

**CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
701 E. BROADWAY, COLUMBIA, MISSOURI
SEPTEMBER 3, 2013**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, September 3, 2013, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS and NAUSER were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of August 19, 2013 were approved unanimously by voice vote on a motion by Ms. Hoppe and a second by Mr. Skala.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid asked that B236-13 be moved from the consent agenda to old business.

Upon her request, Mayor McDavid made a motion to allow Ms. Nauser to abstain from voting on B236-13 and REP136-13 due to a conflict of interest. The motion was seconded by Mr. Trapp and approved unanimously by voice vote. Ms. Nauser noted on the Disclosure of Interest forms that she was a member of Nauser Investments, LLC and that she had a conflict due to the family business.

The agenda, including the consent agenda with B236-13 being moved from the consent agenda to old business, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Ms. Hoppe.

SPECIAL ITEMS

Swearing in of JJ Musgrove as the Manager of the Office of Cultural Affairs of the City of Columbia.

Ms. Rhodes explained the position for the Manager of Cultural Affairs had opened on May 7, 2013 with a commitment to conduct a nationwide search to hire the most qualified candidate. She listed and thanked the screening committee members, and noted JJ Musgrove was the unanimous choice. He had fifteen years of non-profit experience and ten years in executive management. She stated he was the former Executive Director of Donor Services for the Community Foundation of the Chattahoochee Valley, and that experience would be beneficial in the building of the Community Arts Foundation and the strengthening of the arts in Columbia.

Ms. Rhodes invited Mr. Musgrove to the podium.

The City Clerk administered the oath of office to Mr. Musgrove as the Manager of the Office of Cultural Affairs.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

Kurt Albert – Conditions at Albert-Oakland Park and C.M. Albert Memorial Park.

Kurt Albert, 400 E. Highpoint Lane, provided a handout to the Council and stated he was speaking about the conditions of Albert-Oakland Park and C.M. Albert Memorial Park. He commented that the Council voted to restore the Albert-Oakland Park name five years ago by R225-08, but there a sign was still not at the entrance of Albert-Oakland Park on Blue Ridge Road, which he felt was necessary as first responders needed signs and street addresses to respond to emergencies and new residents needed signs to locate the aquatic center, tennis courts, baseball diamonds, etc. He explained the aquatic center had opened 38 years ago, but there still was no signage for it. He noted three signs from C.M. Albert Memorial Park had been removed and provided photographs of those signs. He understood those signs would be replaced, and that the Mr. Griggs, the Parks and Recreation Director, was addressing other issues as well. He hoped all of the problems would be resolved by April 8, 2014 as that was the fiftieth anniversary of this gift to the City. He explained there were some street and parking issues as well due to the attempt of a previous city manager to construct a road through the Park. The road was removed from the plat five years ago, but there were now two non-connected streets named Parker. He suggested the original street, named by his father, be Parker Street, and the other be renamed North Parker. He listed a few deficiencies of the area to include the need for curb and gutter at the south end of North Parker, improvements to the dirt road and cable at the entrance to the C.M. Albert Memorial Park, and the lack parking at C.M. Albert Memorial Park, which would take Council action to correct. He thanked the Mr. Matthes and Mr. Griggs for their recent efforts.

PUBLIC HEARINGS

- B222-13 Adopting the FY 2014 Annual Budget for the City of Columbia.**
- B223-13 Amending Chapters 4, 13 and 28 of the City Code relating to license and permit fees.**
- B224-13 Amending Chapter 11 of the City Code relating to Public Health and Human Services Department fees.**
- B225-13 Amending Chapter 14 of the City Code relating to parking fees for unmetered off-street facilities and parking meter rates in the campus area.**
- B226-13 Amending Chapter 17 of the City Code relating to Parks and Recreation fees.**
- B227-13 Amending Chapter 27 of the City Code relating to water rates.**

The bills were given third reading by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid suggested they wait to discuss and adopt the amendment sheet at the next meeting when they approved the budget.

Mr. Thomas asked if City staff would be provided a bus pass if they had a parking pass. Mr. Matthes replied yes. He explained staff that used the garages would have to pay the increase as well, and pointed out that in some cases the departments paid for the cost of

parking. Mr. Thomas understood City staff would receive a bus pass in October if they had a parking pass. Mr. Matthes stated that was correct.

Ms. Nauser understood the \$1.3 million dollar savings from the 911 tax was being used to help balance the budget and asked if the public safety budget in terms of fire and police had increased \$1 million in this budget to help pay for benefits, salaries and operating costs. Mr. Matthes replied yes.

Mayor McDavid opened the public hearing.

Cheryl Price, 511 Parkade Boulevard, explained she was the President of the Board for Services for Independent Living and a member of the Disabilities Commission and the Public Transit Advisory Commission. She thanked the City for its hard work in balancing the budget and for the funding being provided to Services for Independent Living as it would allow for the construction of ramps so people could get into and out of their homes. She understood the City would conduct a paratransit pilot project and hoped it would include transportation to and from certain City meetings that were not held on Thursday evenings, such as the Mayor's Task Force on Community Violence. She did not believe it was reasonable to ask for transportation to be provided to two meetings a month, but felt one meeting a month or a meeting every six weeks should be accommodated.

Chip Gubera, 107 Hubbell Drive, stated he was in support of CAT-TV and thanked the City for finding funds for it. He asked those in attendance in support of CAT to stand, and approximately 30 people stood. As the Director of New Learning Opportunities in the IT Program at Mizzou, he taught media technology and believed CAT was important as it provided the education of media and benefited student citizens. He explained not everyone could afford to take classes at Mizzou and having a community that was media-literate was important since media was everywhere to include television, internet, cell phones, etc. He thought it was an asset to the community for CAT to offer the services it offered and noted media creation provided many employment opportunities. He stated there were many people who had been trained at CAT that had a career in which some form of media was important. CAT had offered internships to students and had allowed his students to create television commercials, which provided resume material to assist in job searches.

Marco Tapia, 2908 West Oak Drive, commented that he was in support of CAT-TV and noted he was a volunteer host of the program entitled Making a Difference, which brought a lot of community leaders to CAT, and many, such as those with charitable organizations and non-profit organizations, required the resources of CAT-TV. They were in 60,000-65,000 homes throughout the region, and the money provided to CAT this next fiscal year could leverage other funds and services to those in need. His program allowed him to interview those that gave back to the community, and CAT also allowed the issues facing the community to be brought to the table for discussion. He felt the Task Force on Community Violence meetings could be televised on CAT-TV to provide a transparent, open, public forum for the entire community. He thanked the Council for its support.

Elizabeth Zenner, 1214 S. Bridgewood Drive, stated she was in support of CAT. She understood these meetings were about the future of Columbia, and at 13 years of age, she believed she was the future. She explained she had dreamed of being an actress, movie director and singer all of her life and learned about CAT in 2012 as part of the Citizen Jane

Film class. Earlier this year, she and her friends created a film titled Closets with actors ranging from 7-14 years of age, and the Columbia Public Schools students loved working with CAT staff in its studios. They, the future of Columbia, wanted CAT to stay as it offered students the opportunity to explore. CAT was an asset she felt needed to be preserved to ensure young people's dreams were kept alive. She asked the Council to keep CAT in the 2014 Columbia budget.

Lillian, an eighth grader at Gentry Middle School, explained she was introduced to CAT in January of 2013 by a friend, and in June, she had attended the Citizen Jane Film Academy. It meant a lot to her to know they had a program for girls that were interested in film as it was a long time desire of hers to be a female film director. CAT-TV provided the opportunity to learn about film production, equipment, lighting, directing, etc. She commented that she had been told her filming dream was highly unlikely to happen and had believed that until she learned about CAT. CAT provided her the hope to continue her passion. She wanted CAT to continue to receive funding from the City, so she and others could to use its facilities to learn, and asked the Council to fund CAT as part of the 2014 budget.

Dan Cullimore, 715 Lyons Street, stated he served as a member of the Columbia Community Garden Coalition and explained they received social services funding from the City on a three year basis and thanked the City for that funding. It had allowed them to reach almost 2,000 households in terms of garden space and gardening resources to help people feed their families. He commented that they were somewhat disturbed when they realized CAT would no longer be funded as they had hoped to use those facilities to create a training video for their gardeners. He was pleased to hear the City had creatively discovered money to support CAT-TV and thanked the Council for its continued support of these two resources.

There being no further comment, Mayor McDavid continued the public hearing on these bills to the September 16, 2013 Council Meeting.

B235-13 Authorizing the construction of infrastructure improvements, replacement of play features and the installation of playground surfacing improvements to the Steinberg Playground located within Columbia Cosmopolitan Recreation Area.

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mayor McDavid opened the public hearing.

Kathleen Weinschenk, 1504 Sylvan Lane, commented that when she was a child, she was not able to participate as they did not have this wonderful park. She believed this was great for kids and wished she could be five years old again. She thanked the City for constructing this for kids.

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

Ms. Hoppe stated she had listened to a program on National Public Radio last week regarding indicating accessible playgrounds at schools and in the community provided a learning experience in addition to a playing experience for everyone. She was happy to see this project moving forward as everyone in Columbia would benefit.

Mr. Trapp commented that he believed this would be a great improvement and noted he loved the accessibility features and its inclusiveness. He also wished he could be five years old again as he liked the theme and believed it had a great design.

Mr. Skala stated he appreciated the innovative development of this by the Parks and Recreation Department staff and believed this was a wonderful addition to the repertoire of the parks facilities within the community.

Mayor McDavid believed this was a great park and noted he had taken two generations of kids to this park and was looking forward to taking a third generation there.

B235-13 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Construction of a bicycle boulevard from the Wabash Station to the Hominy Trail.

Item A was read by the Clerk.

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

Mr. Trapp understood Carrie Gartner of the Downtown Community Improvement District (CID) had offered to find some replacement parking and asked if that was a possibility. Mr. Nichols replied staff was working with Ms. Gartner in that regard.

Ms. Nauser noted several people had contacted her with concerns of losing the few spaces they had and asked if it was paid parking. Mr. Nichols replied yes, and noted the removal of the parking would result in a decrease of \$318 per year to the parking revenue. He pointed out the loss of the parking was due to an improvement in the sight distance.

Mr. Thomas commented that he and Mr. Curtis had looked at the intersection toward the end of last week, and both felt there was an alternative that would provide better traffic calming and bicycle/pedestrian safety at the intersection without the removal of two of the three proposed parking spaces. He thought there could be a four-way stop at the intersection so traffic going down Orr Street would come to a stop before proceeding. He liked the raised speed table and visible crosswalk markings and suggested they be marked at all four crossings. He suggested building a bulb out behind the more northerly of the two parking spaces being proposed to be removed and to stripe the stop bar so people could see clearly up Orr Street instead of actually removing the two parking spaces. He thought there could be a bulb out on the northern side of the fire station driveway as well. Mr. Nichols stated he would have to look into these suggestions as this was the first he had heard of this proposed change.

Mr. Schmidt noted \$636 per year would be saved by not removing the two parking spaces. Mr. Jarvis pointed out an issue with the stop signs was that traffic would need to stop in both directions of Orr Street, which would require the elimination of two spaces on the north side of the intersection, so two spaces would still be lost along Orr Street at that intersection. Mr. Thomas asked for clarification. Mr. Jarvis explained 30 feet of separation was needed from the stop bar and that resulted in two spaces.

Mayor McDavid opened the public hearing.

Melodi Beach explained she owned the Beach Salon in the Orr Street Warehouse at the corner of Ash and Orr and submitted a petition signed by 360 clients who were in opposition to this proposal. She noted she was also representing the seven other businesses located within the warehouse. They were asking the Council to reconsider the plan to eliminate the two parking spots on Orr Street and the third parking spot on Ash Street in order to make improvements to a bicycle boulevard. They appreciated and cared for the safety of the local cycling traffic, but their priority was to protect the few metered parking spots their clients used. In the last five years, there had been many changes in the North Village Arts District, and while change was good, it came at a cost. They had lost parking spots due to construction, permit changes and re-metering. There had been an influx of traffic due to the new apartments on Walnut and Ash, and their clients had faced increased meter rates and shorter meter time limits. They feared any further decrease in or obstacle to parking would prevent customers from doing business at the Beach Salon. She asked the Council to consider a plan that would preserve parking. She pointed out their clientele included the elderly and disabled and their families, and it was hard for them to currently find parking due to the growth of the North Village Arts District. This growth, which she thought was wonderful, also made it a challenge for her to continue her business. The five year anniversary for her business was today, and she was in front of the Council fighting for her business. She asked the Council to reconsider taking any of the parking as it was already limited. She commented that the lighting on Ash Street was not good and asked the Council to look into it as well as she was concerned for her customers since they were open late in the evening.

Caroline Milliken-Euker stated she was a member of the Contemporary Ballet, which was located at 110 Orr Street, and thanked the Council for its support in sending the Ballet to South Korea to represent Columbia. She explained she was the Contemporary Ballet School Director and was worried about parents with small children not having enough nearby spaces to park. She asked the Council consider an alternative plan in terms of parking, and submitted a petition.

Dan Cullimore, 715 Lyons Street, explained he served on the Board for the North Central Columbia Neighborhood Association, but was not speaking on behalf of that Association tonight. He commented that after the construction of Brookside Apartments on Walnut and College, the Association had petitioned the Council to work with neighborhood residents to come up with a residential parking zone, and a pilot program had addressed the concerns of the residential neighbors in the North Village Arts District, but the concerns of the neighborhood businesses had not been addressed by the pilot program. He stated he was in full support of the bike boulevard, but asked Council to address the concerns of the commercial neighborhood residents for parking as well. He thought they could consider the Wabash Station parking area if the transit system was reorganized and it became available.

Evan Robertson, 1922 Center Street, stated he was a cyclist that rode to the downtown area on a regular basis and knew the subject intersection well. He did not believe removing the parking space near the fence would have any impact on visibility as long as the fence remained. He also did not believe the removal of the other two spaces would help with visibility as long as parking was allowed in the Wabash Station and referred to a white van

that parked regularly in the corner of the lot. He explained his kids attended the dance school there and had to walk a half of a mile to get to the school. Those parking spaces were necessary and removing them would not help cyclists, but would significantly hurt the nearby businesses.

Nina Wilson-Keenan, 305 St. Joseph Street, stated they considered the artists and the small businesses in the neighborhood as part of the neighborhood and their neighbors, and the two parking spaces near 110 Orr Street were very important to those businesses. She noted she was a member of the nearby gym and gym members tended to take up the spaces to the north, so those two spaces were important to the businesses in the warehouse. The neighborhood parking and infrastructure was not able to support the number of people that would store their cars as a result of the Brookside Apartments being built. She thought an expansion of parking was necessary for the businesses and the neighborhood. She pointed out she supported the CoMO Connect program as it would be great for Columbia and hoped the lot at the Wabash Station would open up for nearby business. She felt some of these other items needed to be in place prior to removing any additional parking in the area as she did not want to hamper the growth of the artists and businesses in the area.

Deborah Leslie explained she lived in Rocheport, but worked at the salon on Orr Street. She felt losing those parking spaces would be detrimental to business. She noted she was also concerned about bicyclists not following traffic laws as she did not necessarily believe the spaces were the problem as she felt them not following traffic laws was the real problem. There was a stop sign at the intersection of Ash and Orr and she had yet to see a bicycle stop at that sign before going on to Orr Street. She stated Orr Street was only two blocks and was not a heavily traveled street by car. She explained she had almost hit cyclists on many occasions because they did not stop and understood they did not want to stop since Tenth Street was a slight hill in terms of losing momentum going north or pedaling going south. She reiterated she was not sure the issue was visibility as they would see traffic if they stopped and looked. She did not believe any parking should be removed.

Greg Ahrens, 1504 Sylvan Lane, commented that there was a high fence at the fire station which created a visibility issue for cyclists using the sidewalk and suggested the fence be moved away from the street. He noted there was an issue with cyclists coming out of the alley as well.

Carrie Gartner, 11 S. Tenth Street, explained she was the Director of the Downtown Community Improvement District (CID) and noted they wanted The District to be welcoming to everyone regardless of whether they were walking, biking or traveling by vehicle. She believed this could be a win-win situation in that the improvements necessary could be made without losing the three parking spaces. She agreed it was a terrible intersection and was not good for pedestrians as there were no marked sidewalks and many blind corners. It was difficult for cars turning right on to Ash off of Orr as cars tended to take the corner fast and tight. She noted the CID Board believed the bike boulevard was a great idea as it would connect The District to Stephens Lake Park, but was concerned about parking in the area. As a result, they had been involved in a lot of discussions regarding parking in the North Village Arts District in general. They understood the construction of the Short Street garage would help, but were still concerned about these three spaces. The CID Board had approved

this plan with the condition that three spaces be found elsewhere in the area, and believed this could be done with some effort by those involved.

Stacie Pottinger, 106 Orr Street, stated she was the Director of Orr Street Studios and noted she agreed with many of the speakers, but she did not agree with Ms. Gartner as she had never felt her life was in danger when crossing at the intersection. She had recently stood in the middle of the street when being interviewed and only four cars had come by during that hour. At one point, a bicyclist had come by and had managed to avoid a pedestrian with a parked car without any issues. She reiterated these three parking spaces were important to them and noted the Short Street garage had a waiting list for permit parking, so she was not sure that would solve the problem. She submitted a petition to save those parking spaces.

Anne Churchill explained she was the owner of AnnaBelle Events at 107 Orr Street and noted she shared space with Silverbox Photographers and Hoot Design Co. Although this only involved three parking spaces, it was a big deal for them as their clients already struggled to meet them at their studios. In addition, it was a huge investment for them to even be located in this area. Prior to being in this space, they were all home-based businesses. It was not only an issue of their clients not having a place to park, but also for them as there were on waiting lists for permit parking at Wabash and the Short Street garage. She stated she was in support of the bike boulevard, but asked for it to be done without the loss of parking spaces.

John Clark, 403 N. Ninth Street, understood Ameren was moving and wondered if any of their spaces would be available on a short term basis. In the long term, a downtown transportation plan was needed and he suggested the Council provide \$35,000 - \$50,000 to the Downtown Columbia Leadership Council to re-engage H3 Studio in developing a plan. Although it was not a solution to the three spaces being discussed today, it could lead them in that direction in a relatively short period of time without wasting more time and energy.

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

Mayor McDavid made a motion directing staff to proceed with plans and specifications for the bike boulevard from the Wabash Station to Hominy Trail while retaining the parking spaces on Orr and Ash. He believed this motion would provide staff the opportunity to come back to Council with this solution or another solution. The motion was seconded by Mr. Thomas.

Mr. Schmidt stated he biked this area a lot and had never noticed a visibility problem. He asked if they were constrained by design issues and suggested they deviate from the standards in order to keep the parking spaces. Mr. Jarvis explained the intent of the bike boulevard was to encourage riders to use this route and to encourage vehicles to use other routes. He understood visibility might not be an issue for a seasoned rider, but was needed for a novice rider.

Mr. Schmidt wondered if the raised crosswalk would be enough and asked if there would be a stop marked on the sidewalk as many people tended not to read signs. Mr. Jarvis replied signage was a part of this project and that would be considered.

Mr. Thomas thought it was great that cycling had increased on the designated bike boulevard. It was a successful project and a good model, and they were learning a lot from it.

He did not believe they should write off the Wabash Station for bus connections at this time as the area was transit oriented. In terms of this particular intersection and the removal of parking spaces, he was worried it would have a negative impact in terms of increasing the speed of traffic on Orr Street since the street would be wider without those spaces. As a result, he wanted to see an analysis of options that could preserve parking spaces and an explanation of why a four-way stop could not be installed without the movement of parking spaces. He felt a bike boulevard should have the right-of-way through four-way stops along its length so both bicyclists and vehicle drivers had the right-of-way and those on cross streets were required to stop, but understood that was not always possible. He thought it could be looked into at Walnut and William. In addition to the permanent center median being constructed where the bike boulevard crossed College Avenue, he wondered if there could be advance warning for when a bicyclist, pedestrian or wheelchair user was waiting to cross so traffic on College knew there could be someone in the road. Mr. Nichols stated staff would look into it.

Mr. Skala explained he was glad to have had a small role in the establishment of the original pilot for the bike boulevard and noted he believed connectivity was important. The idea of the bike boulevard was to separate moving vehicular traffic from the cyclists and pedestrians to make both safer. He thought the motion of Mayor McDavid was prudent as they wanted to move forward with the bike boulevard while ensuring they consider or reconsider the impact of the parking spaces and parked vehicles on the system and in terms of the commercial viability of the businesses.

Ms. Nauser stated she would support the motion as she believed it was important to have a viable downtown, which would involve alternative transportation and ample parking for small businesses. She thought it would be a mistake to remove those spaces until there was an acceptable alternative.

Ms. Hoppe understood the motion would require staff to design the bike boulevard while keeping the three parking spaces, and if it could not be designed in that manner, it would come back to Council with alternative spots. She agreed it was important to maintain those spots or to find new spots nearby. She explained she attended the meeting where the pilot parking permit program had been reviewed and one of the suggestions of the neighborhood was to share hangtag spots with employers since residents usually did not use those spaces during the day when the employers used them. She thought that would help increase parking if approved.

The motion made by Mayor McDavid and seconded by Mr. Thomas directing staff to proceed with plans and specifications for the bike boulevard from the Wabash Station to Hominy Trail while retaining the parking spaces on Orr and Ash was approved unanimously by voice vote.

(B) Considering the replacement of a water main along Business Loop 70, between Old Highway 63 and Eastwood Circle.

Item B was read by the Clerk.

Mr. Johnsen provided a staff report.

Mayor McDavid opened the public hearing.

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

Mr. Trapp made a motion directing staff to proceed with final plans for the replacement of the 12-inch water main. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(C) Voluntary annexation of property located on the west side of Howard Orchard Road, south of Stedman Road (5551 Howard Orchard Road).

Item C was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas asked if this property was within the urban service area as designed in the Columbia Imagined comprehensive plan. Mr. Teddy replied Howard Orchard Road marked the beginning of a tier three area, and if that policy was adopted as recommended by the comprehensive plan, Council would take a dim view of extending services at City cost to those areas. Tier three was regarded as low priority for the extension of infrastructure and there was an expectation it would be the responsibility of the developer.

Mayor McDavid opened the public hearing.

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

OLD BUSINESS

B229-13 Voluntary annexation of property located on the south side of Route K, approximately 2,000 feet south of the intersection of Providence Road, Route K and Old Plank Road; establishing permanent PUD-2.0 zoning; approving the Preliminary Plat & PUD Plan of Parkside Estates; granting a variance from the Subdivision Regulations relating to sidewalk construction.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe understood the maximum impervious surface was 23 percent and would be monitored by the developer as the development was being built. She asked what controls would exist for City staff in the permitting process for the future when individual homeowners wanted to construct patios, walkways, gazebos and additions. Mr. Teddy replied staff would need a running total of the calculations for impervious surfaces as plot plans were presented and homes were constructed, and this might require a maximum amount of coverage on each lot that could not be exceeded. He noted those details would need to be worked out. At some point, they would need a figure as a baseline for calculating the other improvements, such as patios or the widening of driveways. He noted there were some improvements that were exempt from a permit that could add to the impervious surface calculation, but thought those would be small so most could be captured as part of the permitting process. Ms. Hoppe understood the developer was asking for a variance to the sidewalk requirement to meet the impervious surface requirement so they would likely be building to the maximum allowed, which would mean no further impervious surfaces or permitting could be allowed. She asked if staff would monitor this and not allow any additional impervious surfaces. Mr. Teddy replied staff would need to obtain a calculation from the developer for the buildings as they were constructed, and the statement of intent indicated the project engineer would keep a running total of the impervious area of the site and would submit that with each building

permit. Staff would need to inform people seeking building permits of this special arrangement as it was different from all other single-family subdivisions.

Ms. Hoppe noted item 11 of the statement of intent indicated the development would be required to have native species with the exception of individual yards, but most of the development would include individual yards, so they would be allowed to have non-native species, and asked if that was correct. Mr. Teddy replied staff read it to be a minimum requirement by covenant, which would not be a City enforced requirement as the City did not review landscape plans for single-family homes. He understood the covenant would require native plantings.

Ms. Nauser asked if a statement should be included in the covenants indicating approval was needed by the homeowners association and the City to add any impervious surface and that it would be forbidden to add impervious surfaces once the maximum was reached in order to address the impervious surface issue. Mr. Teddy replied he thought it was important to note in the declaration that this was driving a lot of the requirements in terms of vegetation management.

Ms. Nauser understood the homeowners association would be responsible for the maintenance of the detention pond and asked how the City would check and enforce the maintenance of the various detention ponds within the community. Mr. Teddy replied Chapter 12A required stormwater detention and stormwater management area easements so the City would have the right to enter the property. Ms. Nauser asked if there was a cycle the City had incorporated to inspect these as more and more were constructed. Mr. Teddy replied a Public Works Department staff person regularly inspected stormwater best management practices. Ms. Nauser understood it was not necessarily a complaint driven process. Mr. Teddy replied they would respond to complaints as well.

Ms. Nauser understood most of this property was zoned A-1 in Boone County, and asked what stream buffer ordinances or other regulations would be required if the property was developed under that zoning. She wondered if they could clear the property under A-1 zoning. Mr. Teddy replied he did not believe they would require tree preservation and noted he was unsure as to whether their stormwater ordinances would require it as a function of best management practices.

Ms. Hoppe asked if the City had the staff and funding to repair any stormwater best management practices if the homeowners association failed to respond or if the City was deficient in that area. Mr. Teddy replied he thought the procedure would be to put the owner on notice that the best management practices were out of compliance, and if the owner or ownership entity was not responsive, the City could hire someone to do the work and place a lien on the property. Ms. Hoppe asked if that had been done in the past. Mr. Teddy replied he did not know. Ms. Hoppe stated she was familiar with neighborhoods and areas where the homeowners association was not maintaining the best management practices and the City had not enforced it either. Mr. Teddy replied enforcement would be different for basins that were pre-ordinance and post-2007 as that was when the ordinance requirement was written.

Ms. Hoppe understood one the Bonne Femme Watershed Plan recommendations was to ensure local governments provided adequate funding for their stormwater programs via a

stormwater utility fee and noted the City was well behind in terms of funding for stormwater and a stormwater utility at this time, so that recommendation, which had been one of the major recommendations, had not been met. The study had also indicated the level of service in terms of water quality and water quantity in the karst area of the Bonne Femme Watershed needed to be more restrictive, by one or two points on the level of service scale, in karst and recharged areas, and asked if the City was requiring the level of service to be one or two points higher than what was required in other areas of the City by the stormwater ordinance. Mr. Teddy replied that was not a requirement of the ordinance before Council, but the representative of the applicant had indicated at the Planning and Zoning Commission meeting that they would voluntarily exceed the level of service required, so it could be written into the ordinance if Council desired. He stated he did not believe the stormwater manual addressed any adjustment for sensitive areas.

Mr. Thomas asked for the location of this property relative to the urban service area, the tier it was considered to be a part of in terms of the draft comprehensive plan, and the implications of being a part of that tier. Mr. Teddy replied this property was within the tier three area and noted the properties across Route K that were within the City limits were in tier one. If Council were to adopt the comprehensive plan and the recommendation for urban service area, this area would not be recommended for any City sponsored infrastructure. The developer would be responsible for paying its own way in terms of infrastructure. He pointed out staff did not identify a need for off-site traffic improvements during the review process, and per the usual policy, the streets, sewer line and water mains would be built by the developer. He commented that this was an enclave development and the south end was the only area that pointed to possible future growth. If this development was approved, it would likely be its own neighborhood as it would not interconnect with the larger lots to the north or east.

Mr. Skala commented that he was not very concerned about stormwater runoff at this time due to the legal stipulations in the stormwater manual, but was concerned about water quality and the maintenance of best management practices as he did not believe that was covered by the City's stormwater rules. Mr. Teddy explained the stormwater ordinance and associated manual dealt with flood control and water quality control, and the enhancements in this proposal were above and beyond the ordinance. Mr. Skala understood they would be managed within the context of the restrictive covenants. Mr. Teddy stated that was correct. He noted some items in the statement of intent would be enforced by the City, but other items were beyond the City's reach. Staff would ensure, however, the declarations accompanied the final plat and that all of the necessary items were in it.

Ms. Nauser understood staff had recommended denial for the request for a sidewalk on only one side of the street, which would reduce the impervious surface, and asked for clarification as she recalled this same type of variance being granted to Copperstone, which was a relatively new development. She thought it had worked out nicely for that neighborhood. Mr. Teddy replied staff felt it was different than Copperstone because that had an equivalent system since it also looped behind the homes and there was a connected system. In this situation, it appeared to arbitrary to put it on just the one side and some property owners might feel it was on the wrong side as homeowners tended to be for and

against sidewalks in equal numbers. Ms. Nauser thought the property owners would know what they were purchasing when they bought the property. In addition, it would be a stand-alone subdivision where they were not concerned about connectivity since there would not be much internal traffic outside of the neighbors themselves. Mr. Teddy suggested an alternative be no sidewalks on the cul-de-sacs except for the one that stubbed out since those would definitely be low in terms of traffic.

Ms. Hoppe understood the Planning and Zoning Commission had recommended cutoff lighting be required if the Council approved this annexation and zoning request. Mr. Teddy commented that he believed that was in response to the testimony of those concerned about noise, light, runoff, etc. affecting the Park and wildlife. He noted they did not have any precedent in terms of lighting in single family subdivisions. Mr. Skala stated he believed the City's lighting ordinance addressed full cutoff fixtures. Ms. Hoppe asked if it addressed residential areas. Mr. Teddy thought there was a landscape lighting category, but in residential areas, there were motion detector lights, post lights, street lights, etc., and noted the street lights would meet City standards. Ms. Hoppe asked if the street lights could have cutoff fixtures. Mr. Skala replied there were exceptions to street lights due to safety concerns.

Mayor McDavid understood the City did not have any jurisdiction over this land at this time and asked about the current allowable uses. Mr. Teddy replied a strip of about 250 feet deep along Route K was zoned R-S, which was almost identical to R-1 and would allow one-family homes on 7,000 square foot lots, and the remainder of the property was zoned agricultural and would require 10 acres per lot. Mayor McDavid asked for the types of agricultural uses that would be allowed. Mr. Teddy replied he thought it would allow for the keeping of livestock on a small scale, gardening, etc. It would allow for small scale agriculture, and not mechanized agriculture. Mayor McDavid understood there would not be any stormwater restrictions at this time. Mr. Teddy replied Boone County had a stormwater ordinance and he did not know if exempted agricultural land.

Robert Hollis, an attorney with offices at 1103 E. Broadway, provided a handout of his presentation and explained he was representing the applicant. He commented that he thought it was important to consider the alternative to approval as the property was currently zoned R-S and A-1 and he was not aware of any restrictions on the A-1 zoned property in terms of the type of livestock that could be kept or the type of agricultural activity that could occur. The applicant would not have to meet any requirements other than utilities, which were available to the site. He noted they could discuss an annexation agreement in terms of connecting to the City sewer, but effectively, in his opinion, the failure to authorize the applicant to connect to sewer based on a land use decision that decreased the currently permitted land use was a taking of property. He pointed out they had received unanimous approval from the Planning and Zoning Commission after making significant changes to the plan, and believed the property was consistent with the proposed comprehensive plan because it was a neighborhood. He explained they were requesting a PUD, which was planned zoning and preferred by the City over open zoning. It was also a recommendation of the Bonne Femme Watershed Plan. He thought it was a low impact development. He noted they were agreeable to adding a requirement of level of service plus one to the ordinance

and to the covenants. He pointed out there were two sets of covenants. One set would be applicable to every development since 2009 as a result of the stormwater ordinance. He understood Mr. Teddy had indicated 2007, but he believed it began in 2009, and noted those covenants were City driven. The other set of covenants were private covenants and would require organic lawn treatments, rain barrels, seminars, etc., and would not be enforceable by the City, but the Park would be named a third party beneficiary, so in addition to the homeowners association, the Park would have the ability to enforce the covenants if they chose to get involved. He stated the level of service plus one would be enforceable by the City without the second set of covenants. He noted there were some slight changes to the statement of intent as they had incorporated some of the comments of the Planning and Zoning Commission, and listed those changes. He commented that the applicant had requested a variance to one side of the street, and the Planning and Zoning Commission had suggested not requiring sidewalks on either side of the street. This would change the impervious surface percentage from 24 percent to 23 percent. He explained the applicant would prefer a sidewalk on one side of the street in terms of marketability, but they would be agreeable to whatever the Council preferred. He noted they had support from the neighbors and over 1,200 signatures to include one from George Montgomery, who had been involved in the stormwater regulations. He believed this was infill development as it was on the boundary of the City and imbounded by publicly owned property, so there would be no more development in that direction. He explained the utilities were there so no expenditure by the City would be required, and he believed the development's impact on the Park would be insignificant since it was such a small area.

Tim Crockett, an engineer with offices at 2608 N. Stadium Boulevard, explained that every time a building permit came to the City, the building permit would be allocated a certain amount of impervious surface, which would be monitored by the engineer for the developer and would be confirmed by the City. Once the home was constructed, they would verify the builder built what was on the plan and change the percentage accordingly. He did not feel this was out of the ordinary and noted this had been done in Bearfield Meadows and Bristol Lake. He stated gazebos and additions also required building permits and they would have to show the City they had the ability to have additional impervious surface. He explained the best management practices would initially be maintained by the developer. This obligation would later be transferred to the homeowners association and the homeowners association would have the perpetual obligation to maintain those best management practices. He pointed out the developer would have to submit the covenants between the homeowners association and the City prior the plans being approved by the Public Works Department, and those covenants were solely with regard to best management practices. They provided the legal access and right for the City to inspect and maintain the best management practices after proper legal notice if they were not maintained properly. In that instance, the City would have the right and authority to bill the homeowners association or the homeowners, if the homeowners association was not in existence. He commented that the stormwater ordinance had not been in existence when the Bonne Femme Watershed Plan was presented. In addition a special fee was paid when applying for a building permit that would fund stormwater detention and water quality projects throughout the City. He pointed out

they had obligated themselves to go plus one in terms of the level of service needed for the development as they felt it was prudent for the area and the development, and was not aware of any other water quality plan in the City that met or exceeded the standards proposed by this developer. He believed this development was in conformance with the Bonne Femme Watershed Plan.

Ms. Hoppe understood the Bonne Femme Watershed Plan indicated the level of service following Columbia's proposed stormwater ordinance and manual for stormwater runoff flow characteristics post-development should be no less than pre-development and similarly stormwater quality should have the same or better characteristics in post-development as it had in pre-development. In addition, it indicated local government should adopt similar compatible stormwater ordinances for special areas. She asked if this development would exceed it in terms of water quality and asked if that could be included in the statement of intent. Mr. Crockett replied the level of service was in relation to water quality. The peak runoff referenced was the detention aspect. He displayed two slides that showed the peak runoff for two watersheds, and it illustrated the peak runoff prior to development was slightly more than it was after development. They would also exceed the manual in terms of water quality by adding to the service level and would include other best management practices that were not included in that calculation, such as native trees, rain barrels, organic lawn care, etc. They could only commit to the plus one level of service with the City since all of the additional items were not enforceable by the City, and was the reason they were not included in the calculations.

Ms. Hoppe understood best management practices that were built to specifications could fail and asked if that was a possibility at this development since it was a karst area. Mr. Crockett replied Eric Lidholm could speak on the karst topography. In terms of whether the best management practices would fail in this area, he did not believe they would. He noted he was confident they would not fail since there was a substantial amount of clay and that clay layer was the same as was used for lagoons all over the watershed. That clay would be used to keep the water in best management practices until they could be treated and released as clean discharge. Ms. Hoppe pointed out she was participating as the City representative in the Collaborative Adaptive Management stakeholders group and the group had serious concerns in terms of what worked and what did not work as there were a lot of examples of items that did not work even when built to specifications. Mr. Crockett stated the stormwater manual was full of different types of best management practices and he believed the wrong best management practices could be applied in the wrong instances for any development, but the Public Works Department staff was diligent in ensuring the correct best management practices were applied at the right location for the right purpose.

Eric Lidholm, an engineer with offices at 500 Big Bear Boulevard, explained karst areas existed throughout Boone County, but noted this particular site did not have any sinkholes on it. He commented that borings had been done and none had shown any signs of soil softening or sinkholes. He understood the nearest sinkhole to this particular site was four-tenths of a mile away to the southwest. He reiterated he did not see any sinkhole recharge areas and explained those were generally in areas that lacked streams, etc.

allowing the sinkholes to recharge the groundwater. He noted there were two streams/swales that crossed this site.

Ms. Hoppe asked if ground penetrating radar and sonograms for the exact underground features of the area were used during the review of the site for sinkholes. Mr. Lidholm replied ground penetrating radar was typically used when there was a suspect feature to review that particular feature. They were usually carried and had to be walked over the entire site, and that was not normally done for a site like this. Topographical maps were used for sites such as this to determine if the site had depressions and perpetual wet spots, and if so, studies were then done. He noted they did not find any of those items on this site.

Jan Dye, 2222 Bluff Boulevard, stated she was a member of the Sierra Club and noted several studies had concluded there should be no more than 10-15 percent impervious surfaces on developments with karst topographies. She thought they all agreed this was a karst area where surface water became groundwater and pointed out there was a losing stream on the site, which typically lost 30 percent of its flow to groundwater and created limestone outcroppings. She understood the developer was not willing to go lower than 23 percent, which was with a variance that would waive the sidewalk requirement on both sides, and noted the Sierra Club urged the Council to vote against this development since the recommendation was a 10-15 percent impervious surface.

Brian Dabson, 1001 Covered Bridge Road, commented that he felt this was an important site as it was immediately adjacent to Rock Bridge State Park, which was a jewel for Columbia and one that should be regarded as worthy of protection against encroachment of unsuitable development. The Planning and Zoning Commission had received evidence of the damage the development would put on Rock Bridge State Park, which included a presentation by the Director of Missouri State Parks. He felt the Commission ignored the ecological, aesthetic and drainage consequences to the Park, and believed they had failed to demonstrate the development was a benefit to the people of Columbia. He thought it was the duty of Council to determine it was better to keep Rock Bridge State Park whole and undamaged by adjacent high density developments. He noted the Park had been created through donations from citizens and felt they should do their best to sustain the Park in its current form. He thought the conditions discussed today were not substantive and did not feel the development should be approved.

Sara Parker Pauley stated she was the Director the Missouri Department of Natural Resources (DNR), which included the Division of State Parks, and explained that in 1917, the Missouri State Park System was established to ensure Missourians had the opportunity to experience the outstanding natural resources that existed and she was present to protect that legacy and preserve those resources for many years to come. She noted Rock Bridge Memorial State Park served the people of Columbia and the State of Missouri by providing a natural area for citizens to experience the outdoors. Families could explore its trails, school groups were able to discover its caves, and runners had the ability to enjoy its scenic paths. In 2012, more than 300,000 people visited the Park. She commented that she had concerns about the Parkside Estates development, and its proposal as it currently stood was not acceptable to the Department of Natural Resources or the Missouri State Park System.

because it would put the Park and its value to the citizens at risk. If the development was approved, it would be one of the densest urban developments to share a boundary with a state park within the State of Missouri, so it had the potential to set a precedent for future development near state parks and natural areas. She stated she did not believe they had all of the information necessary for a responsible decision to be made. She pointed out representatives of DNR had met with the developer on several occasions, and while they appreciated their willingness to work with DNR, there were still multiple unanswered questions and concerns, which included the impact the development would have on water quality. This was a concern due to the potential effects of a dramatic increase in impervious surfaces and the fact the Park and surrounding areas housed sinkholes, caves and springs. When stormwater runoff was routed directly into caves and underground water features, there was little opportunity for pollutants to be treated biologically before entering the groundwater. The Bonne Femme Watershed Plan, which had been approved by the City Council, specifically referenced the environmental vulnerability of these karst areas as it related to stormwater runoff and the contaminants that came with it. DNR and the Council had agreed the unique rock and water features that existed there deserved their protection and preservation efforts so they could continue to be enjoyed and admired. She noted that without the details, they did not feel a low impact development would achieve the goals listed in the Watershed Plan. Other concerns due to the lack of information or insufficient information included the developer's plans for mature tree conservation beyond the boundary buffer and the clarity and durability of best management practices and the treatment train as it had the potential to significantly impact the natural setting and park visitor experience. They felt moving forward without specific answers to these questions would be a disservice to the citizens of Columbia and the State of Missouri. DNR existed to ensure the State's natural resources were protected, and as part of this mission, the agency worked with citizens and businesses everyday on a number of levels to ensure they were striking a balance between economic development and the protection of natural resources. She noted DNR would continue to keep the lines of communications open with the developer and the Council as they worked to address these concerns in the best interest of the people of Missouri, but felt that could not be accomplished if the plan they had seen to date was approved tonight. She asked the Council to vote against this development.

Joe Gillman explained he was the Director of the Missouri Geological Survey within the Department of Natural Resources, and within that role, he noted he also served as the Missouri State Geologist. He stated southern Boone County was a geologically and ecologically diverse region and varied in landscape. The area specifically around Rock Bridge Memorial State Park was part of the Ozarks karst terrain and the nature of this karst geologic setting manifested itself by the occurrence of underground drainages, caves, sinkholes, springs and losing streams. In southern Boone County, these karst conditions had resulted in remarkable natural features such as the Rock Bridge Natural Tunnel, Devil's Ice Box, Devil's Ice Box Spring, Connors Cave, Hunters Cave and the Pierpont Karst Plain. He commented that unfortunately, many of the conditions that produced remarkable natural features and the diverse ecological environments were also vulnerable to contamination resulting from surface land use activities. These landscapes and their hydrologic conditions

allowed surface water to rapidly infiltrate into these underground drainage systems and provided a direct link between surface water and ground water. General urban development caused surface water characteristics to change and these conditions were exacerbated in karst environments because surface water runoff in karst areas was not subject to beneficial filtration processes that reduced the contaminants and the rapid nature of this infiltration increased the potential for surface contaminants to impact the water quality of underground shallow aquifers, hydrologic systems and ecological environments.

Kevin Roberson, 7355 S. Bennett Drive, stated he was the President of the Board of the Friends of Rock Bridge State Park and wanted to emphasize the precedent that would be set in terms of a high density development and a high level of impervious surface area along Route K, which was the western boundary of the Park. He felt the community's support of parks and protecting what they had was what drew people to the area. He pointed out he had sent a letter to the Council with more detailed comments and noted he did not believe this was a low density or low impact development in terms of aesthetics or water quality due to the karst topography.

Bus Tarbox, 3501 Old Field Road, provided a handout and explained he utilized Rock Bridge Memorial State Park on a regular basis. He noted the Bonne Femme Watershed Plan included articles regarding karst areas, and one of the articles proposed a 15 percent impervious surface for karst areas. It indicated best management practices, local geologic factors, and the renovation of older impervious areas might mitigate degradation and allow higher percentages of impervious cover. In addition, the Plan indicated it was important to have standard that were not based upon impervious cover, but were based on the best management practices because impervious cover could be mitigated. Even if the Parkside Estates development was in a karst area, which had been debated, a goal of the Watershed Plan was to conserve recharging karst areas with special protections, such as making the level of service more restrictive by a level of one or two, and the development was at a one plus level of service in accordance with these recommendations, so it had more than adequate stormwater management through its usage of best management practices. Another goal of the Bonne Femme Watershed Plan was to encourage low impact developments as a way to maintain or improve water quality, and that was characterized by the level of service protection. The Plan provided guidance indicating the level of service plus one was sufficient and appropriate for low impact development. He felt it was clear effective best management practices could mitigate or control the effects of imperviousness and would result in low impact development regardless of whether the area was karst. He thought they wanted to do what was best for the Park and this development would do what was best for the Park.

Mark Foreman, 3100 Wind River Court, explained he was one of three survivors of the original 13 member Board of Directors that had founded the Park and noted he had been the secretary of that Board and recalled that they had discussed the fact this very issue would arise some day. He explained he was not only concerned about this planned subdivision, but the potential growth around the Park. He commented that if the City had not provided them \$25,000 and challenged Boone County to do the same, Rock Bridge State Park would likely not exist today because they had only raised about \$125,000 when they needed \$360,000.

The former Director of the State Parks had notified them of matching funds that existed through the Federal Department of Interior, and as a result, they were able to assemble the \$360,000 for the 1,388 acres of park land.

Jan Weaver, 412 ½ W. Walnut, understood those that spoke to protect Rock Bridge State Park and other spaces were sometimes not seen as representatives of the community at-large and explained she created a petition asking the Council not to approve the rezoning of Parkside Estates. She noted she and a friend had collected signatures at the Park, and 294 of the 331 people they had approached had signed the petition. Of those that had signed, 45 were from out of town. Thirty-two people did not sign the petition because they did not know enough about the issue or did not sign petitions as a matter of principle, and two declined to sign the petition because they were in favor of the development. She stated she also petitioned her central-City neighborhood, and 29 of the 32 neighbors she found at home had signed the petition with a great deal of feeling. Three people declined to sign because they did not feel they knew enough about the petition. Other colleagues had petitioned their neighborhoods or places of work and in total 431 people signed their petition within the last week opposing the development. She believed this high level of concern for the Park was in line with the Vision Report that called for the preservation of unique, environmentally sensitive areas.

Meredith Donaldson, 1001 Pheasant Run Drive, stated she was in support of all of those people that had asked the Council to oppose this development due to the importance of the karst land and its precious habitats. For the past eight years, she had taken children from downtown youth agencies to Rock Bridge Memorial State Park as part of a program that had been funded through the Missouri Parks Association, the Downtown Optimist and others. This year over 400 youth participated and learned about the natural systems in the Park, such as the water cycle, watersheds, etc. They understood the impacts on water quality better than most adults and what they experienced in the Park was very different from what they saw in their neighborhoods. Columbia was fortunate to have such a high quality environment and examples of functioning natural systems for children to experience, and she believed it was important to preserve this. She did not feel this was the place to experiment or test good intentions, and noted the Park and its habitats needed to be protected from urban encroachments for future generations. She urged the Council to oppose this development.

Sandy McCann, 500 E. Lake Forest Drive, commented that she was an adjacent neighbor to this development and provided a handout of PR232-99A, which was a policy resolution indicating the Council would protect the watershed, control density and prevent the damage of the environment. She believed this development would damage the environment and the State Park, which she wanted to protect for future generations.

Tom Lata, 6901 W. Charlene Street, stated he was in opposition to this development. He understood a reference had been made to Bearfield Meadows and Bristol Lake, and noted those developments were not adjacent to a State Park and could not be compared to this development. He commented that he considered the State Park to be major economic development asset for the City, and explained it was one of the reasons he had stayed in Columbia. He visited the Park regularly and felt it added to value to the community. A dense

development next to the Park would negatively impact the experience at the Park. He recalled the applicant indicating denial could create a taking, and he did not believe this would be the case as the applicant had purchased the property knowing it was next to a State Park and the property could still be developed in Boone County as single family residential.

Susan Flader, 917 Edgewood Avenue, explained she was the Past President of the Missouri Parks Association, which was an organization of 3,000 Missourians statewide dedicated to the protection and enhancement of state parks. She believed it was important to protect the karst topography within the vicinity of Rock Bridge Memorial State Park, which included the area within and surrounding the Park. This development, which would likely be the densest development directly adjacent to a state park anywhere in the State of Missouri, was only a small part of the border of Rock Bridge Memorial State Park. She noted there were miles of other boundaries surrounding the Park and the City would likely be asked to approve other developments with similar densities. The normal density for karst regions was no more than 15 percent impervious surface and this development was at 24 percent with the potential of it increasing since enforcement would be difficult in terms of the private covenants. She commented that there was a history of the people in Columbia caring for this area, which began with the original private land owners that allowed the public to use the area, all of the citizens that donated funds to purchase the Park, those that had tried to prevent dense development over the years, the City by providing a buffer through the Gans Creek Recreational Area on the east side and those that had worked on the Bonne Femme Watershed Plan. She noted the Council, by voting against this development, could be another.

Dan Simon, 1704 Madison Park Court, provided a handout and stated he was in support of the development. He pointed out the density across Route K was 4-5 people per acre and this proposed development was less than two people per acre. He did not believe that was too high of a density for this area. He noted the development next to Castlewood State Park in Ballwin, Missouri had a density of 1.77 people per acre, so he did not feel 1.5-2 people per acre was unprecedented next to a state park in Missouri. He explained the handout provided included the impervious levels of other developments, such as the Philips tract, which had over 24 percent impervious surface. He felt the focus had been on the effect of the water at the State Park, but believed there were benefits to the development as well in terms of the opportunity for additional tax revenues.

Tim Alvis, 1520 S. Louisville Drive, stated he was in support of this development because he hoped to live there. He had grown up on Sinclair Road, which was off of Route K, and his parents had taken him to Rock Bridge State Park. He and his wife now took their children to the Park. They wanted to reside closer to the Park and hoped for affordable housing in the area. He felt there were a lot of middle class families that felt the same as him. He asked the Council to support this plan.

Laura Hillman explained she was present on behalf of the membership of the Columbia Audubon Society, which promoted the preservation of the natural world, its ecosystems, its biological diversity and its habitats, and these interests compelled the Columbia Audubon Society to speak on the Parkside Estates development. The Council had

heard about surface water, losing streams and karst topography, but there were other damaging effects of a high density development, such as the one that was proposed, and it included light pollution, noise pollution and inevitable invasive exotic species that came with urban developments. It would make the management of deer, prescribed burns, etc. more difficult for Park. She noted the Audubon Society urged the Council to vote against this development for the sake of the plants, animals, birds and the people that enjoyed those plants, animals and birds.

Alyce Turner, 1204 Fieldcrest, commented that she had spent about 20 years living on the edge of Rock Bridge State Park and suggested the Council look at Bearfield Meadows today as it was 60-70 percent rental. She doubted the landlords had informed them to not use pesticides and noted the stormwater detention basins and other best management practices had not been maintained. Although there was a homeowners association, it could only do so much when most of the properties were rentals. As a result, she doubted best management practices would protect the State Park and felt placing a development in proximity to the Park was the problem.

Harris Giger, 5451 S. Bethel Church Road, stated he did not believe anything was 100 percent safe, and regardless of the number of safeguards, there was always a fear of what could happen. In this situation they had safeguards involving the City, State Park, the Director of the Department of Natural Resources, the Bonne Femme Watershed Plan, etc., and he believed the Parkside Estates development had met or exceeded all of the safeguards, which he thought was reassuring. He felt that not supporting this development would make the Park more vulnerable as the Bonne Femme Watershed Plan had indicated unmitigated urban and agricultural runoff were the greatest concerns to the health of the streams and watershed. A vote to deny this development would protect the parks and watershed for tonight, but would leave a bigger threat as something else could be done on that property.

Dean Andersen, 814 Timbers Court, explained his undergraduate degree was in Wildlife Ecology and Conservation and noted he had been the community stormwater coordinator for the City and County for five years. He was particularly interested in small animals that were not game species, and was specifically interested in reptiles and amphibians. He commented that he had participated in stream clean-ups with kids that had never seen a frog, turtle or snake, and it had been a wonderful experience for some of them. He felt this reflected the beauty of Rock Bridge State Park since a lot of those things existed there. He stated he had concerns because populations of small critters tended to crash in areas that all of a sudden had a lot of traffic on them, especially when curbs that prevented them from getting back off of the road were constructed. He thought this development would likely have perpendicular curbs, which would trap a lot of small critters and cause a decline of those critters in the vicinity of the area. It would also set a precedent indicating this type of development was okay, which would result in more development and less of these critters. He was concerned kids in the future would likely not be able to see a turtle, snake or frog. He thought those in Columbia wanted to live in harmony with the environment as much as possible and embrace natural resources in order to share them with future generations. He

pointed out water quality would affect the animals as well and hoped the Council would protect them.

Miranda Chapin, 5451 S. Bethel Church Road, provided a handout and stated she was a park user at least 1-2 times per week. She noted a letter written by Bill Bryan, the Director of Missouri State Parks, indicated impervious surfaces within developments should not exceed 20 percent to adequately protect park resources and employing more intensive treatment options could allow greater impervious surface and still protect park resources. She commented that the Missouri State Parks had been satisfied with 20 percent and had agreed conceptually to 24 percent with additional best management practices per another correspondence with Mr. Bryan. She pointed out the developer had provided all of the added protections requested as part of the PUD so it was permanent and enforceable. Later, after seven months of negotiations, the State Parks asked the developer to limit the development to 15 percent impervious surface, and she did not believe this was reasonable. She stated the developer had gone above and beyond in working with the State Parks, neighbors, etc. in creating a good plan and project, and asked the Council to vote in favor of this development.

Marcia Devier, 2881 N. Route Z, commented that she was hopeful the Council would protect the caves as she had explored Devil's Ice Box before Rock Bridge was a park and had supported the transition of it becoming a park. She had explored many caves in Missouri and any effect on water would also affect caves. Impacting the watershed and water runoff would either kill the cave due to the lack of water or flood the cave with too much water, which was dangerous to those that explored caves. She provided examples of changes she had seen to some caves within the State of Missouri and asked the Council to be stewards of the land.

Teresa Brubaker, 5390 S. Route K, stated her home was down the street from this proposed development and next to Rock Bridge State Park, which she loved and used daily, and noted she was in support of this development because she believed it was a good development. She understood the property was currently zoned agricultural and did not want to live next to a pig farm as she felt that type of activity would not benefit the Park. In addition, someone could remove every tree on the property. She preferred a well thought out subdivision and people that would take care of the Park.

John Clark, 403 N. Ninth Street, commented that he did not believe denial of this development would constitute a taking as indicated by Mr. Hollis and noted he was not in favor of this project. He stated it was outside of the urban service area. He believed a City sewer connection could be arranged without approval as well. In addition, DNR did not support it. He also felt a fiscal impact analysis on the effect of City revenues and obligations was needed prior to approval. He did not believe this was an infill development as it was virtually surrounded by Boone County and felt this developer was likely coming to the City because he would not be able to get anything close to this zoning in the County. He was surprised City staff had recommended approval of this development in light of the proposed comprehensive plan, and asked the Council to vote against this annexation and zoning request. He suggested anyone voting in favor of this ordinance vote against the comprehensive plan as a matter of integrity because the two positions were not reconcilable in his opinion.

Carolyn Matthews, Rock Quarry Road, stated she was a frequent user of Rock Bridge State Park and believed the vision Columbia had in terms of the importance of parks needed to be maintained. They could do this by protecting parks from encroachment and expanding parks to create more buffers. She believed a development this dense should be placed in a more appropriate location, and not next to this Park, and those residing in this development would put chemicals on the lawn, which would affect the Park. She suggested they take a long range view and stand up for the vision versus letting it slip away.

William Maxwell, 706 Fairview Avenue, commented that he believed City staff had done an excellent job facilitating Columbia Imagined and putting together the desires of the citizens, and one of its key points was the preservation of natural features as it made the community desirable. It also encouraged infill development as opposed to development on the perimeter of the City. He believed approving this subdivision would be opposite of the City plan that had expressed the desires of its citizens very well and asked the Council to reject this annexation and zoning request.

Roy Hartley, 110 Russell Boulevard, understood representatives of the City and applicant had indicated the developer would be tracking the amount of impervious surface to ensure it stayed at 23 percent and City ordinances would prevent the addition of impervious surfaces without a building permit, and pointed out he recently learned he could build 200 square foot greenhouse on his property without a permit. He suspected this was the case with pergolas and other storage facilities placed in back yards and was felt the amount of impervious surface would increase once people moved into the homes, so the 23 percent would be exceeded. If the 23 percent needed to be maintained, he suggested Council vote against the proposed annexation and zoning.

Jerry Taylor, 801 Happy Hollow Road, explained he and his wife were property owners to the east of the subject property and noted they had purchased approximately 30 acres from Richard Paxton about 20 years ago. He stated they lived on 15 acres and sold three five acre lots after laying out the homes. He pointed out none of the homes could be seen from the Park as they wanted to increase the park experience instead of decreasing it. He believed the decision of Council would change the course of this Park and felt the minimum standard should be neutral in that they should not be required to increase the park experience, but should not be able to decrease the park experience either. The experience would change once houses encroached with that type of density and the trails had to be moved further into the Park to maintain the same level of experience. He believed the decision of Council would be monumental as this was not an isolated piece of property. He stated he was aware of four other properties along Route K that could come before Council with a similar request. He felt the density was the problem as there would be too many people too close to the Park. He asked the Council to vote against this proposal.

Patrick Short, 3909 Deer Foot Way, provided a handout of a petition and stated he was a user of Rock Bridge State Park, but was still in favor of this development, and thought there were four options for consideration. One was to leave the land undisturbed, which he did not feel was an option as it would be developed in some form. Another option was for it to be used for livestock and farming, which would involve clearing cutting trees. It could also be developed without protective measures, which would result in a lower level of service, less

of a buffer and more impervious surfaces. He felt the best solution would be development with protective measures and thought the Parkside Estates development should be approved because it would eliminate unmitigated urban and agricultural runoff, exceed stormwater requirements, adhere with the Bonne Femme Watershed Plan, provide for \$250,000 in additional taxes, provide an opportunity for more than just the wealthy to live near the Park, and recommended by staff and the Planning and Zoning Commission. He noted the petition included 1,226 signatures of people in support of the development, and 704 of those that signed were users of Rock Bridge State Park. He believed this proposal was protective of the Park and the best option.

Jay Wilson, 411 Stallworth Court, stated he was an owner of Weichert Realtors and felt this was a land use issue. He pointed out anyone could have purchased the property, to include the State Parks. He noted his wife's family farm of about 500 acres was just south of this 1,300 acre property and felt development had been forced in this direction due to schools and redistricting. He believed the developer had done everything asked of him and thought this decision should be based on land use. He asked the Council to vote in favor of it.

Chris Ihler, 501 Fay Street, explained he worked at EnergyLink, which was a company that reduced energy consumption for residential homes, and had experienced difficulties when evaluating sustainable building practices when actively looking at getting into that business. He believed the plus one level of service was impressive and felt it would create a ripple effect with other developments. He also thought developments would drive commerce toward sustainable building practices, which were not fueled in the community just yet. He wanted to see a development set a high standard that would be forced on other developments and hoped this development would move forward.

Dee Dokken, 804 Again Street, commented that she had visited Castlewood, which had been mentioned by a previous speaker, and it had been depressing. It had been subjected to excessive mountain biking and provided a very different experience than Rock Bridge State Park. She felt those that lived in dense cities took what they could get, but Columbia had some pristine nature, which provided a very different experience. She thought it should be protected so it could be offered to future generations.

Stacy Cheavans, 506 Westridge Drive, noted she had learned about this from her running group, and many of them who were generally in favor of development were concerned. The watershed issues concerned them, but they were also worried about the vistas as these were pristine areas, and even if this development would not affect those, future developments in the area might. She believed the perimeter of a park was a part of the park experience as well.

Eugene Elkin, 3406 Rangeline Street, stated he was in opposition to this subdivision due to the pressure on the land as a result of density. He was concerned about sinkholes and the potential of homes and cars being affected by sinkholes in the future. He asked the Council to vote against the proposal.

Sue Tillema, 306 Westridge Drive, commented that the agricultural designation in Boone County would only allow one home for every ten acres, which was the highest protection under County Planning and Zoning, and Boone County believed the area around Rock Bridge State Park deserved the highest protection. She felt the City of Columbia

should do the same. She noted she had collected 107 signatures and very few people were unwilling to sign the petition against this development. She did not feel the Planning and Zoning Commission had sensed the importance of the karst and limestone topography when they had provided their recommendation. She urged the Council to vote in opposition of this annexation and zoning request.

Ben Jacob, Fifth Ward, explained he had a philosophy of sublimity in city life and did not understand why people continued to push for development as an advanced way of living. He was not happy with past development decisions in the Grindstone area and also had concerns about infill development as they took away natural areas in the inner part of the city. He believed jobs and work could be created without more development.

Ms. Nauser asked what park abutted Bristol Lake. Ms. Hoppe replied Gans Creek abutted Bristol Lake. Ms. Nauser understood a handout provided indicated approximately 27.5 percent of the Bristol Lake area drained into Clear Creek and Gans Creek, which went into the Park system, instead of the lake.

Ms. Nauser understood there was another 64 acre property zoned R-S to the south of the subject property, which could be developed at this time without any protections, and asked about the implied taking for the subject property. Mr. Teddy replied he did not believe it would be a taking if the City simply refused to annex the property. He noted if a plan prepared in compliance with R-S and County subdivision standards for the 64 acres was denied, he thought that might be considered a taking because there was an existing right of use through the R-S zoning. Ms. Nauser felt that other property might develop under current zoning or request annexation through the City.

Ms. Nauser stated she had been surprised to see the letter from the Missouri State Parks that discussed 20 percent impervious surfaces and the e-mail of 20-24 percent, and wondered how they went from that percentage to 15 percent. Mr. Teddy replied some studies had been cited and watershed sensibility analyses had shown there was a strong correlation with groundwater degradation when certain impervious levels were exceeded in the aggregate. Ms. Nauser wondered why the Missouri State Parks had previously conceptually agreed to the 20-24 percent. Ms. Hoppe pointed out the letter indicated there were a few significant unresolved points and it referred to an attached technical comment, which was not attached to the copy they had been provided, so she did not believe they had all of the information. Ms. Nauser commented that there had been a discussion of 20-24 percent for some time and wondered why they were now focusing on 15 percent.

Ms. Nauser asked what it would take to bring the impervious surface calculations down to 20 percent if the Council wanted to split the difference. She wondered if that was a reduction of 2-3 homes. Mr. Crockett replied it did not necessarily mean a reduction of 2-3 homes. As they increased the impervious surfaces, they increased the stormwater best management practices as they were a function of each other. The same happened for a decrease so when impervious surfaces decreased, there was also a decrease in the best management practices. Ms. Nauser understood focusing on the impervious surface percentage was not as important as focusing on the total package of impervious surface and best management practices. Mr. Crockett stated while the amount of impervious surface impacted the requirements in terms of stormwater quality, it did not affect what they had to

do. Ms. Nauser understood the quality and quantity of water regardless of 15 percent or 24 percent would be the same. Mr. Crockett stated that was correct and noted the benchmark would always stay the same.

Mr. Skala understood Mr. Crockett had mentioned placing a clay cap on top of the basins in terms of best management practices and asked the State Geologist, Mr. Gillman, for his thoughts on the effectiveness of clay caps for detention facilities. Mr. Gillman replied it was a common practice in areas where there was high permeability soil materials in the bedrock. They required clay liners in order to impede water infiltration through the bottoms of those retention basins. It was a common practice and would typically require geotechnical engineering to ensure the low permeability layer was engineered such that certain requirements were met in impeding the infiltration. Mr. Skala asked if there were any special requirements for karst topography. Mr. Gillman replied no in terms of stormwater retention, but pointed out detention basins could be engineered in order to contain wastewater so the same technology could be applied to stormwater.

Ms. Nauser referred to the DNR website, which indicated 59 percent of the State was underlined by thick carbon rockiness that hosted a wide variety of karst features, and asked what made this site so special if half of Missouri was impacted by similar features. Mr. Gillman replied he thought the statement that 59 percent of the State being underlined by karst geologic features might be an oversimplification of the point.

Significant karst features were located in many places in Missouri, but southern Boone County was unique and rare due to the intense development of karst. He noted the overall microcosm of karst development as far recharge, subterranean drainage and discharge might be considered one of the most unique in Missouri since there was a lot of karst development in a very small geographic area. As a result, it lent itself to significant concerns as it related to surface use and groundwater quality below the surface.

Ms. Hoppe commented that the e-mails she had received in support of this development were from people who were concerned about Rock Bridge State Park and their support was based on the fact the proposed development could be worse as it could have been student housing, etc. She did not feel the support was based upon what was appropriate, right and best for a development next to the community's most precious park in terms of its resources and it being an economic driver. She thought the developer should be commended as he had agreed to do something better. She understood some had indicated this project was a leader in terms of development and believed it was a leader in a development that was not right next to Rock Bridge State Park and in a karst area. It was good to have a practice of no pesticides if it was enforceable, but it was not, so she did not believe they should take that risk here. She pointed out the Bonne Femme Watershed Plan had indicated zoning regulations should reflect the sensitivity of the watershed and subwatershed, which would allow economic growth while protecting sensitive subwatersheds, so the charge of the City was to keep the zoning down where they had the most sensitive land and the most sensitive Park. She did not feel they should risk high density and best management practices that might not work in this karst area next to this Park. They needed to provide this area the highest protection because it was next to the Park and would set a precedent. She noted she was concerned about the ability of staff to

enforce anything, to include the best management practices, and was disappointed that major developments and development agreements had not been tracked by staff. She commented that they did not have checklists, did not review the heights of buildings, etc. She felt the expectation of staff to enforce minor points, follow up on covenants or repair best management practices when there were not funds was unachievable at this time. She pointed out a reduced density and impervious surface percentage would create less risk of water and watershed contamination because they would not rely on best management practices that might not function properly. She did not believe the stormwater manual authorized zoning at the highest level by increasing the number of best management practices as zoning was a decision of the Council. She understood DNR wanted to continue the dialogue for a potential development there, but this proposed development was not acceptable. She felt it was the duty of Council to protect the Park so future generations could enjoy it as much as they had.

Mr. Trapp commented that Arbor Valley next Castlewood had a density of 1.77 and this proposal would have a density of 1.9, and would be the densest development on the border of any State Park in the State of Missouri. He believed this was a dangerous precedent for not only Rock Bridge State Park, but for the State Park system in general. Rock Bridge State Park was an economic driver of Columbia and added to its quality of life. He pointed out he had been elected on the platform of preserving what they most liked about Columbia. He felt there were water quality issues that continued to be unresolved, which included the two losing streams and the water detention basin. He noted they continued to hear best management practices, local geologic factors and renovation of older impervious areas might mitigate degradation and allow higher percentages of impervious cover, but pointed out the rest of that statement from the Missouri State Parks representative indicated the best management practices should not be implemented unless monitoring data demonstrated that acceptably low impacts existed, and then they should be implemented gradually to ensure impacts did not rise above acceptable standards. He pointed out they did not know where the water from the losing streams was going or what possible features could be put at risk. In addition, that statement indicated the development should be built slowly while monitoring water quality to ensure the imperviousness was not negatively impacting water quality, and the current proposal did not discuss on-going monitoring or pre-testing. The parks were a treasure he felt he was mandated to protect. There were positives in this development, such as the level of service plus one, but he did not believe a project this dense could be next to the Park without negatively affecting it. He stated he did not plan to support this proposal.

Mr. Thomas pointed out the vision impact of this item on the council memo was to ensure as they preserved the community heritage and uniqueness as they grew and the Vision Report also indicated land would be preserved throughout Columbia and Boone County to protect farmland, scenic views, natural topographies, rural atmospheres, watersheds, healthy streams, natural areas, native species and unique environmentally sensitive areas thereby enhancing quality of life. He noted he agreed with the previous comments with regard to this being a fragile area and an unusual treasure, and as a scientist, he was strong believer in the precautionary approach and conducting small scale studies to

understand the consequences of bigger impacts prior to moving forward. He explained he was also concerned about the continued growth of Columbia. He stated the proposed comprehensive plan included the concept of an urban service area and he was surprised to see two items on the agenda tonight with staff recommendations to approve annexations of property outside of the urban service area, which he felt was defined as an area where it would be unusual for the City to want to expand in terms of services and the City limits. He agreed the developer had responded and worked hard over a long period of time to address concerns, but there were questions as to whether water runoff from the property drained into the Devil's Ice Box or karst areas. He felt his job was to weigh overall public benefit or jeopardy, and he did not believe the potential for the subject property to be developed in a worse manner was a serious concern. He believed there would be a greater benefit if they denied this annexation and zoning request because it was too dense.

Mr. Skala commented that he had always had concerns regarding stormwater and water quality as it related to this development and believed the ideal best management practice was pervious surface and the next ideal best management practice was to limit impervious surface while compensating with efficacious best management practices, but he was not confident that could be done, which would put into jeopardy a very important piece of property to the community and area. He pointed residential development tended to generate tax dollars, but it was also heavily subsidized in terms of taxpayer subsidies for infrastructure. He understood some of the infrastructure was already in place in this case, but it was still subsidized by taxpayers. He stated he could not support this development primarily due to his concerns about stormwater quality and his lack of faith in the best management practices working effectively.

Ms. Nauser explained she used Gans Creek Park, Three Creeks Park, Rock Bridge State Park and other state parks almost every weekend and saw the value of protecting them and the value of what they brought to the community and State, but she also believed people had the right to develop their property to the highest and best use within community standards and guidelines. They had a stormwater ordinance that had been worked on for many years, but she was now hearing they were not sufficient. They had been sufficient for every other development in the community and all developments affected watersheds or creeks. She understood someone had indicated agricultural zoning was the most restrictive, and pointed out it was also the least restrictive in terms of having the ability to place livestock on it, and there were no water quality protections with livestock. She believed livestock waste along with pesticides and herbicides, which helped grow crops purchased, were the biggest stream and cave system polluters. She also believed larger lots with a reduced impervious surface would price the property out of the market for almost every Columbia citizen and estate lots were not selling well these days. She agreed a precedent would be set, but it would be a higher precedent as the stream buffer was double the size, a buffer had been added to the park, stormwater best management practices would be increased, etc. She was not sure there was any more they could ask of this developer. In addition, she thought they should be careful with buffers as the buffers tended to become more park area creating the need for more buffers. She reiterated a 64 acre property in the area that was zoned R-S could be developed at a higher density without providing any concessions. She

stated she would support this proposal as it went above and beyond the standards of other developments.

Mayor McDavid understood they all wanted to protect Rock Bridge State Park and commented that he was not as sanguine as the others in terms of losing jurisdiction over this land as they did not have any jurisdiction at this time. They only had jurisdiction with annexation, and without annexation, they had to rely on the rules and regulations of Boone County. He was concerned about the potential of a sewer connection without annexation as he did not believe this or other developers would want to develop in the City if they could obtain a sewer connection without annexing into the City. More areas would develop outside of the City limits and not pay property tax or sales tax on new cars. He did not want to lose jurisdiction in terms of this property, and as a result, he suggested they table this issue contingent upon the developer coming back with a PUD that was not greater than 15 percent in terms of impervious surface. He pointed out that was the percentage recommended by the Sierra Club and if the developer came back with 15 percent impervious surface, the City would have control. He also did not believe the development would be considered high density at 15 percent impervious surface.

Mayor McDavid made a motion to table B229-13 to allow the developer time to come back with a PUD development that had impervious surfaces of no more than 15 percent. The motion was seconded by Ms. Nauser.

Mr. Skala commented that he was unsure about its feasibility, but suspected the number of best management practices and the density in general would be impacted if the impervious surface was reduced to the 15 percent level. He stated he was not opposed to that approach. He also noted they were not losing jurisdiction as the City never had jurisdiction. He pointed out he believed the 20 percent figure had come from the Missouri State Parks as a gesture in good faith for a compromise between the original proposal and the 15 percent. In retrospect, he thought they might have regretted making that compromise.

Mr. Thomas understood the developer could come back with a new proposal even if the Council voted down this motion. Mayor McDavid thought they might have to wait a year. Ms. Hoppe stated they would not have to wait that long if it was substantially different. Ms. Nauser pointed out they had gone back to the drawing board, and she believed the only issue the Council had was the percentage and whether it should be 15, 20 or 24 percent. As a result, if this were to be denied, they would have to come back with something completely different or someone that voted against it would have to ask for it to be brought back for it to be reconsidered. Mayor McDavid felt the tabling of this would send the message that the Council was entertaining the annexation of this property with fairly rigid controls.

Mr. Thomas asked why there was a concern to have jurisdiction. Mayor McDavid felt this was similar to the Niedermeyer property in that they did not have an owner that planned to keep it fallow for years. They had an economically unstable owner. He was hopeful they could get this into a form all of them could agree upon so it was a part of the City as they could then control stormwater, streets, etc. and they would be required to pay property taxes and sales taxes on new cars. They would contribute to the City economically and there would not be any animal operator or clear cutting of the land if that was even possible or likely. He wanted to see a low impact low density development and this would challenge the

developer with a hard number. Ms. Nauser pointed out she did not feel they wanted pockets of development in the County surrounded by the City and noted the County did not have the capacity to treat sewer and stormwater like the City, so she felt it was imperative they come into the City for water quality. She reiterated she did not believe they wanted pockets of independent sewer districts within the City because when they failed and created problems, they were ultimately brought into the City in order to address the problem.

Ms. Thompson noted the Council, at this time, had the ability to amend the ordinance to provide for impervious surface of 15 percent. In addition, if a new plan was filed, it would have to go back to the Planning and Zoning Commission. Mayor McDavid asked if it would have to come back to Council again. Ms. Thompson replied yes, but it would be considered a new application.

Mayor McDavid withdrew his motion to table B229-13 to allow the developer time to come back with a PUD development that had impervious surfaces of no more than 15 percent and Ms. Nauser was agreeable.

Ms. Thompson commented that one of the changes necessary to achieve the 15 percent impervious surface requirement was to amend Section 11 in the ordinance from 23 percent to 15 percent.

Mayor McDavid made a motion to amend B229-13 by changing the percentage identified in Section 11 from 23 percent to 15 percent. The motion was seconded by Ms. Nauser.

Mr. Skala stated he was still concerned about the effectiveness of best management practices and did not want the rest of the discussion forgotten once the 15 percent was achieved.

Mr. Thomas pointed out another issue that had not been addressed was the fact this would set a precedent. He asked if they were comfortable there might be a cascade of 15 percent impervious surface proposals in the same area.

Mr. Schmidt asked to hear all of the potential amendments prior to voting on any of them.

Ms. Thompson noted a revised statement of intent had been received from the developer on Friday, so the ordinance would need to be amended to provide for the August 26, 2013 statement of intent, and the statement of intent needed to be amended to provide for a maximum of 15 percent impervious surface. In addition, the developer should be required to incorporate the impervious surface restrictions into the covenants and restrictions for the development and not allow any variance for the construction of any improvement that would increase the impervious surface area within the development that could be granted by the Board of Adjustment. This would ensure it was clear the Board of Adjustment would not be another avenue for construction activities outside of what was being allowed by the Council. She commented that the ordinance should also be amended to require the developer to incorporate best management practices to ensure the level of service identified by the Bonne Femme Watershed Plan in effect at the time of approval of the final plat was exceeded by at least one point. She pointed out that if the developer could not utilize the existing PUD plan, the developer would have to create a revised PUD plan and go back

through the process with the Planning and Zoning Commission so tabling this after the amendments were made would accomplish very little.

Ms. Hoppe felt this was too messy when they could send the same message by voting this down since the applicant could submit a new proposal that was substantially different, and she believed this reduction would make it substantially different. She also believed there were other provisions they might want to address such as the exceptions for individual yards and native species.

Mr. Thomas did not believe it would make much difference procedurally, but it would provide an indication of what they were thinking by going ahead and amending it. Mr. Skala thought they had already given an indication of what they were thinking.

Ms. Nauser stated she felt it was overburdensome to require the 15 percent, but understood that was the consensus of the general public. She believed this was a failure of the City in terms of instituting policy instead of requiring a higher standard for this development. Mayor McDavid commented that he felt this would start that process.

The motion made by Mayor McDavid and seconded by Ms. Nauser to amend B229-13 by changing the percentage identified in Section 11 from 23 percent to 15 percent was approved by voice vote with only Mr. Schmidt and Mr. Skala voting against it.

Mayor McDavid made a motion to amend B229-13 by revising Section 8 so the date of the statement of intent would be changed from July 29, 2013 to August 26, 2013 and a provision indicating the statement of intent would be amended to provide for a maximum impervious area of 15 percent would be added. The motion was seconded by Ms. Nauser and approved by voice vote with only Mr. Schmidt and Mr. Skala voting against it.

Mayor McDavid made a motion to amend B229-13 by adding a new section to the ordinance that would require the developer to incorporate impervious surface restrictions into the covenants and restrictions for the development and would not allow any variance to construct any improvement which would increase the impervious surface area within the development to be granted by the Board of Adjustment without Council approval. The motion was seconded by Ms. Nauser and approved by voice vote with only Mr. Schmidt and Mr. Skala voting against it.

Mayor McDavid made a motion to amend B229-13 by adding a new section to the ordinance that would require the developer to incorporate best management practices to ensure the level of service identified in the Bonne Femme Watershed Plan in effect at the time of approval of the final plat was exceeded by at least one point. The motion was seconded by Mayor McDavid and approved by voice vote with only Mr. Schmidt and Mr. Skala voting against it.

B229-13, as amended, was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, TRAPP, THOMAS, NAUSER. VOTING NO: SCHMIDT, SKALA. Bill declared enacted, reading as follows:

B236-13 Authorizing a contract for sale of real estate with Nauser Investments, LLC for property located on Paris Road.

The bill was given second reading by the Clerk.

Mr. Matthes and Ms. Thompson provided a staff report.

Mayor McDavid understood the purchase price was \$26,000 per acre and this was being sold at \$45,000 per acre. Ms. Thompson stated that was correct.

B236-13 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS. VOTING NO: NO ONE. ABSTAINING: NAUSER. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B230-13 Changing the uses allowed on C-P zoned property located on the north side of Buttonwood Drive (3500 Buttonwood Drive); approving a revised statement of intent; approving a revision to the C-P Plan of Pavilion Building.
- B231-13 Approving the Replat of Oak Ridge Plat 3A located on the east side of Scott Boulevard, approximately 250 feet north of Grant Lane.
- B232-13 Amending Chapter 29 of the City Code as it relates to balcony projections over property lines in C-2 zoning districts.
- B233-13 Authorizing the acquisition of additional easements for construction of the Scott Boulevard Phase 2 Street Improvement Project, from Brookview Terrace to Vawter School Road.
- B234-13 Accepting an easement for drainage and utility purposes.
- B237-13 Authorizing construction of a portion of the south section of the 24-inch East Water Transmission Main Project from Ponderosa Street under Highway 63 and northward to an existing water valve on Maquire Boulevard.
- B238-13 Accepting conveyances for utility purposes.
- R167-13 Setting a public hearing: construction of an equipment storage building at the Columbia Regional Airport.
- R168-13 Setting a public hearing: consider an amendment to the FY 2013 Annual Action plan for CDBG and HOME funds.
- R169-13 Authorizing Amendment No. 4 to the program services contract with the Missouri Department of Health and Senior Services for Maternal Child Health Services.
- R170-13 Authorizing Amendment No. 1 to the agreement with Tele-Works Incorporated to allow Automated Clearing House (ACH) processing of electronic checks for customer utility bill payments.
- R171-13 Authorizing a Master Services Agreement with U.S. Bank National Association to update all authorized City signatories and bank accounts.
- R172-13 Authorizing an amendment to the HOME agreement with Job Point for neighborhood development homeownership assistance funding.
- R173-13 Repealing Resolution No. 162-13 that expressed support for the second phase of the Gentry Estates housing development for senior citizens and adopting a new resolution on the same subject.

- R174-13 Authorizing application for tax credits through the Missouri Development Finance Board relating to streetscape improvements as part of the Avenue of the Columns project.**
- R175-13 Transferring funds for a pilot program to extend ParaTransit hours.**

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

NEW BUSINESS

- R176-13 Authorizing a license agreement with Clean Energy for design, construction, operation and maintenance of a compressed natural gas (CNG) fueling station on City-owned property located at 1900 Lake Ridgeway Drive.**

The resolution was read by the Clerk.

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

Mr. Matthes explained the City was proposing to move 15 percent of the total fleet to compressed natural gas and that 15 percent was the heaviest diesel using part of the fleet so it used more than 15 percent of the fuel in the year. Ms. Hoppe asked if that was for the term of the contract. Mr. Matthes replied they were not committed to a number so that goal could be changed. Ms. Hoppe understood the 15 percent would be converted immediately. Mr. Matthes stated 15 percent was what staff had in mind as diversification had been discussed. Ms. Hoppe asked when the City would get to that 15 percent. Mr. Nichols replied that at the rate the City was buying vehicles, it would take a while. Mr. Evans pointed out eleven vehicles were currently on order and next year another sixteen vehicles had been targeted. He noted vehicles would be evaluated for purchase as a compressed natural gas vehicle through the normal replacement criteria for vehicles. Mr. Matthes understood the entire fleet included 1,300 vehicles and pieces of equipment. Mr. Evans stated that was correct, but noted not all of those were fuel users. Approximately 700 vehicles used fuel, so the 15 percent would affect that number.

Mr. Schmidt understood the contract for the fueling site would be 15 years and thought a bus or garbage truck would last about 10-15 years. Mr. Matthes explained the City generally replaced vehicles at 12 years if they were able.

Mr. Matthes stated eleven vehicles had been ordered to date and this included two 40-foot buses, two garbage trucks, five solid waste vehicles and two 1-ton trucks. A little less than \$50,000 in staff time and associated costs had gone towards preparing the site to date. He noted he was not certain they had finished preparing the site. Mr. Nichols explained they were waiting for the final details. The City had also purchased the land and had ordered the vehicles. He stated the vehicles had been ordered because it took some time to receive them. The idea was that the compressed natural gas would be available at the fuel site by the time the vehicles were ready. He commented that these 11 vehicles would save the City about \$67,857 as it was the difference that would be paid for compressed natural gas versus diesel. Mr. Thomas asked if that was over the lifetime of the vehicle. Mr. Matthes replied that savings was for one year.

Mr. Thomas asked for a comparison of the cost of the vehicles themselves. Mr. Matthes replied it was dependent upon how it was viewed. He explained the City paid ten percent toward the cost of a bus so the return on buses was fairly quick. Mr. Thomas understood the federal government paid the other 90 percent. Mr. Matthes stated that was correct. He explained the City bore the brunt of the costs of garbage trucks, solid waste vehicles and 1-ton trucks. The \$67,857 was the total cost savings for all 11 vehicles and a simple payback was calculated at three years.

Mayor McDavid understood those eleven vehicles met the minimum of 150,000 gasoline gallon equivalent stipulated in the contract. Mr. Evans stated it was 15,000 diesel gallon equivalents per month. Mayor McDavid asked if that minimum would be met by this fleet. Mr. Evans replied the City would not meet it with these eleven vehicles initially and noted Clean Energy had been working with private fleets, which would assist in meeting the minimum requirements. Mayor McDavid understood the City would not pay any money. Mr. Evans stated that was correct. Ms. Hoppe commented that the City would pay if the minimum was not met. Mr. Skala stated that was correct, but understood the projection with third party usage would exceed the minimum requirement.

Mr. Matthes explained compressed natural gas would emit 87 percent less NOx, 95 percent less particulate matter and 23 percent less Co2 than diesel. Mr. Thomas asked if he had numbers showing a comparison of compressed natural gas to new diesel vehicles. Mr. Matthes replied that comparison was close, but money was not saved with diesel or bio-diesel. He commented that going to compressed natural gas with 15 percent of the fleet allowed for diversification, a significant environmental benefit and a cost savings. He noted staff was recommending approval of the contract and pointed out the contract was for a term of 15 years so the City could change its mind in 15 years, which was consistent with the cycle of these types of vehicles.

Ms. Nauser stated she was not on the Council when this had initially been discussed and asked about these third party users. Mr. Matthes replied they would be companies with large fleets like UPS with a lot of local travel. Ms. Nauser asked if the City was sure they would convert their fleet to natural gas. Mr. Matthes replied in looking across the country, UPS and FedEx were some of the first companies to move in this direction due to the significant cost savings. Mr. Skala understood St. Louis and Kansas City had refueling stations and a station in Columbia would assist with those traveling across the State. Mr. Matthes stated that was correct.

Ms. Nauser asked if the federal government currently subsidized natural gas production. She wondered because she understood there might be an increase in regulations, which would increase the cost. In addition, many states were banning fracking. Mr. Matthes explained diesel was derived largely from fracked petroleum so staff did not feel compressed natural gas was any worse than diesel. He commented that the research done to date had suggested less natural gas was fracked than petroleum, but they were still in the process of determining if that was correct. Ms. Hoppe asked about the methods since there were different fracking processes. The new fracking process used with natural gas involved chemicals and methane. Mr. Matthes replied that was a debate nationally. Ms. Nauser stated she had asked about this because ethanol was supposed to be an alternate energy

source, but the only reason it was viable was due to the high subsidies provided. The same was true for electric cars.

Ms. Nauser was concerned about the 15 year contract and wondered how many big fleet operations would come to Columbia for fuel. Mr. Evans stated the UPS terminal was about 200 yard from the site of the projected station. He understood Clean Energy was working with other trucking companies that were interested in using the station as a midway point between St. Louis and Kansas City.

Mr. Thomas asked if there would be a problem if a decision was delayed for 2-3 Council Meetings. Mr. Matthes replied there was some concern as the vehicles that were ordered would eventually arrive and were needed since they were replacement vehicles.

Mr. Thomas stated he would like to delay the vote to ask the Environment and Energy Commission (EEC) to study a couple aspects. Mr. Schmidt thought the EEC had already reviewed this. Mr. Skala stated they had not reviewed it as they had been consumed by the building code review. Ms. Nauser thought it would have been beneficial for the EEC to review this prior to the purchase of the site and the entering into contracts to purchase the vehicles.

Mayor McDavid stated he did not feel this was an immature process as there were 6,000 buses across North America that were being fueled by compressed natural gas and listed some of those communities. He pointed out China was purchasing 310 compressed natural gas stations and Kansas City expected to save \$100,000 per the lifecycle of each bus. Columbia would have buses that ran on diesel or compressed natural gas, and if they had buses that ran on compressed natural gas, they would have more buses since they would save money on fuel. Mr. Skala commented that if this was profitable through third party users, he thought some of the revenue could be used to fund a more aggressive approach on renewables. Mr. Thomas commented that if the price of compressed natural gas was higher than projected, they might not be able to increase service, etc.

Mr. Schmidt asked if it would make sense for the volume of fuel used by the City to hedge with futures or if the City did not get involved with that type of activity since it could be risky. Mr. Matthes replied he thought this agreement captured that essence. All of the information they had suggested there was plenty of natural gas and it would become cheaper over the next 20 years. That information also indicated the opposite for petroleum. In addition, the City would benefit with more usage per the agreement with Clean Energy.

Mr. Thomas made a motion to table R176-13 to the October 7, 2013 Council Meeting to allow time for the Environment and Energy Commission to review this significant strategic shift by reviewing the costs and benefits and risks and opportunities of this shift taking into account initial upfront costs and potential savings and any changes in direct environmental impact due to the changes with the City fleet and comparing the proposed path with continuing the current strategy of diesel and bio-diesel and to render an opinion on the direction they felt Columbia and the Country should move with regard to vehicle fuel technology and whether this contract and what would follow was consistent with that vision. The motion was seconded by Ms. Hoppe.

Mayor McDavid stated he believed this decision should not be delayed as the buses were coming. In addition, they could potentially increase the number of buses in circulation if

they saved money through compressed natural gas. He thought they could either burn foreign produced diesel or have the stability of fuel produced in the United States. He noted he would vote against the motion to table this issue.

Mr. Skala commented that he generally favored sending things to the EEC for review, but did not see a reason for a delay since some vehicles had already been ordered. In addition, some of this shift had already started through the purchase of the site, etc. As a result, he felt these reports could be generated in parallel while still making a decision tonight on this contract.

Mr. Schmidt stated he liked the idea of making the decision on this agreement tonight while still obtaining a report from the EEC.

Ms. Hoppe commented that she had substantial questions about the costs regardless of which way they chose to go in terms of the motion. She referred to the pre-council meeting minutes of February 6, 2012 when this was first discussed and noted they had been told compressed natural gas would be \$1 per gallon cheaper than regular fuel and there would be an increased cost of up to \$40,000 for the vehicles. They were not informed of any other costs. She understood Clean Energy was going to build the facility, but the City had applied for a TIGER grant where the City would pay 20 percent of the facility if the grant was received. In addition, she noted the minutes indicated the City's portion would only be \$10,000 and would be made up in a year, but she now understood it would take four years to make up the increased cost of the vehicles. She asked how much was paid for the land. Mr. Matthes replied the cost was \$309,000 for the environmental assessment and the purchase of the property. She understood this contract indicated the City would be responsible for underground drainage, equipment, asphalt paving of areas of ingress/egress, etc., and asked how much staff time, materials and money were going toward this as she did not believe it would be an insignificant amount. She also wondered how long it would take to be reimbursed for all of this if it took four years to be reimbursed for the vehicle costs. Mr. Matthes replied the \$10,000 figure only applied to the buses due to the portion of that cost the City paid as most of it was paid with federal funds. There was no federal funding for the other vehicles that were purchased so the payback was longer. Ms. Hoppe referred to the minutes again and noted Mayor McDavid had indicated this sounded like an option to pursue since there were no upfront costs. She felt they had been told something very different then compared to today. Mr. Matthes explained the City would not pay for the \$2 million station. It would be built by Clean Energy. The City's involvement included providing and preparing the land. Mr. Evans noted there would be other items per the contract that would require some expense by the City, such as paving, etc., which would be handled through in-house assets. He commented that the TIGER grant was separate from this contract. The grant was being considered by the federal government and they did not know if the City would receive it. The contract with Clean Energy stood alone and it would require Clean Energy to build and operate the station. The City would have some costs in preparation of the site, but most of that work had already been done. Ms. Hoppe felt the more expensive items were yet to come with paving, curbs, gutters, etc. Mr. Evans stated Clean Energy was responsible for about \$1.5 million in terms of the equipment associated with the station.

Mr. Schmidt commented that the City had the land and Clean Energy would have the building and the equipment, which was more expensive, and understood Ms. Hoppe wanted to know what the City was responsible for as landowners and whether those costs had changed the payback period. Mr. Matthes stated it was a package and part of it led into the five cents per gallon scenario. Mr. Schmidt noted he viewed the land as an asset versus an expense and asked if the improvement to the land would add any value at the end of the 15 years. Ms. Hoppe stated it would be a Brownfield at some point. Mr. Schmidt thought the mitigation would be minimal if they decided to shut this down in 15 years because natural gas was clean. Mr. Evans stated that was correct and pointed out there was not underground storage like a typical gas station. He pointed out it would be a paved lot the City could sell if they decided to end the contract in 15 years.

Ms. Nauser wondered why Clean Energy was not in this alone if the return on the investment was so great. She also wondered why the City was even involved. Mr. Matthes stated no company would make this size of an investment without at least one customer and Columbia was the customer bringing them to the market for a small investment. In addition, this particular company had indicated they were not in the gas business in the sense they were not making a profit on the natural gas.

Scott Vazzana stated he was the Business Manager for Clean Energy and noted they did not extract natural gas as they used the same gas that was supplied by Ameren UE as was used to heat buildings. He believed the savings they would bring to the table would be about \$1.50 per gallon. The thought process of the City doing some of the work was to keep the margin price low and the City's investment was more toward the land than the actual station or the fuel. He pointed out they had a few fleets on standby that would fuel there today if the station was open. The information was confidential at this time, but they had to open another station in St. Louis to accommodate them for the time being. He commented that they had recently closed a few other deals in the Missouri area. Last month, they signed a deal with the Lee Summit School District for one of the largest compressed natural gas school bus transition projects ever attempted in the United States. They were also recently awarded a contract with the Kansas City Area Transportation Authority. He thought Columbia should take advantage of the savings once the infrastructure was in place as the City had the potential to save about \$1.5 million per year if they converted their entire fleet. He noted they built stations on their own, but were looking to leadership to help take the Country off of its dependence on foreign oils.

Mr. Thomas agreed it was important to expand the number of buses, but his reason behind the expansion was to reduce the number of fossil fuels being burned as that was creating an environmental jeopardy in terms of climate change, and switching to compressed natural gas so more buses could be purchased for the same amount of money while stimulating a continuation of fossil fuel powered transportation would not achieve his environmental goals.

Mr. Skala stated he intended to vote against the motion to table as he thought they could benefit from the report from EEC simultaneously.

The motion made by Mr. Thomas and seconded by Ms. Hoppe to table R176-13 to the October 7, 2013 Council Meeting to allow time for the Environment and Energy Commission

to review this significant strategic shift, by reviewing the costs and benefits and risks and opportunities of this shift taking into account initial upfront costs and potential savings and any changes in direct environmental impact due to the changes with the City fleet and comparing the proposed path with continuing the current strategy of diesel and bio-diesel, and to render an opinion on the direction they felt Columbia and the Country should move with regard to vehicle fuel technology and whether this contract and what would follow was consistent with that vision failed by voice vote with only Ms. Hoppe and Mr. Thomas voting in favor of it.

Ms. Hoppe understood if Clean Energy had purchased the land and built the station by itself, it would pay taxes, but they would not pay any property taxes per the contract. She thought that was another cost factor that should be considered. Mr. Schmidt felt it made the fuel cheaper because they did not get it but they did not pay it either. Ms. Hoppe thought that was dependent upon whether the savings were transferred to the City. Mr. Matthes felt the five cents per gallon benefited the City more than the property tax at 41 cents per \$100. In addition, due to contract negotiations, the details had changed since the initial conversation in early 2012.

Don Scott, 7100 Richland Road, stated he served as the Director of Sustainability for the National Bio-Diesel Board, which was a not-for-profit organization with headquarters in Central Missouri that coordinated research and promotion of renewable alternatives, but noted he was not present on behalf of the Board. He commented that he did not feel there was an environmental benefit of switching liquid fuel vehicles to compressed natural gas. A new natural gas bus was cleaner than a ten year old diesel bus, but a new diesel bus was also cleaner than a ten year old diesel bus. All vehicles complied with the same federal air quality emission standards. He noted a diesel bus manufactured after 2010 with closed loop NOx control technology potentially had slightly better emissions than a natural gas bus. The tailpipe emissions from today's vehicles were the same regardless of the fuel type. The real difference was in the lifecycle emissions of the fuel. He explained the natural gas infrastructure for using natural gas vehicles was a gateway to taking more fossil carbon from underground and pumping it into the atmosphere. He understood the City already had the capability to use a blend of renewable diesel fuel or bio-diesel and had been doing so since the early 2000's in their buses. Bio-diesel was produced in Missouri and any natural gas would be piped in from other states. In addition, bio-diesel had a lifecycle greenhouse gas reduction of 85 percent relative to petroleum diesel, and all City buses could use up to 20 percent bio-diesel today, which would provide a reduction of approximately 17 percent greenhouse gas relative to diesel fuel. A natural gas fueled bus was seven percent worse in terms of greenhouse gas reduction than the fleet the City had today. He noted the mitigation that would have to occur at the station after 15 years would involve reclaiming 15 years of pumping fossilized carbon into the atmosphere, so there really was not environmental benefit to converting to natural gas in transportation fuels.

Linda Green, 206 Anderson, stated she was disappointed she was unable to make comments prior to the decision on whether to table this issue because she would have recommended this be tabled. She commented that there were monetary and moral problems with natural gas and did not feel this contract should be signed. She understood

the biggest selling point for natural gas was that it was cheap and wondered how long it would remain cheap. Hydro-fracking took many acres of timber, used millions of gallons of water per well and were too often leaking toxic water and methane into the land, water and air. She noted methane was a more potent greenhouse gas than carbon dioxide and its release was an environmental disaster. She understood natural gas drilling with fracking had the potential to cause earthquakes. She commented that the natural gas industry had temporarily succeeded in avoiding laws that would protect citizens from these environmental dangers, but citizens could make natural gas companies pay through an ethical shift of boycotting its use and the companies that used it. She asked the Council to consider an ethical shift in Columbia as she believed it was wrong to sign a contract that would make Columbia citizens take a risk to guarantee sales for years for a private company. She felt it was also wrong to impact the environment negatively for only a few years of fuel. She asked the Council to vote against this resolution.

Roy Hartley, 110 Russell Boulevard, commented that the vast majority of climate scientists described the current situation as human caused global climate change. Ever increasing levels of carbon dioxide in the atmosphere from the combustion of fossil carbon was alternating the planet at an accelerating rate. The arctic was melting and what was once permanent ice was now open water for a good part of year. In addition, the size of the melt was increasing year by year. He stated he believed humans needed to stop expanding the use of fossil carbon and the amount of greenhouse gases pumped into the atmosphere, and needed to reduce greenhouse gas emissions. He understood the Council would be voting on new fossil carbon infrastructure tonight. It was a development that would invest public funds into carbon dioxide generating vehicles and infrastructure. He also understood the compressed gas facility was being hyped as clean and a bridge to renewable and sustainable fuels, but all of this new gas that would be used was unconventional fracked gas, which had a high climate altering footprint and an insatiable thirst for clean water. Each well contaminated millions of gallons of water, released methane into the atmosphere and would fail over time, thereby further contaminating groundwater. He noted they were protected by an exemption from clean air and clean water laws. He suggested funds be spent on renewables now by purchasing electric buses that ran on wires suspended over the street as had been done in Seattle, Washington, and for the Council to cancel the order for the natural gas buses.

Jenna Higgins Rose, 2204 Katy Lane, explained she was a colleague of Don Scott and had worked in the bio-diesel industry for about 13 years. She commented that she paid the same price for B-20 as she did diesel and maybe even a little less. She noted the U.S. bio-diesel industry was practically founded in Columbia at the University of Missouri as Dr. Leon Schumacher was one of the first professors to research the conversion of soy bean oil into fuel, so all of the success the commercial bio-diesel industry had began in Columbia, Missouri. She felt the community had some ownership and wanted to see the City use more bio-diesel with clean diesel technology.

Monta Welch, 2808 Greenbriar Drive, stated she represented People's Visioning and others that were opposed to the horizontal hydraulic fracturing required for the natural gas and compressed natural gas. When the entire lifecycle was considered, compressed natural

gas was a very dirty fuel. She pointed out that any improvement required by the government would come at a cost and would impact the financial data that the decision appeared to be based upon, so it would then not provide any benefit. She listed some of the negative environmental impacts, which included contaminated water and the potential of earthquakes. She noted she was concerned about gas explosions and the site being located nearby three neighbors that carried medical oxygen tanks and two other gasoline fueling stations. She stated she believed the City would be in violation of the Mayor's Climate Protection Agreement if it proceeded. She provided a petition with signatures from 100 people that were opposed to this and resubmitted the People's Visioning plan for renewable energy that did not require any public government support.

Ken Midkiff, 1005 Bellview Court, commented that he was concerned with the contract as all of the benefits appeared to flow to Clean Energy and all of the liabilities appeared to flow to the City. He noted Clean Energy would set the cost for natural gas and would be guaranteed at least 15,000 gallons, which would cost the City through its taxpayers if less gas was purchased. He also felt 15 years was a long time for a contract. In addition, if the City chose not to renew its contract, it would own the land and building and could only obtain gas for the station from Clean Energy. He asked the Council to vote against this resolution because the contract was flawed.

John Clark, 403 N. Ninth Street, suggested a thorough, balanced, unbiased and financially prudent assessment of these vehicle fuel opportunities and strategies in the short and long terms, and noted he did not believe the contract the Council would vote on tonight represented the result of such an assessment. The comparison appeared to be limited to a discussion of bio-diesel or diesel versus in compressed natural gas even though many communities were running buses on fuel cell driven electric buses. He was also concerned because the City was essentially locking itself into compressed natural gas for 15 percent of the fleet, which represented a lost opportunity for experimenting with and investing in other technologies. He noted he had not seen anything in the TIGER grant regarding the purchase of electric buses or other electric vehicles. He did not believe the City was getting a guaranteed price, and as a result, was at total risk. If fracking produced intense regulations, he believed the price of natural gas would increase significantly. He asked the Council to reconsider moving forward with this project.

Eugene Elkin, 3406 Rangeline Street, commented that although the name of the company was Clean Energy, it did not produce clean energy and they would not pay property taxes. He noted fracking was happening along some borders of the State and was concerned an earthquake similar to the New Madrid earthquake could happen again. By agreeing to assist with the gas station, he felt the City would perpetuate fracking.

Marcia Devier, 2881 N. Route Z, stated she had been an environmentalist her entire life and wanted to know from where the gas would come. If it came from fracking methods, it would involve water pollution and environmental pollution. She was concerned this might create an earthquake along the New Madrid Fault, and if any fracking occurred in Missouri, the chemicals and water associated with it would go into all of the caves and into the ground.

William Maxwell, 706 Fairview Avenue, commented that he believed it was disingenuous to call horizontal fracked natural gas clean energy because only the end use

was being considered. He believed the way it was produced needed to be considered as well. Fracking was the fracturing of the geologic structure deep underground with a lot of chemicals and sand. He understood Congress provided this industry a waiver as every other industrial process was required to identify the materials used and monitor what was going offsite. He did not believe the City should have anything to do with the natural gas industry and the environmental impact needed to be considered in the cost.

Diane Meeker, 2401 W. Broadway, Apt. 1120, understood the City had been discussing this for two years, but pointed out there had not been much community conversation on the issue. Most people were unaware this was happening. She wondered how the City could say it was doing what was best for Columbia if the majority of the population did not know about this action.

Ben Jacob, Fifth Ward, stated the People's Visioning had only known about this since last December and they had immediately objected to this move to compressed natural gas. He noted they had offered meetings and provided books and sites on this issue and had asked the Council to self-educate as well. He did not believe the Council realized the industry was planning to grid out every state with regard to fracking and understood it would be the major source of natural gas and would not stay cheap in terms of price. He pointed out he did not believe it was cheap at all due to its impact on the environment. He asked the Council to consider other energy sources.

Mary Hussmann, 5306 Rice Road, commented that her main objection was the vast investment of public money in private business and believed Clean Energy should run this private business on its own. She asked if the City had looked at the contracts signed in Kansas City or St. Louis to determine if they were similar. She wondered what good it would do for the EEC to review this issue after the contract had been signed. She thought they should be told the true cost of this in detail as it was unclear, and wondered why the vehicles had been ordered today as that appeared to be sneaky. She asked the Council to not authorize the signing of this contract.

Mr. Matthes pointed out the vehicles were not ordered today. They had been ordered previously after a decision a couple of months ago. Mr. Matthes also understood Clean Energy would pay taxes on the station. Ms. Hoppe noted the contract had indicated real property taxes would not be paid. Mr. Matthes stated Section 2.8 was the section in which the ad valorem was discussed.

Carolyn Matthews, 4200 Rock Quarry Road, stated she was representing the Native American Support Group and explained a principle Native American elders taught was that every major decision should be made looking forward seven generations to determine the effect for the future. She believed decisions that had a lot of possible and some probable effects needed to be carefully examined. She also did not believe they could look only at how clean it was out of the tailpipe. She felt they needed to consider how it was created, and it would increasingly come from fracking as they ran out of the other sources. She understood this was not the same as drilling for oil because fracking involved fracturing through rock with a high pressure injection of highly toxic chemicals and this injection caused real effects, such as polluted water. She pointed out many cases had been settled quietly out of court on the condition that they remain silent. She believed more information was

needed prior to moving forward as many questions had been raised and it was hard to find the truth. She stated there were sources of information and listed some of those sources.

Ivy Boley, Alexander Avenue, commented that she believed the monetary returns were short-sighted and did not take into consideration that fracturing was a poor method to generate fuel. She also believed the City should not confine itself to a 15 year contract as it was a long time if the market changed. She felt the City's money would be better spent going into alternative energy as had been done on the west coast.

Mr. Trapp pointed out they had discussed this a few times previously, and when they could they took the best alternative. The City did this when generating six percent of the electricity through renewables and noted they had long term coal contracts. Electrical vehicles were not a panacea of clean energy. He believed the best way people were generating electricity was through natural gas and noted it was the way most people heated their homes. He agreed they could look into bio-diesel, but noted they had budget constraints and a lot of community priorities. They had been unable to add the police officers the community was demanding, the social service budget had not been increased in many years, etc., and the general fund budget was shrinking as sales tax was not keeping up with population growth and inflation. They had financial pressures to meet the real needs of people in the City. He commented that they had a utopian vision and idealistic dream and worked hard to achieve it, but in the absence of the best solution, they had to choose the least worse alternative. He agreed clean energy was a misnomer, but it became a necessity financially if they continued to operate vehicles. He pointed out this investment in 15 percent of the fleet did not preclude looking at other investment opportunities or promoting bio-diesel. He encouraged City staff to look at Tom O'Connor's report with regard to using waste oil for fuel. He reiterated there were a lot of things the City could do and this investment in compressed natural gas did not preclude other avenues. He noted a significant investment had already been made, and although it was not as clean as he had hoped, it was the least worse possibility to fund part of the fleet as he felt they put the City at risk by staying heavily invested in diesel. He stated he planned to support this resolution as policymakers had to make these hard choices. He commented that ten percent of them were willing to go the extra mile to save the environment, but 65 percent of people who said they loved the environment were not willing to pay anymore and 25 percent of people did not care. He noted they governed all of those people.

Mr. Skala noted the City had a 45 year contract for coal. He commented that they were discussing diversification, and 15 percent of the fleet was a relatively small amount. He understood that could grow if they took the advice of Clean Energy. He pointed out bio-diesel was still a viable alternative and the extent to which they took advantage of it was part of this diversification scheme. He shared a letter he had written, which indicated he had read voluminously on this topic and had thought about this issue for many years as a member and former chair of the EEC even prior to the abomination that was fracking. He believed the issue was the lesser of the two fossil fuel evils, such that a diversification bridge was built away from the greater evil of coal and the horror that was the legacy of Fukushima, a radioactive plume that was scheduled to reach the U.S. in 2014, toward a future of 100 percent renewables, but that future was not yet realized and worrying about not being able to

install solar panels and windmills on every house and yard would not make it so. He felt they should focus efforts on efficient methane capture as in Columbia's landfill methane gas generation capture and electric generation project and a responsible federal regulatory regime that would provide adequate public safety for the excesses of the petroleum industry. He planned to support the diversification of the City's energy resources to include compressed natural gas because the laudable goal of 100 percent renewable sources, though possible, was not yet a viable alternative. Despite the very real negative consequences of fracking and methane discharge, both a function of new advances in oil exploration, the climate change consequences continued with the use of dirty coal, off-shore oil, nuclear waste and oil shale exploitation were far less attractive as alternatives. He believed this issue was consistent with President Obama's recent energy address as well as the recommendation of City staff. He stated he viewed the City's position with regard to its limited use of compressed natural gas in some fleet vehicles while pursuing hybrid and electric technology improvements in others as a prudent diversification strategy. He commented that an aggressive approach to renewables was advised and one he would advocate for, but currently the capacity, intermittency and limitations of energy storage were severely limiting. The compressed natural gas fueling station was a 15 year compromise solution.

Ms. Hoppe stated she was concerned about quite a few things as this had morphed from no upfront costs to substantial costs to the City. She had concerns with a 15 year contract and the unknown cost for the gas. She was also concerned as to whether the City truly would pursue other options as she thought this might close the pursuit of options that became available during the next fifteen years since they would be in the business of purchasing and selling compressed natural gas. This contract would require for the City to have a stake in the company. The City would be in the business to promote natural gas with this company in order to obtain the five cents per gallon. She noted she was uncomfortable with this arrangement as she did not believe the City should be in this business. She had questions with regard to the long term cheapness of it as well as the environmental costs. She wondered if this was in compliance with what the City had agreed it would do for the Mayor's Climate Protection Agreement. She stated she wanted a policy resolution to come forward to ensure the City only changed 15 percent of its fleet to compressed natural gas so the City would pursue bio-diesel and other cleaner energy sources.

Mr. Thomas stated he would vote against this resolution, and at the end of the meeting, he planned to ask the Council for support to request the EEC study various vehicle fuel technologies while anticipating the environmental consequences 20, 50 or 100 years from now, and to use that as a basis for a future policy for City vehicles.

Ms. Nauser commented that she was not on the Council when the decision was made to purchase this property, and she did not plan to discuss the environmental impact of compressed natural gas as people were passionate on both sides of that issue. She was concerned about the City subsidizing the private marketplace and wondered why Clean Energy would not build this on its own if it was such a good deal. With regard to the long term contracts with Peabody Coal, she noted they were purchasing the energy and not subsidizing infrastructure growth. The purpose of that contract was for stability in energy costs.

The vote on R176-13 was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, TRAPP, SKALA. VOTING NO: HOPPE, THOMAS, NAUSER. Resolution declared adopted, reading as follows:

R177-13 Consenting to an increase in the sales tax rate imposed by the Shoppes at Stadium Transportation Development District.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Ms. Hoppe understood the transportation development district could not make good on their responsibilities without this increase.

Robert Hollis, an attorney with offices at 1103 E. Broadway, stated that was correct. He explained the bonds issued in 2005 did not mature until 2029 and the current debt service would likely be able pay those bonds, but not anything beyond that.

Ms. Nauser asked if the City was last in line to be repaid. Mr. Hollis replied the City was second in line, but anyone beyond first in line would get zero at this time.

Mr. Schmidt understood that presumably the faster the bonds were paid the less interest there would be overall and asked if that was a fair statement. Mr. Hollis replied it was fair.

Ms. Hoppe understood when this was first established, it appeared there was enough to do what needed to be done, and asked what had changed. Mr. Hollis replied the transportation development district had been formed in 2004 and the initial goals for projects had been completed fairly quickly, so the bonds were issued. He pointed out the City was not obligated with respect to the bonds in any way. This all happened within a year or less and those involved thought it was over. Later additional work was needed in the form of stormwater improvements, but there was not a source of income to fund additional debt and the property owners agreed to loan the money to the transportation development district. In addition, the transportation development district entered into agreement with the City to pay whatever amount of funds it received that was greater than what went to the supersinker bonds to the City with the hope it could fund some of the City's obligation to MoDOT for the Stadium Corridor improvements.

Mr. Skala asked how they would deflect the perception of this sales tax by the public as there had been assurances initially that increases would not be necessary, but the rates had incrementally increased over time. Mr. Hollis replied they could be assured with respect to this transportation development district that nothing else would happen because the statutes indicated one cent was the highest the sales tax could be.

Mr. Schmidt understood a lot of these projects were built pre-2009 and sales tax revenues did not keep up post-2009. Mr. Hollis stated that was correct. He explained the forecast put together by the financial analyst had not been close to the amount collected, which had caused the initial increment to 5/8 of a cent and now to one cent.

The vote on R177-13 was recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R178-13 Authorizing license agreements with T-Mobile Central LLC for installation of fiber optic cable, conduits and related facilities on property occupied by City-owned water towers located at 15 E. Walnut Street and 1200 Cinnamon Hill Lane and Fire Station No. 5 located at 1400 Ballenger Place.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mr. Schmidt asked if they would pay rent for this and whether other phone companies had similar opportunities. Mr. Matthes replied T-Mobile already had equipment on these towers and they were asking to add some fiber to their equipment.

Mr. Skala asked if there would be any land disturbance associated with this. Mr. Matthes replied he did not believe there would be. Mr. Skala understood this would involve fiber on the towers themselves. Mr. Matthes stated that was correct.

The vote on R178-13 was recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA, THOMAS, 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.

- B239-13 Amending Chapter 6 of the City Code relating to adoption of the 2012 Edition of the International Building Code.**
- B240-13 Amending Chapter 6 of the City Code as it relates to the 2006 Edition of the International Code Council Electrical Administrative Provisions referencing the 2011 National Electrical Code.**
- B241-13 Amending Chapter 6 of the City Code relating to adoption of the 2012 Edition of the International Plumbing Code.**
- B242-13 Amending Chapter 6 of the City Code relating to adoption of the 2012 Edition of the International Mechanical Code.**
- B243-13 Amending Chapter 6 of the City Code relating to adoption of the 2012 Edition of the International Residential Code for One- and Two-Family Dwellings.**
- B244-13 Amending Chapter 6 of the City Code relating to adoption of the 2012 Edition of the International Property Maintenance Code.**
- B245-13 Amending Chapter 6 of the City Code relating to adoption of the 2012 Edition of the International Fuel Gas Code.**
- B246-13 Amending Chapter 9 of the City Code relating to adoption of the 2012 Edition of the International Fire Code.**
- B247-13 Rezoning property located on the south side of Cedar Lake Drive and east of Commercial Drive (100 N. Cedar Lake Drive) from C-1 to C-3.**
- B248-13 Amending Chapter 20 of the City Code as it relates to Planning and Zoning Commission member attendance requirements.**
- B249-13 Authorizing a consolidated grant agreement with the Missouri Highways and Transportation Commission for transportation planning services.**

- B250-13 Amending Chapter 14 of the City Code to establish the issuance of visitor parking passes in the North Village parking district.
- B251-13 Authorizing construction of the Wilson Avenue and High Street Private Common Collector Elimination (PCCE) Project #11; calling for bids through the Purchasing Division.
- B252-13 Accepting certain streets for public use and maintenance.
- B253-13 Authorizing a right of use permit with Walnut II, LLC for construction, improvement, operation and maintenance of a private storm sewer system in a portion of the Walnut Street right-of-way and the alley right-of-way between College Avenue and Short Street (1222 East Walnut Street).
- B254-13 Authorizing a right of use permit with East Campus Neighborhood Association for construction, improvement, operation and maintenance of four decorative gateway signs with breakaway bases in a portion of the Ann Street, Bouchelle Avenue, Cliff Drive and University Avenue rights-of-way.
- B255-13 Authorizing a coordinated functional registration agreement with Midcontinent Independent System Operator, Inc. (MISO) regarding select modeling, data and analysis reliability standards.
- B256-13 Accepting conveyances for utility purposes.
- B257-13 Authorizing a facility usage agreement with TAG Events, LLC for the lease of the Central Missouri Events Center for the annual Halloween event.
- B258-13 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant to provide advanced forestry training and education for Parks and Recreation Department employees; appropriating funds.
- B259-13 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant for development of a GIS-based ash tree inventory and comprehensive Emerald Ash Borer (EAB) Readiness Plan; appropriating funds.
- B260-13 Establishing plan year 2014 health and dental care group insurance premiums for active employees and COBRA; providing for payroll withholdings.
- B261-13 Adopting the FY 2014 Classification and Pay Plan; providing for implementation of the Classification and Pay Plan.
- B262-13 Amending Chapter 19 of the City Code as it relates to health care benefits for City employees.
- B263-13 Amending Chapter 19 of the City Code as it relates to personnel policies, procedures, rules and regulations.
- B264-13 Amending Chapter 2 of the City Code as it relates to appointment of a temporary city clerk.

REPORTS AND PETITIONS

- REP129-13 High-Density Residential Use in the C-2 District.

Mr. Teddy provided a staff report.

Ms. Hoppe stated she had asked for something like this when there were imminent pressures on the downtown. She understood the Downtown Columbia Leadership Council had a working group that would hold public meetings to discuss and evaluate recommended solutions to downtown access, circulation and parking. She also understood different groups had different thoughts. She stated the question tonight was whether this issue should come before Council for public comment or whether another process should occur first, and noted she was open to thoughts from the other Council Members.

Mr. Schmidt commented that his preference was for The District recommendations as they seemed to be simpler and easier to implement.

Mr. Thomas understood there was a plan to do a substantial review and revision of the zoning codes. Mr. Teddy stated that was correct. Mr. Thomas asked for the timeline associated with that review and revision. Mr. Teddy replied eighteen months was specified in the RFP, but some consultants might recommend more or less time, and that would be part of the dialogue when choosing a consultant. He hoped to have someone hired by next month. Mr. Thomas asked if this review would look at the same questions as was in this report. Mr. Teddy replied this could be added to the scope of the project for a more comprehensive approach. He explained staff had been under the impression there was a sense of urgency with residential projects downtown especially with regard to parking.

Mayor McDavid felt they already had a process underway. Mr. Teddy stated the group Ms. Hoppe had mentioned was taking a comprehensive approach and looking at a wider area than just the central business district.

Mr. Skala agreed there had been a sense of urgency to get something in place sooner than later, but due to his read of some of the recommendations, he was inclined to support the direction of an overlay instead of a conditional use permit. The details still needed to be discussed.

Ms. Nauser stated she was conflicted with the problems they were trying to solve. They wanted to be a community that was more reliant on public transportation and alternative transportation, but they also continued to build more parking garages. She thought they needed to decide in which direction they wanted to move forward. The proposed comprehensive plan called for infill development, but they also did not want high density downtown. She felt they first needed to define the problem they were trying to solve. She did not believe the rules were necessarily bad because some people did not like certain types of developments in the downtown. She thought they would be moving too quickly if they proceeded with this since the consultant would then re-evaluate an ordinance the City had just approved. She suggested they wait for the review by the consultant prior to moving forward.

Ms. Hoppe commented that the problems had been clearly illustrated in the responses received from the different groups. As a result, she thought the consultants, since they would be hired soon, could review best practices of communities similar in size based on what the Council wanted to achieve, and could provide something for Council consideration within the next couple of months.

Mayor McDavid understood the consensus was to expedite the process and prioritize C-2 as one of the first things the consultants reviewed. Mr. Skala stated that was correct.

REP134-13 Non-Motorized Transportation (GetAbout) Project Prioritization.

Mr. Matthes provided a staff report.

Mayor McDavid understood the first five listed could be done with the amount of money that was available. Mr. Nichols stated that was correct, and noted there was sixth project staff wanted Council to consider. He explained MoDOT was paving an overlay on Providence Road and had asked the City to cost share to do the shoulders from Stadium to Green Meadows. He pointed out those shoulders were where bikes generally traveled so there was a discussion to cost share for an estimated cost of \$130,000.

Mr. Trapp stated he rode along Providence Road and the shoulders had broken pavement. Mr. Nichols noted MoDOT would not do the shoulders without City funding. Mr. Thomas understood this was a potential new project for \$130,000 to resurface the shoulders and stripe bike lanes. Mr. Nichols stated he understood this caused the total to go beyond the dollar figure. Ms. Hoppe thought they often came in under budget on projects. Mr. Nichols stated that was correct. He explained they had estimated conservatively and ended up with about \$1 million after round one was completed. Staff thought the situation would be similar with these projects.

Ms. Hoppe made a motion to proceed with the first five ranked projects. The motion was seconded by Mr. Skala.

Mayor McDavid commented that he had been lobbied by Darwin Hindman to connect the end of Bluffdale to Rollins without the switchbacks from Shepard, which was a mirror image of what Dan Harder wrote in an e-mail to the Council today. Ms. Hoppe stated that was Phase 1 of a much more expensive project and noted it was the old trail that had been rejected by prior Councils.

Mr. Trapp asked if the sixth project could be added. Mr. Skala replied he would be agreeable as long as it did not jeopardize Clark Lane.

Mr. Trapp made a motion to amend the motion made by Ms. Hoppe to add the sixth project. The motion was seconded by Ms. Nauser.

Mr. Thomas stated he wanted a study completed for the fifth project with regard to connecting the east side of the span bridge over the Hinkson to Bluffdale and south to the trail connector under Providence instead of completing the trail from the east side of the span bridge over the Hinkson up to the roadside park. He noted he wanted the cost implication of the change as well as the likely mode shift potential bearing in mind the routes that would be available and the hills that would form barriers to some of the routes. Mayor McDavid stated he agreed this review was needed, and asked if a motion was necessary. He felt they expected that type of due diligence by accepting first six projects because additional projects could be done if more money was saved. Mr. Nichols pointed out each project would have its own public hearing. Mr. Matthes stated staff would provide choices for those projects in which there were competing ideas.

The motion made by Mr. Trapp and seconded by Ms. Nauser to amend the motion made by Ms. Hoppe to add the sixth project was approved unanimously by voice vote.

The motion made by Ms. Hoppe, seconded by Mr. Skala and amended by Mr. Trapp to proceed with the first six ranked projects was approved unanimously by voice vote.

REP135-13 Membership Clarification of the Citizens Police Review Board.

Mr. Amin provided a staff report.

Mayor McDavid understood an ordinance would be prepared for consideration on a future agenda.

REP136-13 Street Closure Requests - Harpo's Hospitality, Roots & Blues Half Marathon & 10K and Harvest Hootenanny.

Mayor McDavid made a motion to approve the street closure as requested for the Roots and Blue Half Marathon and 10K and to approve the waiver of the open container ordinance for the Harvest Hootenanny event. The motion was seconded by Mr. Schmidt and approved by voice vote with Ms. Nauser abstaining.

Mayor McDavid understood an additional six requests had been submitted since the request from Harpo's had been received. Ms. Rhodes stated she had received requests from Bengal's, Shiloh Bar and Grill, the SoCo Club and Campus Bar and Grill.

Mayor McDavid explained he had been told this was a zero sum game and the Council would be choosing the establishment that would make more money if they agreed to allowing only one establishment to close a street. The counter argument was more people would come downtown and enhance sales for everyone downtown.

Ms. Hoppe commented that another possible option was allow each establishment to host one weekend at a time. She thought the problem was how to plan for this for this year since they did not have much time.

Mayor McDavid suggested they choose one establishment for a pilot, such as Harpo's for the weekend of October 18. Mr. Thomas stated he felt that was reasonable since Harpo's submitted the first request. He also understood it was the only legitimate request.

Mr. Schmidt stated he did not feel this was appropriate at all. They had spent a lot of time trying to save the Niedermeyer property, and they would now be making it almost unlivable. There were residential apartments on two sides of the streets. He noted he had also received complaints from surrounding businesses. He believed they should be careful before going down this road.

Ms. Hoppe pointed out only one property owner, which was a pizza place, had signed off on the request of Harpo's. She thought it would be important to ensure the other property owners in the area were in support of it as well.

Mayor McDavid commented that there was not a consensus from the downtown representatives, and thought if they did this, they should charge a substantial fee to cover the expenses of police officers, etc. Mr. Schmidt suggested bidding this type of activity and choosing an entity based upon the bid.

Ms. Hoppe asked if the adjacent owners had been approached and if they approved of the street closure. Ms. Rhodes replied the applicant was responsible for providing notification to the property owners, so she was uncertain as to how they were notified. Mr. Schmidt stated he had e-mails from property owners that indicated they were not in favor and were not asked. Mr. Matthes pointed out the City's ordinances did not have a required threshold

for approval. Mr. Schmidt believed the standard in the past had been to have the support from the majority of the property owners.

Mr. Schmidt suggested the request be rejected based upon the lack of support from surrounding residents.

Mayor McDavid made a motion to approve the street closure and waiver of the open container ordinance requested by Harpo's for the weekend of October 18 only. The motion was seconded by Mr. Thomas.

Mr. Thomas stated he felt a festival atmosphere in the downtown on football Saturdays was an attractive idea as long as public safety was considered. He liked the idea of a fee to compensate the City for the use of the street and for the additional police officers that would be needed. He believed it was important to be fair to competing businesses as well, and in this case, he understood Harpo's was the only business that had made a legitimate request. Mr. Schmidt thought there had been four other requests. Mr. Thomas believed the memo had indicated they really did not want the street closure request. They only submitted their requests to test the fairness of the City's procedures. Mr. Schmidt stated if the City approved the request of Harpo's and did not approve the others, it would be unfair.

Ms. Hoppe suggested limiting the street closure and waiver of the open container ordinance to only Saturday instead of allowing it the entire weekend. She thought noon to 11:00 p.m. might be acceptable. Mr. Schmidt felt they would have a hard time shutting this down at whatever time was chosen.

Mr. Thomas asked if they needed to create a policy indicating individual restaurants could apply for one Saturday. In that case, they would not approve any of the requests submitted to date since they were for all football Saturdays. They could accept applications immediately after tonight's meeting for only one Saturday as a pilot. If multiple restaurants made the request, they could approve all them.

Mr. Schmidt felt if they moved forward with this, a way to shut it down earlier than 1:00 a.m. or 2:00 a.m. was needed. Ms. Rhodes pointed out the 1:00-2:00 a.m. was to allow the event organizer time to clean the area following the event. Mr. Schmidt asked what time they proposed to close the event. Ms. Rhodes replied City staff had proposed the open container would end at midnight. Mr. Schmidt thought that was late for those that resided in the Niedermeyer or Cherry Street buildings. Ms. Hoppe pointed out it was a Saturday night.

Mr. Matthes noted the request was for noon on Friday until 2:00 a.m. on Sunday. Mr. Schmidt felt that was too long. He also felt they needed to charge a fee as there was a cost to the City. Mayor McDavid understood a fee policy would not be able to be enacted soon enough for any closures this year. Mr. Matthes stated that was correct and suggested a pilot only for this year. He pointed out staff was in the process of reviewing all of the street closure and special event scenarios, but they did not have many of the details finalized. He was not prepared to say how much this would cost or how much public safety resources would be needed at this time.

Mr. Skala stated he liked the pilot idea as well as the equity issue and potential fee. He understood the fee could not be established at this time, but believed all three facets were important to this issue.

Mr. Trapp commented that if the Council was going to liberalize alcohol laws, he wanted some of the money raised to be set aside for prevention and mitigations activities. Mr. Schmidt understood he felt the fees should be higher than the City's actual cost. Mr. Trapp stated that was correct and pointed out there were costs associated with alcohol consumption and there should be compensation for it. He noted his reason to entertain this was the threat of the University hosting events and tailgating similar to what was done at The Grove in Mississippi, which kept people away from the downtown area. The City would lose control over issues of minors in possession, etc. as well if it became a private party.

Mayor McDavid understood Harpo's had requested permission for four events, and the first one was the weekend of October 18. He wondered if they should defer this and ask them to submit a request for only one weekend. Mr. Schmidt thought it should be for one night.

Ms. Rhodes suggested the issue of the date be resolved so staff knew how to proceed with the other pending requests. The next step in the process was to submit the four new applications for street closures to the Downtown Community Improvement District for its review at its next meeting next Tuesday.

Mayor McDavid asked a representative of Harpo's in the audience which date he preferred and the representative replied October 26, which was Homecoming. Mr. Matthes understood Council also wanted the alcohol to stop being served by midnight. Mayor McDavid stated that was correct.

Mayor McDavid withdrew his motion, and Mr. Thomas, who had seconded the motion, was agreeable, as was the rest of the Council.

Mayor McDavid understood the intention of Council was to target Homecoming as a pilot for a downtown festival.

REP137-13 Correspondence from the Downtown Community Improvement District relating to a Food Truck Ordinance and Sidewalk Cafes.

Mr. Matthes provided a staff report, and explained staff would be bringing something to Council in the future related to food trucks.

REP138-13 Parks and Recreation Commission's Parks and Recreation FY2014 Budget Recommendation.

Mr. Matthes provided a staff report.

REP139-13 Administrative Public Improvement - Water Treatment Plant Garage Expansion.

Mr. Matthes provided a staff report.

Mayor McDavid made a motion to approve the use of the administrative public improvement process for the construction of these improvements. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

REP140-13 Intra-Departmental Transfer of Funds Request.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Tim Waid, 3612 Hedgewood Drive, submitted a petition signed by people that felt a trail system connector between Rollins Avenue and Bluffdale Drive should be considered a priority. He explained the Rollins-Shepard trail was inadequate and the Rollins-Bluffdale trail was superior. In addition, it would cost less if the Rollins-Bluffdale trail was done. He referred to an engineered report completed in 2008, which indicated \$1.7 million was the cost for the entire Hinkson Creek trail from Bluffdale to Rollins to Grindstone, and understood approximately \$500,000 was the cost of the Rollins-Bluffdale trail. He pointed out the cost of Rollins-Shepard would not be \$1.7 million. It would likely be \$3-\$4 million due to eminent domain of private land in a high density student development area. In addition, he did not believe they should go through the eminent domain process in this situation only because people in a neighborhood did not want a trail going down a public space in front of their house. The Rollins-Shepard trail would be longer, involve higher elevations and would require the removal of trees. The Bluffdale connection would link better with other trails as well. He commented that the Rollins-Shepard trail was a trail to no where and would not be used. He asked the Council to not vote on emotion as they would see emotions when discussing the Bluffdale trail, and to make their decision based upon reason. He stated the Rollins-Bluffdale trail was a vital connection to the east and northeast as well.

Nick Peckham, 15 S. Tenth Street, stated he had come to comment on B239-13 through B246-13 as they dealt with the building codes. He noted he had been an architect in Columbia for 38 years, had served on the Building Construction Codes Commission for three terms and was a past chair and member of the Downtown Columbia Leadership Council, and suggested the Council ask the Building Construction Codes Commission, the Planning and Zoning Commission, the Environment and Energy Commission and the Downtown Columbia Leadership Council, which were the four public boards that were most familiar and concerned with building codes, to prepare a report for consideration before making any modifications.

Mayor McDavid pointed out those bills had only been introduced tonight, so the public would have the opportunity to comment at the next meeting.

Joe Alder, 511 Parkade Boulevard, commented that he was concerned with some ongoing and unresolved traffic hazards for pedestrians and motorists in the City. He noted there was an incorrect traffic control sign at the intersection of Park de Ville and West Broadway as the median had divided lanes of traffic going in the same direction, so the lane which the sign said to travel was incorrect. A street sign at the intersection of College Avenue and Windsor had been turned 90 degrees, which would have created a hazard if a motorist had followed it, had been fixed by a police officer. He stated there were no marked crosswalks at the intersections of Fairview and Worley and Fairview and Ash, and suggested crosswalks be marked at those locations. He understood the Public Works Department had refused to do it since round-a-bouts would be installed there in the future.

Ben Jacob, Fifth Ward, thanked the City for finding funds for CAT-TV and commented that he would love for benches, fruit trees, etc. to be installed, planted, etc., but did not expect the City to pay for these visions. He wanted the City to find some permeable surface

materials for streets and parking lots that were low in cost as it would be beneficial in the long run.

Mr. Trapp asked for a timeline on the Strawn Road Neighborhood Park as he thought it would be constructed this coming year. He also wanted to know if there were any plans to include sidewalks on Strawn Road as it was a busy road.

Mr. Trapp asked for the status and timeline of the Prairie Lane connection. He thought contracts were going to be signed in July and the connector was going to be constructed in August. He wanted it to be constructed before the spring due to the potential of floods.

Mr. Trapp commented that a City ordinance indicated no person shall own, keep or harbor any dog, which by loud, continual or frequent barking, howling or yelping shall annoy or disturb any neighborhood or person, and he believed this was vague. If he had a neighbor that did not want to hear any dog barking noise and became annoyed, he would be in technical violation of this ordinance. The person that had contacted him had suggested something similar to what was in Section 6.10 of the San Clemente Municipal Code, which identified the nuisance as a dog that barked, cried, howled or made any noise for an extended period of time and defined extended period of time of incessant barking as 30 minutes or more in any 24 hour period or intermittent barking for 60 minutes or more during any 24 hour period. He asked staff to review the City's ordinance to determine if the ordinance could be made less vague.

Ms. Hoppe stated she hoped the Council and the public would not rely on the presentation made by Tim Waid as she felt there was a lot of misinformation and inaccuracies. She explained there had been a history of the neighborhoods working for three years to find a trail route that would meet all needs. She understood more information would be provided in the future so she would not address each inaccuracy at this time.

Ms. Hoppe asked that a resolution transferring \$20,000 from the council contingency account to the council miscellaneous contractual account to provide financial support for the 2013 Roots N' Blues N' BBQ Festival be prepared for the September 16, 2013 Council Meeting.

Ms. Hoppe understood the trail that connected Old 63 to Stephens Lake Park was being constructed and a driveway was being constructed as part of the agreement on Lori Klein's property. She asked that staff correct the problem and ensure the driveway was built according to the agreement. There were steep sides on both sides of the narrow driveway, and vegetation for a barrier was to be included. She asked that compliance with the agreement be required.

Mr. Thomas asked for a report from the Environment and Energy Commission on various vehicle fuel technologies. He wanted the report to compare the current and future viability, the environmental impact and the financial cost of various vehicle fuel technologies to include diesel, bio-diesel, compressed natural gas and renewable sourced electricity. He

noted the purpose of this report would be to guide a future policy on City fleet vehicle fuel technologies.

Mr. Thomas agreed they made a good and popular decision to provide \$200,000 for CAT for next year, but noted the money had come from a fund that had been designated for sidewalks. He pointed out there were tremendous sidewalk needs throughout the community and the future development of sidewalks had been hurt by this decision. He stated he did not plan to oppose providing CAT the \$200,000, and only wanted to ensure everyone realized from where this money had come.

Mr. Thomas commented that it might be interpreted that the change to CoMO Connect would provide better service for the area in which Mr. Matthes resided, and lesser service in current service areas, due to how he explained the program. He noted he understood that was not what Mr. Matthes had meant to say, but thought he should point it out. He agreed the current system was very inefficient as all of the buses spent half of their time in service about a mile or so of the Wabash Station. Mr. Matthes stated he would make a point to stress the expansion service.

Mr. Thomas stated he had a question regarding the budget and had not yet received a response. He understood a cost of service study had justified the five percent increase in water rates for the smaller meters and had indicated the 3 inch and larger meters were already charged an appropriate rate, and asked that the cost of service study be provided to him along with an explanation as to how this interpretation had been made. He asked that this be provided before the next Council Meeting as the budget included that five percent increase.

Mr. Thomas noted he was familiar with the West Broadway and Park de Ville issue mentioned by Mr. Alder and asked if staff would look at the signage to decide whether they agreed it needed to be changed. When traveling east on West Broadway and making a left to go north on Park de Ville, the motorist was forced to go to the left side of the median, which was unusual. When traveling north on Park de Ville and turning left to go west on Broadway, the sign appeared to guide motorists into a head on collision with motorists turning left to go north on Park de Ville. He wondered if there was a way to fix the signage to reduce the chance of collision.

Mr. Thomas asked for a report on modifying the cycle of traffic signals downtown so there was a built in all red light period to allow pedestrians to cross in all directions. He suggested this be done where the most pedestrian activity was in the downtown area. Right turns on red would also be prohibited. He asked for the report to address the pros and cons of this type of change. He noted other cities with highly pedestrianized centers did this, and believed it created a safer and more welcoming environment for pedestrians.

Ms. Nauser asked for the status of the report she requested from the Disabilities Commission regarding the ADA requirements at the Library as she continued to receive

phone calls. She understood the ramp was technically ADA compliant, but the slope was difficult for the elderly, those with manual wheelchairs and those with strollers.

Ms. Nauser asked to be kept informed regarding the negotiations with Services for Independent Living on the pilot project, which would create a way for those with disabilities and others that might not be on the regular bus routes to attend Council Meetings.

Ms. Nauser understood an application for demolition had been submitted for the building in which The Rome had been previously located. The article she read had indicated there was issue with non-conforming aspects of the building in terms of encroachment. She understood they had initially wanted to redevelop and not tear down the building, but they would now have to demolish a historic building due to the encroachment issue. She asked for a staff report regarding the issue and what could be done to work toward remodeling instead of demolishing if that was the desire of the owner.

The meeting adjourned at 03:01 a.m.

Respectfully submitted,

Sheela Amin
City Clerk