal impact indicated they would receive fire protection and trash collection and the cost would be offset by increases in taxes and user fees, but noted this would also create more streets to plow during snow storms. She thought the issue needed to be addressed in terms of larger annexations to ensure the City had the funds to provide all services. She wanted to know how the increases in taxes and user fees actually paid for those services.

REP23-11 Corporate Lake Area Parking Issues – Santana Lane and Santana Circle.

Mr. Watkins provided a staff report.

Mayor McDavid made a motion directing staff to prepare an ordinance modifying Section 14-324 of the Code prohibiting parking on the east side of Santana Circle and Santana Lake at all times. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP24-11 January 2011 Stormwater Variance Summary.

Mr. Watkins provided a staff report.

Mr. Sturtz stated he appreciated receiving this report and assumed the City was constrained by law with regard to how many variances they could grant. He asked how staff gauged what variances would be allowed. Mr. Glascock replied he was more lenient in 2007 when this started, but they were more restrictive now. Some variance requests went to the Board of Adjustment as well and those would be included in future reports.

REP25-11 EECBG Energy Improvement projects.

Mr. Watkins provided a staff report.

Mayor McDavid made a motion approving the Office of Sustainability's report listing Phase 1 projects for energy efficiency improvements. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP26-11 Report from the Downtown Columbia Leadership Council.

Mr. Watkins provided a staff report.

Mr. Thornhill made a motion directing staff to schedule a work session with the Downtown Columbia Leadership Council to review the recommendations and priorities with regard to the report submitted by H3 Studio, Inc. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Dudley asked for a timeline with regard to when the sewers on Sunset would be addressed. Mr. Glascock stated he did not know, but would provide that information to him.

Mr. Dudley asked if any traffic studies had been done on the Broadway and West Boulevard intersection. Mr. Glascock thought it had been studied as part of the Broadway design. Mr. Dudley asked for that information to be provided as well.

Mr. Dudley asked for a status regarding snow removal. Mr. Glascock noted they were getting calls regarding mail delivery and explained they purposely did not plow curb to curb because they could not push it with some of the trucks they had and because they would block a lot of driveways by doing it, which would cause more displeasure than the lack of mail delivery. He asked the Council to provide direction as to what they wanted staff to do.

Mr. Thornhill asked if the snow could be cleared now with the way it was frozen. Mr. Glascock replied it could, but would not be easy and would create ice boulders that could not be shoveled.

Ms. Hoppe commented that she had driven through a few neighborhoods and some streets only had a narrow one car path, which was not completely cleared. She did not recall streets be cleared to only that extent before. Mr. Glascock stated the last time they had significant snowfall, which was 14 inches, they had plowed the same way.

Mr. Glascock explained he was asking if Council wanted him to plow curb to curb, which would block all of the driveways. Mr. Dudley asked if a single pass would be made down every street before going back to make a second pass. Mr. Glascock replied every street had a single pass at this time.

Mr. Sturtz stated he did not believe it would be practical to go back. Mr. Glascock agreed since it would be 50 degrees on Sunday.

Mr. Kespohl commented that if they did not plow curb to curb, a press release announcement should be made indicating why they did not plow curb to curb because that was the expectation of citizens. Mr. Glascock stated a press release had been issued today. He noted they plowed in this manner versus curb to curb once 10 inches of snow was reached in one storm because it was a lot of snow to plow.

Mr. Thornhill understood Boone County and the State of Missouri called their crews off of the roads for a while and asked if the City did as well. Mr. Glascock replied no and explained the graders ran the entire time. He noted the trucks had to be pulled off every now and then because they tended to freeze up.

Ms. Hoppe suggested they hold a work session on snow removal in order to review the priority and tracking processes. She suggested a priority for residential streets as some were very steep. Mr. Glascock suggested this be done at the retreat and during budget discussions because they were at the limit in terms of plowing priority streets in a timely manner. He noted that although two trucks were added, no people had been added. Mr. Sturtz thought they had reviewed the priority streets many times in the past few years.

Mr. Thornhill understood Mr. Glascock needed direction from the Council in terms of what to do tomorrow. Mr. Glascock stated they did not intend to go back and plow unless the Council directed them to do so. Mr. Dudley suggested a press release be issued and that they be issued in a timely manner in the future. Mr. Thornhill commented that the issue was that many people did not understand that they might not get their mail. Mr. Dudley understood that if the property owner shoveled a path to the mailbox, their mail would be delivered. Mr. Sturtz noted there needed to be some private or collective responsibility to shovel the areas still needing to be addressed. There should not be an expectation of the government to take care of every last square inch of residential streets and sidewalks. Ms.

Hoppe stated this was why she felt a work session was necessary. They needed a comprehensive plan and the citizens needed to be aware of what would and would not be done. Mr. Thornhill pointed out this was 20 inches of snow at one time. It was not physically possible to keep up with that amount of snow.

Mr. Dudley noted the parks had clean parking lots while streets still needed to be plowed, which caused some people to be upset. Mr. Watkins explained a CDL was not necessary to run a backhoe or bobcat, which would clear a parking lot, but was necessary to operate the machinery to clear streets, and the City did not have enough people with CDL's since there were limitations on how long a person could drive within 24 hours.

Ms. Nauser asked for a staff report recapping the number of hours worked, how much salt and cinders were used, etc. She also suggested it indicate why cul-de-sacs were an issue. Mr. Glascock replied he would provide a report. Ms. Hoppe asked if the report could also include a comparison of the trucks per miles between now and a few years ago.

Mayor McDavid suggested the need for an informational strategy to inform people of snow plowing issues, such as cul-de-sacs and cars on the streets. Mr. Kespohl noted they could not plow some cul-de-sacs regardless of whether there were cars parked on the street or not. Mr. Glascock stated that was correct as they could not turn 20 inches of snow.

Mr. Thornhill agreed with Mr. Sturtz in that citizens should accept some responsibility. He noted he resided on a cul-de-sac because he did not want a lot of traffic, and he and his neighbors went in together and hired someone to plow their cul-de-sac.

Mr. Glascock noted one gentleman would not let the City plow his street because he did not want his driveway plowed shut, and as a result, his neighbors suffered.

Ms. Hoppe stated she had received a lot of comments regarding the light in the new parking structure in terms of its brightness and asked staff and the Environment and Energy Commission (EEC) to provide recommendations as to how the light could be contained. Mr. Glascock replied the light emitting from it was less than in the old garages. They were LED lights and the spillage was within the specifications. He noted he would provide a report.

Ms. Hoppe made a motion directing the EEC to provide suggestions to address lighting concerns in the new parking garage that the staff might have overlooked.

Mr. Sturtz noted he had received some comments indicating the standards on the roof were too high and asked why they were so high. Mr. Glascock replied there were only three standards and they needed to provide coverage for the top of the garage. More would likely be needed if the standards were shorter and he was not sure they could install any more as they were placed in the middle with parking around them. He thought the standards would need to be places at the edges if they wanted shorter and more standards.

The motion made by Ms. Hoppe directing the EEC to provide suggestions to address lighting concerns in the new parking garage that the staff might have overlooked was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Hoppe asked for the 2009 and 2010 stormwater runoff sediment retention measures for Crosscreek and the Maguire/Lemone Industrial Site. She also wanted a log of the pre and post rain event reviews. Mr. Watkins stated staff would provide the information.

Mr. Thornhill asked for a report regarding parking capacity, the number of permits held, the fees and fines associated with parking, etc. He essentially wanted a report indicating what the City had in terms of parking and what the City did with it. Mr. Watkins understood he wanted both surface parking and garage data. Mr. Thornhill stated that was correct and explained he wanted a parking inventory.

Mayor McDavid commented that this should be a dynamic process because he would be asking for the same information in about six months.

Mr. Kespohl noted he had handed out a document addressing bonds at the work session held on January 25, 2011, and was ready to ask the Finance Advisory and Audit Committee and the Finance Department to study and provide recommendations on how to address his questions and concerns.

Mr. Kespohl made a motion directing staff and the Finance Advisory and Audit Committee to study the bonds listed in the handout he had provided, and to provide recommendations on how to address his questions and concerns. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

The meeting adjourned at 9:52 p.m.

Respectfully submitted,

Sheela Amin
City Clerk