

**CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
701 E. BROADWAY, COLUMBIA, MISSOURI
JANUARY 21, 2014**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, January 21, 2014, 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 SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE and MCDAVID were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

Mr. Thomas noted a typographical error during the discussion for Item (B) and asked that “urban subject area” be changed to “urban service area.”

The minutes of the regular meeting of January 6, 2014 with the change requested by Mr. Thomas was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Trapp.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid asked that B5-14 be moved from the consent agenda to old business as requested by staff.

Ms. Nauser requested R13-14 be moved from the consent agenda to new business.

The agenda, including the consent agenda with B5-14 being moved to old business and R13-14 being moved to new business, was approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Nauser.

SPECIAL ITEMS

Recognize the Human Rights Commission for the Missouri Commission on Human Rights Award.

Mayor McDavid asked the members of the City of Columbia Human Rights Commission that were in the audience to join him at the podium, and noted the Commission had been recognized as Missouri’s Local Human Rights Commission of the Year for 2013 by the Missouri Commission on Human Rights. Since it began in 1974, the Commission proactively advocated for the advancement of human rights as a means to improve quality of life for all. The ordinances enforced by the Commission prohibited discrimination against all protected categories covered under State law, and sexual orientation since 1992 and gender identity since 2011. Along with its strong record of investigating allegations, the Human Rights Commission facilitated the early resolution of disputes through a mediation program in partnership with the University of Missouri - School of Law. He listed a few of the efforts made by the Commission to improve human relations in the community, and noted they were always seeking creative ways to reach new audiences with civil rights messaging. He presented the Commission with the award, and noted the devotion of the City of Columbia

Human Rights Commission in the community’s collective responsibility to promote and protect the rights and dignity of all people.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

BOARD OF MECHANICAL EXAMINERS

Unger, Russell, 2001 Longstreet Drive, Ward 2, Term to expire June 17, 2014

BOONE COUNTY COMMUNITY SERVICES ADVISORY COMMISSION

Jones, Mark, 1151 W. Azoros, Ward 5, Term to expire December 31, 2016

BUILDING CONSTRUCTION CODES COMMISSION

Roberts, Chris, 6800 W. Alspaw Road, Boone County, Term to expire August 1, 2014

FINANCE ADVISORY AND AUDIT COMMITTEE

Arnold, Victor, 2405 Stratford Chase Parkway, Ward 6, Term to expire December 31, 2016

MAYOR’S COUNCIL ON PHYSICAL FITNESS AND HEALTH

Mello, Cesar, 1403 Subella Drive, Ward 4, Term to expire November 30, 2016

PLANNING AND ZONING COMMISSION

Burns, Tootie, 117 W. Burnam Road, Ward 5, Term to expire May 31, 2014

RAILROAD ADVISORY BOARD

Moak, Steven, 4199 State Road H, Callaway County, Term to expire July 15, 2017

SUSTAINABLE FARMS AND COMMUNITES INC. BOARD

Millner, Brian, 3107 Woodbine Drive, Ward 5, Term to expire December 31, 2015

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B8-14 Approving revisions to the Albert-Oakland Park Master Plan; authorizing construction of four pickleball courts at the Albert-Oakland Park; calling for bids through the Purchasing Division; transferring funds.

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mr. Skala asked when the sign for Albert-Oakland Park on Blue Ridge Road would be installed. He wondered if it would be part of the budget discussions for next year. Mr. Griggs replied it was already funded, and explained the construction crews were currently working on the Waters-Moss building since the lease for the Stephens Lake Activity Center expired at the end of January. He noted many smaller projects at Albert-Oakland Park had already

been completed and believed the sign Mr. Skala was asking about would be installed this spring.

Mr. Skala asked if there was potential to enlarge the Park with the vacant property on the south side. Mr. Griggs replied he had met with the owner of the eight vacant lots, and he was not willing to sell all of the lots at this time. He noted the property owner knew the City was interested and had indicated he would contact staff if he planned to sell them.

Mayor McDavid opened the public hearing.

Carole Kennedy stated she was representing the Show-Me Pickleball Club and noted pickleball was the fastest growing sport in America. There were many players from surrounding communities, and they spent money in Columbia while they were in town. She pointed out these courts would allow an increase in participation at the Show-Me State Games and Senior Games, and would allow them to host tournaments in Columbia, which would bring out of town guests to Columbia. She thanked the Council for their past support and urged their continued support by making these courts possible.

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

Mr. Trapp thanked the Parks and Recreation staff for their excellent work and stated his appreciation for their willingness to work with the Albert family, who had been kind enough to donate some of the parkland and sell additional parkland for a reasonable price. He also noted his appreciation of staff in terms of moving with trends.

B8-14 was given third reading with the vote recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Construction of sidewalk improvements along the east side of Garth Avenue, between Leslie Lane and Parkade Boulevard, and a crosswalk with a pedestrian activated flashing light and center median island across the north leg of the intersection of Garth Avenue and Parkade Boulevard.

Item A was read by the Clerk.

Mr. Glascock provided a staff report.

Mr. Thomas understood a crosswalk would be built across Phyllis Avenue, but not across Parkade Boulevard on the east side. Mr. Glascock stated that was correct. Mr. Bitterman explained they were bringing the sidewalk out to the existing pavement of Garth and wanted to delineate the jog in the sidewalk and allow pedestrians to walk on the less steep grade.

Mr. Thomas asked if work would be done between Phyllis and Parkade. Mr. Bitterman replied yes. Mr. Thomas understood the sidewalk would be built from Leslie to Phyllis to Parkade, and a crosswalk would be marked across Parkade on the northern leg of the intersection, but there would not be a marked crosswalk on the east leg of the intersection. Mr. Bitterman stated that was correct. Mr. Thomas asked if a stop sign was located there for traffic. Mr. Bitterman replied yes.

Mr. Thomas asked if this would tie to existing sidewalks at both ends. Mr. Bitterman replied he did not believe there was a connection to the north, but it was being taken to the elementary school. Mr. Trapp asked if there would be a gap between where the sidewalk

ended and the new sidewalk the church built. Mr. Bitterman replied he would have to check as he was uncertain.

Mayor McDavid opened the public hearing.

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

Mr. Trapp stated this was a needed project as there were a lot of kids and houses on Newton Drive and the sight lines across Garth were poor. He agreed the project was expensive, but noted it would impact community safety and walkability.

Mr. Thomas agreed with the comments of Mr. Trapp, and stated he hoped it would encourage more kids to walk to school.

Mayor McDavid stated this was a great project, and commented that it was humbling to know they were \$20 million behind in terms of sidewalks in the community. Mr. Thomas thought that was why it was important to routinely build them when a street was constructed as it would allow them to not fall further behind.

Mr. Skala made a motion directing staff to proceed with plans and specifications for this project. The motion was seconded by Mr. Thomas and approved unanimously by voice vote.

(B) Construction of roadway pavement improvements on Clark Lane, between Woodland Springs Court and McKee Street.

Item B was read by the Clerk.

Mr. Glascock provided a staff report.

Mayor McDavid understood some citizens were unhappy a sidewalk was not being constructed now, and asked how much it would cost to build the sidewalk. Mr. Glascock replied he thought one side would cost about \$3 million while the entire road would cost about \$6.2 million. Mayor McDavid understood staff was promising, to the extent it could since MoDOT would be involved, the \$6.2 million widening and sidewalk would be done in a couple of years. Mr. Glascock stated the timing was dependent on funding. They had anticipated a 50/50 cost share with MoDOT, but MoDOT had stopped that program last week for a period of time, so he was unsure if it could happen in a couple of years. He pointed out it would take three years to obtain right-of-way because some property owners would likely not be willing to sell their property, which would require condemnation. Mayor McDavid understood the project would not be completed any quicker if they had the necessary funding. Mr. Glascock stated that was correct. Mayor McDavid asked if the City had \$3 million to fund the sidewalk. Mr. Glascock replied there might be enough in GetAbout funds if they wanted to re-evaluate priorities, but he was not aware of any other funding source.

Mr. Skala understood there would be a bond issue for the citizens to vote on in 2015 in terms of capital improvement projects, and he would push for Clark Lane to be a part of that bond issue. He pointed out this project would not be federally funded in its entirety. The sidewalks would be funded with federal funds, but the rest would have to be funded by the bond issue. He understood some felt this project would be a waste of time and funds because they believed the aprons would need to be torn out. He explained the aprons would be the roadbed for the eventual improvement so money would not be wasted. He noted this had been described as a four lane road for the future, and hoped it would be a three lane

road with a turn lane, a pedway on the north side, and a sidewalk on the south side. He pointed out Clark Lane was a very dangerous road right now, and he believed this was the best approach to get something done next year. He suggested the project include striping, rumble strips, and lighting along the road, and that staff ask MoDOT to reduce the speed limit from 45 mph to 35 mph.

Ms. Nauser agreed this project needed to be done, but understood there was contention with regard to the temporary short-term solution. If the consensus was to wait for the long-term permanent solution of sidewalks, she thought that \$600,000 could be used for other projects, such as Scott Boulevard.

Mr. Thomas suggested this matter be tabled. He explained he supported this project as he understood this was the best they could do in the short-term, and thought they should do everything possible to accelerate funding for the full road project, which included grading and the sidewalks, but also felt there had been a failure of communication as he had not received any communication in favor of this project while he had received a lot of communication from people against it. As a result, he wanted to provide one more opportunity to meet and listen to the suggestions of the affected residents to determine if the City could respond in any way.

Mr. Thomas made a motion to table Item (B) to the February 17, 2014 Council Meeting. The motion was seconded by Ms. Hoppe.

Ms. Hoppe noted there was a suggestion in the packet with regard to placing the temporary pedestrian pathway on only one side of the road, and asked if staff had looked into that suggestion and whether they felt it was an equally valid or safer solution. Mr. Glascock replied it could be reviewed. It was matter of moving the stripe and having a two foot shoulder on one side versus a ten or twelve foot shoulder on the other side.

Mr. Thomas suggested a crosswalk between the Casey's and the trailer park directly across the street, regardless of whether this item was tabled, as it was a popular crossing point. Mr. Glascock stated they would not want to place a crosswalk there without lights as it was dangerous.

Mayor McDavid thought Ms. Hoppe had posed a good question and asked how the Council could move forward, if they decided to move forward. Mr. Glascock suggested the Council direct staff to slide it as far as possible to south so the pedestrian way was on the north side. Mr. Skala asked how this suggestion would resolve the danger on the two foot side. Mayor McDavid replied the pedestrians would have to walk on the other side. Mr. Skala understood they would then have to cross Clark Lane.

Mayor McDavid stated he would vote against tabling this issue because it had already been a long process and Clark Lane needed to be fixed as soon as possible. He asked how quickly the project would begin if it was approved tonight. Mr. Bitterman thought the project would be bid this spring with construction occurring in the summer. They wanted to complete it prior to the start of the new school year.

Ms. Hoppe explained she would like this matter to be tabled so staff could determine how pedestrians could get to the other side if they provided a pathway on only one side of the road. Mr. Glascock stated a crosswalk across Clark Lane was not ideal for the speed and without any signals. He believed it would be dangerous. He also pointed out tabling this to

the February 17 meeting would likely push the completion date back, which meant it might not be completed before the new school year.

Ms. Nauser stated she would vote against tabling this because she felt this had been discussed for many months. In addition, she was not going to second guess a street design when they had a viable temporary solution. She believed people on both sides of Clark Lane needed a safer place to walk. She agreed it was not ideal, but pointed out it was better than what they had now. She noted there were many places throughout the community where people had to walk on shoulders, and provide the older parts of Nifong and Vawter School Road as examples. She felt they either needed to move forward now or use the \$600,000 for other projects. This could then be resolved when they had enough funding to complete the entire project.

Mr. Thomas commented that he believed it was poor government to push something that was supposedly in the interest of a group of citizens when that particular group did not appreciate it was in their best interest.

Mr. Skala stated he represented the Third Ward and noted he received responses in favor of this solution. He understood those advocating against this felt the narrowing of the lanes by one foot and adding five feet to the shoulders on both sides would create a dangerous situation, but he did not understand that argument because narrowing the lanes tended to reduce the speed of traffic.

Ms. Hoppe asked for Mr. Skala's opinion on the walkway being on only one side. Mr. Skala replied he felt it was a bad idea. He stated he trusted the solution of the engineers in terms of providing a pathway on both sides, and if done the right way, he believed it would be a much safer alternative than what they had currently.

The motion made by Mr. Thomas and seconded by Ms. Hoppe to table Item (B) to the February 17, 2014 Council Meeting was defeated by voice vote with only Mr. Thomas and Ms. Hoppe voting in favor of it.

Mayor McDavid opened the public hearing.

Mary Hussmann, 5306 Rice Road, stated she was speaking on behalf of Grass Roots Organizing (GRO) and displayed pictures and images of how people felt on this issue. She commented that in February 2013, GRO and others had intensified their campaign of stressing the need to build sidewalks on both sides of Clark Lane, and had submitted 500 signatures in August and another 500 signatures in October from people on or near Clark Lane. This had been needed for a long time, but the opening of Battle High School had brought more traffic along this stretch. She believed their efforts demonstrated the people of the Third Ward wanted sidewalks to be the priority and wanted the City to find a way to accomplish it, and were disappointed with the City's plan to narrow the road. The road was already too narrow and making shoulders with tar extensions for people to utilize was not what they wanted. She believed this plan was an aberration from the City's long standing policy of building sidewalks when they were proven to be needed and distorted the principle of representative government, which involved listening and working with the "Sidewalks First" proponents. She suggested the City leave the road alone, consider making a left turn lane at Hanover, add a wide grass buffer, and build disabled accessible, attractive, smooth concrete sidewalks on both sides of the road beyond the buffer.

Victor Chapman, 4201 Clark Lane, stated he resided at the Stonegate Mobile Home Park and asked the Council to not approve the proposed plan. He noted he had been trying to get sidewalks along Clark Lane since seeing two women and children almost being hit. He felt the proposed solution was wrong, even if it was a temporary solution, because he did not believe it was not right to put residents in danger by continuing to make them walk next to traffic. The proposal would likely cause more people to walk and bike along the road putting more people in danger. He believed the Council was obligated to listen to those affected and asked the Council to direct staff to develop a proposal that would construct sidewalks along Clark Lane in 2014.

Bryan Mayhan, 1311 Robert Ray Drive, explained he and his children had been increasingly riding the 102 East bus route for the last twelve years and understood the route would change significantly for Clark Lane. Instead of walking 280 feet to the bus stop, they would be required to walk 1,600 feet to the Ballenger/Clark Lane traffic circle, and the next closest stop would be Hanover Boulevard, which was over half of a mile away. In addition, they would have to walk along 800 feet of constricted, high-volume, high-speed traffic. He commented that this was the poorest neighborhood outside of Ward 1, and the City would only build shoulders, and not construct sidewalks along Clark Lane, between McKee and the business centers to the west. He understood the Council just approved a second sidewalk, center median islands and pedestrian safety activated lights on Garth because the existing sidewalk was not safe enough, while Clark Lane still did not have any sidewalks. The City's traffic count indicated State Highway PP had 11,462 cars per day in 2006, while the count at Garth and Craig was only 5,259 cars per day. He commented that if he had to choose, he would prefer a narrower shoulder on the south side and a wider path on the north side. He noted he really wanted the entire project to be done at once as best as possible because it needed to be done. He thought they had been lucky that no one had been killed walking along there thus far.

Diane McAlpin, 1300 Dawn Ridge Road, commented that the narrowing of the lanes with wider asphalt shoulders for pedestrians was not what the people of the Third Ward wanted, and they felt this interim proposal would effectively waste much of the \$600,000. Pedestrians would feel walking and biking on the modified roadway would be more hazardous as traffic continually increased on Clark Lane while the traffic lanes would be narrower. She pointed out fire trucks traveled the road 7-8 times per day at 55 mph, and felt there would be more traffic accidents if the lanes were narrowed, which had economic costs. She thought the lanes were already too narrow and noted the City's Phase 2 plans called for widening the lanes. As a result, she wondered why they would waste taxpayer money to make them narrower. The current proposal indicated sidewalks and a wider, safer road could be expected later, and that the start of Phase 2 was estimated to be 2-10 years from now because the money for Phase 2 would depend on the approval of a sales tax increase by the voters in 2015 along with other funding. At this point, Phase 2 was merely a pipedream based on several factors and was not guaranteed. As a result, they could be stuck with this temporary fix for a very long time. She felt this was unacceptable and did not believe money should be spent on anything other than sidewalks. She commented that Clark Lane had seen increased usage annually due to development and the growing population, and this

issue of sidewalks had been ignored by Council for at least fifteen years. She asked the Council to vote against the current proposal as she felt it was an expensive proposal that would increase the danger to pedestrians and drivers.

Roger Dye, 1600 Hanover Boulevard, #6C, commented that he did not drive and was glad there were sidewalks around the area he lived, but there were no sidewalks on Clark Lane, so there was no way to safely walk to the stores or east or west of Hanover. He understood one of the major visions for Columbia was to have a pedestrian-friendly environment that encouraged walking and biking, and felt that was a good goal which should apply to all areas of the City. If the Council voted to narrow Clark Lane by one foot on each side and expand the width of the shoulders, it would make it less safe for drivers and pedestrians. He stated he would feel insecure on shoulder as he was disabled and not very steady on his feet, especially if the walkway was uneven, slick or dark. He commented that he would feel protected on sidewalks with a protective grass buffer. He asked the Council to fund sidewalks along Clark Lane for 2014.

Kate Shannon, 4823 Clark Lane, stated she moved to the Clark Lane area about six months ago and realized then how bad it was for drivers and pedestrians. It was obvious Clark Lane was not originally built for increased business traffic, homes, apartment complexes, the recent high school, and the soon-to-be constructed elementary school. The Woodland Springs to McKee section of Clark Lane was clear evidence the City had not responded to what was needed for the number of disabled, elderly and working low-income families living along and near this road. She did not believe the problem of driver and pedestrian traffic would be solved by narrowing the road lanes and broadening the road with an asphalt shoulder pathway. She understood there were long-term residents of this area that had been waiting for sidewalks for nearly 20 years. She commented that this area of Clark Lane was not safe, and this proposal would not make it safe. She also believed the City needed to consider liability issues. She asked the Council to direct staff to move as swiftly as possible to develop a plan to use current funding to build safe, attractive, disabled accessible, concrete sidewalks with a grass buffer between the sidewalks and the highway. She asked those in the audience that supported the request for "Sidewalks First" to stand, and about 15 people stood.

Scott Butler explained he managed Fox Run Properties and understood this project was a band-aid, and given the state of funding, he believed it was a good project. He encouraged the Public Works staff to engage transit about potential funding for lighted bus stops and bus turnouts, and to engage other agencies to determine how to add more safety features given the scope of the proposed project.

Rachel Kaye, 1500 Hickam Drive, stated she had recently been in a car accident and believed Clark Lane was too narrow. She could no longer drive and had to rely on others and the bus. In order to get to the corner of Hickam or to the bus stop, she had to cross traffic without a crosswalk. She had to pay attention to the traffic and noted it was difficult since there was a blind spot at the location. She did not feel the road needed to be narrowed as it was already too narrow and dangerous. She suggested the \$600,000 be used for a crosswalk and a traffic signal instead so they could get from one side of the road to the other safely.

Ben Jacob, Fifth Ward, commented that he was glad to hear the City could move money around and decide whether or not to fund particular projects. He suggested the Council not adopt R13-14, which would authorize an agreement for engineering services for the runway and taxiway at the Columbia Regional Airport, unless the lives of clients of the airport would be in danger. He thought pedestrians should be taken care of before those flying.

Joan Wilcox, 13181 Old Highway 63 North, Hallsville, stated she believed they all wanted safety for Clark Lane pedestrians and motorists, but there was a sincere and stark method difference between the City and some in the public. She commented that she helped collect signatures, and the people in the area had indicated sidewalks had been needed for a long time and that they did not know why sidewalks could not be constructed there when there were many sidewalks to no where all over town. She explained some of those sidewalks to no where were being displayed as she spoke, and they were sidewalks with grass buffers that were handicap accessible. She understood sidewalks were constructed first and then the properties were developed, and that this was necessary, but because there were so many new hiking and biking trails and sports fields being constructed, the belief of those along Clark Lane was that the City did not care about them. She asked the Council to reconsider its position on this issue in terms of community social justice as over thirteen years was too long to wait for the needed buffered sidewalks.

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

Mr. Skala stated he had lived in the Clark Lane area for more than 34 years, and pointed out Clark Lane had always been hazardous, but had become incredibly hazardous over the past 8-10 years. Currently, people walked in a ditch next to high-speed traffic, and this would continue if the City did nothing. He explained they were not suggesting the narrowing of the road. They were suggesting widening the road by 10 feet, which would involve five feet on each side. The narrowing of the lane would reduce the speed of traffic due to the psychological response to a narrower driving lane. There would be plenty of space for fire trucks, etc. The proposed project would provide an apron on both sides for emergency vehicles, pedestrians, wheelchairs, etc., and it would be double striped and likely have rumble strips. They would also try to install some lights in the area. He understood the Disabilities Commission had voluntarily endorsed this project and had planned to donate 50 fluorescent vests for people walking along the side of road. He pointed out it was not a matter of whether they would improve this road. It was a matter of when they would improve the road, and it was currently scheduled to happen in 2016 or 2017 depending on the CIP Plan funding and other factors. He noted he would prefer to do something to make this road safer this summer, and there was no alternative because they did not have \$3 million to build the sidewalk. Even if they had federal money, the federal government would not allow them to build the sidewalk since it would have to be torn up when the eventual road improvements were made. He stated the speed limit was determined by MoDOT and the City had requested a decrease. He believed the entire road should be 35 mph and felt lighting needed to be installed. He commented that he believed it was incumbent on him to vote for public safety even if some did not like the proposed plan because walking in a ditch next to high traffic was incredibly dangerous. He stated he would vote to widen the road so they had

something in place for 2014, and so they could have a complete road with a pedway on one side and a sidewalk with a grass buffer on the other side in the future.

Mayor McDavid understood it was not the consensus of those in Third Ward to do nothing. Mr. Skala replied he believed it was the consensus of many people who had gotten attention from the press to do nothing, but he had heard from many other constituents indicating this proposal seemed to be a reasonable alternative given the City did not have the funds to complete the entire road project next year.

Mr. Trapp explained this proposal would widen the road and narrow the travel lanes for cars, and it was an engineering fact that people drove slower on narrower lanes. He pointed out there were not any pleasure walkers on Clark Lane, and those walking along there were forced to by necessity. He felt the idea the shoulders would create a false sense of security and lure people to walk on the road was ridiculous. He stated he had walked along roads similar to Clark Lane all over the United States as he was an active walker, and noted shoulders were better than no shoulders along the road. He commented that this was the best they could do this year, and the widening of the roadbed would not be wasteful because it would be used for the further widening of the road in the future. In addition, he was dubious of providing a wider shoulder on one side of the road due to the issue of crossing the road. He believed there was support for the current proposal and that it would tangibly move them toward increased safety.

Mr. Thomas stated he walked on Forum Boulevard, which was similar to what Clark Lane would be like after the project was completed as it had a shoulder with a white line separating him from traffic, and noted he felt reasonably safe, although he tried not to walk along it at night. He explained he was a firm believer that the narrow lanes would slow traffic down, especially if rumble strips were placed along the line. He liked the idea of marking the shoulder with a pair of white lines and hoped high visibility warning signs could be installed indicating pedestrians were in the area. He also hoped the speed limit could be reduced to 35 mph and that a crosswalk could be constructed where people really needed to cross. He stated they also needed to ensure the complete project was a top priority when the capital improvement tax was renewed.

Ms. Hoppe commented that Clark Lane was a road that desperately needed sidewalks as soon as possible, and noted it would be a top priority for her to ensure funding. She stated she was interested in determining if any funds for projects in the pipeline could be diverted to this project. She agreed some safety improvement needed to be made now, and the proposed plan with rumble strips, signage, lighting and reduced speeds was a way that could be accomplished.

Ms. Nauser stated she did not recall such a large group of people being against a project similar to this, and although it was not the perfect solution, it was much better than what existed there now. She commented that they did not have the money for the entire \$3 million or \$6 million, so they would have to wait for the next capital improvement tax to be passed to fund some of these projects. She noted she would fully support the project when it came forward to go to the voters. In this situation, she felt she would be voting on something no one wanted, and pointed out there were projects the money could be used for in her

Ward. She was surprised the people would not want some solution and pointed out Clark Lane would be widened.

Mr. Skala reiterated this was an interim solution and promised a complete road with a pedway, a sidewalk with grass buffers on both sides, and curbs and gutters in the future. He commented that the rest of Clark Lane, between Highway 63 and Paris Road, and Ballenger Road were next on his list as those areas were also very dangerous.

Mr. Skala made a motion directing staff to proceed with the plans and specifications for this project. The motion was seconded by Mr. Schmidt and approved by voice vote with only Ms. Nauser voting against it.

(C) Consider an amendment to the FY 2014 Annual Action Plan as it relates to HOME Community Housing Development Organization (CHDO) set-aside funding.

Item C was read by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid asked for clarification regarding whether a public hearing needed to be held. Mr. Teddy replied a public hearing did not need to be held tonight. A resolution setting the public hearing was on tonight's agenda to now hold the public hearing at the February 17, 2014 Council Meeting. He reiterated no hearing or action was required tonight.

OLD BUSINESS

B362-13 Approving the Final Plat of Hoeper Subdivision Plat 2 located on the south side of Walnut Street, east of Stephens Lake Park; authorizing a performance contract.

The bill was given third reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid commented that the Council had received correspondence from the neighbors indicating they did not want R-3 development at this location, and wondered if the Council was being asked to approve any development tonight. Mr. Teddy replied no, and explained there was not a building permit or plan for the Council to review. Mayor McDavid asked what the Council was being asked to do tonight. Ms. Thompson replied the Council was being asked to approve a plat, and plats were ministerial acts by the City Council. Mayor McDavid asked for clarification regarding what a plat meant. Ms. Thompson replied it was a subdivision of land. It was not zoning. She understood the R-3 zoning had been on this property since the 1960's. Mayor McDavid understood a plat was basically a map of the parcel. Ms. Thompson stated that was correct. Mayor McDavid asked what happened if the Council did not approve this plat. Ms. Thompson replied the applicant could seek judicial remedy. She explained the Council did not have any discretion as long as the plat was compliant. Mayor McDavid understood this plat complied from a legal standpoint. Ms. Thompson stated that was correct. Mayor McDavid understood this was an administrative action from a legal standpoint. Ms. Thompson explained some types of actions by City Council were more discretionary or legislative under the planning and zoning laws, such as zoning, development site plan review, etc. than plats. Mayor McDavid commented that he wanted to be clear regarding what they were expected to do, and understood the approval of this plat was a legal requirement. Ms. Thompson explained the requirements for a plat were set in the City Code, and once the plat met all of the requirements, which included the layout

of the street, setbacks, etc., the act of Council was a ministerial act. Mayor McDavid understood the Council needed to approve this plat or risk litigation.

Mr. Skala commented that he believed there was discretion dependent upon whether a preliminary plat was filed. He understood the City did not have any record of the original preliminary plat, and thought they needed to know what had been included in the preliminary plat instead of making an educated guess as to what it might have entailed. He wondered if a preliminary plat had ever been filed, and felt there was some discretion when it came to public safety and access management issues. He noted another issue was that there was less control once this was platted from over six acres to two separate lots of less than six acres each. He stated he was uncomfortable since they did not have a written legal opinion with regard to the conditions of the preliminary plat that the City had to abide by and with regard to whether the platting of the lot into two lots would trigger less control given the concerns of the neighborhood. He understood there would be some difficulty if they tabled this matter to get a legal opinion and retrieve the preliminary plat since there was a time frame under which they had to discuss the issue. Mr. Teddy commented that he was not sure there was a preliminary plat and noted he would be surprised if there was one, since the current legal description was a survey. He stated it might have been a part of a larger ownership at one time that had a preliminary plat before it was divided by survey. Mr. Skala thought that suggested the Council had a little more discretion.

Ms. Nauser asked for clarification regarding the document in their packet dated in 1986 and referring to the Hoeper Subdivision. Mr. Skala replied he did not know specifics, but understood it was zoned in 1964.

Mayor McDavid asked for direction on this legal issue as described by Mr. Skala. Ms. Thompson replied if there had been a preliminary plat and rights were granted with the preliminary plat, any discretion they might have had would be narrowed by the preliminary plat. She noted she was not hearing there was any issue that was discretionary with regard to this particular plat, so she was not certain they had any additional discretion on this plat than they would have in a preliminary plat situation as long as statutory guidelines were met.

Mr. Trapp asked if there was a time limit by which Council had to approve the plat. Ms. Thompson replied yes, and explained it was 45 days. Mayor McDavid asked how long it had been. Mr. Teddy replied the Council first considered this on December 16, 2014 or December 2, 2014. Mayor McDavid asked if the 45 days started on December 2, 2014. Mr. Teddy replied the ordinance was not specific.

Mr. Skala made a motion to table B362-13 to the February 3, 2014 Council Meeting. The motion was seconded by Mr. Schmidt.

Mayor McDavid commented that he thought the Council wanted to know how much discretion they had and whether this was a non-discretionary administrative action.

Mr. Matthes asked if the deadline came with an automatic approval if a decision was not made in 45 days. Ms. Thompson replied yes. Mr. Matthes explained if Council did not act, the plat was automatically approved. Mr. Skala understood the City was not sure of when the clock started. Ms. Thompson explained that even if they determined it started on December 16, 2014 and they tabled it for two weeks, they would be past the 45 day deadline.

Mr. Teddy commented that a plat could be disapproved if the Council thought City staff was wrong and a requirement had not been met. Mr. Skala explained his position was that public safety was not being met. Mr. Teddy noted there was some vagueness. It was 100 units in R-1, fifty lots that would support two-unit buildings in R-2, and a density that would allow 100 units in a PUD. He thought when the subdivision code was amended for the PUD, they missed the opportunity to clarify it in R-3. He believed the six acres was chosen because the maximum possible density in R-3 for six acres was approximately 100 units.

Mayor McDavid stated he believed the point of Mr. Skala was that if this was over six acres, two accesses would be required, but if it was less than six acres only one access would be required. This plat would change it from one lot at 6.7 acres to two lots that were each less than six acres.

Ms. Thompson clarified a plat was a drawing on a piece of paper of lot lines that set forth all of the legal requirements for the purposes of future development of land, and the specific, technical requirements to be included in a plat were set forth in the Columbia City Code. As long as the plat met those specific requirements, the plat should be approved. It was not a health, safety and welfare issue as it related to the drawing, but the Council could impose regulations in subdivision ordinances to protect health, safety and welfare, such as required setbacks, etc. The Community Development staff felt the plat met those technical requirements. The section of the Code involving the maximum number of lots, which Mr. Teddy discussed, was less than clear. If the Council wanted to ensure it did not exceed 100 dwelling units, which was the purpose of Section 25-54.1 of the Code, the ordinance could be amended to ensure a maximum of 100 dwelling units could be constructed in connection with this particular development. Mr. Skala stated he felt the amendment was a good idea, but noted he was uncomfortable proceeding with this plat without sufficient information as it would no longer reference the two accesses. If the matter could not be tabled, he would vote against it.

Mr. Schmidt explained he would prefer to table this issue, but if they could not, he would prefer to let the time lapse instead of casting a vote.

Ms. Thompson commented that this item could be tabled without the penalty of automatic approval if the applicant consented.

Ms. Hoppe understood Ms. Thompson had indicated the Council was compelled to approve the plat, which would reduce the area from six acres to roughly three acres and require only one access instead of two accesses even though that was a safety issue because the same number of units would be allowed. She thought they had discretion if there was a safety issue. Ms. Thompson commented that if that was the action Council took, staff would defend it if challenged. Ms. Hoppe understood the Council could make an argument to deny the action, which would keep the lot at six acres, for safety purposes.

Dan Brush, 506 Nichols Street, stated he was with Brush & Associates and was the surveyor and engineer on this project. He explained this ground did not have six acres of developable property. They might be able to fit 20-30 units on it. Three of the six acres was a stream buffer and one-half of an acre was in the floodway. This left about 2.5 acres of buildable area, and that acreage had to fit a parking lot, the units, and stormwater and other requirements. He pointed out this was a minor subdivision plat and did not require a

preliminary plat, which was the reason it went to the Planning and Zoning Commission and the City Council for review and approval.

Mr. Skala asked why some of the opinions he reviewed suggested the Council had more latitude on a final plat that did not have a preliminary plat than one that had a preliminary plat. Mr. Brush replied he was not sure as he did not write legal opinions, and only followed the regulations laid out. Those regulations indicated a minor subdivision plat had to go through the Planning and Zoning Commission. If he had already taken a preliminary plat through and was only doing a final plat, the item would not have to go to the Planning and Zoning Commission. It could go straight to the Council because all of the questions would have been addressed already with the preliminary plat at the Planning and Zoning Commission and Council levels. If he had proposed additional improvements, such as streets, he would be required to follow the rules of a major plat, which included the need for a preliminary plat.

Lindsey Smith, 2603 E. Walnut, stated she was speaking on behalf of the East Walnut Street Neighborhood Association and explained she had hoped this issue could be tabled until they had a written legal opinion on the interpretation of Section 25-54.1 as it applied to R-3 zoned property. They preferred the Council vote on the issue instead of tabling it as that would allow it to be automatically approved. She commented that the Neighborhood Association did not believe the applicant had met all of the requirements to create a legal plat, namely satisfying the access points to through streets irregardless of the number of units proposed. She believed the plat did not comply with letter and intent of the ordinance, and did not feel laws could be applied on a case by case basis for a community the size of Columbia. The ordinance had been written to promote traffic dispersal and public safety, and should be applied as written and that was not possible on East Walnut. She understood ordinances, written by and agreed upon by the City Council, must be enforced as written, and that processes existed for exceptions, such as an appeal to the Board of Adjustment. Staff had indicated East Walnut was exceptional because all of the development along it did not comply with this ordinance, but all of that development occurred up to the 1970s and this ordinance was enacted in 1993 and revised in 1995. The intent of the ordinance was to promote traffic dispersal as the center of the City became more densely populated. She agreed ordinances could not be applied retroactively, but the point of enacting new ordinances was to address density and traffic issues that threatened the safety of citizens in already overbuilt areas. She felt the assertion of staff that no practical alternative existed and Section 25-54.1 as it applied to R-3 property must therefore go unenforced was disingenuous. She commented that East Walnut did not have the street infrastructure to support a dense R-3 development at its most eastern end. She stated they wanted to see legal precedence supporting the decision of the City, but since that would entail automatic approval, they would ask the Council to vote on the matter.

Michael Makarewicz, 2109 E. Walnut, explained he had lived in this location for 32 years and wanted to make the Council aware of what increased traffic did to a neighborhood. There were times when the Reichmann Pavilion was used and traffic backed up half of a mile from Old 63. The City had abandoned its lease of the Stephens Lake Activity Center building, and he wondered what would take its place and the amount of traffic it would

involve. He pointed out any additional traffic from a new development would create more problems, and widening the road would not solve the problem because there was still only one way out. In addition, widening it would only increase the speed of traffic and create a need for traffic calming, which would cost money. He asked the Council to keep in mind the people that lived on East Walnut, and any development or changes to East Walnut impacted the safety and livability of those residing there.

Sarah Smith, 1619 University Avenue, explained she previously lived on East Walnut on a property across from the subject site and on Calvin, which was off of East Walnut, and noted East Walnut was a long dead-end street. While living there, a school bus slid sideways when it was icy and completely blocked East Walnut for about three hours due to school procedures, towing, etc. She noted they had tried to find out who had the key to the back gate of East Walnut to Walmart, but never did. As a result, she felt adding more traffic to the street would compound this existing problem.

John Clark, 403 N. Ninth Street, commented that he believed the Council was in this situation because staff made an error by stating the plat was in compliance as they did not have the grounds to make that statement without a legal opinion from the City Counselor. He felt City staff should have denied the plat as it could have been appealed to the Board of Adjustment, at which point legal analyses could have been provided. He felt a legal analysis should have been done regarding the Council's responsibility since this was the only time it had been to Council for review. A minor subdivision only required a concept review prior to the final plat, but a major subdivision would have allowed for a prior review. He questioned whether the Council's role was purely ministerial for a final plat for a minor subdivision as he did not believe the Missouri courts had determined this as they had done with a final plat for a major subdivision. He recommended the Council ask the applicant to grant a 45 day extension in order to obtain a memorandum of fact and legal opinion. If the applicant was unwilling to grant the exception, he felt the Council should reject the plat and allow the applicant to take the issue to court.

Ms. Hoppe suggested a special council meeting be held for this matter in order to allow time to obtain the necessary information to make a decision prior to the 45 day deadline.

Ms. Nauser asked why the property owner needed approval of this plat. She wondered why he could not place 20 units on the property now. Mr. Teddy replied a building permit could not be issued without a legal plat so it had to be platted. He also pointed out the venue for a subdivision variance was the Planning and Zoning Commission, not the Board of Adjustment, and the error made was to not acknowledge the six acre rule when it went in front of the Planning and Zoning Commission as the applicant could have argued hardship.

Mr. Schmidt commented that he was concerned that the 45 day time frame had not been brought to the attention of Council when it was tabled on December 16, 2013 as they might not have tabled it for the same length of time. Ms. Thompson explained she had not recognized the time limit existed in the City Code until they reviewed some of the issues with regard to the plat.

Mr. Schmidt suggested a special meeting be held. Mr. Skala felt that would be a reasonable compromise if they could obtain the needed information by then.

Mr. Trapp commented that he felt Ms. Thompson had provided them with a legal opinion, but it was not what they wanted. He thought they needed to act with the facts on the ground as they had a moral obligation to operate under the laws. As a result, he stated he would vote against the motion to table this issue. The Council, through history, had determined the rules and this was an arbitration of fair play, and it did not appear there was any evidence indicating the plat was not drawn up per the rules. He noted they could try to fit this into the box they preferred based on other considerations, but did not feel that was the right approach. They could delay it, but that would result in approval, or they could go to court for court approval. He commented that these meetings required resources and were expensive, and felt they had to show some discipline, discretion and focus in order to advance people's agenda in a reasonable way with a reasonable amount of expense. He recalled one project having a nine percent increase in engineering costs due to the additional public hearings held, and noted he would personally like to have nine percent more sidewalks, etc. He felt they should be thoughtful and law abiding, and could look to change the rules if they wanted down the road, but believed the law was clear in this situation.

Mayor McDavid stated he agreed with Mr. Trapp, and on the advice of the City Counselor, he planned to vote against tabling this matter and would vote to approve the plat. He felt doing otherwise would be arbitrary and capricious.

Mr. Skala stated he disagreed with Mr. Trapp and Mayor McDavid. He agreed there was some expense to this, but there was an expense to both the applicant and the neighborhood. He also disagreed with the thought that they already had an answer. He felt they were still missing some information. He commented that he would be happy to withdraw the tabling as well as he did not want the plat to be automatically approved, and would be satisfied with a special meeting so they could obtain more information.

Mr. Thomas suggested asking the applicant if he would grant more time. Mr. Skala agreed that should be done. Mr. Thomas understood the applicant, who was in the audience, stated he would not be willing to grant an extension.

The motion made by Mr. Skala and seconded by Mr. Schmidt to table B362-13 to the February 3, 2014 Council Meeting was defeated unanimously by voice vote.

Ms. Hoppe made a motion to table B362-13 to the January 29, 2014 Special Council Meeting. The motion was seconded by Mr. Skala.

Mr. Thomas thought there was uncertainty as to when the 45 day period began.

Ms. Nauser understood staff felt the plat met the subdivision requirements, but others were concerned about safety. Mr. Thomas stated he was not sure that was true since the lot did not have two driveways. Mr. Matthes commented that the facts of this subdivision did not neatly fit into the ordinance, and in staff's view, there was not a basis to deny the plat. He pointed out the Council could disagree.

Ms. Hoppe pointed out she had met with the City Manager and staff on another issue involving a difference of opinion in the interpretation of an ordinance, and that had been validated, so she felt Council had to acknowledge staff could make a judgment call on issues such as this that might not be accurate. This was why she thought they needed a legal opinion.

Ms. Nauser commented that if they determined access was an issue and denied the plat, there was nothing the applicant could do to correct it since Walnut was not a through street, and as a result, they would essentially make the property useless. Ms. Thompson stated the only thing that could be done was to put Walnut through to the Lowe's property or subdivision. Ms. Nauser felt that would be a form of taking.

Mr. Skala stated he disagreed as he viewed Walnut as a through street. In addition, if the property was reduced to less than six acres, there would not be a requirement for two access points. He did not believe they were preventing the applicant from developing the property because he still had R-3 zoning.

Mr. Thomas asked for clarification on the legal advice they would expect to receive prior to the January 29, 2014 Special Council Meeting. Mr. Skala replied he expected a legal opinion on the access issue, the interpretation of the through street and whether subdividing the lot into two lots would reduce the access requirement.

Mr. Thomas asked if putting two driveways parallel to each other on East Walnut would satisfy the requirement if it was determined the developer was required to provide two points of access. If it would, he was not sure there was much of a reason to hold the special meeting. Mr. Matthes understood the ordinance stated streets which dead-end or stub into property adjacent to this shall not count as a second access. He read that to mean it would not count as a first or second access. Mr. Skala pointed out he did not feel it was a dead-end or stub street if it had emergency access. Ms. Thompson explained she understood the staff analysis included what they felt was the overall meaning of that particular section of the Code, which was for two points of access to apply to a development that would have more than 100 dwelling units for safety purposes.

The motion made by Ms. Hoppe and seconded by Mr. Skala to table B362-13 to the January 29, 2014 Special Council Meeting was defeated by voice vote with only Mr. Schmidt, Mr. Skala and Ms. Hoppe voting in favor of it.

Mr. Thomas commented that he hoped the development would proceed in a way it was as compatible with the surrounding area and the Comprehensive Plan as it could be, if the plat was approved. He suggested developers charge residents that parked vehicles on the property as it was a way to reduce traffic. He pointed out this area was well-connected for bicycling and taking the bus as well.

Mr. Thomas made a motion to amend B362-13 by adding a section that indicated this subdivision would be limited to less than 100 dwelling units as required by Section 25-54.1 of the Code of Ordinances. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

The vote on B362-13, as amended, was recorded as follows: VOTING YES: TRAPP, THOMAS, NAUSER, MCDAVID. VOTING NO: SCHMIDT, SKALA, HOPPE. Bill declared enacted, reading as follows:

B372-13 Rezoning property located northeast of the Stadium Boulevard, Cinnamon Hill Lane and Maguire Boulevard intersection (1202 Cinnamon Hill Lane) from A-1 to PUD-9; approving the Statement of Intent with conditions; approving The Avenue at Columbia Preliminary Plat and PUD Plan.

The bill was given third reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe understood the Planning and Zoning Commission recommended the reduction in height from 45 feet to 37 feet and that Mr. Teddy had indicated the revised statement of intent had 37 feet, but the statement of intent she had dated January 21, 2014 indicated a height of 38 feet. Mr. Teddy replied he was reading from the statement of intent dated December 6, 2013, which showed 37 feet. Ms. Hoppe thought the developer could clarify that issue. Mr. Teddy agreed it would need to be addressed before the Council acted on this legislation.

Ms. Hoppe understood the Planning and Zoning Commission had also recommended Timberhill remain closed unless the affected neighborhood associations would ask for it to remain open, and asked if that had been added to the statement of intent. Mr. Teddy replied the Plan indicated it was a private roadway the owners would control and there was a sentence at the end of the statement of intent which indicated the restrictions and obligations as to Timberhill Road were shown on and described in the PUD Plan. He pointed out staff could not offer assurances that the situation would never change, and noted the traffic study indicated there would be more trips coming from the north to the interchange if it were opened to traffic. He stated staff was comfortable with it being a gated access for emergency use only.

Ms. Nauser asked why the developer would be required to construct a street with sidewalks that would not go anywhere as she thought it should only be wide enough for emergency vehicles and did not feel that roadway would be extended in her lifetime. If circumstances changed in 20 years, the City could then put in the necessary roadway as long as the easements for the full street rights-of-way were platted. This would likely calm the fears of residents since the City would have to find the funding to extend the road in that situation. She asked if staff would be comfortable with the street only being wide enough for one vehicle access instead of two-way traffic. Mr. Teddy replied staff would recommend a fuller improvement for long-range planning purposes, but Council could reduce the standard if they believed it would never be interconnected.

Ms. Hoppe asked how many homes could be put on this property if approved for R-1 use. Mr. Teddy replied he would estimate 100 assuming there was a full street system which would require a lot of land. Apartment complexes did not have a lot of streets, but single-family lots had to front on a street. He noted he thought 120 homes would be pushing the limit, but might be possible. He pointed out tree preservation would apply and stormwater facilities would be required, so that would remove some of the density.

Mr. Skala asked if the conversion from units to the number of beds was around 900 beds. Mr. Teddy replied he thought it was 899 beds.

Robert Hollis, an attorney with offices at 1103 E. Broadway, provided a handout and stated he was representing the Park 7 Group. The access point was not the idea of the applicant and would not be used by the residents of this facility. They were agreeable to no access or to the gate as the access would then not be functional. They were also agreeable to an alternative that was satisfactory to the Council, such as a narrower roadway, and for long range planning, they could plat the right-of-way as shown. In terms of the building

height, he explained they realized today the building height would be 37 feet and 8 inches instead of 37 feet, and understood the plans would need to be revised.

Ms. Thompson asked if they had new plans to submit that were in conformance with the new statement of intent. Mr. Hollis replied no.

Mr. Hollis stated they would like the rezoning request and plan that had been submitted to be approved subject to the conditions placed on the new statement of intent. Those conditions were based on discussions with the Council, the requests of the neighborhood associations and the fact the engineers had found it possible to move the buildings. He explained the four buildings along the north portion of the property would be moved to the south portion of the property. This would allow for a better transition as the site would be denser in the south and less dense to the north, and the proposed buffer would be more than 100 feet. He noted another condition involved transit. The applicant would commit to purchasing transit services provided by the City and would fund the transit services for \$75,000 over a three year period regardless of the number of buses provided. He pointed out the neighborhood associations had provided twelve conditions as well, and they could technically not meet all twelve of those conditions. He understood Ms. Hoppe had asked why the consent of the neighborhood associations was not part of the statement of intent with regard to opening the road, and explained that was beyond their control as it was a City decision. He noted that if the City decided the road needed to be open, and that condition was in the statement of intent, they would be in default.

Ms. Hoppe stated she thought staff had indicated this could be changed if the Council desired. Mr. Hollis explained it could, but the developer could not be bound.

Mr. Skala understood there was agreement to all of the twelve issues set forth by the neighborhood associations except for one, which involved the berm. Mr. Hollis commented that the twelve conditions as described at the Planning and Zoning Commission meeting had been met to the extent possible. He noted there might be an argument in terms of how far the buildings were away from the northern property line.

Ms. Nauser understood the developer and subsequent development would be responsible for securing the perimeter. She asked about the irrigated berm. Mr. Hollis replied the applicant and the neighbors agreed the berm was a bad idea as it would be detrimental since trees would be removed and because there was now additional space. Ms. Nauser understood the lighting would be directed downward and inward, and construction hours would follow City requirements. She asked about the condition of facilitating the connection of fiber optic service. Mr. Hollis replied it had basically been accomplished although the physical work had not been completed.

Mr. Thomas asked for clarification regarding the transit arrangement. Mr. Hollis replied it was an agreement, but at this time, they could not define the exact details of the agreement because the transit system was not at that location yet. He explained to the extent service was provided by the City that would replace the service the applicant would provide, the applicant would have to purchase it from the City as long as the cost was reasonable, which they defined as the market rate. The seriousness of the commitment was shown by the monetary amount placed behind it. He commented that Mr. Levine of the Park 7 Group was concerned about having to accept transit service from the City because if it

would affect marketability if those services were not adequate. As a result, they would provide their own transit system, and to the extent the City could provide a transit system that would remove it, they would be obligated to pay for those services to the City for transit.

Mr. Thomas understood if the City was able to provide a somewhat equivalent service to what the developer was already planning to provide privately, a semester bus pass would be purchased for each resident at the market rate. Mr. Hollis stated that was correct.

Ms. Hoppe understood the statement of intent indicated that such services were to be provided at a level of service that met or exceeded the applicant's level of service standards, and asked what that meant. She noted the statement of intent also referred to the utilization of the service by student-tenants, and asked if that meant the applicant would not be obliged to pay the City if the students did not use the service. Mr. Hollis replied no. He explained it was supposed to be an example of an acceptable level of service, and if that was a troublesome phrase, it could be removed or altered. It was not that the students would actually choose to use the transit system that was in place. It was that the transit system was made available and on par with what would be provided by the Park 7 Group. He thought the level of service would be clear since the service would be provided by the Park 7 Group in lieu of the City providing those services.

Mr. Skala stated he was interested in the on- and off-site infrastructure improvements associated with this large scale development. He understood the applicant would construct the streets and there would be sewage connections fees, etc., and asked for an estimate of those infrastructure contributions. Mr. Hollis replied he did not remember the numbers. Mr. Thomas explained the e-mail he received from Mr. Hollis indicated \$850,000 in fees and \$550,000 in public improvements, and had property tax and salary estimates for a total of \$2.4 million. Mr. Skala commented that he had voted against The Links development when he was on the Planning and Zoning Commission because he did not feel they had made a large enough contribution to the infrastructure as the public had to pay for about 80 percent of the Clark Lane improvements near the development, and he was thinking about that development as he considered his vote on this development.

Ms. Hoppe commented that there was a serious safety problem at the intersection of Audubon and Stadium at this time as the light was not long enough during busy times requiring school buses and other vehicles to turn left when it was dangerous, and understood the statement of intent indicated the applicant would pay for intersection improvements two years after the certificate of occupancy was issued if MoDOT was agreeable to the improvement. She understood this meant they would have to deal with over 1,000 additional cars, which would add to the safety issues, for at least two years after the certificate of occupancy was issued. She wondered why the improvement was not required immediate to the issuance of the certificate of occupancy. Mr. Hollis explained the idea was that if MoDOT made a decision the improvements were acceptable within two years after the certificate of occupancy was issued, the applicant would have to make the improvements. He thought it was meant to be a more onerous obligation. Ms. Hoppe suggested the wording be changed so it was clearer.

Mr. Matthes pointed out staff had not seen the revised statement of intent prior to tonight, and stated it did not have the strength of a development agreement or contract.

Mayor McDavid asked what Mr. Matthes would suggest. Mr. Matthes replied he would suggest this be continued to allow staff the opportunity to review it.

Mr. Hollis explained the previous statement of intent was changed to include the two issues he described previously with regard to transit and the relocation of four buildings, and there were no changes to the improvements at Audubon.

Ms. Thompson pointed out items (i) and (j) in the statement of intent Mr. Hollis provided tonight were different than how it was described in the statement of intent in the packet. In addition, item (k) was brand new. She thought there were a couple of other areas that had changed as well in her brief review of it tonight. Mr. Hollis explained the changes to item (i) had been suggested after they had met with the Planning and Zoning Commission, the changes to item (j) were a result of the buildings being relocated, and item (k) was added to address transit.

Mr. Skala commented that he was reluctant to proceed even with amendments when staff indicated they had not had the opportunity to review the changes. Mr. Matthes stated staff felt they could not provide the Council good advice without time to review it. In addition, they felt some of the transit elements were not enforceable.

Mr. Thomas asked for the basis on which the \$25,000 per year figure for transit was determined as it came to \$25-\$30 per resident based on 900 residents. Mr. Hollis replied he was not sure how that figure was determined. He explained they did not know the market rate, but had cost estimates on what they felt it would cost The Park 7 Group to provide services. Mr. Thomas pointed out the cost now was \$62.50 per semester for a student bus pass, and \$125 for the full year. Mr. Hollis wondered how they should gauge when and to what extent services would be provided. The \$75,000 was a lot of money and would be paid regardless. He pointed out this was the bare minimum as they would be obligated to pay the market rate if transit service was provided by the City. If transit service was not provided by the City, the applicant would still pay the \$25,000 per year for three years.

Mr. Matthes commented that the market rate was defined as the market rate of the applicant, which appeared to be based on a used school bus. Mr. Hollis explained they defined the market rate as the actual cost plus 15 percent. Mayor McDavid asked if the market rate involved the City's cost or the applicant's cost. Mr. Matthes replied he read the statement of intent to mean the market rate was what it would cost the applicant to provide service with a white school bus plus an additional 15 percent. Mayor McDavid asked if they were willing to pay what other units were charged for the same level of service. Mr. Hollis replied that would depend on the actual cost of the service and the type of service provided.

Ms. Nauser asked if the development would have its own bus system and still have to pay for City transit service passes for all 900 residents. Mr. Hollis replied no. He stated the City would receive \$25,000 regardless of the number of bus trips provided. He explained the idea was that if the City was providing services that would replace the services the applicant would provide, the applicant would have to purchase the services from the City as long as it was within a reasonable cost range. They defined the reasonable cost or market rate as the cost to the applicant to provide the service being replaced plus 15 percent so it would be dependent on the service the City was replacing.

Mr. Trapp asked if it would create a hardship for the applicant to table this matter to the next meeting to allow staff time to review the statement of intent and suggest some language changes. Mr. Hollis replied the extent of hardship was unknown because the Park 7 Group did not have the ability to guarantee they could be before the Council again based on their contract with the seller of the property. He explained it would make sense to spend time modifying the statement of intent if they thought it was possible to reach definite terms regarding transit, but noted he did not feel that could be done.

Mr. Skala made a motion to table B372-13 to the February 3, 2014 Council Meeting. The motion was seconded by Mr. Schmidt.

Ms. Nauser commented that most of the items that had been added to the statement of intent were in compliance with what the neighborhood had requested. The only concern was with regard to transit and she was comfortable with the \$25,000 installments over the next three years.

Mr. Skala stated the statement of intent had the force of law, so he did not feel it should be modified on the fly if staff had concerns.

Mr. Hollis suggested they remove everything with regard to transit other than the payments as he was unsure what could be accomplished in two weeks.

Mr. Skala stated he was not convinced the transit issue was the only change in the statement of intent and staff had not had the opportunity to review it.

Mr. Schmidt understood staff seemed to have reservations with regard to the statement of intent.

Mayor McDavid asked for clarification from staff. Mr. Matthes explained staff had only had the opportunity to see the revised statement of intent tonight, and they were used to being able to go back and forth with the applicant to address any issues prior to approval. Mayor McDavid asked if the concerns involved more than transit. Mr. Matthes replied yes. Ms. Thompson explained staff needed an opportunity to review this prior to it coming before Council to ensure it was enforceable.

The motion made by Mr. Skala and seconded by Mr. Schmidt to table B372-13 to the February 3, 2014 Council Meeting was approved by voice vote with only Ms. Nauser voting against it.

Mr. Thomas asked for clarification regarding the repositioning of the buildings. He understood the buildings would be 175 feet from the northern property line instead of 100 feet. Mr. Hollis replied yes, and explained it would be 175 feet from northern boundary of the property to the building line. The buffer would now be 125 feet instead of 100 feet. Mr. Thomas asked if the common area or parking spaces in the south would be replaced. Mr. Hollis replied they were only shifting some of the buildings. He explained the fence that was along the north would be moved to the 175 foot level and would be on the south side of a dense cover. Mr. Thomas understood the buffer was on the applicant's property, but on the neighborhood side of the fence. Mr. Hollis stated that was correct.

John Prenger, 2611 Mallard Court, stated traffic was a major issue at this time, and adding 900 vehicles to the area would make it worse. He felt MoDOT had to be in locked in regarding approval of the improvements prior to Council approving this development. He understood MoDOT had already promised to do something, but if it was not a guarantee, it

would be a mess on the east end. He pointed out there would also be an immense bottleneck near the Cheerleaders Sports Bar and the future Holiday Inn. He did not believe this was supported by Columbia Imagined. In addition, there was not any grocery or retail store in the area so vehicles would be needed for transportation to get food and other necessities. He asked the Council to deny this request.

Madge Minor, 919 Timberhill Road, stated she was a part of the Shepard Hills Neighborhood Association and thanked the Council for tabling this issue. She commented that she was happy the applicant had started to make changes, but noted not all of the changes were clear or in writing. She pointed out the neighborhood was opposed to this development for multiple reasons, to include how it impacted their neighborhood, the surrounding neighborhoods, the surrounding residential and agricultural properties and the City of Columbia and its citizens, and how this related to Columbia Imagined. She reiterated they did not want this development to be approved, but felt the items they were suggesting would make it more acceptable if it was to be approved. The items they suggested were not made to indicate support of the development as they were against the development.

Doris Littrell, 920 Timberhill Road, pointed out she thought Mr. Hollis misspoke in terms of the space created due to the four buildings being moved, and believed a new plan would help clarify it. She thought the tabling of this item for two weeks would be helpful as it would allow them time to review the changes.

B2-14 Annexation of property located on the northwest corner of Scott Boulevard and Highway KK (5801 S. Highway KK); establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Skala asked if this was in the urban service area. Mr. Teddy replied the portion that was currently zoned A-1 was outside of the urban service area, but the rest of the property was within the urban service area. He thought it was an artifact of the way the mapping was done, and noted he would include all of it as being in the urban service area. He pointed out the area south of Route KK was outside of the urban service area, and the Plan did not recommend continuing to build subdivisions such as Thornbrook, in those areas. If there was to be additional development outside of the urban service area, he thought they would look hard at infrastructure needs and require the developer to provide all of those needs, but he was comfortable with recommending this particular property as being in the urban service area since it had access to the services and the infrastructure was already there.

Ms. Nauser asked if the City would be provided the building plans and if they would be allowed to provide input. Mr. Teddy replied that was up to the Columbia Public Schools. He noted he had served as a community member of a committee that looked at three proposed sites. He stated the Council would have input on the subdivision. Ms. Nauser asked if they would have input on the plan. Mr. Teddy replied there would be a roadway network question with that subdivision because Thornbrook Parkway would dead-end at the north boundary of the larger site, which included property that was within City jurisdiction. At a minimum, it would terminate as a cul-de-sac. They might also recommend an extension to the Council in

order to off-load traffic from the arterial roads that could be used to access the site. He thought it would also be important for the neighborhood to use an internal street system for some trips that would originate from the far reaches of this subdivided area instead of going out to the arterial roads. He believed those issues should be considered, but understood schools generated a lot of traffic so it would be a neighborhood issue.

Ms. Nauser understood Scott Boulevard – Phase 3 would begin around the fall of 2015 and asked if it would be completed by the time the school opened. Mr. Teddy replied the school was projected to open in 2016. Mr. Glascock stated it would be close to the projected opening date of the school.

Ms. Nauser understood staff would work with the School District with regard to any road requirements they thought was necessary for safety and other purposes. Mr. Glascock stated staff would review the traffic study and make recommendations based on it.

Ms. Nauser understood there was a concern of people using the parking areas of the pools for the Thornbrook and Wyndham Ridge subdivisions for student pick up and drop off, and asked if staff would look at the issue to determine if parking could be prohibited. Mr. Glascock replied staff could not prohibit parking on private lots. He noted they could prohibit parking along the street. Ms. Nauser understood it would be up to the subdivisions to prohibit parking on those private lots.

Ms. Hoppe asked if the School District had consulted with the City Council in terms of site selection. Mr. Matthes replied the School District had consulted with staff in terms of some of the sites they were considering, and staff provided input on those sites in terms of infrastructure. Ms. Hoppe asked if they had inquired about traffic and walkability. Mr. Matthes replied he believed those items had been raised. He commented that one could argue walkability was one of the reasons this site was chosen along with the availability of infrastructure.

Mr. Thomas thought it was a great opportunity for most of the elementary-aged kids living in Thornbrook to be able to walk to school because they would not have major roads to cross and all of the roads had sidewalks.

Tom Trabue, an engineer with offices at 1901 Pennsylvania, stated he was representing the Columbia Public Schools in this annexation request and explained the School had met with staff approximately a year ago to discuss the various sites, and this was the site that made the most sense for an elementary school.

Mr. Thomas asked if there was a minimum acreage that had been sought in the site selection process. Mr. Trabue replied yes, and noted it was generally 35 acres. He explained 28-30 acres was needed for the school, but they liked additional acreage for a shared use with the City for a park. Mr. Thomas stated this had come up with a conversation with some School Board members, and he understood there were conflicting opinions. In this case, the proximity to at least one neighborhood that would supply a lot of the children to the school was a bonus.

Ms. Nauser commented that a lot of people were welcoming of the school being near the Thornbrook and Wyndham Ridge subdivisions as it would be in close proximity to a lot of children who could walk to school. In addition, it would be much safer once Scott Boulevard – Phase 3 with its sidewalks was completed. She explained some people were concerned

about the neighborhoods being used when parents picked up and dropped off their children as it would create congestion at the intersection. She understood the preliminary plan showed a parent pick up with a circular drive coming off of Thornbrook Parkway where it currently dead-ended. She noted there were also concerns about intersection improvements, and stated she hoped the School District would actively look at ways to improve the intersection because it was currently inadequate to handle an increase in traffic. She pointed out Scott Boulevard – Phase 4 would not be completed prior to the time the school was built since there was no funding, and as a result, there would not be any shoulders for parents to park along Scott Boulevard like there was at Mill Creek Elementary, and was the reason the neighborhoods were concerned their internal streets would be used for student pick up and drop off. She stated she hoped the School District would talk to the area neighborhoods to understand their concerns and ideas, and noted she wanted to be a part of those conversations. She commented that she supported the annexation, but wanted to ensure the traffic and safety concerns were addressed.

B2-14 was given third reading with the vote recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B3-14 Rezoning property located on the west side of Woodard Drive and south of Mexico Gravel Road from R-1 to O-P; approving the OHM Professional Offices Development Plan; granting a variance to the Subdivision Regulations relating to sidewalk construction.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid understood the ordinance would need to be amended to delete Section 5 if the Council decided not to grant the variance. Mr. Teddy stated that was correct. He explained it was a variance from a sidewalk on Henley, which could be mitigated with a walkway through the site that would need to be shown on the plan or eliminated entirely so there would be no facility other than a sidewalk on Woodard.

Mr. Trapp asked for the process if they supported the alternative walkway. Mr. Teddy replied it would still be a variance, but the alternative would be allowed to mitigate the variance. He explained the Code provided the Council the option of granting a variance where it was required if there was a suitable alternative, and staff felt it would be beneficial to link the loop street at the nearest point instead of requiring travel to Woodard and Mexico Gravel.

Mr. Skala understood it would be a link from west to east onto Woodard. Mr. Teddy stated that was correct, and noted the Planning and Zoning Commission had a fair amount of discussion regarding its location. He pointed out a sidewalk easement would be required so he understood the reluctance of the property owner as the public would be invited into private yard space. He explained staff reviewed sidewalks in terms of whether it was infeasible in terms of cost, and in this situation there was not an extraordinary cost to put one in on Henley, but staff felt it would be more used if it went through the site.

Mr. Thomas stated he thought it was a sensible idea as there was quite a bit of commercial property to the south that people might walk to from the neighborhood if a

sidewalk was available. Walking all of the way around would be a longer distance causing people to drive instead.

Jennifer Hedrick noted she was a principle with Simon Oswald Architecture, who was a tenant and owner of OHM, LLC, the company that had the intention of purchasing and developing this property. She explained staff had encouraged them to work with the Mexico Gravel Neighborhood Association, which they did, and the neighborhood wanted the buffer between the heavy commercial and residential area restored. They did not want any connection from their property to Henley and wanted OHM to be as far away from Henley as possible. They also wanted softer landscaped screening instead of hard screening along with as little impervious paving as possible. She pointed out their property was six feet from the south wall of the Crutcher residence, and that the Crutcher's had encroached onto their property overtime as could be seen by the area mowed. Neither had any desire to be close to one another, and as a result, they would curve the screening buffer to respect the fact the Crutcher's had used that side yard even though the property would belong to OHM. She noted the most logical place to put a sidewalk that would connect Henley to Woodard would be along that property line, which would negate the efforts made. She explained one of her concerns with regard to an alternative walkway was the contradiction between screening and separating the residential from the commercial and opening it up to allow people to come through. The screening ordinance indicated it was to be solid, opaque, six feet, and consistent all of the way around. She thought there were some safety considerations with regard to dense screening and a public sidewalk. In addition, they wanted to make good on their commitments to the Neighborhood Association. The alternate walkway would also impose additional easements on the property. She pointed out there were not community amenities that would be connected on either end, and they would prefer to not construct that sidewalk.

Mr. Skala asked if the 25 foot standard proposed for this project was consistent with parking lot lighting in an O-P district. Ms. Hedrick replied she thought the lighting they had proposed was lower than the required standard. Mr. Teddy stated he thought the standard was 25 feet. Mr. Skala asked if that was the only lighting there or if there would be any wall packs. Ms. Hedrick replied there were a couple of wall packs, but they had not been defined on the plan. Mr. Skala asked if they would be shielded. Ms. Hedrick replied they were basically an up-down fixture throwing light downward for security around the building.

Mr. Thomas asked if it would be possible to place the sidewalk a little further south where there was a gap in the landscaping, and where it would only be noticeable from the neighborhood. Ms. Hedrick replied it was a possibility, but noted their concern was bringing traffic through their parking lot where there were cars as opposed to the outer perimeter. She understood there was concern with regard to connectivity, but thought this connection could be introduced at a more appropriate time in the future.

Nile Kemble, 3000 E. Henley, stated he was the President of the Mexico Gravel Neighborhood Association and noted the applicant had asked about the concerns of the neighborhood prior to developing a plan, so by the time they met, their concerns had been addressed. He pointed out the Neighborhood Association was supportive of the rezoning. With regard to the sidewalk along East Henley, it would be a sidewalk to no where as there

were no other sidewalks in the neighborhood. He stated they also viewed the alternative route as a sidewalk to nowhere. He understood Mr. Thomas had indicated it could provide a pathway to the stores, but given the stores in the area, such as Menards, Bass Pro and the Furniture store, he felt a vehicle would be needed as the items purchased there were generally larger and not easy to carry. He agreed there were sidewalks on Woodard Drive that could get one to Mexico Gravel Road, but the letter encouraging that sidewalk from the property owner on Isherwood was a property owner that was not a resident of the property and it would be likely that the sidewalk would never connect to Isherwood. He stated the Neighborhood Association supported the variance.

Mr. Thomas commented that he thought everyone agreed the proposed development was a good use of the property, and the neighborhood and prospective buyer appeared to be in agreement on everything associated with the development. He believed the rule of building a sidewalk when a vacant property was developed was important and pointed out there was about 750 miles of missing sidewalks in the City, but agreed there was not much of a point to building the sidewalk along Henley. In addition, he did not believe streets such as Henley needed sidewalks as much as a street like Woodard where there was significant traffic and the likelihood of walking for transportation. He stated he would support this rezoning request.

B3-14 was given third reading with the vote recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B5-14 Approving the Final Plat of Broadhead Place, Plat No. 2, a Replat of Lots 1 through 6 of Broadhead Place located on the south side of Conley Avenue, between Fourth Street and Fifth Street; authorizing a performance contract.

The bill was given second reading by the Clerk.

Mr. Skala made a motion to amend B5-14 per the amendment sheet. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Teddy provided a staff report.

B5-14, as amended, was given third reading with the vote recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

PR7-14 Establishing a revised policy for intergovernmental relations.

B1-14 Annexation of City-owned parkland located on the north side of St. Charles Road and east of Golf Boulevard (6700 E. St. Charles Road); establishing permanent R-1 zoning.

B4-14 Rezoning property located east of the intersection of Old Hawthorne Drive West and Pergola Drive from C-P to PUD-6.6; approving the Preliminary Plat and PUD Plan for On The Ninth; approving less stringent setback requirements.

- B6-14 Amending Chapter 14 of the City Code to prohibit parking along the east side of Morningside Drive.
- B7-14 Authorizing a road maintenance cooperative agreement with Boone County, Missouri for 2014 pavement preservation projects.
- B9-14 Authorizing a grant agreement with the Missouri Department of Conservation for the replacement of archery target materials at the American Legion Park archery range; appropriating funds.
- B10-14 Appropriating funds for various projects in the Parks and Recreation Department.
- B11-14 Authorizing an agreement with Green Valley Rifle & Pistol Club, Inc. for range facility access and use.
- B12-14 Appropriating federal forfeiture funds for the purchase of Simunition® equipment and NetMotion Wireless Locality™ management software for the Police Department.
- B13-14 Calling a municipal election to elect Council Members for Wards 1 and 5.
- B14-14 Authorizing the dissolution of the 10th & Locust Special Allocation Fund; terminating the designation of a Redevelopment Area as described in the 10th & Locust Tax Increment Financing Plan.
- B15-14 Declaring the results of the special election held in the City of Columbia on November 5, 2013 relating to the issuance of sewer system revenue bonds.
- R8-14 Setting a public hearing: consider an amendment to the FY 2013 Action Plan as it relates to HOME Community Housing Development Organization (CHDO) set-aside funding.
- R9-14 Authorizing an amendment to the service agreement with Centro Latino de Salud for implementation of the Health Literacy Project Expansion and Replication grant funded by The Missouri Foundation for Health.
- R10-14 Authorizing an amendment to the grant award agreement with The Missouri Foundation for Health and Centro Latino de Salud y Educacion.
- R11-14 Authorizing various Adopt a Spot agreements.
- R12-14 Authorizing an agreement with Sustainable Farms & Communities, Inc. for the use of city-owned property located on the west side of Clinkscates Road and north of Ash Street for the operation of a farmers' market.
- R14-14 Authorizing an operations agreement with Ragtag Programming for Film and Media Art for the 2014 True/False Film Festival.

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

NEW BUSINESS

- R13-14 Authorizing Amendment No. 1 to the agreement for professional engineering services with Burns & McDonnell Engineering Company, Inc. for design of the reconstruction of Runway 13-31 and Taxiway B at its intersection with Runway 20 at the Columbia Regional Airport.

The resolution was read by the Clerk.

Mr. Glascock provided a staff report.

Ms. Nauser stated the individual that had requested R13-14 be removed from the consent agenda was not in attendance, but she understood that person wanted to know how this would be funded. Mr. Matthes replied the local match would be paid with transportation sales tax funds. Mr. Glascock stated that was correct and explained \$38,000 or ten percent was the City’s portion and the federal government would fund the remaining 90 percent.

The vote on R13-14 was recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. 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.

- B16-14** Rezoning property located on the southwest corner of Nifong Boulevard and Bethel Street from R-1 to PUD-14; approving the PUD/Preliminary Plat Plan of Bedford Walk Plat 9; setting forth a condition for approval; granting a variance from the Subdivision Regulations regarding dedication of street right-of-way.
- B17-14** Rezoning property located southwest of the intersection of Waco Road and Brown Station Road from R-1 and C-P to M-C.
- B18-14** Approving the Final Minor Plat of Paradise Park, a Replat of Tracts 6 and 7, located on the south side of Old Plank Road and south of Tony Street (350 E. Old Plank Road).
- B19-14** Approving the Final Minor Plat of Stevenson Addition, a Replat of portions of Lots 137, 138 and 183 and all of Lots 136, 181 and 182, and part of a vacated alley in the Original Town and the west 17-feet of vacated Fourth Street, located on the southeast corner of Broadway and Providence Road; authorizing a performance contract.
- B20-14** Approving the Final Plat of Westcliff, Plat 3A, a Replat of Lot 309 of Westcliff, Plat No. 3, located on the northwest corner of Perche Pointe Place and Swift Court.
- B21-14** Approving the Final Plat of Magnolia Falls Plat 3, a Replat of a portion of Magnolia Falls, located on the southeast corner of Route KK and Old Mill Creek Road; authorizing a performance contract.
- B22-14** Authorizing construction of the Maplewood Drive PCCE #12 Sanitary Sewer Improvement Project; calling for bids through the Purchasing Division.
- B23-14** Appropriating funds from the Glad One Bag Partnership for the purchase of recycling bins to be used at special events.
- B24-14** Authorizing an amendment to the supplemental agreement with the Missouri Highways and Transportation Commission for highway/rail crossing signal improvements at the Columbia Terminal Railroad's (COLT) intersection with College Avenue (MO 763); appropriating funds.
- B25-14** Accepting conveyances for utility purposes.

- B26-14 Authorizing a school resource officer agreement with the Columbia School District.
- B27-14 Accepting a STOP Violence Against Women Act (VAWA) grant from the Missouri Department of Public Safety; authorizing an Award of Contract and Certified Assurances and Special Conditions.
- B28-14 Accepting a donation from the Columbia Police Foundation to be used for the Police Department's K-9 Program; appropriating funds.

REPORTS AND PETITIONS

- REP3-14 Correspondence from the Airport Advisory Board – recommend an amendment to Chapter 3 of the City Code relating to board member meeting attendance.

Mayor McDavid asked if the suggested change would require an ordinance. Mr. Matthes replied yes.

Mayor McDavid asked staff to prepare an ordinance for Council consideration.

Mr. Schmidt asked if the ordinance should be generalized to other boards having attendance issues. Mayor McDavid replied he would suggest they start with this one and allow other boards to look at this as a model.

- REP4-14 Proposed revisions to Section 12A-49, Tree Preservation and Landscaping Requirements, of the City's Code of Ordinances.

Mayor McDavid understood this item would need to be acted upon as an ordinance. Mr. Teddy replied this had been drafted in ordinance form for reporting purposes so Council could better visualize the recommendations, but the Council would have to act on it as a proposed ordinance on a future agenda.

Mr. Skala asked staff to prepare an ordinance for Council consideration.

- REP5-14 Correspondence from Environment and Energy Commission – recommend an amendment to Chapter 12A of the City Code relating to tree preservation.

Ms. Hoppe asked staff to prepare an ordinance for Council consideration. She explained she had a concern with the exact language in (a) but thought she could offer an amendment when it came forward.

- REP6-14 Exploration of the Concept of a Tree Board.

Mayor McDavid asked if this was a redundancy of rules and regulations. Mr. Skala replied he thought there was enough work and interest to make this a stand-alone group.

Mr. Skala asked staff to prepare an ordinance for Council consideration.

Mr. Matthes noted staff needed more guidance in terms of the duties of the tree board that was not being done by one of the other bureaucracies or boards. Mr. Skala stated he thought he might have supplied staff some information in the past, but would communicate his suggestions with staff again.

- REP7-14 Smart Grid Concerns and Smart Meters.

Mayor McDavid understood the City did not have smart meters and only had meter readers where the readings could be taken from the street, and felt the question was whether they should have smart meters.

Mr. Johnsen explained this report was provided to address the concerns of a citizen regarding smart meters and the smart grid. He noted the City only had one-way meters. Smart meters were two-way meters that would enable the City to communicate with it and obtain information from it. The City could only obtain information from its meters, and they were called automatic read meters. He explained a smart grid was a continuous collection system throughout the community, and the City still used mobile devices to drive and read meters. He pointed out Columbia Water and Light had to read both electric and water meters so they needed to ensure any automatic system would work for both meters. Water meters were more technologically challenging because they were in a more inhospitable environments. Technology was just getting to the point where there were reliable automatic readers for water meters. He reiterated the City did not have two-way communication on meters or a network that continuously read the meters.

Mayor McDavid asked how many people around the Country had smart meters. Mr. Johnsen replied he did not know, but understood Boone Electric had smart meters since they were just electric and were more spread out in terms of service area.

Mayor McDavid commented that when the City was competing for Google Fiber for the Home project, they had discussed the advantage of having smart meters, and he believed it would help people to be able to know how much energy they were using at a particular moment in time because they might lower it. He understood this type of capability would require the employment of an extensive fiber optic infrastructure. Mr. Johnsen explained most of smart meter systems were radio-based even though fiber communication was more reliable, and noted they would need this type of system if they wanted to provide real time metering and price signals for the customer to react to and understand.

Ms. Nauser asked for clarification regarding what staff would be requesting when they came back to Council. Mr. Johnsen replied staff would come back to Council with recommendations of a smart grid study that was being completed by Burns & McDonnell.

Ms. Nauser understood Columbia Water and Light did not currently have smart meters, but the plan was to present it to the Council moving forward. Mr. Johnsen explained they would likely develop a plan that would institute the automatic read meters because there were a lot of things that could be done without the full blown smart meters. He noted there were some places where they could blend them allowing some customers to have smart meters while others only had read meters. He pointed out an advantage to having smart meters was the remote turn-on and turn-off capability, as it would be nice to have this feature in areas of large student populations so a service worker did not have to be sent out every time there was a change.

Ms. Nauser commented that she had recently read an article discussing some of the concerns regarding radiofrequency and the liabilities municipalities and others could incur with the constant barrage of radiofrequency within homes, and asked if this was being considered as part of the study. Mr. Johnsen replied yes, but noted he did not think the

meters the City used emitted much in terms of radiofrequency compared to cell towers and cell phones.

Mr. Trapp asked if they emitted once a month when they were being read. Mr. Johnsen replied some did, but others did not. He explained some meters waited for a trigger to send information and others continually sent out information, and those were the ones that could be linked to a network. He noted the City could not send instructions to any of the ones it had. They could only obtain an electronic read from a distance, and this allowed them to not have to go into peoples' yards.

Mr. Skala commented that one of the sessions he attended at the National League of Cities Conference involved a Microsoft smart campus that utilized fiber to communicate with fire extinguishers, heating and cooling systems, etc. This saved them thousands of dollars because it did not require anyone to conduct inspections. This was not something Columbia had the infrastructure to accomplish, but there was a potential to save a lot of money if they could communicate with some devices. Mr. Johnsen agreed it was more of a communications grid or network, and it was a matter of how far they went in terms of just to the meters or inside peoples' homes. This was what they would need to discuss prior to developing a system for Columbia.

Ms. Nauser understood information could be obtained with a two-way system and asked what could be reciprocated from the provider. Mr. Johnsen replied they could potentially obtain hourly usage information, but the only thing they would typically do with that information was to pass on the benefit to the customer to reduce their cost if there was a high time the customer used the electricity that was more expensive to the utility. He was not sure there was any control benefit.

Mr. Skala understood the City already had a voluntary system whereby a customer could agree to reduce the expenditure of energy. Mr. Johnsen stated that was correct and explained they had programs whereby they could put load management switches on the side of houses that were controlled by the utility. The customer could voluntarily enroll in that program, but they did not get to make a decision that directly affected their utility bill. The utility made that decision.

Ms. Nauser wondered if there would be a point in time that it became involuntary. Mr. Johnsen stated he did not see it going that far.

Mr. Trapp asked if a customer agreed to load management and transitioned to another residence if it would carry with the property. Mr. Johnsen replied it was assigned to the air conditioner on the property. Mr. Trapp explained he had signed up for it and learned he already had it.

Mr. Schmidt commented that this was very interesting and he looked forward to seeing the report.

Mr. Johnsen reiterated they had to ensure it made sense with the water meters as well because they would not gain much if they had to send meter readers out to read water meters. Mr. Schmidt thought the consumer could potentially gain something if they could read their own meter for monitoring purposes. Mr. Johnsen stated that was true if they could provide them useful information. Mayor McDavid thought most people would modify their behavior if they knew the cost of certain activities at certain times. He believed as technology

became available and the real time monitoring of energy use was more widespread, it would change behavior and be very useful. Mr. Johnsen pointed out the beginning steps were important because the architecture they committed themselves to would be what they were stuck with for the duration, and they needed to be prepared for the amount of data that would be received.

REP8-14 Correspondence from the Community Development Commission – recommendation relating to an access to utility usage data policy.

Mr. Matthes provided a staff report and explained the Council had asked for input from at least three boards and this was feedback from one of them. Ms. Amin stated she understood feedback from all three boards would be provided in the future along with a staff report.

REP9-14 PCCE #17 Wilson Avenue and Ross Street Sanitary Sewer and Stormwater Improvement Project.

Mayor McDavid understood this involved 39 parcels owned by 26 people, but six of the property owners did not want to participate.

Ms. Hoppe commented that this was a needed project that most of the neighbors wanted, and last week was the first she had heard there was a problem. She asked that it be put on hold for a month or two instead of abandoning it so the neighbors could talk to one another. Mr. Glascock agreed to this and explained he just wanted to let Council know they would not continue working on something the owners did not want.

REP10-14 Use Tax Report.

Mayor McDavid explained 50 percent of the general fund was from sales tax, and due to internet sales, the City was not capturing the appropriate amount of sales tax. He believed it was more than \$3 million and dramatically impacted the City's ability to fund core services, such as public safety and infrastructure. He noted he intended to pursue this and thought it needed to be coordinated across the County. In addition, if it was something they placed on the ballot, it needed to be placed on the ballot simultaneously for every jurisdiction within the County. He pointed out he had a letter from Representative Vicky Hartzler that indicated her support for the Marketplace Fairness Act, which was in committee in the House of Representatives. In addition, Senator Blunt sponsored this bill in the Senate, and it had passed in the Senate. If they pursued this, he would suggest a multi-jurisdictional committee be established to get it on the ballot and to communicate it because it would sound like a new tax.

Mr. Skala stated he agreed with Mayor McDavid and noted he believed a lot of people were in support of it. He also agreed it would require a lot of work, but would be well worth the effort.

REP11-14 Intra-Departmental Transfer of Funds Request.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

John Clark, 403 N. Ninth Street, commented that he was appalled by the direction of the current Tax Increment Financing (TIF) district planning. He understood Mr. Matthes had faith in the TIF districts that had been established in Des Moines, Iowa, and suggested information from those districts be collected for the City to review in order to determine how to do a meaningful TIF district around infrastructure, employment and affordable housing. He thought it would help convince people of its reasonableness as well. He stated he believed current TIF Commission in terms of its members was wrong as there were many conflicts of interest and the wrong composition of people had voting control. He felt only the representatives of the taxing district should have voting control, and the developers and bankers should only be advisory. He commented that he believed developers came to Columbia because the City did not charge as much as other communities around the Country, and felt they took advantage of the City. He stated it was one thing to be low cost, but another to be low cost because the City did not ask for the going rate, which he thought developers would be willing to pay. He suggested the Council focus on building support for multiple avenues of financing, which included taxes, utilities, etc., instead of proceeding with the TIF district. He understood the Park 7 Group would not even be paying much in sales tax because they would buy their building materials in low cost states, and asked the Council to look into that issue.

Eugene Elkin, 3406 Range Line, stated he was speaking on behalf of People's Visioning and provided a handout. He asked who would pay for the future airport expansion projects and wanted to know the percentage that would be paid by the public. He commented that they and others had spoken against Enhanced Enterprise Zones (EEZs) in the past, which were similar to TIFs, and the People's Visioning had formed in part to help being more fair funding mechanisms. Most of the public supported changing the rates for all utilities so they were based on usage for everyone equally. He noted they would provide ideas on how to fairly pay for infrastructure in the future and pointed out it would provide them more time for better planning if developers refused development without taxpayer supported TIFs. He thought they should determine how much developers should pay for further burdening the community. He stated the People's Visioning also wanted to know which community organizations and neighborhood associations were supportive of the downtown TIF district because if none were, he wondered why the City would pursue it.

Ms. Nauser asked Mr. Matthes to address who would pay for the airport expansion project they discussed earlier in the evening. Mr. Matthes replied the federal government would pay 90 percent and the City would pay 10 percent. Ms. Nauser understood that was typical for a lot of the City's airport infrastructure. Mr. Matthes stated that was correct.

Diane Meeker, 2401 W. Broadway, Apt. 1120, provided a handout and stated she was speaking on behalf of the local chapter of the National Organization for Women, who was opposed the TIF proposal because sales taxes disproportionately affected low-income people, many of whom lived in female-headed households. They paid more because a

greater proportion of their low income went toward regular purchases, which was not right or fair.

Kelly Pascucci, 1107 Merrill Court, commented that the City of Columbia and the Boone Electric Cooperative were avoiding the term “smart meter” and using more benign terms, such as “advanced” or “solid-state.” She pointed out the Manager of Boone Electric’s Member Services brought the internal portion of a meter they used to the screening of “Take Back Your Power” and stated it was a smart meter. She noted any meter with electronic components or any electric battery-operated meter capable of measuring, recording and sending data from a customer to a public utility, municipality or co-operative association utilizing one-way or two-way communication was a smart utility meter, and common names included Automatic Meter Reading (AMR), Electronic Receiver Transmitter (ERT) and Advanced Metering Infrastructure (AMI). She understood Columbia had two-way smart meters, and an example of one was at the old meat packing building on Fay Street. It was an Itron Sentinel and the description found on the website defined it as a smart meter. She reiterated the City had smart meters and felt it was irresponsible and inept to not have researched the frequencies. She understood Boone Electric had tried to do some testing but had used the wrong meter as they had tried to measure radiofrequency radiation with a Gauss meter instead of a radiofrequency meter. She felt the cell phone comparison was a lazy comparison. The meters were on 24/7, 365 days per year, which made them different from a cell phone or microwave oven. The current FCC guideline was based on thermal, short-term usage. The smart meter, wi-fi or any other smart appliance in homes emitted non-thermal, chronic exposure to radiofrequency radiation for which the FCC had not even set safety standards. The meter that was once on her house was an AMR Itron meter with a bubble-up mode. It constantly broadcasted every few seconds even though the signal could not be received until the meter reader drove by.

Ben Jacob, Fifth Ward, stated he agreed with John Clark’s comments regarding TIFs and stated he was also concerned about the constant emission of some of the meters. He understood a lot of people, particularly women, had gotten relief from sudden health problems after some of these constant emitter meters had been removed from their homes. He read a statement by Monta Welch and provided a handout. The statement indicated that many people across the community were concerned with the lack of management, preservation, oversight and conservation of Columbia’s unique and beautiful trees. The City’s vision process discussed this concern years ago and specifically included the aspect of adding the purview of edible planting, presumably, in this case, to mean trees. The People’s Visioning process also reflected these citizen concerns and visions regarding tree cover, planting and conserving edible trees, and widespread edible community vegetation and landscaping. They felt the tree board should be a stand-alone board that worked with the four City departments, the three commissions, the City Arborist and the other staff mentioned in the report previously discussed on tonight’s agenda. This tree board should also work with other boards and commissions, community volunteers and organizations, such as Tree Keepers and People’s Visioning, the Boone County Commission, developers, the Downtown Community Improvement District (CID), etc.

Cynthia Boley, 307 Alexander Avenue, provided a handout and noted Columbia had been recognized over and over again as an attractive place to companies and people. She commented that the sense she had was that nationally tax abatements and incentives had not worked out for the communities where those abatements and incentives had been provided, and as a result she was concerned with Columbia offering tax incentives without also acknowledging Columbia was a good place to do business. She understood Columbia would receive less tax income by providing tax incentives than if they allowed the tax income to grow with the population.

Mayor McDavid made a motion to for the City Council of Columbia, Missouri to meet on Monday, February 3, 2014 at 6:00 p.m. in Conference Room 1A/1B of City Hall, 701 E. Broadway, Columbia, Missouri for a closed meeting to discuss the purchase or sale of real estate pursuant to the provisions of Section 610.021(2) RSMo. The motion was seconded by Mr. Trapp and the vote was recorded as follows: VOTING YES: SCHMIDT, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE.

Mr. Thomas thanked the Public Works Department and MoDOT for finding a way to put a fourth crosswalk leg on two of the three intersections on Stadium Boulevard as it would make it a much safer crossing for people who would have made that crossing without the crosswalk signal. He felt it would also restore some of the balance between non-motorized and motorized transportation.

Mr. Thomas commented that the City would reimburse the Unitarian Universalistic Church a little less than \$1,000 for the specific expenses outlined in his original request and the contract drawn up with the Church for shelter services. The Room at the Inn, which was an existing program that ran from January to March, had requested similar treatment. He understood reimbursing the Room at the Inn at the same rate would consume most of the rest of the \$5,000 originally allocated from the council contingency for this type of activity.

Mr. Thomas made a motion to approve the \$5,000 in council contingency funds to both the Unitarian Universalistic Church and the Room at the Inn. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Matthes understood the remaining \$4,000 would be available to the Room at the Inn for reimbursement purposes. Mr. Thomas explained he understood Steve Hollis with the Department of Public Health and Human Services would develop a similar contract with the Room at the Inn as had been used with the Unitarian Universalistic Church. Mr. Trapp understood it would be the \$50 per night to pay for the shelter manager, and would still be under the \$5,000 allocation. Mayor McDavid stated it was not to exceed \$5,000 for the both of the entities combined. The benefactor had changed, but the amount stayed the same.

Mr. Thomas commented that he had concerns about how the City made decisions on development requests, rezonings, site plans, etc. He felt the Comprehensive Plan needed to be elevated to a more significant status in the decision-making process and noted he had ideas on how to accomplish this. He thought they would all agree it was important to be predictable and consistent in how they reviewed different types of development requests and

suggested some sort of framework for their decisions. He reiterated he believed the Comprehensive Plan was the best way to accomplish this and would come up with ideas for a formal decision-making process.

Mr. Schmidt stated he appreciated Mr. Thomas bringing the request by the Room at the Inn forward. It was a marvelous thing the churches were doing, and they were doing a lot for what the City contributed.

Mr. Schmidt noted the issues in the downtown were causing him concern with regard to capacity throughout the City, and as a result, he asked staff to determine if other areas of town might have the same capacity constraints in the different utilities as he thought it would be beneficial to look into this in some sort of systematic fashion.

Ms. Hoppe thanked the Parks and Recreation Department for stabilizing a section of Grindstone Creek at Waters-Moss that had been severely eroded.

The meeting adjourned at 12:14 a.m.

Respectfully submitted,

Sheela Amin
City Clerk