

**CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
701 E. BROADWAY, COLUMBIA, MISSOURI
NOVEMBER 3, 2014**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, November 3, 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 HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS and NAUSER were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of October 20, 2014 was approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Trapp asked that B324-14 and B325-14 be moved from the consent agenda to old business.

Ms. Chadwick asked that B327-14 be moved from the consent agenda to old business.

Ms. Nauser asked that R209-14 be moved from the consent agenda to new business.

The agenda, including the consent agenda with B324-14, B325-14 and B327-14 being moved to old business and R209-14 being moved to new business, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Ms. Hoppe.

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

None.

OLD BUSINESS

B308-14 Approving a major revision to the Broadway Shopping Center C-P Development Plan located on the southwest corner of Clinkscates Road and West Ash Street; approving less stringent landscaping requirements; setting forth conditions for approval.

The bill was given third reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Skala asked if there had previously been a gas station in this shopping center. Mr. Teddy replied yes. He explained he thought it had been removed around 1980, and that the

size had been similar to what was being proposed now. Mr. Skala asked if it was in the same location. Mr. Teddy replied he did not know.

Ms. Chadwick understood the applicant had indicated an ADA compliant ramp would be installed from the neighborhood along the area with the fence and berm, and asked if that had been included in the ordinance or plan. Mr. Teddy replied an accessible ramp was shown on the south edge of Gary Street on the plan, but full construction plans showing details had not yet been submitted. Ms. Chadwick asked if wording associated with the ramp needed to be a part of the ordinance. Ms. Thompson replied the plan note should be sufficient, but language for the ordinance could be drafted as well. Ms. Chadwick asked if the same was true for the electric charging station. Mr. Matthes recommended adding both items to the ordinance.

Mr. Thomas asked for the reason a round-a-bout might be needed in the future. Mr. Teddy replied traffic count changes were likely since the community was growing, and additional traffic could stress on the four-way stop intersection. Mr. Thomas asked if it was considered a problematic intersection at the moment. Mr. Teddy replied staff did not feel the fuel center would push it past any tipping point. Mr. Thomas asked for a copy of the traffic study. Mr. Teddy replied he would provide it.

Ms. Hoppe understood two vending machines had been initially proposed, and the proposal had expanded to four beverage coolers, one bagged ice cooler and two seasonal merchandise cages. Mr. Teddy stated that was correct.

Robert Hollis, an attorney with offices at 1103 E. Broadway, provided a handout of his presentation and listed the accommodations made, which included a berm and fence, a lower canopy, the right-of-way for the improvement at Clinkscales Road, lower lighting, a charging station, etc. The number of fuel pumps was a significant issue as a study had indicated six fuel pumps were needed, and the applicant had already agreed to five fuel pumps. He noted it was an issue in terms of customer satisfaction and efficiency. He pointed out they had reviewed the outside merchandise situation at the Paris Road location, and had reduced the amount by 30 percent at this location.

Ms. Hoppe asked if there were any Gerbes stores throughout the country with gas stations that had less than five pumps. Mr. Hollis replied he thought there might have been 2-3 in the last ten years in this area of the country.

Dave Bennett, an engineer with offices at 1113 Fay Street, explained they had looked at other areas for the fuel station on the shopping center site. The area north of the Gerbes store was too small, and the area to the south of the Gerbes store was found to not be feasible because it was the only area where future expansion of the Gerbes store or shopping center could occur. The area immediately adjacent to Gerbes on the east side was also found to be not feasible because it would take away parking spaces in front of the store and would create vehicle and pedestrian traffic conflicts. He noted they felt the proposed location was the best. He described the landscaping islands and accessible ramp associated with the project.

Russell Robben, 2700 E. Fourth, Hutchinson, Kansas, stated he was the Assistant Real Estate Manager for Dillons, and explained Dillons was a subsidiary of Kroger that operated approximately 86 stores in Kansas, Missouri and Nebraska under the banner

names of Dillons, Gerbes and Bakers. He commented that he felt reducing the number of pumps would create circulation issues, stacking, etc. because the customer-base already existed. The number of pumps needed was based upon sales volumes in stores, current store customer counts, a projection with regard to the number of gallons, and fuel redemption rates. He noted they typically met or beat the best price on the street in terms of fuel price, and described the differences between the Paris Road Gerbes gas station and this gas station in terms of the merchandising layout. He stated they had worked with the neighbors over the past year and felt this was a really good project.

Rick Means, 1817 W. Broadway, commented that he was President and CEO of Shelter Insurance Companies and asked the Council to support the request of Gerbes. He explained Shelter Insurance Companies owned the Broadway Shopping Center, which was a 1960s shopping center with Gerbes as the key anchor store. He noted Gerbes was a community grocery store and many people walked or rode their bicycles to it. He was concerned about the fate of the shopping center if they lost Gerbes, and noted those 3,000 shoppers would then have to drive down the street to Walmart. He asked the Council to help keep this store at this location by approving this proposal.

Polly Batterson, 600 Longfellow Lane, stated she had enjoyed the Gerbes store for decades and did not want to drive to Paris Road to receive bonus points. She noted she primarily shopped at Gerbes because it was convenient, and felt it was more of a family store with regular management presence on the floor of the store. She hoped there was not a chance of losing the store as she believed there were other people like her that wanted cheaper gas and enjoyed the atmosphere of a store like Gerbes where prices were kept low. She commented that she had seen upgrades to products and improvements to the store in the past year, and thought this good service would carry over to the service station. She thought this niche store brought value to the community.

Ernie Bouton, 703 Hardin Street, explained he was in support of this proposal because the Gerbes on Paris Road was 4.7 miles away, and he could access the gas savings more conveniently if a station was located here.

Mary Stampley stated she lived at the corner Ash Street and Clinkscales Road and noted she loved the ambiance of the neighborhood, as it was quiet and the elderly liked to walk to the grocery store. She commented that her initial reaction to a service station at that location was concern because she believed it would change the ambiance of the neighborhood, but understood there were benefits as well, such as cheaper gas. She wondered if this station would create a traffic flow issue making it dangerous for the elderly that walked to the store. She understood the reason for this station was to be more competitive, and suggested other ways to be more competitive such as providing a better selection of food, investing in the employees, etc. She thought the reduction in hours of operation at the convenience store was important for the neighborhood as well.

Tom McNabb provided a handout and stated he was speaking on behalf of about 20 property owners, and explained they were not against businesses or gas stations that were constructed correctly. He noted they were also not against Shelter Insurance or Gerbes, and thought Shelter Insurance had done a great job with their offices and Shelter Gardens, but felt the Broadway Shopping Center had been different story. He referred to a photoshop

picture in the handout and explained he thought it depicted what the station could look like at that location. He suggested a reduction in size to three islands that would serve six cars as he did not believe five islands made for a neighborhood fueling station. He referred to a photograph of the Breaktime near the Schnucks grocery store because he believed its roofline was ideal. He also thought the gas station could be located between Upscale Retail and Gerbes. He wondered if they wanted a gas station of this nature near the \$9-\$10 million ARC. He suggested no signage clutter visible from the street inside or outside of the kiosk and no exterior merchandise sales or display clutter. In addition, he did not believe soda vending machines should be allowed as West Middle School did not sell soda and it would only create a nuisance. He asked the Council to flip through the photographs, and pointed out the Paris Road location was next to a five lane highway and railroad tracks while this gas station was located in a neighborhood setting. He noted outside sales had been prohibited and various design features had been required for the Walmart on Broadway, and pointed out he had been required to make concessions at his property at 2200 Forum Boulevard as well. He was concerned this large, cheaply designed and poorly located gas station would affect the neighborhood negatively.

Ms. Hoppe asked if the photographs provided were of the Paris Road location. Mr. McNabb replied yes, and explained the only photoshop picture was the cover photograph, and that was associated with the roof.

Ms. Chadwick asked if he believed the signage and outdoor storage could be accommodated in this manner even after the amendments were put into place. Mr. McNabb replied yes. He thought they might have removed some of the outdoor display items, but he still felt it was too much for the neighborhood.

Mayor McDavid made a motion to amend B308-14 by changing subsection 5 in Section 3 so it read “With the exception of four beverage coolers and one bagged ice cooler adjacent to the kiosk, and two seasonal merchandise cages, there shall be no outdoor storage and display of merchandise for sale.” The motion was seconded by Ms. Nausser.

Mr. Skala asked if that was consistent with the request of the applicant. Mayor McDavid replied yes.

Ms. Chadwick understood the difference between the Gerbes on Paris Road and this proposed Gerbes was the absence of one large display container with beef jerky and sunflower seeds. Mr. Hollis explained the large storage cabinet and the two outside merchandise areas identified as “SM” in his handout would not exist. Only two seasonal merchandise areas would remain.

Mayor McDavid understood the clerk would work inside the kiosk, but clients could not enter the kiosk. Mr. Hollis stated that was correct. Mayor McDavid understood the only access clients had to merchandise was on the outside since there was no entrance to the inside of the kiosk. Ms. Chadwick stated that was not correct. Mr. Hollis explained some merchandise was located inside the kiosk. He noted clients could not enter the kiosk, but they could request a candy bar or other merchandise inside the kiosk. Ms. Chadwick commented that she did not feel there was any rhyme or reason to the types of products inside and outside of the kiosk. She was not sure why candy bars were inside while beef jerky, soda, etc. were outside. Mr. Hollis pointed out those types of items would not be

outside any longer because the double cabinet them was no longer a part of the project. Sodas and ice were not inside because the kiosk was not large enough to hold coolers.

Mr. Skala asked for clarification regarding the seasonal items. He assumed they would include gallon jugs of washer fluid, salt pellets, etc. Mr. Hollis stated that was correct. Ms. Chadwick noted those items were also located right along the Gerbes store building, and asked how far the front of the store building was to the proposed gas station kiosk. Mr. Hollis replied he thought it was about 500 feet.

Ms. Thompson suggested a maximum size be identified for the seasonal merchandise cages for enforceability purposes. Mr. Hollis replied 125 cubic feet would be acceptable.

Ms. Chadwick made a motion to amend the motion of Mayor McDavid so the seasonal merchandise cages did not exceed 125 cubic feet. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mayor McDavid stated he would support the motion he made that had been amended by Ms. Chadwick because he wanted to see Gerbes succeed at this location and thought this was one of many accommodations made.

The motion made by Mayor McDavid, seconded by Ms. Nausser, and amended by Ms. Chadwick to amend B308-14 by changing subsection 5 in Section 3 so it read “With the exception of four beverage coolers and one bagged ice cooler adjacent to the kiosk, and two seasonal merchandise cages not to exceed 125 cubic feet in size, there shall be no outdoor storage and display of merchandise for sale” was approved unanimously by voice vote.

Mayor McDavid made a motion to amend B308-14 by changing subsection 7 in Section 3 so it read “No audio advertising shall be allowed under the fuel pump canopy.” The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mayor McDavid made a motion to amend B308-14 by adding a subsection 8 in Section 3 so it read “There shall be no tobacco product advertising on the windows of the kiosk or outside the kiosk on the fuel center site and the interior of the kiosk shall be arranged to minimize the prominence of tobacco products. The motion was seconded by Ms. Chadwick.

Ms. Chadwick asked if this exclusion applied to the pumps as well. Mayor McDavid replied he thought there was a restriction outside of the kiosk, so it would include the fuel pumps. Ms. Chadwick explained she had asked for clarification because she had seen that type of advertising at the Paris Road location. Ms. Thompson stated it could be added if she wanted it to be clear.

Mayor McDavid made a motion to amend his motion so fuel pumps were specifically identified in terms of the tobacco product advertising restriction. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The motion made by Mayor McDavid, seconded by Ms. Chadwick, and amended by Mayor McDavid to amend B308-14 by adding a subsection 8 in Section 3 so it read “There shall be no tobacco product advertising on the windows of the kiosk, the fuel pumps, or outside the kiosk on the fuel center site and the interior of the kiosk shall be arranged to minimize the prominence of tobacco products was approved by voice vote with only Ms. Nausser voting against it.

Mayor McDavid made a motion to amend B308-14 by adding a subsection 9 in Section 3 so it read “The fuel center canopy and kiosk shall not have the standard Gerbes fuel station

red and silver color scheme, rather the applicant shall utilize earth-tone colors, such as those shown in the depictions provided to the Planning and Zoning Commission and City Council and which were included in the staff report to City Council.” The motion was seconded by Ms. Chadwick.

Mr. Trapp explained he had pursued the potential of a more attractive canopy, but the change would push it over the height of the fence. He agreed the flat roof was not as aesthetically pleasing as other designs, but it was best if they wanted to shield it from the neighborhood.

The motion made by Mayor McDavid and seconded by Ms. Chadwick to amend B308-14 by adding a subsection 9 in Section 3 so it read “The fuel center canopy and kiosk shall not have the standard Gerbes fuel station red and silver color scheme, rather the applicant shall utilize earth-tone colors, such as those shown in the depictions provided to the Planning and Zoning Commission and City Council and which were included in the staff report to City Council” was approved unanimously by voice vote.

Ms. Chadwick made a motion to amend B308-14 by adding a subsection 10 in Section 3 so it read “Applicant shall construct a pedestrian ramp and walkway to meet or exceed ADA accessibility guidelines from Gary Street onto the site and across the site to the shopping center and grocery store.” The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Ms. Chadwick made a motion to amend B308-14 by adding a subsection 11 in Section 3 so it read “Applicant shall install and maintain an electric car charging station on the site.” The motion was seconded by Mr. Trapp and approved by voice vote with only Ms. Nauser voting against the motion.

Ms. Hoppe made a motion to amend B308-14 by changing subsection 6 in Section 3 so it read “The number of fuel islands shall be limited to four, with a maximum of two fuel nozzles per island.”

Ms. Hoppe commented that although this gas station was next to a commercial area, it was also next to a residential area, and many fuel stations, such as the one by Schnucks and one near Mr. Trapp’s house on Providence, only had three pumps. She thought this location warranted less pumps so it was better for the neighborhood.

The motion made by Ms. Hoppe to amend B308-14 by changing subsection 6 in Section 3 so it read “The number of fuel islands shall be limited to four, with a maximum of two fuel nozzles per island” was seconded by Ms. Chadwick.

Mr. Skala stated he wanted to support this project and wanted to ensure Gerbes had the opportunity to compete, and had planned to bring up this issue if it had not been brought up by Ms. Hoppe because it was the only item he felt was questionable about the project. He understood the argument was that the five pump station size would facilitate less congestion, but explained he had a hard time comprehending the difference between four and five islands in terms of relieving congestion. He stated he was inclined to support the motion, but wanted to hear from the rest of the Council.

Mayor McDavid explained he would oppose this motion because he did not believe going from five to four islands would diminish traffic, and would defer to the business acumen of Gerbes on this issue. He pointed out he also worried about micromanaging this to a point

where it was no longer a viable project, although he did not see that happening with only this reduction. He noted was unaware of any compelling reason to support the reduction.

Mr. Trapp stated he thought there was a possibility of cars lining up if they moved from five pumps to four pumps, and the impact in terms of congestion and cars running would then be magnified, which in turn would be more intrusive and troublesome for the neighbors. He thought it was safer to go with what the business analysis had indicated was closer to the optimum number of pumps.

Ms. Chadwick commented that she understood the neighbors were not opposed to the gas station and only wanted it to fit to the scale of the neighborhood. She felt a reduction in the number of pumps would help it fit better to the scale of the neighborhood. She explained she had advocated for a reduction previously, and had not seen any movement in that direction until the Planning and Zoning Commission had suggested the reduction of six pumps to five pumps. She stated she preferred three pumps based upon comments from the neighborhood, but would support a reduction to four pumps.

Ms. Nauser stated she would not support a reduction to four pumps. She explained she had been on the Council when the Walmart on Broadway had been approved, and she had heard a lot of the same arguments then. She noted the Walmart could not be seen from the neighborhood, and understood the berm and fence would shield the neighborhood from the gas station. In addition, she felt five islands were reasonable. She commented that there were varying sizes of gas stations around town and pointed out two on Nifong Boulevard near neighborhoods had six pumps. She thought the lack of complaints with regard to those gas stations was due to the convenience of having them in the neighborhood. She did not believe this gas station would be an issue, similar to the Walmart not being an issue.

Ms. Chadwick stated she did not believe this was an unrealistic request as she had counted the number of pumps at gas stations for many months, and 3-4 pumps was common, especially in neighborhoods.

Mr. Thomas commented that he did not believe it was unreasonable either, and his gut instinct was that this location should only have three islands, but noted he would vote against the motion because the applicant had bent over backwards to accommodate virtually every other request made. He stated he was delighted by the walkway that would be constructed as it would create a good opportunity for residents to walk to the store. Due to the other concessions made, he thought there was likely a good reason the applicant would not voluntarily go to four pumps. He believed this was an important neighborhood commercial center, and both Gerbes and Shelter Insurance had been good corporate citizens unlike other companies, so he was willing to support five pumps for them.

The motion made by Ms. Hoppe and seconded by Ms. Chadwick to amend B308-14 by changing subsection 6 in Section 3 so it read “The number of fuel islands shall be limited to four, with a maximum of two fuel nozzles per island” was defeated by voice vote with only Ms. Hoppe and Ms. Chadwick voting in favor of it.

Mayor McDavid stated he would support this proposal. He believed it was difficult to be in the grocery store business and noted he had seen at least a dozen grocery stores close because it was a low margin business with a lot of competition. He commented that he would

prefer not to see an empty building at this location, and wondered what might go there if Gerbes was to close as it was not very visible from Broadway. He reiterated he would support the ordinance as he wanted to see Gerbes remain at this location for a long time.

Ms. Chadwick commented that she had tried hard to convince Gerbes to reduce the footprint of the proposed gas station, but it had not been supported. Gerbes was an important anchor store in Ward 1, and provided this area a walkable place to shop. She noted the applicant had made many concessions and improvements, and explained she would support the proposal.

Mr. Trapp stated Gerbes was his grocery store and he was looking forward to the landscaping and pedestrian improvements. He noted employee retention was good at the store due to benefits and labor groups being able to work cooperatively. He believed the sizable donation of property by Shelter Insurance for a future round-a-bout was great, and stated he was pleased to support this project.

Ms. Hoppe commented that Gerbes was a great neighborhood grocery store and explained she had shopped there in the past even though it was further from her home due to its ambiance, which she felt would be further enhanced by the proposed landscaping. She stated her main concern had been the number of pumps in terms of neighborhood friendliness. She explained she filled up her vehicle during less busy times, and thought others did this as well, so she felt four pumps would be sufficient. She noted she would vote in favor of this project even though her amendment to reduce the number of pumps had been defeated.

Mr. Skala stated he would have likely preferred four pump islands instead of five, but noted he had been impressed by the process as many of the issues had been resolved. He understood this gas station would provide Gerbes the opportunity to re-do the store, and hoped that the remodel did not take away from the neighborhood feel. He reiterated he felt the process was a good template for future proposals, and was looking forward to the improvements.

Mr. Thomas stated he was happy to support this change in the plan to allow the project to move forward. He understood there was not a safe way to cross Broadway, between Manor Drive and Stadium Boulevard, which was a distance of half of a mile where the traffic never stopped, and noted he would ask staff to find a way to install a crosswalk in the area. He pointed out another issue was the lack of a sidewalk on the entire south side, except for one short block. He understood the applicant had committed to supporting the idea of installing a crosswalk across Broadway. Ms. Chadwick agreed crossing there was a real issue, and stated her support for that crosswalk being made a priority. She understood the bus stop was at a ditch in the area as well, which was another reason resolution was needed sooner than later.

The vote on B308-14, as amended, was recorded as follows: VOTING YES: HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B324-14 Granting a variance from the Subdivision Regulations regarding construction of a sidewalk along a portion of the west side of Lake Valley Lane (4805 Lake Valley Lane).

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas understood Mr. Teddy had referred to a sidewalk and asked for clarification. Mr. Teddy replied a sidewalk was located on the west side of Lake Valley Lane, and showed its location on the overhead diagram. Mr. Thomas understood it was located north of the subject property. Mr. Teddy stated that was correct. Mr. Thomas asked Mr. Teddy if he had knowledge of the history in terms of why a sidewalk was there, but not further south. Mr. Teddy replied he thought it was due to the properties being in different subdivisions. Mr. Skala understood one subdivision had property fronting Lake Valley Lane while the other had property that backed up to Lake Valley Lane. Mr. Teddy stated that was correct.

Mr. Teddy explained the end of the sidewalk marked the end of the intersecting streets that would circulate traffic through the neighborhood. Once they were to the south of that point, they were essentially in a dead-end system.

Mr. Thomas asked for the activity triggering the need to install the sidewalk. Mr. Teddy replied a final certificate of occupancy had never been granted on the property even though it had been constructed in 1999. He noted he was uncertain of the triggering event that had brought it to the attention of staff.

Ms. Nauser understood the existing sidewalk did not go all of the way to the property line, and stormwater ran in between the subject property and the neighboring lot. Mr. Teddy stated the testimony had indicated there were two drainage ways that had come together on the lot. Ms. Nauser understood the sidewalk would be constructed right next to the drainage ditch if it was required, and asked if the work associated with this had been calculated as part of the estimated cost. Mr. Teddy replied no. He explained he believed the cost would likely be higher because an adequate cross-slope would be required and there was a possibility that a drainage structure would be needed.

Mayor McDavid understood the City would be able to bill the landowners for the price of the sidewalk if Lake Valley Lane was reconstructed in the future. Mr. Teddy stated that was correct. He explained a variance did not eliminate that possibility altogether, and that the City reserved the right to tax bill for the sidewalk if necessary.

Mr. Thomas commented that most of the sidewalk gaps that were discussed via this mechanism were limited in terms of the likelihood they would connect to other sidewalks and be widely used, and as a result, he wondered if they should modify the policy so a property owner could avoid constructing the sidewalk and make a cash contribution to a sidewalk fund. This would allow the City to decide where the money was spent. Mayor McDavid suggested a work session be held on the topic. Mr. Skala explained this had come up previously, and the legal opinion at the time was that it could not be done without some benefit to the property for which the variance was associated. Mr. Thomas asked for clarification from Ms. Thompson. Ms. Thompson replied any kind of exaction from a property owner with regard to development had to be reasonably related to the property. If there was not a need for the sidewalk, there was no need for the sidewalk. Mr. Thomas asked if it could be considered something different than an exaction. Ms. Thompson replied no. Mr. Thomas

believed the Council could negotiate the issue with the property owner. Ms. Thompson explained that was the definition of an exaction.

Rod Satterlee, 4907 Royal Lytham Drive, explained he had built the house and then had to ask for a variance to build a detached garage, and noted this had been the only structure on the west side of Lake Valley Lane for a long time. The swimming pool and the five cottages had not been built then. He commented that there had been drainage issues initially that had been exacerbated by the cottages, and the developer of the cottages had built a berm to the north where the sidewalk ended so the water from the driveways would be diverted to Lake Valley Lane instead of his property.

Kathleen Weinschenk, 1504 Sylvan Lane, stated she believed more sidewalks were needed because people without cars had to walk everywhere and needed safe sidewalks to get around. She asked the Council to require the building of sidewalks everywhere.

John Clark, 403 N. Ninth Street, suggested Mr. Thomas ask staff to investigate the notion of “reasonably related” as he thought a definition would be helpful. He wondered if it could be tied to a neighborhood as there were sidewalk needs throughout the community.

Mayor McDavid stated he believed this property warranted a sidewalk variance, but noted Mr. Thomas had a point in terms of how they might be able to control variance requests as he thought they all agreed sidewalks throughout the community were important. He reiterated he would support this variance.

Ms. Nauser commented that she felt the storm drainage issues and the fact this was essentially a closed street without any other sidewalks in the subdivision warranted the variance. She agreed with Mr. Thomas in that they should try to look for other ways to address the lack of sidewalks in areas where they were needed.

Mr. Skala understood the Council could tax bill the property for the sidewalk if there was a need in the future. He commented that he was inclined to favor sidewalks even in places the need was questionable as variances created the lack of sidewalks in needed areas later, but noted he would support this variance request due to extenuating circumstances.

Mr. Trapp explained he had asked for this to be pulled from the consent agenda at the request of a disabilities advocate that was unable to attend and understood she wanted the Council to vet the issue. He noted he thought there were compelling issues in terms of drainage and the lack of connectivity to allow the variance in this situation.

Ms. Hoppe commented that if the road were to be extended many trees would need to be removed, so she agreed the variance was reasonable. She noted she was interested in the suggestion of Mr. Thomas and in looking at the law to determine whether there was a nexus in creating a walkable neighborhood.

Mr. Thomas stated he would support the variance under the existing circumstances, but was concerned with issuing too many variances.

Mr. Skala understood there was a checklist in terms of recommending a variance and asked staff to clarify. Mr. Teddy replied there was a policy resolution for unimproved streets, which applied to this situation, and criteria in the subdivision ordinances, which would apply to the next situation. The list for this situation included whether the granting of the variance would be detrimental to public safety, health or welfare or injurious to other property or

improvements in the neighborhood, the conditions on which the variance was based were unique to the property or not applicable generally to other property or self-imposed, the result would be a hardship instead of a mere inconvenience due to the particular physical surrounding shape or topographical conditions of the specific property, and the variance, in any manner, would abrogate the provisions of the comprehensive plan. Mr. Thomas thought the last criteria might make granting the variance questionable. Mr. Teddy explained the criteria framed the opinion staff had provided to the Planning and Zoning Commission.

B324-14 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B325-14 Granting a variance from the Subdivision Regulations regarding construction of a sidewalk along a portion of the east side of Greenwood Avenue (500 S. Greenwood Avenue).

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid stated he would likely oppose this variance and suggested this item be tabled since it had been removed from the consent agenda and the Planning and Zoning Commission had voted to recommend the granting the variance. He thought this would allow the applicant to be prepared to defend the variance request.

Mayor McDavid made a motion to table B325-14 to the November 17, 2014 Council Meeting. The motion was seconded by Mr. Thomas.

Mr. Skala commented that he felt it was reasonable to table this item in terms of process.

Ms. Hoppe stated she was agreeable to tabling this request, but noted that did not indicate she was opposed to granting the variance.

The motion made by Mayor McDavid and seconded by Mr. Thomas to table B325-14 to the November 17, 2014 Council Meeting was approved unanimously by voice vote.

B327-14 Amending the FY 2015 Annual Budget by adding and deleting positions in the Public Works Department; reassigning positions in the Public Works Department.

The bill was given second reading by the Clerk.

Mr. Glascock provided a staff report.

Mary Hussmann, 210 Ridgeway Avenue, explained she had asked for this item to be removed from the consent agenda because she did not understand it since the FY 2015 budget had recently been approved. She wondered why this was necessary and what positions were involved. She wanted to ensure this was not related to any changes involving the garbage collection system, and it did not sound like it was so she was satisfied.

B327-14 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B328-14 Amending Chapter 12 of the City Code to add a new Article V pertaining to employment opportunities for qualified applicants.

The bill was given second reading by the Clerk.

Mr. Trapp explained he and Ms. Nauser had met with the Chamber of Commerce today and understood the Chamber had not been able to reach out to all of its constituency groups with regard to this issue. They were particularly concerned about the timing of asking about a felony conviction being at the time an offer of provisional employment was made. He suggested they table this item in order to allow them to fully vet the issue with their membership.

Mr. Trapp made a motion to table B328-14 to the December 1, 2014 Council Meeting. The motion was seconded by Ms. Nauser.

Mayor McDavid stated he was in support of tabling this item. He commented that he thought they owed the Mayor's Task Force on Community Violence as they had done a lot of work, and explained he was an advocate of banning the box, but was troubled by that particular paragraph as well. He noted he and others would likely want to do a fairly thorough background check for domestic help for an elderly relative, and this rule could cause someone to break a law they did not know existed. He asked that the Chamber of Commerce weigh in on the issue and make recommendation for change if they felt changes were necessary.

Ms. Chadwick stated she supported this ordinance as well, and wished this issue had been caught earlier in the process. She wondered if the language should have been vetted prior to introducing it as an ordinance. Mayor McDavid commented that there had been previous times where they had missed stakeholders.

Ms. Nauser explained the Task Force had received the draft ordinance only shortly before it had been introduced, and tabling would allow the Chamber of Commerce time to talk to its membership. She noted this would also provide the Chamber the opportunity to come up with a cohesive way to get the word out if the ordinance passed. If the Chamber had issues with the ordinance, they could address the Council as one voice as well.

Mr. Skala stated he thought tabling was a reasonable approach to take, and felt they had come a long way the last few years in engaging recognized stakeholders, but sometimes it took a particular issue for a stakeholder that had not been previously included to come forward so they could be included. He agreed with allowing time for the Chamber of Commerce to provide input.

The motion made by Mr. Trapp and seconded by Ms. Nauser to table B328-14 to the December 1, 2014 Council Meeting was approved unanimously by voice vote.

CONSENT AGENDA

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

- B323-14** **Amending Chapter 20 of the City Code as it relates to processing fees for advertising costs for voluntary annexation petitions and agreements.**
- B326-14** **Authorizing a first supplemental master reimbursable utility agreement with the Missouri Highways and Transportation Commission as it relates to City of Columbia utility relocations along state roadway improvements.**
- B329-14** **Amending Chapter 27 of the City Code as it relates to security deposits for utility services.**

- B330-14** Authorizing a program services contract with the Missouri Department of Health and Senior Services for the Healthy Eating Active Living in Local Communities program; appropriating funds.
- R204-14** Setting a public hearing: construction of the Woodrail Sewer Replacement Project.
- R205-14** Setting a public hearing: construction of improvements at the Lake of the Woods Recreation Area to include a prefabricated shelter, concrete patio extension, connecting walkways, maintenance drive and additional golf cart parking adjacent to the golf course clubhouse.
- R206-14** Authorizing the temporary closure of a portion of the sidewalk along the south side of Wilkes Boulevard, between Eighth Street and Rangeline Street, to allow for the reconstruction of the Columbia College soccer field.
- R207-14** Authorizing an agreement for professional engineering services with Midwest Environmental Consultants for surveying and design for the initial development of the Norma Sutherland Smith Park.
- R208-14** Authorizing an agreement for professional engineering services with Engineering Surveys and Services for design of the Broadway pavement improvement project, from Providence Road to Hitt Street.

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

NEW BUSINESS

R209-14 Authorizing Amendment No. 1 to the agreement with URS Corporation for engineering services for construction of street improvements on Providence Road, from Stadium Boulevard to Stewart Road.

The resolution was read by the Clerk.

Mr. Nichols provided a staff report.

Ms. Nauser stated she had asked for this to be removed from the consent agenda because a constituent had asked for clarification on any changes to the initial plan. Mr. Nichols replied the ACC student housing project had triggered changes related to stormwater, property acquisition, the geometry of the intersections, etc. He noted they also had to make configuration changes so the historic rock wall was not impacted on the fraternity property, and at Stadium Boulevard and Brandon Road in terms of the box culvert. Ms. Nauser understood there was not a change to the entire concept, and that the changes were technical in nature. Mr. Nichols stated that was correct. Ms. Nauser asked if the project would be completed by the fall of 2016 or 2017. Mr. Nichols replied the right-of-way was the unknown in terms of timing.

Ms. Hoppe understood the sidewalk on the south side of Burnam was a part of this project, and asked if there was a reason it could not move forward prior to the Providence Road improvements. Mr. Nichols replied it was all one project since they were using STP funds. Mr. Jarvis stated he was not sure it would improve pedestrian safety, and might make safety worse if they were to lead pedestrians to the intersection of Providence Road without any signal improvements being made.

The vote on R209-14 was recorded as follows: VOTING YES: HOPPE, MCDAVID, CHADWICK, TRAPP, SKALA, THOMAS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- B331-14** Vacating a sanitary sewer easement located east of Scott’s Boulevard, west of State Route K and north of Astoria Way, within Wyndham Ridge, Plat No. 3.

- B332-14** Authorizing construction of a shared use path, pedestrian bridge and roadway improvements along Forum Boulevard, between Katy Lane and Woodrail Avenue; calling for bids through the Purchasing Division.

- B333-14** Authorizing the acquisition of easements for construction of a shared use path, pedestrian bridge and roadway improvements along Forum Boulevard, between Katy Lane and Woodrail Avenue.

- B334-14** Repealing Ordinance No. 022226; authorizing the acquisition of easements for construction of sidewalk improvements along Manor Drive, from Rollins Road to West Broadway.

- B335-14** Authorizing the acquisition of easements for construction of the Scott Boulevard Phase 3 street improvement project, from Vawter School Road to State Route KK.

- B336-14** Authorizing a right of use permit with Michael Urban for construction, improvement, operation and maintenance of a hood exhaust fan to extend in a portion of the alley right-of-way between 114 S. Ninth Street and 118 S. Ninth Street.

- B337-14** Authorizing a contract for sale of real estate with the Phyllis Ann Ward Trust to purchase property located south of West Burr Oak Road to be used for development of Alluvial Wells No. 17 and 18 in the McBaine Bottoms.

- B338-14** Authorizing construction of improvements at the Lake of the Woods Recreation Area to include a prefabricated shelter, concrete patio extension, connecting walkways, maintenance drive and additional golf cart parking adjacent to the golf course clubhouse; calling for bids through the Purchasing Division.

- B339-14** Appropriating funds for the purchase of a replacement heater for the Hickman High School swimming pool.

- B340-14** Declaring the need to acquire property located adjacent to Albert-Oakland Park to be used for public park and open space purposes; accepting the donation of two parcels within Oakland Park Estates Plat 2, located on Paw Print Lane, from P&S Development Group.

- B341-14** Authorizing an agreement with The Curators of the University of Missouri, on behalf of its Veterinary Medical Teaching Hospital, for emergency veterinary services.

- B342-14** Authorizing a specifics of rotation agreement with The Curators of the University of Missouri, on behalf of its School of Medicine, to provide infectious disease medical fellows and supervising faculty members educational experience in STD clinical services.

- B343-14** Authorizing a contract with the Missouri Department of Transportation - Traffic and Highway Safety Division to conduct special traffic enforcement of hazardous moving violations; appropriating funds.
- B344-14** Authorizing a contract with the Missouri Department of Transportation - Traffic and Highway Safety Division for occupant protection safety checkpoint relating to seat belt and child restraint violations; appropriating funds.
- B345-14** Authorizing a contract with the Missouri Department of Transportation - Traffic and Highway Safety Division for a DWI enforcement unit; appropriating funds.
- B346-14** Authorizing a contract with the Missouri Department of Transportation - Traffic and Highway Safety Division for DWI enforcement relating to sobriety checkpoints and saturation patrols; appropriating funds.
- B347-14** Authorizing a range facility access and use agreement with Green Valley Rifle & Pistol Club, Inc. for official scheduled training by the Columbia Police Department.
- B348-14** Appropriating funds for the CoMo Energy Challenge.

REPORTS AND PETITIONS

REP105-14 Final Recommendations of Sports Feasibility Study.

Mayor McDavid commented that he personally endorsed moving forward with a sports authority in Columbia, and explained the reason he endorsed it was because he saw a lot of other communities as a soccer parent and would have preferred the people in those communities see more of Columbia. He thought this was a potential economic driver for the hospitality industry, and would pay for itself over time if pursued. He understood staff would provide more specific recommendations in the future.

Mr. Skala noted this would potentially include more than just soccer facilities as indoor facilities for basketball, tennis, etc. would be considered. A comprehensive approach would be incorporated.

REP106-14 Downtown Columbia Leadership Council Infrastructure Report.

Mayor McDavid commented that the Downtown Columbia Leadership Council (DCLC) report had many recommendations to include a suggestion for the City to review the H3 Charrette Report. He noted two pages of this 40-page report had discussed a district-wide TIF, but it had not been widely accepted when presented publically by City staff. He thought the DCLC and community needed to understand the Council was deeply engaged in planning and that there were a lot of challenges, to include funding, but they were committed to improving infrastructure. He stated he took the report seriously irrespective of the challenges they faced.

Mr. Skala suggested they carefully consider the recommendations made, and pointed out some of those on the Council had been involved in the infrastructure questions for many years. He commented that they constantly struggled with infrastructure, and the latest incarnation was on the ballot for tomorrow's election. He stated he appreciated the emphasis this report placed upon not only looking at hard infrastructure, but also soft infrastructure, which included the social services that accompanied the cost of growth.

Nick Peckham explained the Council had assigned this task to the DCLC about eight months ago, and the Infrastructure Subcommittee had essentially met weekly since then. Once the entire DCLC became involved again, numerous suggestions were again made. He hoped the takeaways were that the City needed a longer range view of infrastructure, especially in light of continued growth projections, a blue ribbon commission to be established to review financing, etc., and a three dimensional model of the City. He noted there were a number of options for funding and thought it might be wise to have a ballot question asking the citizens who they felt should pay for the cost of infrastructure so they could move forward. He pointed out he believed the citizens would pay for everything at the end of the day whether by taxes or fees.

Mayor McDavid asked that the DCLC provide a suggested composition for the proposed blue ribbon commission as he wondered how that would be balanced. Mr. Peckham thought they could provide suggestions. He noted it was beyond the scope of the DCLC to say every dollar was being properly spent, and reiterated they were all in this together. He recommended better communication about these issues prior to a vote, and suggested continual dialogue with regard to the ongoing needs and how they could be funded. He stated a long-range strategic plan was a must, and pointed out the sewer plant was almost at capacity with room for only one more module. Ms. Chadwick left meeting at approximately 9:27 p.m.

Mayor McDavid understood there was an issue with the so-called depreciation fund. He gave an example of purchasing a new car and putting the amount the car depreciated by in a depreciation fund to build up enough cash to purchase a new car in the future. He pointed out the City did not collect money to construct facilities prior to building them as it used bonds, and the depreciation fund would not work unless they had a cash only business. In addition, it would not work for large items, such as sewer plants, streets, etc. He believed it was an outdated idea. Mr. Matthes agreed it did not work well in municipal government and would not keep up with inflation. He noted they could not predict the future in terms of costs, and a generally accepted accounting principle was to borrow money when needed. He pointed out the City tried to save money, but it would never be enough so they had also had to borrow money. In addition, a change to a depreciation fund would require a massive increase in taxes.

Mr. Thomas stated he appreciated the report and noted it would start some good conversations. He commented that he would support the establishment of a blue ribbon commission and hoped it would look at the cost of growth and how that cost was allocated. He believed there was an issue of economic efficiency and the logical allocation of costs, and hoped this would result in an accurate idea of the cost to expand the road system, sewer system, electrical system, etc. to accommodate growth. The community could then decide how much they wanted to absorb in taxes and rates.

Ms. Nauser suggested a work session be held with regard to this report to determine what actions they could proceed with in the short- and long-term.

Mr. Skala commented that in addition to the questions of the cost of infrastructure and who should pay for it, they also had the variable of the rate of growth. In terms of sustainability, they had to determine how cost allocations affected the rate of growth as well.

Ms. Hoppe stated she agreed with the suggestion of Ms. Nauser of reviewing each recommendation during a work session in terms of what they could potentially pursue.

REP107-14 Vision Commission Media Mentions Report.

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

REP108-14 Intra-Departmental Transfer of Funds Request.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Trapp commented that there was a lot of speeding in the Derby Ridge neighborhood, and wondered if it was possible to put a kid-friendly 25 mph sign on Secretariat.

Ms. Hoppe encouraged the public to obtain accurate information and vote.

Mr. Skala agreed with Ms. Hoppe and asked the public to vote.

Mr. Skala explained he had received a complaint from a constituent with regard to police bait cars being parked in front of certain homes more often than others in the Indian Hills neighborhood. He asked for information regarding bait cars and the procedures associated with the bait cars.

Mr. Skala stated he wanted recommendations on what the City could do to address situations where a residence was being used as a business. He wondered if policy changes were needed. He noted there was a lot of frustration by some with regard to this issue.

Mr. Thomas stated he want to pursue the idea of a payment in the sidewalk fund in exchange for a variance to building a sidewalk that would not be utilized. He suggested a lesser payment than the cost to build the sidewalk, and thought everyone involved would be happy with that exchange. He asked staff to look into a way to accomplish this, and asked if it was state or federal law that prohibited it. Ms. Thompson replied both. She commented that there were ways to require property owners to escrow funds to allow the City to build sidewalks at a later date, and there could potentially be other options. Mr. Thomas asked for a report with suggestions.

Mr. Thomas asked if the sidewalk on the south side of Broadway was in the Capital Improvement Project (CIP) Plan. Mr. Matthes replied he did not believe it was in the CIP Plan, but there had been a study. He noted staff would meet internally to discuss it further. Mr. Thomas stated he had heard from a lot of citizens indicating a need, especially in light of the new school boundaries. He also felt a street such as Broadway should have sidewalks on both sides for its entire length. He thought short-term projects would include a crosswalk at key locations, such as where Russell Boulevard met Broadway, or a crosswalk similar to the one on Old Highway 63, across from the Boone Hospital area, north of Broadway to Stephens Lake Park. He asked if cost estimates could be provided so they could potentially get those installed more quickly than the sidewalk.

Mr. Thomas commended the Community Development Department on winning a Missouri Chapter of American Planning Association award for *Columbia Imagined*.

The meeting adjourned at 9:42 p.m.

Respectfully submitted,

Sheela Amin
City Clerk