

**CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBER, CITY HALL  
701 E. BROADWAY, COLUMBIA, MISSOURI  
APRIL 15, 2013**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, April 15, 2013, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members THOMAS, NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP and SKALA were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of April 1, 2013 and the special meeting of April 8, 2013 were approved unanimously by voice vote on a motion by Mr. Trapp and a second by Ms. Hoppe.

**APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA**

Ms. Hoppe made a motion to request leave to reconsider the extension of the moratorium on illuminated window signs that have electronic changeable copy and for the agenda to be amended by adding B112-13, which involved the same subject matter, to the introduction and first reading section of the agenda. The motion was seconded by Mr. Skala and approved by voice vote with only Ms. Nauser voting against it.

Upon his request, Ms. Hoppe made a motion to allow Mr. Thomas to abstain from voting on R69-13 due to a conflict of interest. The motion was seconded by Ms. Nauser and approved unanimously by voice vote. Mr. Thomas noted on the Disclosure of Interest form that as the Executive Director of PedNet in 2011, he had approached the Parks and Recreation Department to offer PedNet controlled grant funds for infrastructure improvements, which led to the contract associated with R69-13.

The agenda, as amended, to include the consent agenda, was approved unanimously by voice vote on a motion by Ms. Hoppe and a second by Ms. Nauser.

**SPECIAL ITEMS**

**Oath of Office – City Counselor of the City of Columbia.**

Mr. St. Romaine explained long time city attorney, Fred Boeckmann, retired on January 31, 2013, and as a result, the City had sought a qualified replacement. He introduced Nancy Thompson, and noted Ms. Thompson had worked for three different cities throughout Missouri and had 28 years of law experience with 25 years of that experience in the public sector. She most recently worked for the City of Riverside, Missouri, but had also worked in Gladstone, Missouri and Raytown, Missouri.

The City Clerk administered the oath of office to Ms. Thompson as the City Counselor of the City of Columbia.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

**AIRPORT ADVISORY BOARD**

Faber, Steven, 3004 Woodbine Drive, Ward 5, Term to expire May 16, 2017

Thomas, David, 155 Maple Grove Way, Ward 5, Term to expire May 16, 2017

**BICYCLE/PEDESTRIAN COMMISSION**

Harder, Dan, 1803 Bluff Pointe Drive, Ward 6, Term to expire July 31, 2015

**BOARD OF ADJUSTMENT**

Carroz, Frederick, 5005 Chesapeake Lane, Ward 2, Term to expire May 1, 2018

**BOARD OF HEALTH**

Sohl, David, 4800 New Castle Drive, Ward 5, Term to expire August 31, 2013

**DOWNTOWN COLUMBIA LEADERSHIP COUNCIL**

Fowler, Pat, 606 N. Sixth Street, Ward 1, Term to expire May 1, 2016

Gray, Randy, 301 Edgewood, Ward 4, Term to expire May 1, 2016

**LIQUOR LICENSE REVIEW BOARD**

Gardner, Brian, 3707 Teakwood Drive, Ward 4, Term to expire May 1, 2016

**SCHEDULED PUBLIC COMMENT**

None.

**PUBLIC HEARINGS**

**B95-13 Authorizing construction of improvements to the H.J. Waters and C.B. Moss Memorial Wildlife Area; calling for bids through the Purchasing Division; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mayor McDavid opened the public hearing.

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

Ms. Hoppe commented that this was a great trade/lease situation with the Department of Conservation as it added more natural area and open space, and noted most of the area was in a conservation easement that would make it available for the public and for hunting.

Mayor McDavid stated it would also tie in nicely with the Grindstone Trail.

Mr. Skala understood this was a great collaborative effort that had begun in 2009.

B95-13 was given third reading with the vote recorded as follows: VOTING YES: THOMAS, NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(A) Consideration of the rescission of Resolution 188-12 relating to construction of street improvements on Providence Road from Turner Avenue to Stadium Boulevard and providing direction to the city manager on how to proceed with the project.**

Item A was read by the Clerk.

Mr. Bitterman provided a staff report.

Mayor McDavid understood Option 8-A would cost \$2.1 million and included sidewalks. Mr. Glascock stated that was correct and noted the sidewalks would be on Burnam. Mayor McDavid asked for the cost of Option 9. Mr. Glascock replied \$3.2 million.

Ms. Nauser understood the blended option did not have the delineators since a piece would be added from Stadium Boulevard to Brandon Road. Mr. Bitterman stated that was correct.

Ms. Hoppe understood an estimated \$1.2 million had been included in the cost for the acquisition of property for Option 9, but that cost could end up as low as \$600,000. Mr. Bitterman explained much of that cost depended on the need for relocation costs for people already living in those homes. Staff had tried to provide conservative estimate.

Mayor McDavid asked for the cost of the sidewalk portion of Option 8-A. Mr. Bitterman replied it was approximately \$225,000. Mayor McDavid understood that amount had been added to Option 8-A and was not included in Option 9, so the cost difference in cost between those two options was roughly \$1.3 million.

Mr. Schmidt asked if there would be any compensation to the owners on Birch for the acquisition of right-of-way or easements if they proceeded with Option 8-A. Mr. Glascock replied the City already owned most of the right-of-way. Some easements would be needed for construction and the owners would be compensated for those easements.

Mayor McDavid opened the public hearing.

Brian Struchtemeyer, 7 E. Burnam Road, explained Robbie Price, the President of the Grasslands Neighborhood Association, had been unable to attend the meeting and had asked him to read a prepared statement. The statement indicated that at the February 18, 2013 Council Meeting, the Council had agreed to give the neighborhood and the full public an opportunity to learn more about the Providence Road improvement plan. An interested parties meeting was held as well as a separate meeting with MoDOT, City officials and the neighborhood, and the Council had been provided the results of the polled opinions from those two meetings. Over 70 percent of the homeowners of the Grasslands Neighborhood had voted in favor of staying the course. This was a number that had not wavered through these past many years and meetings. In addition, 53 percent of the public had voted to stay the course at the interested parties meeting poll. He believed these results sent a clear message that all of the interested parties and the City as a whole wished to continue with Phase 1 and that the numbers reflected a clear mandate of the Council's promise to the public, but despite this preponderance of sentiment, feedback from Council had indicated they wanted to look at Birch Road as a connector street instead of the approved new connector to be constructed. This was an option that only two percent of the public comment supported. The neighborhood felt expanding Birch Road would do irreparable harm to a stable neighborhood in terms of both safety and value, and would radically alter the neighborhood's established traffic patterns by shunting 55 percent of all of the neighborhood

residents up Birch Road to make a left turn. One of the basic precepts the Grasslands Neighborhood had always maintained was to keep the existing traffic patterns the same without subjecting one part of the neighborhood to an egregious increase in traffic burden. By using Birch Road as the north/south connector, more than ten times the number of properties would be negatively impacted than by staying the course of Phase 1, and nothing would be done to allow for the long term improvement of Providence Road at the City's busiest intersection. If Council amended Phase 1, he suggested it be done in a way that provided more benefit. He explained the original concept for Phase 1 would have closed Bingham Road completely, and Phase 2 was linked conceptually so that Bingham would eventually reopen. In the Grasslands Neighborhood review with MoDOT in March, MoDOT had indicated its willingness to leave Bingham Road open in Phase 1 as long as it was a right-in/right-out only, which would effectively decouple Phase 1 and Phase 2 allowing Phase 1 to stand on its own. If Council was to modify Phase 1, he felt this was the most rational option as it continued to represent a long range solution to an existing and ever growing infrastructure problem on Providence Road, and any other option would push the problem to another Council. He pointed out the City had improved Providence Road south of Stadium and north of the Business Loop, and Phase 1 had laid the foundation for a long term solution to the bottleneck in between those improvements. It represented better motorist and pedestrian safety while creating circumstances for eventual expanded capacity and opportunities for Providence Road, which currently had a rating of "F." He urged the Council to consider the needs and desires of the public as demonstrated with the majority support in the interested parties poll by not rescinding this project and by continuing with this needed improvement to Columbia's infrastructure.

Ms. Hoppe understood the recommendation was to keep Bingham open if there was going to be an alternative to Phase 1. Mr. Struchtemeyer stated that if the Council was to modify Option 9 or Phase 1, they were recommending a right-in/right-out only at Bingham as it would decouple Phases 1 and 2. He explained his own opinion was that nothing be done if Council did not proceed with Option 9 as it involved a substantial amount of money and only Option 9 would set the stage for the long term improvement of the City's needs along Providence Road.

David Goldstein, 206 E. Ridgeley, explained his home was a block west of Providence and noted he was against rescinding R188-12 as it had been passed unanimously by the Council and was the culmination of years of discussions and studies among all of the interested and relevant stakeholders regarding the steadily increasing problems with traffic flow and safety on Providence Road from Stewart Road to Stadium Boulevard. He commented that he could attest to the problems on Providence Road as he had spent 35 years walking Bingham Road and Brandon Road to cross Providence to Kentucky to the University Hospital and back, and pointed out he used to have a large collection of hub caps from cars hitting the curbs due to the narrow lanes on Providence Road. He explained the University of Missouri, the Columbia Public Works Department, MoDOT and the Grasslands Neighborhood had all agreed to a so-called Phase 1 plan, which the Council had approved, and noted the Grasslands Neighborhood had been involved because the change would have a direct impact on traffic flow and safety in the subdivision. Almost immediately after the

Council had made its decision, there was a loud public outcry by a small number of people, who claimed to be important stakeholders and left out of the process. With considerable acrimony among the citizenry, fueled in part by misinformation, the issue became politicized by some of the candidates for Council, and culminated in the decision of Council to consider rescinding the prior resolution and decision. He noted more meetings had been held since then and he did not believe any of the major stakeholders, which included the Grasslands Neighborhood, University of Missouri, the Columbia Public Works Department and MoDOT, had changed their original position in support of the resolution and decision previously made. He pointed out the survey taken at the ARC showed 53 percent support for Option 9, so it was difficult for him to understand the justification for rescinding R188-12. He commented that rescinding the resolution might be politically expedient, but he did not feel it was democracy at its best. He urged the Council to allow the project to move forward and to then determine the next step.

Don Duello, 203 E. Bingham Road, stated he believed the major reason the City needed to move forward with the current plan was pedestrian safety. He explained the City and MoDOT had decided to fix the problem at Hickman High School and Douglass High School, but there were also many pedestrians that crossed Providence Road from the Grasslands Neighborhood. The Birch option would concentrate both vehicular and pedestrian traffic from Clarkson to Providence, while the original plan would concentrate traffic at a controlled intersection with a signal, so it would be safer. He did not believe the installation of a sidewalk with the Birch option would address the situation as he did not think everyone would walk on the sidewalk. He referred to the delineators and stripes on College Avenue and noted this was not working at that location, and was why that road would be reconfigured again. He urged the Council to continue with the Phase 1 plan as it had already been approved. He felt Phase 1 might be the only necessary improvement if they were lucky since the safety issue would be resolved. He pointed out the cost of that option compared to the Birch Street option was relatively close, and the Birch Street option would be a waste of money if they ultimately had to do something with Providence Road in the future.

Bruce Beckett stated he owned property at 210 Burnam Road, which was west of the intersection of Providence Road and Bingham, and commented that when Phase 1 was approved in November of 2012, those that had spoken in support had indicated Phase 2 was an integral part of what had been approved for Phase 1. He understood a provision had been made then to include Phase 2 on the CIP list for funding, and that the total cost of the project was \$6.7 million. He thought the Council needed to determine if there was a good alternative that would address the issues of pedestrian safety, a signalized intersection at the Grasslands Neighborhood and the promotion of Providence Road traffic toward the Stadium Boulevard intersection while preventing the demolition of eight houses along Providence Road. He believed Option 8-A was such an alternative. He commented that this option would save a lot of money compared to what Phase 1 would set in motion, and would free up money for other serious traffic problems. He reiterated he believed Option 8-A had addressed all of the concerns in an economic and efficient fashion.

Jeremy Root, 2417 Beachview Drive, urged the Council to rescind its prior action and explained that the reason he supported such a motion was because the public had the right

to be heard at a meaningful time and in a meaningful way on the basic concept of proposed improvements by the City. Before the November 19, 2012 public hearing, there were two interested parties meetings regarding the Providence Road improvement project. One occurred in 2008 and the other occurred in 2010, and at neither of those meetings were any options presented in which the City would use its power of eminent domain to acquire residences. The option involving eminent domain had never come before the public prior to the November 19, 2012 public hearing. He believed this was a serious breach in process and felt many relevant stakeholders would have liked to have been heard regarding the proposed improvement including the subject property owners who did not receive adequate notice or were out of town the night of the public hearing. He commented that the State Historic Preservation Commission and the local Historic Preservation Commission had tried to provide input, but were not heard due to the rush to consider the only option that was before Council, and that option involved Phases 1 and 2 and authorized the City to acquire eight homes at a cost of about \$10 million. He understood another interested parties meeting had been held on March 20, 2013, but felt that process was inadequate as well, and wondered what meaning could be given to the input received as it was too late and there were too many options. As a result, those in favor of one plan that had already been approved were able to show 53 percent support in the survey. He commented that the option approved by Council was the most expensive, invasive and destructive to the neighborhood because it required the use of eminent domain to take peoples' homes and many of those homes were on Providence Road, which was the entrance to the Grasslands Neighborhood. He believed those homes were stately and beautiful, and had historic value and asked the Council to rescind the action they had taken in November, 2012.

Richard Burns, 117 W. Burnam Road, stated he was speaking on behalf of his mother, Joan Burns, who lived at the corner of Stadium Boulevard and Providence Road at 310 E. Brandon Road, and noted she had the only owner-occupied home with frontage on Providence Road. He explained his family supported Phase 1 as voted on in November, 2012 because the plan had many parts to it, including the widening of Providence Road from Stadium Boulevard to Brandon to extend the current right hand turn lane. For this to be achieved, a significant portion of his mother's property would be needed by the City, which would result in negatively impacting the property. Although his family was not happy about this, they understood why it was necessary. He explained his parents had bought this house from Don Faurot back in the early 1960's and had seen Providence Road widened at least twice since then. He did not think Mr. Faurot or his parents had planned on Providence Road becoming the primary north/south corridor for Columbia, and they now had to deal with it. He stated his family currently supported the City's acquisition of a portion of her property if it was packaged with a comprehensive plan the majority of the neighbors and the major stakeholders agreed upon and included the Phase 1 proposition as currently on record. They did not view the widening of Birch Road as a good, long term solution for this neighborhood, and would reconsider their support if Council decided to go in that direction.

Frank Booth, 5 E. Burnam, explained his property was directly north of where Birch Road ended and believed Option 8-A would make pedestrian safety worse on Burnam Road. Students walked three across near the center of Burnam and this option would add car and

large truck traffic to Burnam Road from Birch Road. It was on the hill portion of Burnam where one could not see what was over the hill, and cars often used the wrong side of the road just missing pedestrians. He noted he often drove the center of Burnam hoping no cars were coming up the hill, and believed adding more vehicles to Burnam would make that situation worse. He commented that he considered the safety problem worse on Burnam than on Providence, and noted Birch was basically a path that had been used by people to go around the block. He believed this would affect the character of the neighborhood in terms of children playing on the street and people walking their dogs in groups along the street. He reiterated he did not believe pedestrian safety would be increased by directing traffic down Birch Road. He stated he had seen an e-mail that had been received from a Council Member, which indicated that Council Member had not been provided any evidence that indicated property values would or would not decrease, and commented that he felt his property value had dropped by about \$100,000 because the City had allowed the north side of Burnam to decay. Months after he had \$110,000 to renovate his kitchen and master bathroom, a 40-unit apartment complex was built one block from his house. He had never been informed of the rezoning or been provided the opportunity to tell the Council it was a bad idea, and could not do anything about it now. He did not feel the City followed due process for that situation. He stated development on Burnam had come to a halt, properties on Clarkson were decaying and the house directly west of his had been on the market for 300 days, and believed the situation would become worse if Birch Road became a thoroughfare. He explained the population of Columbia would continue to increase as it had in the past, and the traffic engineer had indicated a two percent increase in traffic on Providence Road per year. If nothing was done, cars would continue to back up further down Providence. He believed a third lane going south on Providence would be needed to address the situation in the future, so the houses along Providence would eventually be demolished for land for the third lane. He reiterated his home was losing its property value and would lose more value if the City moved forward with the Birch option.

Ali Price, 111 E. Brandon Road, stated she supported continuing with Phase 1 as approved by Council in November 2012, and wondered when enough was enough as the same issues kept being discussed over and over again. She understood Providence Road had a rating of "F," and felt that should be enough to move forward with improvements to it. The Council had indicated they were not sure the neighborhood really supported this, so the neighborhood voted again with a 70 percent outcome in favor of Phase 1. It was then decided the City as a whole should be included, so an interested parties meeting was held and the result was that 53 percent of citizens were in favor of Phase 1. She pointed out they had been dealing with other options for ten years, and any option involving Birch Road was discounted early on by the neighborhood, yet it was still being considered by the Council. She believed the Council knew what the neighborhood wanted and needed, and noted Phase 1 would solve vehicular and pedestrian safety problems. She commented that she believed the Historic Preservation Commission created a fire storm and failed miserably in their role and responsibility to this issue. The allegations made on January 31, 2013 of deliberate attempts to keep parties from talking, improper procedures, secret meetings and collusion for profit were all completely unfounded and refuted. She noted these allegations were made in

a public forum and believed those from the Historic Preservation Commission needed to set the record straight and publicly apologize for the accusations and innuendos that were made as well as their disrespectful and condescending treatment of staff and of the leaders of the Grasslands Neighborhood. She urged the Council to move forward with Phase 1.

Beverly Carl, 301 E. Bingham Road, stated she believed Option 8-A was a valid option and noted she was as selfish as everyone else in that she had been unsure of the idea of the other option when she had been told Bingham Road would be closed. She felt using Birch Road for the feeder road that ran parallel to Providence to move traffic made sense, and hoped the Council would consider her opinion as well.

Lili Vianello, 1005 Wayne Road, explained her residence was a block west of Providence Road, and noted that while she agreed the comments made by the Historic Preservation Commission were not positive, she appreciated the opportunity to have that information presented. She commented that although she and her husband had asked to be included in the e-mail communications for the Grasslands area, they were not included until after the November 2012 meeting. She stated her preference would be to do nothing, but noted she could live with Phase 1. She pointed out her concern was the looming possibility of Phase 2 and did not believe Phase 1 could be considered without Phase 2. She explained that the majority of the people were in support of Option 9 at the ARC meeting, but Option 8-A had not been presented, so they were not able to vote on that option. She stated she would have supported that option had it been available.

Pat Fowler, 606 N. Sixth Street, explained she had attended the interested parties meeting at the ARC and had been delighted by the number of people in attendance, but pointed out she had barely gotten a comment form, and due to the time pressure, her comments had been disjointed. She believed they needed protected signalized passage for pedestrians in any option chosen because students lived in those houses along Providence Road and walked to campus. In addition, many residents of the Grasslands Neighborhood worked at the University and walked to campus. She understood the frustrations of homeowners that had invested in their properties and lived with the uncertainty of what would happen around them as she and others lived with that uncertainty as well, but did not feel that was a reason to stop working on good pedestrian access and protecting affordable housing for students, which the homes along Providence Road represented. She also understood there was a lot of concern regarding Birch Road, but felt the ideas of traffic demand management and the street standard changes made several years ago, which slowed down traffic, could help address any issues. She stated she appreciated all of the public hearings on this subject as it allowed everyone to have more information, which was important since everyone would help pay for the improvement.

Gerry Hazelbauer, 200 Bingham Road, explained crucial interested parties had been discussing a solution to an ever growing problem for over a decade, and for the first time there was agreement from those directly affected in terms of Option 9 or Phases 1 and 2. He pointed out it was not unanimous, but was something they had agreed upon, and believed this was one of the reasons the Council voted unanimously for it in November 2012. If the City went back to conduct another set of meetings, he did not believe there was a guarantee

that those that had previously agreed would agree again. He reiterated this was not perfect to anyone involved, but noted it was a doable plan.

Brian Treece, 101 W. Brandon Road, thanked the Council for taking the time to study this issue in greater detail. He commented that MoDOT had indicated it did not have any long range plans of funding for this intersection on Tuesday at the Council Work Session. He understood MoDOT would not do anything to this intersection unless the Council asked them to do something. In addition, as of 5:20 p.m. today, federal funding had not been approved for this project and federal funds would not be approved for this project unless the Department of Natural Resources (DNR) concurred. He understood DNR had indicated in a letter to the City last week that they had rescinded their finding of no historic properties and would ask the Council to consider alternatives that would avoid, mitigate or minimize adverse impacts to this area. He believed the only way this could occur was if there were less environmentally impactful and less expensive options, and felt this determination reduced the viability of Phases 1 and 2. If the Council decided to rescind its prior decision, he hoped they would make a clear statement that Phases 1 and 2 were off of the table, so the property owners along Providence and in the Grasslands Neighborhood could make the investments their homes required.

Mark Farnen, 103 E. Brandon Road, agreed there was a letter that discussed funding, but noted that funding was still in process. He felt the only thing that would stop the process was if Council rescinded its previous decision because there would be nothing to fund. He commented that one criterion was for the City to consider other viable means that would have less environmental impact, and that had been done through the ten options that had been considered by every stakeholder in the process. He noted that when Providence Road, south of Stadium, was built, there were 12 foot wide lanes and enough lanes to accommodate traffic. In addition, pedways were installed on both sides and sidewalks were improved. The same multi-modal improvements had occurred on N. Providence, and \$4.1 million was spent to extend Providence from Vandiver to Blue Ridge. Houses were not acquired because no one lived in those areas. The section of road currently being discussed was in the middle, and had a rating of "F" because the road did not work and had not worked for years. He commented that living in the Grasslands was unique because they had to give up some things and tolerate other things that other neighborhoods did not, and listed those items. He did not believe anyone should have to give up public safety regardless of where they lived, and everyone should have an expectation that public safety was maintained. He felt this issue was about maintaining the public safety on that stretch of road and urged the Council to continue with the project they had already approved.

Monta Welch, 2808 Greenbriar Drive, stated she believed everyone in the community wanted to find a good solution as they cared about vehicular and pedestrian safety and the traffic issues on Providence. She did not believe some of the solutions had taken into account the value of historic preservation and thought the solutions should consider a less car-centric society by improving mass transit and encouraging changes in behavior. She agreed Providence Road needed a solution, and suggested looking at additional options as she did not think those solutions would delay the process another ten years.

John Ott, 212 Bingham Road, explained he served on the Board of the Grasslands Neighborhood Association and had been involved in this project for some time. He agreed the additional time and meetings had been productive, but believed the issues needing to be addressed were how to make the area of Providence Road near Burnam and Bingham safer and how that could be addressed without negatively affecting a good neighborhood. The cost of the two projects that appeared to be favored was not much different. He thought the neighborhood appreciated sidewalks and if all of the traffic was put on Burnam, sidewalks would be needed, but he did not believe this was the safest option. He stated the real cost difference was only several hundred thousands of dollars. He understood there were other City needs, but questioned the cost of negatively impacting a neighborhood. The neighborhood did not want to tear down houses either, but if they had to tear down some houses, he felt it would be better to tear down two homes in order to protect 20-30 homes in the core of the neighborhood. He thought the value of Option 9 was better than Option 8-A. He commented that Option 8-A was not new as it was another option involving Birch, which the neighborhood had tried to avoid. He pointed out the option of doing nothing would be neglectful as there was a huge problem in the area and someone would end up being killed due to the speed of traffic, the curves of the road and the visibility in the area. He hoped the City would do something, and that they would vote in favor of Option 9 as it would not negatively affect the neighborhood.

Christopher Pascucci stated he owned property at 905 Providence Road and felt the Council Work Session had been fruitful as they had discussed Option 8-A, which would achieve the needs of the area. He pointed out it did not put all of the traffic on to Birch Road to exit the neighborhood as only people turning left would need to go in that direction. There would still be a significant number of vehicles exiting the neighborhood from Bingham and Brandon to turn right. He believed Option 8-A was the best option.

Rob Duncan, 3611 Holly Hills Court, explained he and his wife owned 903 S. Providence, which was one of the two homes slated for destruction under Option 9. He thanked the Council for slowing down the process to allow more complete sentiments and concerns to be heard. He commented that there had been a number of options and ideas that had not come to closure and noted former Council Member Kespohl had mentioned his concern regarding the immediate left turn onto the feeder after turning off of Providence Road and the congestion of cars that would continue to compound the flow of traffic on Providence Road. He wondered if that issue had been vetted. He noted he often visited Washington, D.C., and at Connecticut Avenue, they had three lanes of traffic going the predominant direction of rush hour traffic and one lane in the opposite direction. He urged the Council to rescind its current Phase 1-A plan and to not destroy homes with the use eminent domain. He asked that they evaluate much less destructive and less expensive methods of achieving the same sort of improvement to traffic flow as he agreed traffic flow, safety and ingress and egress from the Grasslands Neighborhood were concerns, but did not believe destroying eight homes was a good approach.

Eugene Elkin, 3406 Range Line, commented that he had participated in the most recent interested parties meeting, and had chosen Option 6 as he was concerned with having a full-functioning intersection and traffic flow to Stadium. That option would expand the north

part of Providence prior to Burnam, but would not involve expansion to the south. He noted he had backed off of pushing for six lanes as it would cost too much to move the utilities on the east side of Providence Road. He asked the Council to consider the need for expansion and to rescind its decision made in November 2012.

Teresa Maledy, 215 W. Brandon, explained she had moved to the neighborhood in 2007 and understood many hours had already been spent in trying to find a solution. This began with a simple request for a signal to allow safe vehicular and pedestrian traffic out of the Grasslands Neighborhood. She understood MoDOT had indicated that if a light was going to be installed, ingress and egress on other roads would be limited, and this prompted the need for a feeder road. She believed the Grasslands Neighborhood was a historic neighborhood and that Phase 1 could occur alone, but pointed out that if Phase 2 ever moved forward, many of the homes that would be demolished had already been compromised historically with the widening of Providence Road in the past. She hoped the Council would consider the number of years everyone from the City, Grasslands Neighborhood, University of Missouri and MoDOT had spent in trying to come up with a workable solution, and would allow the project to move forward by not rescinding its previous decision.

Ryan Kind, 105 E. Ridgeley Road, stated he agreed and encouraged the Council to not undo a solution that had been worked on extensively over time and seemed to meet the needs of the majority of stakeholders. He commented that he used Birch Road frequently when walking or biking to the MKT Trail, and suggested those that favored the expansion of Birch Road to walk it as the houses were already very close to the road. He noted that just because the City had easements did not mean they should use them. He hoped the Council took this decision seriously in terms of the impact to the neighborhood.

Karen King, 10 E. Burnam Road, explained her home was located at the corner of Burnam and Birch Road and pointed out her driveway was 30 feet long, and she would only have about half of that driveway left with the Birch Road option. She noted there was another driveway on the other side of Birch Road that would have the same issue.

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

Ms. Hoppe understood if the Council agreed to continue with Option 9, the City would not have to go forward with Phase 2, and asked if Phase 1 could stand on its own. Mr. Glascock replied Phase 1 could stand on its own and pointed out the Council had not held a public hearing on Phase 2. Phase 2 was in the CIP for a later date and was not being considered at this time.

Mayor McDavid commented that he believed the process that led to the November 19, 2012 decision was flawed, and that he would vote to rescind that previous decision. He thought they were trying to move traffic down Providence Road, and in that respect Option 8-A and Option 9 were not different, as both involved a right turn lane between Brandon and Stadium. He also believed they wanted to improve pedestrian safety for those living in the Grasslands Neighborhood, and staff had recommended a signalized intersection to allow pedestrian traffic to cross Providence Road, which was not different between Option 8-A and Option 9. He understood the engineers felt restrictions were needed in terms of ingress and egress at Bingham and Brandon with a right in/right out, and this created a traffic flow issue

within the Grasslands Neighborhood regardless of whether Option 8-A or Option 9 was chosen. Those that lived in the Grasslands Neighborhood wanting to turn left would have to go to Burnam, and anyone traveling from the south wanting to turn into the Grasslands Neighborhood would have to go to Burnam. The issue was how people in the southern part of the Grasslands Neighborhood traveled to and from Burnam, and whether they used Birch, which was an existing road and would cost about \$100,000 to widen, or whether two homes were demolished to construct a feeder street between Bingham and Burnam. He commented that some people would be unhappy regardless of how Council chose to proceed and noted one option was \$1.3 million less expensive than the other. He pointed out there were many unmet needs in terms of infrastructure and every dollar spent in the Grasslands that was not needed was a dollar not spent elsewhere in the City. He stated he planned to vote to rescind the Council action of November 19, 2012 as he believed Option 8-A was a better option.

Mr. Trapp stated he believed Mayor McDavid had done a good job of laying out the issues. In addition to the cost in terms of money, he felt Option 9 involved a significant cost to the streetscape and the historic value of the two homes that would be demolished as they had been designed as the front face of the Grasslands. He stated he planned to vote to rescind the previous decision the Council had made as he believed the same solutions could be met through Option 8-A. He understood a community consensus might not be reached with that option, so he encouraged staff to look at Option 10 as well, so they could at least assist with traffic flow. He also wanted to know if anything could be done to improve pedestrian safety through that area as the City had done other things that did not involve anything as dramatic as what had been proposed in Phase 1.

Mr. Skala commented that he intended to vote to rescind the previous decision of Council for some of the reasons mentioned by Mayor McDavid. He understood the discussions within the Grasslands Neighborhood involved whether or not to have north/south access to relieve traffic concerns, and whether the north/south connector would be a berm next to Providence or on Birch Road, and noted he did not intend to force anything on the Grasslands residents they might not want. He stated he tended to favor some of the items involved in Option 8-A, but was not sure he favored all of them, and thought discussion needed to take place within the context of the Grasslands Neighborhood. He commented that he was very troubled by the process that created this situation, and pointed out he had not been invited to any of the meetings held on this issue from 2007 to 2010, when he was on the Council previously. Apparently, there had been a good deal of compartmentalization even though a lot of people here had been engaged and had worked hard to come up with a solution. He did not believe the process had been inclusive enough, and his vote to rescind did not condemn any of the options, to include Option 9. He was only expressing his opinion on what he thought was the best option. He reiterated that he planned to vote to rescind the previous decision based on the fact the process was flawed.

Ms. Nauser commented that she planned to vote to rescind the decision made by Council in November 2012. She explained she had worked on this issue with the Grasslands Neighborhood during her first two terms on the Council. At that time, the preferred option was for lights at Turner/Burnam with the Birch Road connector, limited access, and delineators, and there were several portions of that particular plan the Grasslands

Neighborhood did not like, to include the delineators and the Birch Road connector. She noted she had attended a Grasslands Neighborhood meeting in 2010 where the Neighborhood Association had voted almost unanimously to do nothing. Sometime after she was no longer on Council, the new option had been presented to Council for a vote. She felt this process was flawed. The new proposal was very different than any of other proposals as it required the taking of eight homes through the use of eminent domain. She commented that she was an advocate of property rights and understood the needs and concerns of the people who lived in the Grasslands, such as property values, but was disturbed by people implying the homes were rentals and should not carry as much weight as an owner-occupied home. She stated she was not willing to accept the demolition of two to eight homes at this time. She was agreeable to Option 8-A or just adding an extra turn lane. As indicated by Mayor McDavid, there were many projects throughout the community that needed funding, and this project had gone from an estimated \$900,000 project in 2005 when it was put on the capital improvement tax initiative to a \$2.3-\$3.2 million project for only Phase 1, and \$6 million, if Phase 2 was completed as well. She did not feel the Council had been provided the other options prior to making the decision in November 2012, and thought the decision might have been different if Council had seen all of the other options prior to then.

Ms. Hoppe stated she planned to vote against rescinding their previous decision. She pointed out she was the only Council Member that had been on the Council consistently since 2006, and believed the Grasslands Neighborhood had been consistent in terms of Birch Road not being acceptable since it would negatively affect the neighborhood. A lot of options had been discussed and two interested parties meetings had been held. She believed that if there had been another interested parties meeting prior to the November vote, the result would have been the same. In an abundance of caution, another interested parties meeting was held on March 20, 2013, and 70 percent of the neighborhood was supportive of the Phase 1 plan and 53 percent of the 200 people that attended the interested parties meeting were in favor of the Phase 1 plan. She noted historic preservation had been mentioned, but pointed out the City did not have any enforcement capability in terms of the historic preservation of rental properties because in many instances the owners allowed those properties to deteriorate causing them to eventually be torn down. They had heard testimony that the Birch option would affect driving patterns and ten times the number of properties than the other option. In addition, it would take a substantial amount of property from those that had homes on Birch. The City was trying to address a Providence Road traffic problem and staff had indicated the City could move forward on Phase 1, which could likely address the problem. The City was also working to improve transit so she was hopeful Phase 2 would not be needed. She did not believe Phase 2 was automatic if they moved forward with Phase 1. Although the State Historic Preservation Office had rescinded its initial “no finding” determination, they had also indicated they needed more information prior to making a final determination with regard to whether the houses were valuable, unique or historic. She agreed with the speaker that asked when enough was enough and pointed out the Grasslands Neighborhood had been working on this for ten years and the Council that had approved it had then decided to back track and reconsider the decision. She wondered when any neighborhood would feel secure in a decision made by Council if this could happen to the

Grasslands Neighborhood in this situation. She noted they had a process and had allowed more input than normal in an abundance of caution, and Phase 1 was the plan a majority of the citizens and neighborhood wanted. She thought they should proceed with Phase 1.

Mr. Schmidt commented that the cost for this project had increased over time, and noted he would vote against the rescission because he did not want the price to continue to increase. He asked those that planned to vote in favor of the rescission to reconsider. He agreed with much of what Ms. Hoppe had stated and explained this issue had been going since Providence Road was built. He thought they needed to consider what a minor, but significant taking, the Birch option created in terms of property rights and enjoyment as it was a very narrow road. He understood some people felt the process had been flawed, but this discussion had been going on for a long time, and he believed those people just did not like the outcome. He agreed Option 9 was one of the more expensive options, but when considering the actual cost of acquisition, the savings with regard to Option 8-A was not that great.

Mr. Thomas stated he planned to vote to rescind the action taken by Council in November 2012. He was excited by the number of people that had testified and been engaged in the process. He explained he had spent a good portion of the last three months talking to Ward 4 voters and the overwhelming opinion was that this was a large amount of money to spend on one specific transportation project and that they had not been provided enough information to determine whether to support it. He pointed out Phase 1 would not be ruled out by the decision to rescind the Council's previous action, but noted he had a lot of unanswered questions. He wondered how bad the traffic backed up on Providence in terms of how frequent it was and how far and long the cars were stacked. He stated he wanted to see what went into the two percent growth per year projection and wanted a more vigorous conversation amongst Council and the community with regard to less drastic impacts in dealing with traffic congestion. He also wondered why a light could not be placed at Bingham. He felt there were many credible reasons to believe there was a way to address this problem without destroying the ambience of the Providence roadway, and thought the Council could reach a conclusion relatively quickly. He was uncomfortable with Phase 1 at the moment, which was why he would be voting to rescind that action. He also hoped it would be possible to have a solid median instead of delineators all of the way down Providence because if there were no left turns allowed at Brandon, Bingham or Kentucky, pedestrian safety could be improved.

Ms. Hoppe commented that she would like Phase 1 and the alternative recommended in Mr. Price's letter, which Mr. Struchtemeyer read, of keeping Bingham open as a right in/right out.

Mayor McDavid made a motion to rescind the action of Council at its November 19, 2012 meeting involving the Providence Road improvement project. The motion was seconded by Mr. Trapp and approved by voice vote with only Ms. Hoppe and Mr. Schmidt voting no.

Mr. Glascock asked how quickly staff could bring back Option 8-A along with the other options requested by Council tonight. He wondered if they could schedule a public meeting for the first meeting in June. Mr. Skala stated he did not think this should be restricted to only

Option 8-A. Ms. Hoppe asked that Phase 1 and the alternative to Phase 1 involving Bingham also be provided. Mayor McDavid stated Options 8-A, 9 or 10 should be included. Mr. Glascock understood the Council was comfortable with those three options to be reconsidered. Ms. Hoppe pointed out a fourth option that should be included was the alternative to Phase 1 suggested by the neighborhood of having Bingham be a right in/right out only instead of being closed. Mr. Glascock stated staff would review that option as well.

**(B) Voluntary annexation of property located on the east side of Highway 63 South, west of Rolling Hills Road and south of Old Millers Road (5950 Rolling Hills Road).**

Item B was read by the Clerk.

Mr. Creech provided a staff report.

Ms. Hoppe asked who would be responsible for street maintenance and snow removal if this area was annexed into the City. Mr. Creech replied the applicant had requested a variance interior to the site based on the way the manufactured homes were set up, so the streets would be private streets. Mr. Schmidt understood that meant they would be maintained by the property owner.

Mayor McDavid opened the public hearing.

Garrett Taylor, 1103 E. Broadway, explained he was the attorney for the applicant and offered to answer any questions.

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

**R81-13 Reserving funding and designating Show-Me Central Habitat for Humanity as a Community Housing Development Organization (CHDO); transferring property located at 413 West Ash Street to Show-Me Central Habitat for Humanity; approving an amendment to the FY 2013 Annual Action Plan for CDBG and HOME funds; transferring funds.**

The resolution was read by the Clerk.

Mr. Cole provided a staff report.

Mr. Schmidt understood a buyer had been identified. Mr. Cole stated that was correct and pointed out they had a large pool of buyers so he felt this was a low risk situation.

Mr. Trapp understood the Central Missouri Community Action (CMCA) proposal included more universal design features and asked if it would be possible for this proposal to increase what they had as universal design. Mr. Cole replied he had spoken with Don Love from the Universal Design Coalition and he had expressed the same concerns, so he had he communicated Mr. Love's concerns to Bill View of Habitat for Humanity, and Mr. View had indicated he was more than willing to discuss further options.

Mayor McDavid opened the public hearing.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning, Columbia Climate Change Coalition, Interfaith Care for Creation, Habitat for Humanity on this specific project, Columbia businesses and numerous other organizations and individuals that supported the wise use of City funds to rehabilitate neighborhoods and educate the community with a Net Zero affordable home demonstration. The Net Zero affordable home was a goal of the People's Visioning and a partnership with Habitat for Humanity in response to the request for proposals from the City to build a high energy

efficiency home at the 413 West Ash site. She asked the Council to support this request as well as their request for a significant raise in the City's renewable energy standard. She also asked that the Council consider greener building codes. She explained the People's Visioning had made proposals to the Water and Light Advisory Board on their ideas to make efficiency and renewable energy steps easy and affordable to anyone. These efforts would improve the environment, public health, local and regional economy, etc. She thanked those involved and asked the Council to approve the project. She provided a handout of her comments as well.

Eugene Elkin, 3406 Range Line, encouraged the Council to approve the request of the Habitat for Humanity. He commented that he believed Habitat for Humanity had saved the City millions of dollars as they had a Re-Store at 1906 Monroe, which kept items out of the landfills. He hoped others would learn from the Net Zero home with regard to how to save on utilities and the associated utility bills.

Dawn Zeterberg, 608 Hunt Avenue, stated she felt this type of house was needed in Columbia as people could remain in their homes longer and not have to move. She was hopeful the Council would approve the project.

Don Love, 1623 University Avenue, stated he was speaking for himself and for the Missouri Association for Social Welfare's Human Rights Task Force as a co-chair, and explained universal design was a high priority as they saw it as the most efficient way to provide affordable housing for everyone, including those with disabilities or those that would have disabilities at some point in their life. He noted the basic idea of universal design was that by good design the barriers that made a house inconvenient to live in because of the disability would be eliminated, and gave the example of a home with at least one entry without a step so a person with a disability or in a wheelchair could access it without any problems. He pointed out those with disabilities were limited to places that were ADA accessible, and many times, the structures looked institutional and were not necessarily located in the same neighborhoods as friends, which segregated them. He commended the City for promoting the use of universal design and stated he looked forward to the City supporting more universal design homes in the future.

Bill View stated he was the Director for Habitat for Humanity and explained they were participating in this project because the City issued an RFP for the construction of a low energy, universal design home. He noted they were proud to be a part of this project and their only interest was to meet the requirements of the RFP.

Ben Jacob, 1 Liberty Plaza, commented that he was excited about this home in terms of universal design and advanced ideas, such as passive solar and renewable energy. This was a model for distributed generation whereby people could produce power for their homes and make money for themselves. He believed it would be easy to sell and appreciated the encouragement of the City for more energy efficient homes. He thanked those that were working together to create a home with these features.

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

Ms. Hoppe stated she had attended the presentation for the Net Zero home at the Earth Hour kick-off event and noted it was an exciting endeavor since it was low income housing that would be energy efficient and incorporate universal design. She felt universal

design was good for everyone regardless of whether one had a disability, and integrating it into neighborhoods was important. She pointed out homes with lower utility costs made homes affordable for the long term, and stated she looked forward to touring the home.

Mr. Skala commented that the Environment and Energy Commission (EEC) had been pressing for something like this, and was glad to see the People's Visioning and the City participating. He felt this was another critical moment as this type of project could drive energy efficiency and energy conservation. He encouraged support of this project.

Mr. Trapp stated he was impressed with the work of Habitat for Humanity as they provided the possibility for home ownership to people that might not otherwise qualify and allowed for the sweat equity aspect, which promoted work and the sense of ownership. It was not like any other kind of affordable housing and already having a buyer was a great benefit. He thanked those involved.

Ms. Nauser asked if the money provided by the Water and Light Department would be a grant or loan. She wondered if they would recoup any of the money if the home sold. Mr. Cole replied he understood the money from the Water and Light Department was a grant. Ms. Nauser asked if staff had verified the price point for this home was not out of character for the neighborhood. Mr. Cole replied Moore and Shryock completed an appraisal on the proposal, which estimated the value of the home at about \$120,000, and it would be priced a little lower. Ms. Nauser commented that she had worked on Habitat for Humanity homes many years ago, and had great appreciation for the people who actually worked on them. They did wonderful work and provided a niche that was sorely needed for people in the community. She hoped this home that would be built using the new technology and innovation in terms of energy efficiency would be a model for home builders and other homes built in the future.

The vote on R81-13 was recorded as follows: VOTING YES: THOMAS, NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

## **OLD BUSINESS**

**B38-13 Voluntary annexation of property located on the south side of Route K, approximately 2,000 feet south of the intersection of Providence Road, Route K and Old Plank Road; establishing permanent R-1 and PUD 5.5 zoning; approving the Preliminary Plat & PUD Plan of Parkside Estates; allowing a reduction in the required perimeter setback.**

The bill was given third reading by the Clerk.

Mayor McDavid understood B38-13 was tabled at the February 18, 2013 Council Meeting and that the applicant was requesting it be tabled again to June 3, 2013 Council Meeting.

Mayor McDavid made a motion to table B38-13 to the June 3, 2013 Council Meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**B71-13 Rezoning property located on the southwest corner of Grindstone Parkway and Rock Quarry Road from District A-1 to District C-P; approving the Grindstone & Rock Quarry Break Time C-P Plan; approving less stringent screening and landscaping requirements.**

The bill was given third reading by the Clerk.

Mr. Creech provided a staff report.

Ms. Hoppe asked what the recommendation of staff was to Planning and Zoning Commission. Mr. Creech replied staff recommended denial due to an incompatible use in terms of a 24-hour gas station next to a residential area. Mr. Trapp understood staff also referenced the size of the parcel with regard to its recommendation for denial.

Mayor McDavid asked what would be an appropriate use of this land. Mr. Creech replied the staff report had recommended office use. Mayor McDavid understood a neighborhood market was mentioned as well. Mr. Creech replied he was not sure. Mayor McDavid understood an office would be appropriate, but a commercial enterprise like this would be inappropriate due to its hours. Mr. Creech stated that was correct. Mr. Skala thought there were more reasons than just the hours.

Ms. Nauser asked how many times this issue had come before the Council and what the uses were for those proposals. She thought there had been a request for a bank at one time. Mr. Creech stated he did not know.

Phebe La Mar, 111 S. Ninth Street, provided a handout and explained she was speaking on behalf of MFA Oil, who was seeking to place a neighborhood market store at the southwest corner of Grindstone Parkway and Rock Quarry Road. She believed this decision ultimately came down to an issue of what was an appropriate use for the corner of a major intersection in Columbia. One of the reasons given by staff for recommending denial of this rezoning was that they did not feel it was in compliance with the Metro 2020 Plan. She noted the Metro 2020 Plan was adopted in February of 2001, and likely prior to the beginning of construction and definitely prior to the completion of what was now Grindstone Parkway. One of the underlying premises acknowledged in the Metro 2020 Plan was that transportation infrastructure provided the framework for the land use districts within the community, and this concept was further flushed out with the statement “discussion in this section focused on the existing and future transportation infrastructure necessary to support the projected growth in the metro area through the year 2020,” which included incorporating improved pedestrian and bicycle access as part of all future improvements. In this case, Break Time had incorporated the need for infrastructure and transportation improvements into its plan by including approximately \$200,000 worth of off-site infrastructure improvements, and had gone the additional step of also incorporating pedestrian and bicycle access and services into its plan. Since February of 2001, the amount of development in the area surrounding the site of this proposed Break Time had been immense and almost all of the development was either commercial or high density residential. She felt this brought the role of the Council with regard to plans like this in the forefront and believed the Council had looked at the plans and had incorporated and/or adapted such plans to fit the given circumstances. In this particular case, she thought the Council needed to determine what role the construction of Grindstone Parkway, the ensuing commercial development, a church with attendance exceeding 3,000 on an average Sunday morning, and an excess of 6,000 bedrooms of student housing within

a few minutes walk had on what was referred to as a neighborhood district in the Metro 2020 Plan. The single family homes located near this property were currently sandwiched between Grindstone Parkway, The Crossing and high density student housing. From the rear corner of one neighboring property owner's yard, the current view was of a large parking lot and Grindstone Parkway, and on the other end of street, the view was of student housing and Grindstone Parkway. She pointed out there were only two tracts along the south side of Grindstone Parkway between State Farm Parkway and Rock Quarry Road that were not zoned commercial, and the one closest to this property was the tract on which The Crossing was located. That was a high intensity use, which for all intents and purposes, was commercial in nature with well in excess of 3,000-4,000 people, and all of the associated vehicles, traveling in and out on an average Sunday morning. She understood the Metro 2020 Plan had suggested the area along Grindstone between Green Meadows Road and Rock Quarry Road should be a neighborhood district, but the reality since 2001 was that this area had changed in ways not contemplated or addressed by the Metro 2020 Plan. It had become one of the main east/west thoroughfares through Columbia with 4-5 lanes of traffic throughout. As of 2009, the number of cars traveling along this area on Grindstone was almost 30,000 per day and the only residential or neighborhood development in this area, since Grindstone had been constructed, was high density student housing. This was an area where people generally sought to locate businesses, churches, etc in order to gain high visibility and attract people to their properties. She commented that if the Council still wanted to consider this area a neighborhood district, the proposed development fit the location. She believed the neighborhood needed to include the area around this, which included Grindstone Parkway and Rock Quarry Road, and by extension, the individuals on these roads, and stated the neighborhood market was designed to accommodate the needs of those in the neighborhood. It was not designed to draw people who were not already there. The only people who would frequent the store, who were not actually passersby, were those from the neighborhood. People that were not already in the neighborhood would go to a different store that was more convenient to them. She explained they were proposing a neighborhood market concept, which had first been implemented at the downtown Break Time and would be more convenient than having to drive to Wal-Mart, HyVee or Gerbes. She believed there was an opportunity for the expansion of services provided to runners and cyclists as the proposed Break Time would be next to a bike lane and on a major thoroughfare for cyclists. While she felt this issue came down to whether it made sense for the citizens of Columbia for a store like this one to be in this location, she did not believe the concerns of the neighboring property owners should be ignored, and pointed out they had been addressed. Screening, fences, existing traffic issues, compliance with the scenic road overlay and stormwater requirements had been incorporated into this project, as well as a pedestrian and bicycle friendly business concept. They had also worked with the neighbors directly behind this property to ensure they did not suffer any reduction in property value as a result of this project. There was little to no light projecting toward any neighboring property from the canopy with the use of LED lights, and after receiving questions about ambient lighting from the front of the building, a few light poles had been removed from the plan. She noted the packet she passed out to the Council included a copy of the liquor license for this

location and signatures of 136 people who either lived in the area or were in the vicinity frequently and favored the proposed development. She pointed out the concerns that had been raised by neighboring property owners and City staff had been addressed, and given the commercial nature of the surrounding area, the location of this property at a very busy intersection and the variety of services that would be provided in this location, she asked Council to approve the rezoning request.

Jay Gebhardt stated he was a civil engineer with A Civil Group and noted the statement of intent had been amended to include additional sidewalks and pedways. They changed the five foot sidewalk along Grindstone Parkway to an eight foot pedway, connected a five foot sidewalk from the south line property line down to Sun Court and added a sidewalk that connected to The Grove from the Chinese Christian Church. They would also add pedestrian heads at the intersection of Red Oak and Grindstone, and at the Rock Quarry intersection. He noted the plans called for an addition left turn lane on Rock Quarry Road, which had been requested by MoDOT and City traffic engineers, as well as a 350 foot extension of a right turn deceleration lane. They had widened the driveway to three lanes wide to adjust for some of the concerns of the church. Stormwater and any required buffers had been met, and they had taken the advice from one of the residents in the neighborhood to enhance the scenic overlay with native plants. He pointed out the variance being requested was based on comments of the neighbors to flip-flop the fence and the landscaped areas. Typically landscaping would be on the neighborhood side and the fence would be on the other side. He believed this was a good plan in a good location, and was being done by the right people as his clients had done everything that had been asked of them. He did not believe an office or housing use could support the level of off-site improvements MFA Oil had agreed to provide.

Jackie Maxwell, 1 Ray Young Drive, stated she was a Vice President of MFA Oil Company and the General Manager for the Break Time Convenient Store Division, and displayed an image of the neighborhood market store planned for Grindstone and Rock Quarry on the overhead. All four sides of the store were brick, and the fueling canopy was night sky friendly and included all brick columns. She noted they had worked hard to offer infrastructure improvements for the City, the church and the neighbors, and felt the end result was worthy of the consideration of Council. This location, if approved, would be their third neighborhood market store, and the difference between a traditional store and a neighborhood market store involved the product offerings within the store and the area they served. They expected to provide convenience with an expanded grocery, deli, dairy and frozen goods. She stated Ms. La Mar had described the growth in the area surrounding the proposed store location and pointed out it was this growth that had resulted in their strong belief that this location would make a perfect neighborhood market store. She commented that they hoped to work with The Crossing to provide opportunities for their members in the future. She explained they were learning more about the need to expand their services for bicyclists and pedestrians, and intended to provide bike racks, free air with the correct adapters for bicyclists, a water bottle filling station, supplies and healthy options. They expected to identify their stores with these expanded offerings with a recognizable identification sign, which was provided in the handout. She noted Break Time was owned

and operated by MFA Oil Company, and while they were not a small company, they sometimes acted like a smaller company in that they responded quickly to issues, needs, concerns and opportunities. She pointed out a portion of the net profits for their Break Time and Jiffy Lube operations went into an MFA Oil Foundation, which provided grants with the mission of improving life in communities in which they did business. She asked for Council's support and stated she hoped they would consider what they had offered as favorable.

Mr. Thomas understood this would be the third neighborhood market store if this project proceeded and that the downtown location was one, and asked where the other was located. Ms. Maxwell replied the other store was at the end of Stadium and Highway 63 in the Crosscreek development. Ms. Nauser asked if the other neighborhood market stores were open 24 hours. Ms. Maxwell replied the downtown location was not open 24 hours, but the Crosscreek development would be open 24 hours.

Jennifer Bach, 1 Ray Young Drive, commented that she was the Director of Marketing and Merchandising for the Break Time convenient stores and described the differences between their typical concept and a neighborhood market. This included an expansion of the their coffee varieties to eight, a wide variety of condiments, a larger and expanded section of dairy and refrigerated grocery items such as deli meats, cheeses, eggs, butter, fresh fruit and yogurt, a proprietary dashboard diner sandwich line that involved locally made sandwiches and toasted made to order subs, the opportunity for grab and go pizza slices and whole pizzas, an expansion of the fountain drinks to twenty choices, including Gatorade and chewy ice, an expansion of fresh brewed tea offering, milkshakes, fruit smoothies, an expanded freezer section, and double the amount of dry grocery offerings. She explained the grocery products were doubled and the fresh fruit offering had tripled in terms of the mix of business between a traditional and neighborhood store.

Ken Caspell, 1 Ray Young Drive, stated he was part of the Break Time management team and commented that he believed this was the best location for a neighborhood market store. It was within walking distance of 6,000 students, and they would ensure they could get there safely with a bicycle or by walking. He also believed The Crossing would love this operation once it was established due to the convenience items that would be provided. He noted they would provide additional infrastructure so members of the church could more easily travel in and out of the church parking lot and permanent residents could get in and out of the neighborhood on Sunday mornings when 3,000 people were at the church. They would also cater to and welcome bikers, walkers and runners at this location. He understood the Metro 2020 Plan called for this rezoning to be office space, a daycare facility or a bank, and if a bank was considered, it would create the same amount of traffic congestion as the Break Time facility. He pointed out they were going above and beyond what was required to develop this property because Break Time cared about the community, and they would be good neighbors to the church, permanent residents, students, bikers and pedestrians. He believed this was the safest access for fuel, goods and services for one driving east on Grindstone toward Highway 63 as it was a nice right-in/right-out access, and the improvements they had planned would make it safe for those traveling west as well. He explained MFA Oil had investigated a site on the southwest corner of the Red Oak development, but it was not sized adequately for their store. He noted they had estimated

\$15,000 of annual real estates taxes per year and \$30,000 in City sales tax per year for a store at this location. They would also employ 10-12 employees.

Jerry Taylor explained he was the President and CEO of the MFA Oil Company and noted MFA Oil moved its corporate headquarters in 1930 from St. Louis to Columbia. Although MFA Oil did business in nine states, he believed it was a great privilege to be a member of this community, and was fortunate they had been successful enough to have the resources to give back to the community in many different ways. The MFA Foundation, which they had contributed to for over fifty years, had grown in size, and this year alone they had awarded 370 \$2,000 scholarships to high school seniors in Missouri, and more than 100 of those students attended college in Columbia. This past month the Foundation gifted \$100,000 to Columbia College to support its program to expose inner-city kids in Columbia to the possibility of going to college. They were proud to support many of the organizations in Columbia with their fundraising and life improvement projects with more than \$150,000 in funds this year alone. He believed Columbia was a great community and noted they were doing their best to keep it that way by giving back and doing business the right way. He commented that when they had entered the neighborhood store business in 1985, the Board of Directors, which had consisted of eight farmers, made it clear they would not sell men's magazines, as they were known then, which many, if not all, stores sold then. In addition, they had made the decision to not sell products that were being used to produce methamphetamines long before it was outlawed, and had chosen not to sell other legal products, such as rolling papers, because they were used in drug related activities. An effort they were involved with currently had to do with their long time belief in the importance of renewable fuel, and they were presently the sponsor of the largest bio-mass renewable fuels project in the Country. He explained they hoped this project would make marginal non-crop land profitable for many small farmers living in rural Missouri, and be a major step in achieving the next level of renewable fuels. He commented that he had mentioned these good things because he wanted the Council to think kindly of them and this request. He believed this location was one of the best store locations in the City and noted they had made every effort to please everyone who might have an interest in it. It was a site on a major trafficway, and he did not understand the opposition. He felt it would be a good investment for MFA Oil, which in turn, would help them continue to do the good things to improve life in Columbia. He asked those that were in favor of the request to stand, and approximately 25-30 people stood.

Aiden Pritchard Hass, 2177 W. Old Plank Village Drive, explained she had been asked to present the comments of Jan and Dan Pritchard who lived at 3505 Rock Quarry Road, which was located less than 300 feet south of the parcel that was subject to this rezoning request. They did not feel a commercial use was a good fit with the historic and future development plans of the neighborhood, and asked why the applicant would have to re-route Grindstone Parkway and Rock Quarry Road, build eight foot fences on two sides, and pay a few neighbors to convince them to support the request if it was an appropriate use. They believed most of the fifty families that lived within a block of this corner did not want or need a 24 hour gas station or convenience store. Break Time claimed the students living at The Grove and The Point would be their target customers, but none of those students had come

forward to express the need for it. They understood The Grove had concerns regarding the additional traffic that would be generated by the gas station and convenience store. They felt comprehensive zoning meant determining an appropriate and compatible use for the property within an existing neighborhood according to the City's development plans, and did not mean carving out a piece here and there for a use requested by special interests. Approving this rezoning request would ignore the legitimate concerns of the neighbors, jeopardize the existing neighborhood and violate the existing long-range development plans for the area, and a gas station and convenience store was neither an appropriate nor compatible use for this parcel. They urged the Council to deny the rezoning request. Ms. Hass stated she did not live in this neighborhood, but her children spent 2-3 days per week with their grandparents at the Rock Quarry address or on Southland Drive. She noted this neighborhood had already changed to the point where she could not allow her children to walk the 500 feet from the house of one set of grandparents to their other grandfather's house due to development. She stated she did not believe the church was as high of a density as the 28-unit apartment originally planned for that area. She believed the neighborhood had been kicked into submission due to all of the development, and this was the reason they were not here in opposition.

Craig Haas, 3609 Southland Drive, commented that the developer had catered to certain Council Members, the church, and the neighbors through amenities, and he was concerned this was a prelude to potential development at the other two corners of this intersection. He understood a gas station could not have been placed at the Red Oak development regardless of the size because it was not allowed per the agreement with the City. He pointed out the sides of Rock Quarry Road dropped off 3-4 feet, and if this rezoning was approved, he felt the developer would need to invest more money in it. He asked the Council to follow the advice of staff and deny the rezoning request. He agreed Break Time did a lot of good things for the community, but this was a market store with eight gas lanes. He understood there would be LED lighting, but believed the red fluorescent lighting would be seen a half of a mile away. He stated Break Time was usually the first company to raise its gas prices and the last one to lower those prices. He pointed out the neighbors had been paid off and The Crossing was being compensated with a wider drive and sidewalks. He thought there were other locations better suited for this development.

Alyce Turner, 1204 Fieldcrest, explained she was a former twenty-year resident of this area and noted Rock Quarry Road was a scenic road because it was beautiful. Since it was a scenic road, she understood an ordinance indicated there would be limited commercial development on the road. In addition, Grindstone Parkway was meant to allow traffic to flow versus requiring traffic to stop and go. She noted there were other options for healthier and cheaper items for those in the apartments. She also believed the residents in the area should be recognized in terms of their concerns.

Calvin Keller, 1906 Chapel Ridge Road, commented that he had been an attendee of The Crossing for the last five years and understood the Council had received a lot input from the members and leadership of the church, but encouraged the Council to approve this plan as he believed something worse could be placed at this corner. He pointed out Break Time was a cooperative owned by its members and felt Break Time had made many concessions

to the neighborhood and church that could be used. He felt there was only a traffic problem on Sundays and it was due to The Crossing. As a member, he noted he would appreciate any assistance to help address that traffic problem.

Marc Diblasi, 1703 Sun Court, explained his property was the western most property directly behind the proposed location and noted he was in support of the rezoning request. He pointed out the City had allowed numerous commercialization and multi-family projects in the area and he did not believe a Break Time would be out of place compared to the development of The Crossing, Wal-Mart, The Point, The Grove, etc. He commented that the biggest concern of the neighborhood was the effect of development on their property values, and they no longer had a real reason to oppose it since MFA Oil had offered to compensate them. In addition, MFA Oil had gone out of its way to listen to the neighbors. They had adjusted the location of a fence, moved the location of the dumpster, asked for input on trees, and were doing what they could to respect the scenic overlay. They had been dealing with this for about a year, and wanted closure. He pointed out there had been multiple attempts to commercialize this property since Grindstone had been built, and they preferred it be commercialized by a business like MFA, if it would eventually be commercial. If this rezoning request was denied, he was sure there would be another request in the future, and they would be in the same position they were in now.

Keith Simon, 3615 Southland Drive, explained he was the Pastor of The Crossing and pointed out he did not consider Break Time or MFA Oil as an opponent even though they were on different sides tonight. He respected them as a business and was glad they were a part of the community. The issue before the Council tonight was whether this was the proper location for a 24 hour, 7 day per week gas station, convenience store and liquor store, and he did not believe it was a proper location. He pointed out alcohol was one of their biggest sale items and felt that was important to note when placing that type of business near a church. The Crossing was a family oriented place with about 3,000 adults and 1,000 children on any given Sunday, and at times throughout the week, their facility was used as a family center. He did not believe a 24 hour 7 day a week liquor store should share a driveway with a family center. If Break Time had chosen a location on the south side of Grindstone, they would not have any objection. He pointed out there was a state statute that prohibited the sale of alcohol or the granting of a liquor license next to a church or school without the express written permission or exemption of the Council, and although they had the option, he hoped they would not allow it. He asked the Council to deny the rezoning request.

Eric Lindholm stated he was member of The Crossing and was in favor of the development as he believed the extra deceleration and turn lanes would help move traffic in and out of the church property. It would bring the infrastructure necessary to alleviate traffic problems at the corner.

Vicky Riback Wilson, 3201 Blackberry Lane, commented that Rock Quarry Road had been referred to as a scenic road as early as the 1920's, and the Neighborhood Association had worked with the City many years ago to ensure the road would be preserved as a treasure for the City. There was some concern at the Planning and Zoning Commission meeting of the special area plan being loosely interpreted or the intense development that had occurred along Rock Quarry Road as reasons to disregard the scenic road ordinance

and ignore the work of involved citizens in creating the special area plan. She did not believe this was an excuse to continue an inappropriate use for this particular parcel of land. She agreed the area plan called for neighborhood markets, but they were to stop at the area just west of what was to have been a mixed-use building near Wal-Mart to help transition the commercialization.

She pointed out the Break Time downtown was not open 24 hours a day, seven days a week, and did not have eight gas pump lanes. She noted the scale and aesthetics of this development were incompatible with this particular location and piece of land. She commended MFA Oil for their civic engagement, but urged the Council to deny the request.

Monta Welch, 2808 Greenbriar Drive, explained the People's Visioning had created a Zoning and Land Use topic group because they were concerned with some of the recent developments that had taken place in the community. She believed a good, long-range comprehensive plan would result in fewer problems in terms of increased traffic, etc. They were supportive of walkable neighborhoods, the preservation of scenic areas, etc., as those items were important to the quality of Columbia. She believed a development with gas pumps was not environmentally friendly for a scenic area and was concerned about alcohol sales at the location.

Eugene Elkin, 3406 Range Line, explained he had been in favor of this development until today, but now felt this was the wrong location for this development. He was concerned about the environment as gas stations could have pumps that leaked or the removal or demolition of the building and associated facilities if the business failed. He asked the Council to deny the request.

Ben Jacob, 1 Liberty Plaza, commented that Mr. Van Matre, the attorney for the Wal-Mart development on Grindstone, had indicated Grindstone would be developed in a smart way, unlike the Business Loop. He felt the development that had occurred on Grindstone and Rock Quarry was an amazing devastation of the area. He explained he used to live in the Granada area, which was next to a Phillips 66, and the light polluted the neighborhood even with shielding. He asked the City to slow down from the myth of growth being some sort of advancement.

Ms. Hoppe stated she did not believe this was a question of whether MFA Oil was a good company or whether they did great things for Columbia. She believed it was a question of whether this was an appropriate location for an eight pump gas station and convenience store. She commented that calling a convenience store a neighborhood market did not make it a neighborhood market. In addition, a church was not a commercial property as it was allowed in an R-1 zoning district and was neighborhood friendly. She did not believe this was an appropriate location for this development. The staff report indicated this type of development should be placed by two arterial roads, and this location had one arterial and a scenic road, which was not an arterial. A plan from the 1920's had indicated Rock Quarry Road should be a scenic road all of the way to Rock Bridge State Park, but that was subsequently bifurcated by Grindstone, which was supposed to be a parkway, and those plans had gradually eroded. She believed it was an insult to the neighbors and the planning process to justify not following the Metro 2020 Plan and the visioning process due to some plans already being eroded. She understood the neighbors in the neighborhood immediately

south of this area were open to an appropriate development, and had not opposed the expansion of student housing across Rock Quarry Road. She felt a Break Time was inappropriate as it would sell alcohol next to a church, cause an increase in traffic, and would be open 24 hours 7 days per week. She understood people already used the church parking lot in the middle of the night for drug deals and thought that issue would increase if this development was approved. She felt the neighbors were tired of fighting and had given up, which was why they had agreed to be compensated by the applicant if there was a chance their property value decreased. The staff report indicated a low intensity neighborhood oriented use would be most appropriate along with O-P or PUD developments as they were planned. She understood the applicant had indicated they would make infrastructure improvements so the development was neighborhood friendly, but in looking at the plan, the sidewalks only served the cars next to the store, and there was no independent pedestrian access. She reiterated she believed this was not the appropriate location for this type of business.

Mr. Schmidt stated he agreed with Ms. Hoppe, and noted he was concerned it was a 24 hour 7 day a week operation that would sell liquor near a church.

Mr. Thomas commented that he would vote against this rezoning as he was concerned about the integrity of the planning processes that had taken place in the past. This particular use was clearly inconsistent with the intent of the majority of people that had been involved in the planning processes. He noted this was not an area in which he had tremendous expertise, so he felt it was appropriate to rely on the staff recommendation since they were very familiar with the Metro 2020 Plan and the interpretation of those processes. He acknowledged all of the positive benefits MFA Oil had brought to Columbia as well as the significant infrastructure improvements they had offered to incorporate into this project as he believed they had worked extremely hard to address all of the concerns they could. He stated he liked the neighborhood market concept as he understood the profits in the gas station business were within the market itself and not necessarily the gas, but the gas was needed to bring customers to the store. He hoped the neighborhood market downtown was successful as it would conveniently provide needed products and food items to those living in a densely populated area without a great impact on the community and infrastructure. He wondered if this location at Rock Quarry and Grindstone could be a neighborhood market without a gas station as he would be interested in that type of development.

Mr. Trapp commented that as a candidate he had argued about the importance of planning as had his opponents and other candidates for office. He felt Columbia had grown in a haphazard fashion and that plans that were thoughtful and involved citizen input needed to be respected. He believed in the integrity of the Rock Quarry Road scenic designation and agreed it had been eroded and attacked. He thought it should be more vigorously defended, and that they should try to improve upon it. He stated he would vote against this rezoning.

Mr. Skala thanked MFA Oil for being a good corporate citizen, but noted this was a land use and zoning decision, and there were two key issues for him. First, Grindstone was supposed to have been a limited access parkway to carry traffic to and from Highway 63 and Providence Road, which had been encumbered by a lot of incremental commercialism. He recalled the attorney for the Wal-Mart promising him at a Planning and Zoning Commission

meeting that the development would not be seen from the street since there would be enough vegetation intact, but that had not occurred. In addition, as a function of the Grindstone TDD, a traffic light had been installed. Although it was no longer a limited access traffic way, he did not believe that was a reason to continue to degrade its capacity to handle traffic. He also recalled the development of the Metro 2020 Plan, which was essentially gutted by making it a guideline versus a requirement, but they still had the scenic overlay ordinance and the Rock Quarry Special Area Plan, which influenced the decision even though it incorporated the area across the street. He stated the integrity of these plans and the former governmental bodies guaranteeing to the people that had participated that they would preserve the idea behind the plans was another key issue in his decision.

Ms. Nauser stated she believed a plan was just a plan unless it was codified into ordinance, and the Metro 2020 Plan had not been codified into ordinance. In addition, markets and land uses had changed over the last twenty years, so they were unable to follow the recommendations of the Metro 2020 Plan even with good intentions. She felt they had incorporated a lot of good things from the Metro 2020 Plan and many of their other plans, and believed they needed to gather all of the plans and have a public discussion regarding how they wanted to proceed in terms of whether to codify the plans into ordinance so they did not continuously have to discuss the appropriateness of plans like they were tonight. She understood staff did not feel this was a proper location for a convenience store or gas station and wondered what an appropriate use would be as this was a highly traveled road and intersection. She felt they had essentially taken this property out of the market since a bank and another prior development had been denied as well. She did not believe a neighborhood market without a gas station would be successful as ancillary stores needed a draw from a bigger store. A doctor or dentist would not be able to afford this property and incorporate the improvements offered by Break Time. She stated she supported this development because she believed it was appropriate for that intersection, and pointed out there were other 24 hour convenience and commercial stores near residential neighborhoods, so she did not believe it would be detrimental.

Mayor McDavid commented that he believed this discussion had been interesting because everyone had come to different conclusions based on the same facts. He understood the Metro 2020 Plan came out in 2001 after a lot work, and noted planning was tough as they could not predict the future. He wondered who knew, in 2001, the University of Missouri would grow by 40 percent, and pointed out they did not know how many students would be there in the next five to ten years. He believed the growth of Columbia, which was driven by education, had prematurely made the Metro 2020 Plan out of date. He noted some believed smart growth was to build densely in areas that had the adequate and expansive infrastructure, and referred to the comments of Jerry Wade, a former Fourth Ward Council Member, as an example in terms of a rezoning that had been considered a few years ago on Richland Road. He stated he did not feel plans were followed because the conditions had changed, and pointed to the Wal-Mart, The Crossing, etc. He stated he believed the presentation made by MFA Oil had been the best he had seen in terms of land use, and felt no other development would be approved by this Council on this site. He commented that the infrastructure was already in place at this location and the applicant had agreed to pay for

more infrastructure improvements to fix a traffic problem that had been largely created by the successful church. He pointed out the private sector was willing to spend its money to fix this infrastructure need. He respected the Rock Quarry Road as a scenic road and agreed it needed to be preserved, but believed a problem with a cost based infrastructure approach was that benefits, such as economic benefits, were not included. He agreed 10-12 jobs were not a lot, but felt those helped when jobs were hard to find. This would also create work for the construction industry and would generate additional real estate taxes and sales taxes since the property was currently considered agriculture, and although \$45,000 alone was not a lot, it was incrementally and was what drove the City. He felt they were turning their back on a source of funding for infrastructure, and stated he would support the request.

The vote on B71-13 was recorded as follows: VOTING YES: NAUSER, MCDAVID. VOTING NO: THOMAS, HOPPE, SCHMIDT, TRAPP, SKALA. Bill declared defeated.

**B91-13 Authorizing an agreement with American Public Power Association, Inc. relating to the Demonstration of Energy-Efficient Developments (DEED) grant program to explore the feasibility of testing a manufactured biomass fuel product at the City's Municipal Power Plant.**

**B92-13 Authorizing an agreement with Missouri Corn Merchandising Council, Inc. for professional and grant management services relating to the DEED grant program and the feasibility of testing a manufactured biomass fuel product at the City's Municipal Power Plant.**

The bills were given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Mayor McDavid understood this was not miscanthus giganteus. Mr. Johnsen stated that was correct, and explained it was a bio-mass fuel that was harvested from the region. It was considered processed fuel as it would go through a process where it was densified. He noted the City had to go through a test burn to obtain an operating permit to even start any ongoing contract.

Mr. Trapp asked if this had to do with the company the City was in negotiations with last year regarding a manufactured product. Mr. Johnsen replied he thought it was the same firm they had looked at previously for a manufactured bio-mass fuel.

Mr. Skala asked if this was a palletized product. Mr. Johnsen replied it was a palletized product. He explained they were trying to achieve something that mimicked the consistency in terms of heat content and the handling characteristics of coal, so a redesign of the plant was not necessary. If they had to redesign the plant, it would require a separate permitting process at the State level, and it had its own set of hurdles.

Eugene Elkin, 3406 Range Line, stated he was in support of anything the City could do to start eliminating the use of coal.

B91-13 was given third reading with the vote recorded as follows: VOTING YES: THOMAS, NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B92-13 was given third reading with the vote recorded as follows: VOTING YES: THOMAS, NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B93-13 Amending Chapter 27 of the City Code as it relates to electric rates and the load shedding program.**

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Ms. Nauser made a motion to amend B93-13 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B93-13, as amended, was given third reading with the vote recorded as follows:

VOTING YES: THOMAS, NAUSER, HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA.

VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B96-13 Repealing Resolution 156-11 which established the Transit System Task Force; amending Chapter 2 of the City Code to abolish the Public Transportation Advisory Commission and to establish the Public Transit Advisory Commission.**

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Ms. Hoppe understood the Bicycle/Pedestrian Commission the Public Transportation Advisory Commission had asked for some revisions to this ordinance.

Monta Welch, 2808 Greenbriar Drive, read the March 25, 2013 letter from the Public Transportation Advisory Commission, which was a part of the packet. In the letter, the Commission suggested the Council wait to make changes to the constituency of the Public Transportation Advisory Commission until after a consultant review of the current system as they understood an RFP was already being prepared. If the Council decided to proceed with changes, the Commission asked that they change the name of the Commission, maintain the current membership, offer invitations to the desired academic groups, and only expand the number of members as each group accepted. They were uncomfortable with attention placed on attracting student representation without explicit guarantees that the proposed positions would be filled. In addition, they did not want to risk losing the collective knowledge held by the current members. The Commission was also concerned about the lack of a quorum during breaks in the academic calendar and the lack of quorum for three month during the reappointment process.

Mr. Schmidt wondered if the ordinance could be written so that if a seat was vacant for the summer that it would not count against a quorum. He asked if the quorum could be established by the sitting members versus the potential members. Ms. Thompson explained the Council would need to make whatever was decided clear and concise in the ordinance, and noted some students remained in Columbia over the summer months. Mr. Schmidt wondered if Steven Hanson of the Public Transportation Advisory Commission had anything more to say. Ms. Welch replied she was only asked to read the letter and did not know.

Mr. Schmidt commented that while he appreciated the comments of David Heise, Chair of the Bicycle/Pedestrian Commission regarding the liaison relationships, he noted the reasons they were eliminating those relationships was due to attendance issues.

Mayor McDavid pointed out that if the changes created a quorum issue, the ordinance could be changed again to address those issues.

Mr. Thomas asked how the idea of this ordinance originated and why the existing Public Transportation Advisory Commission was not included in the process. Mr. Matthes replied this had been a three year process by the Council in terms of streamlining boards and commissions, and noted they had asked for and received input from all of the boards and commissions. This input resulted in the elimination of some boards and commissions that had not met in years and changed the make up of others. He pointed out there had been some quorum issues, the number of members varied, etc., so they tried to address the questions of Council and provide recommendations for changes. The suggested changes for this particular Commission had come from all of the transit conversations in terms of trying to include all of the different customer groups and focusing on transit rather than transportation as a whole. Mr. Thomas stated he did not believe the Public Transportation Advisory Commission was focused on anything other than the bus service. Mr. Matthes stated that was correct, but noted the input provided by the Commission as part of this process suggested an expansion of their purview to all transportation, which would include roads, sidewalks, airport, etc. Staff felt the focus should remain on transit versus a broader approach as transit needed intensive attention.

Ms. Nauser asked if there had been any collaborative efforts with the University of Missouri as it appeared the City and the University were competing for the same customer base, and as a result, would be providing a duplication of government services. She thought a common goal or mission between the City and University should be addressed prior to finalizing changes to the Public Transit Advisory Commission. Mr. Matthes commented that prior to this recent work, the collaboration essentially consisted of the University bidding out its transit services and the City being a competitive provider. The University could do the shuttle work on their own, but it generally consisted of connecting two parking lots to campus, so it was more of a commuting service than a transit service. He pointed out there were many other student riders, and noted almost half of the student riders were on the Black and Gold routes versus the commuter routes. The student customer base had grown significantly, but there were transit budget deficits. He stated there had been collaboration through the Transit System Task Force, whose membership included students and administrators, and that Task Force would be officially disbanded by this ordinance as well. The collaboration did not turn out as they expected, but one of the comments made was that the City did not include them on the Public Transportation Advisory Commission when it had been established, and that the City and the University were both making decisions in a vacuum. This was reflective of those comments and the attempt to reach out to the University of Missouri, Stephens College and Columbia College.

Kathleen Weinschenk, 1504 Sylvan Lane, stated she had previously served on the Public Transportation Advisory Commission, and regardless of the changes made, she believed a representative of the Disabilities Commission should serve on the Public Transit Advisory Commission.

Greg Ahrens, 1504 Sylvan Lane, explained he had served on the Bicycle and Pedestrian Commission for many years, and had substituted for David Heise as the liaison to the Public Transportation Advisory Commission several times or would stay at the meetings when Ms. Weinschenk was a member of the Commission. He stated he was supportive of

repealing the Transit System Task Force as it had not met in a long time, and would be supportive of changing the name of the Public Transportation Advisory Commission instead of abolishing it and starting over in terms of the application process, appointing new members, etc., as there was a lot of important issues needing to be addressed. He thought it would be better to make significant changes after the budget process and after finding out how all of the schools would want to participate. He understood the University had a shuttle system that ran a similar route to the FastCAT route, which was handled through a contract with the City and used City buses, so it was competing with FastCAT. He suggested the Council table the ordinance or only make cosmetic changes to it if they planned to pass it.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning, which had a Transportation and Infrastructure group, and they would encourage the community to find a good solution for mass transit. She understood there was at least one representative of the University of Missouri on the current Public Transportation Advisory Commission so there had been some student input. She suggested the Council follow the recommendations of Steven Hanson of the Public Transportation Advisory Commission. She reiterated that from the perspective of the People's Visioning, they would like to see better mass transit in the community.

Mayor McDavid commented that he believed this was a good idea, but he was uncertain as to whether it would work. They had frequently discussed the frustration of having fragmented transit systems in Columbia in terms of para-transit, the core legacy route underserved and low income people needed, FastCAT, the Black and Gold routes, and the TigerLine, which was a commuter shuttle on the University campus. He pointed out he subtracted the TigerLine ridership from the total number of riders because he did not consider them transit riders, and this brought the number of annual ridership to one million per year, so the City had not grown in terms of transit riders in 20 years. He believed this was a result of the lack of collaboration with the University, and pointed out many other Midwest college towns had 80-100 rides per capita, while Columbia only had about 10 rides per capita. He thought this would only change with collaboration, and felt including students on the Commission was a good idea. He pointed out Stephens College had participated on the Transit System Task Force and had since made a commitment to purchase 500 transit passes at a discount for its students. He commented that the University of Missouri had hired a consultant regarding transit, and the consultant had determined GPS with passenger information technology needed to be added to the buses, a process between the City and the University needed to be established to find solutions to better meet student transit needs, University provided transit service needed to be optimized to meet student needs, service needed to be expanded further into the community adjacent to campus, later service needed to be added, the current underutilized services needed to be reallocated, a shopping/retail shuttle for students on or near campus needed to be implemented, transit marketing website information and social media communications needed to be improved, the ability for students to provide interactive feedback to transit operators was needed, and the relationships between the University of Missouri and Columbia Transit needed to be clarified and defined to ensure the optimization of service quality, control, training and contract terms to meet current and future transit needs of the University of Missouri student body. He agreed they

could debate the mix of membership for the proposed Public Transit Advisory Commission, but thought they needed to allow for collaboration as he did not believe they could get to 80-100 riders without students utilizing the service, and provided Cy-Ride in Ames, Iowa as an example.

Ms. Hoppe stated she believed the present Public Transportation Advisory Commission had some good recommendations and included some good and knowledgeable members, and thought many of the goals could be accomplished without dissolving the existing Commission. She suggested they not abolish the Public Transportation Advisory Commission, and that they rename it to Public Transit Advisory Commission. The duties in the proposed new ordinance could be kept the same as well. She thought they should allow up to 13 members as this would allow the addition of student representation from the University of Missouri, Stephens College and Columbia College. She understood Jim Joy was a University of Missouri representative, and currently on the Commission, so that issue had been addressed. She felt this would allow those entities to participate without losing the existing knowledge and momentum on the Commission. She commented that David Heise was currently serving on the Public Transit Advisory Commission as a liaison from the Bicycle/Pedestrian Commission, so they could keep that requirement or use that as a factor to be considered. She understood the suggestion had been made for a member of the Public Transit Advisory Commission to have a liaison on the Bicycle/Pedestrian Commission.

Mr. Schmidt commented that the liaison relationship could be addressed by appointing a person who had applied through the suggestion that consideration shall be given to members of the various commissions as indicated in the current language. He felt the liaison relationships could be allowed without requiring them.

Mayor McDavid stated the Council could pass the ordinance and allow it to be improved upon in the future. Ms. Hoppe commented that she would prefer not to abolish the present Commission. Mr. Skala thought they should table this to allow time to work out the issues prior to passing it.

Mr. Skala made a motion to table B96-13 to the May 20, 2013 Council Meeting. The motion was seconded by Ms. Hoppe.

Mr. Thomas thought they might want to abolish the Transit System Task Force since it had been established for a specific purpose. He also felt the existing Public Transportation Advisory Commission should be central to the discussions with regard to how it could reinvent itself while the item was tabled. Mr. Skala agreed with regard to the Transit System Task Force, but understood it would be problematic to approve only a portion of the current ordinance. Mayor McDavid agreed they should table it in its entirety.

Mayor McDavid stated he wanted a substantial student role in the new Commission and did not want its role diluted.

The motion made by Mr. Skala and seconded by Ms. Hoppe to table B96-13 to the May 20, 2013 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.

- B83-13 Approving the Final Plat of Broadway Shopping Center Subdivision located between West Broadway and Ash Street, west of Clinkscales Road; granting a variance to the Subdivision Regulations regarding dedication of street right-of-way.
- B84-13 Approving the Final Plat of Academy Subdivision located north and south of Broadway at the intersections of Dorsey Street and Ripley Street; granting a variance from the Subdivision Regulations regarding dedication of street right-of-way; vacating a sewer easement.
- B85-13 Approving the Final Plat of Forest Hills, Plat No. 1 located at the current terminus of Rice Road and on the west side of Lake of the Woods Road; authorizing a performance contract.
- B86-13 Approving the Final Plat of Old Hawthorne, Plat No. 10 located on the east side of Old Hawthorne Drive, south of Saddle Bag Court; authorizing a performance contract.
- B87-13 Approving the Final Plat of Eastland Hills Estates Plat 1-B, a Replat of Lot 19, Eastland Hills Estates Plat 1, located on the southwest corner of Copse Court and Nannyberry Court; authorizing a performance contract.
- B88-13 Amending Chapter 14 of the City Code to make Allen Street a two-way street and to make Trinity Place between Switzler Street and Pendleton Street a two-way street.
- B89-13 Authorizing a First Amended and Restated Cost Participation Agreement with the Missouri Highways and Transportation Commission relating to transportation improvements to the Stadium Boulevard corridor from Broadway to I-70.
- B90-13 Accepting conveyances for sewer, temporary construction and temporary access purposes.
- B94-13 Accepting conveyances for utility purposes.
- B97-13 Repealing Resolution 44-99 which established the Mayor’s Committee on Physical Fitness; amending Chapter 2 of the City Code to establish the Mayor’s Council on Physical Fitness and Health.
- B98-13 Appropriating funds for Share the Light Program.
- B99-13 Amending the FY 2013 Annual Budget to add an Assistant Director of Information Technologies position in the Information Technologies Department; amending the FY 2013 Pay Plan and Classification Plan.
- R69-13 Setting a public hearing: construction of concrete walkways and the installation of wrought iron fencing, a small memorial bench with paver patio and landscaping and turf projects as part of the Douglass High School infrastructure project.
- R70-13 Setting a public hearing: permanent closure of Deep Well No. 2 located on Oak View Drive.
- R71-13 Setting a public hearing: consider the Water and Light 2013 Renewable Energy Report.
- R72-13 Setting a public hearing: voluntary annexation of property located on the west side of Old Plank Road and south of Glasgow Drive (1111 Old Plank Road).
- R73-13 Authorizing an agreement with Planned Parenthood of Kansas and Mid-Missouri for Title X Family Planning Services.

- R74-13 Authorizing Amendment No. 1 to the program services contract with the Missouri Department of Health and Senior Services for a billing plan for local public health agencies.
- R75-13 Authorizing Amendment No. 1 to the program services contract with the Missouri Department of Health and Senior Services for the Show Me Healthy Women Program.
- R76-13 Authorizing the City Manager to apply for a grant from the State of Missouri – Office of Homeland Security for the purchase of equipment for the Fire Department and Police Department.
- R77-13 Authorizing an internship agreement with Job Point to allow highway/heavy construction trainees and their instructor to work on Public Works Department projects.
- R78-13 Transferring funds for a parking ticket processing system to be used by the Municipal Court.
- R79-13 Authorizing an agreement for professional engineering services with Jacobs Engineering Group, Inc. for the preliminary design, surveying, geotechnical investigation and the preparation of plans and specifications relating to the construction of a 16-inch water main crossing under I-70 near the Parkade Shopping Center.
- R80-13 Authorizing the City Manager to enter into license agreements to allow for the temporary attachment to City-owned buildings or properties.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: THOMAS (except for R69-13 on which he abstained), NAUSER (except R73-13 on which she voted no), HOPPE, MCDAVID, SCHMIDT, TRAPP, SKALA. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

**NEW BUSINESS**

None.

**INTRODUCTION AND FIRST READING**

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

- B100-13 Voluntary annexation of property located on the east side of Highway 63 South, west of Rolling Hills Road and south of Old Millers Road (5950 Rolling Hills Road); establishing permanent RMH (Residential Manufactured Home) zoning; approving the Preliminary RMH Development Plan of High Hill Circle Mobile Home Park Old Millers Road/Rolling Hills Road; designating nonconforming conditions.
- B101-13 Approving a revision to the Missouri Annual Conference of the United Methodist Church O-P Site Plan for property located on the north side of Amron Court and east of Woodard Drive (3601 Amron Court).
- B102-13 Approving the Final Plat of Keevins Estate Plat 1 located on the west side of Rock Quarry Road and north of Stags Way; authorizing a performance contract.

- B103-13 Vacating scenic conservation bikeway/walkway easements within the Hominy Branch stream corridor located south of the intersection of Hillsdale Road and Oak Mount Drive.
- B104-13 Authorizing a municipal agreement with the Missouri Highways and Transportation Commission for transportation improvements to the Stadium Boulevard corridor from Broadway to I-70.
- B105-13 Authorizing a road maintenance cooperative agreement with Boone County, Missouri for 2013 pavement preservation projects.
- B106-13 Accepting conveyances for sewer, sidewalk, utility and access to storm water facilities purposes.
- B107-13 Accepting Stormwater Management/BMP Facilities Covenants.
- B108-13 Authorizing the permanent closure of Deep Well No. 2 located on Oak View Drive; calling for bids through the Purchasing Division.
- B109-13 Authorizing the construction of concrete walkways and the installation of wrought iron fencing, a small memorial bench with paver patio and landscaping and turf projects as part of the Douglass High School infrastructure project; calling for bids through the Purchasing Division; appropriating funds; authorizing an agreement with the PedNet Coalition, Inc.
- B110-13 Authorizing an internship program agreement with the Society of Municipal Arborists to sponsor an urban/community forestry intern at the Parks and Recreation Department; appropriating funds.
- B111-13 Authorizing a Statewide Transportation Improvement Program (STIP) agreement with the Missouri Highways and Transportation Commission for On Call Work Zone Enforcement activities.
- B112-13 Extending a moratorium on illuminated window signs that have electronic changeable copy.

## REPORTS AND PETITIONS

### REP51-13 Street Closure Request - Ninth Street Summerfest Events.

Mayor McDavid understood the request involving Cinco de Mayo had been withdrawn. Ms. Rhodes stated that was correct.

Mayor McDavid made a motion to approve the street closure request and waiver of the open container ordinance for the Ninth Street Summerfest events. The motion was seconded by Mr. Schmidt and approved unanimously by voice vote.

### REP52-13 2013 Parks, Recreation and Open Space Master Plan - Draft Plan.

Mr. Griggs provided a staff report.

Ms. Hoppe suggested the Planning and Zoning Commission be asked to provide input as well as she understood it had not been listed. Mr. Griggs stated they would be included as they had inadvertently been left out of the report.

Ms. Hoppe made a motion to direct staff to proceed with the public review of the 2013 Parks, Recreation and Open Space Master Plan as discussed in the report, and to include obtaining input from the Planning and Zoning Commission as well as the other boards and commissions that had been included in the report. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**REP53-13 Grindstone Creek Trail and GetAbout Projects.**

Mr. Griggs provided a staff report.

Mayor McDavid commented that he would support the Grindstone Trail based upon its re-routing off of private property and onto common ground, and this support was based upon what had happened in his neighborhood. He explained the Hominy Branch Trail was about 50 feet from his property line, and it was an asset to this neighborhood, which would increase property values, so he was convinced the same would occur with regard to the Grindstone Trail since it would connect the Grindstone Nature Area and run through the Waters-Moss property.

Mayor McDavid made a motion directing staff schedule a public hearing. The motion was seconded by Mr. Trapp.

Ms. Hoppe stated she had multiple questions and it would be difficult for her to vote to proceed without the answers to those questions. Mr. Griggs explained staff wanted permission to proceed with the public hearing, and if they were provided the questions, staff could address those in a report back to Council.

Ms. Hoppe wondered if a meeting should be held prior to holding the public hearing to allow an opportunity for the Council and public to ask questions. Mr. Skala understood she wanted something similar to a work session. Mayor McDavid understood public hearings had already been held on this issue. Mr. Schmidt stated he was inclined to proceed. Ms. Hoppe noted she had a lot of unanswered questions. Mayor McDavid pointed out the Council was only authorizing them to move forward with the process. They were not voting to approve it tonight.

Mr. Thomas asked how many interested parties meetings had been held on this issue. Mr. Griggs replied staff walked the area with the neighbors from 2010 until now. In addition, an official interested parties meeting had been held, input had been solicited through online surveys and comments had been solicited from various boards and commissions. Mr. Thomas understood the route had changed in terms of the trail going on to common ground south of the creek instead of individually owned private property, and noted he did not have any sense of whether the residents in the area favored this change or not. He felt another interested parties meeting would be a way to find out the neighbors thoughts. Mayor McDavid pointed out the trail had not moved much. Mr. Thomas asked if the neighborhood to the south was supportive. Ms. Hoppe replied she had spoken with both neighborhoods since the proposed change had been made, and the President of Bluff Creek indicated they were opposed to it. She thought they would appreciate an opportunity to ask questions and provide input.

Ms. Hoppe wondered if funds would be available for the first five priority GetAbout projects and additional trails if the City proceeded with part of the Grindstone Trail in terms of the portion to the Waters-Moss property, or if they completed the entire Grindstone Trail if funds would be available for the first five priority GetAbout projects. Mr. Griggs explained that if the City funded the entire Grindstone Creek Trail project, the report indicated they would still have funds for the five projects listed in the report. If the City only completed a portion of the Grindstone Creek Trail, one or two additional projects could potentially be funded with

parks sales tax depending on the bids, etc. He pointed out they could not mix parks sales tax funds with GetAbout federal funds. Ms. Hoppe asked if alternatives could be brought forward so they had options in terms of the entire Grindstone Trail, the portion to Waters-Moss with another project, etc. Mr. Griggs replied the powerpoint slides included some options. Option 1 was to complete the entire Grindstone Creek Trail project and the five GetAbout projects. Option 2 was to complete the portion of the Grindstone Creek Trail project, which would provide options for projects that could be funded with parks sales tax, which in turn would free up GetAbout funds for other projects. A determination needed to be made with regard to the Grindstone Creek Trail project first. Ms. Hoppe asked for the three options in the powerpoint to be brought forward as part of the public hearing. Mr. Griggs replied they could provide various options, to include a staff recommended option.

Mr. Thomas asked if the cost of the Grindstone Trail project had increased with the redesign to avoid the individually owned private property and whether it was still within the parks sales tax funding identified. Mr. Griggs replied the cost of the project had increased, but felt the difference would be made up since the acquisition costs would be less as it was considered less of a taking with common ground than individually owned property. Mr. Thomas understood it was still within the budget. Mr. Griggs stated that was correct.

Mr. Schmidt understood moving the trail to the common ground did not change the elevation of the trail much. Mr. Griggs stated that was correct.

Mr. Schmidt stated he felt this was a critically underserved quadrant of town in terms of a trail, and agreed with Mayor McDavid in that they should move forward with the public hearing.

Mr. Griggs asked Ms. Hoppe to provide staff the list of questions she had so they could address those as part of what they provided to Council with their recommended action. Ms. Hoppe stated some of her questions included the amount of disturbance in the creek, whether the trail ran through the creek, the type of restoration that would be done, etc. Mr. Griggs reiterated those questions could be answered as part of the staff report.

The motion made by Mayor McDavid and seconded by Mr. Trapp directing staff schedule a public hearing was approved unanimously by voice vote.

**REP54-13 Street Lighting along Edenton.**

Mr. Johnsen provided a staff report.

Mayor McDavid made a motion directing staff to authorize Boone Electric Cooperative to install six street lights along Edenton Boulevard. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

**REP55-13 Correspondence from the Human Rights Commission relating to House Bill 320 and Senate Bill 353.**

Mayor McDavid understood the Human Rights Commission was requesting the Council write a letter regarding the proposed State legislation. Scott Dean, Chair of the Human Rights Commission, stated that was correct. Mayor McDavid asked for clarification regarding the position of the Commission. Mr. Dean replied they were in opposition to the proposed legislation as it stood in the House and Senate. Although the legislation would

likely pass, it would hurt the human rights initiative in the State and in Columbia, and they felt this would be a positive opportunity to reaffirm the stance of Columbia in terms of human rights in general.

Mr. Schmidt asked if this could be part of the City's regular lobbying efforts. Mr. Dean replied that was the hope of the Commission.

Mr. Schmidt made a motion to voice the concerns indicated in the memo regarding HB320 and SB353 to the appropriate legislators as part of the City's regular lobbying efforts. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**REP56-13 Correspondence relating to the Infrastructure Task Force.**

Mr. Skala commented that the Infrastructure Task Force had been charged with two tasks. One was to determine infrastructure costs and the other was to provide an implementation plan, and this was supposed to go to the Comprehensive Plan Task Force, which had essentially finished its work since the draft Comprehensive Plan was in the hands of the Planning and Zoning Commission. As a result, he agreed it was a moot point for the Infrastructure Task Force to meet unless the Council wanted the Task Force to submit an opinion on an implementation plan for the reports generated.

Ms. Hoppe understood they were recommending they be dissolved.

Mr. Skala thought the Planning and Zoning Commission could handle it from this point forward as staff had already provided them the draft Comprehensive Plan, and this would be part of the implementation process. The Council would just lose the ability to get that advice from the Infrastructure Task Force.

Mr. Schmidt stated he was interested in the issue of the costs of infrastructure, but believed this could be assigned to another commission or a new task force could be appointed if the Infrastructure Task Force wanted to dissolve.

Ms. Rhodes pointed out infrastructure was identified as one of the seven strategic priority areas in the City-wide strategic plan, and the initiatives from the Infrastructure Task Force majority and minority reports that were submitted to Council at the July 15, 2011 meeting were resources that were being used to drive the implementation of the infrastructure portion of the City-wide strategic plan.

Ms. Hoppe made a motion to dissolve the Infrastructure Task Force. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**REP57-13 Source Water Protection Plan Update.**

Mr. Johnsen explained staff was looking for Council acceptance of the Plan.

John Betz stated he was the Chair of the Source Water Protection Plan Task Force and explained the purpose of the Source Water Protection Plan was to try to garner community interest in ensuring the actual source of the water supply to the community was protected rather than relying entirely on regulatory agencies and regulations. He noted water could be treated for almost anything, but money could be saved if the water was protected at its source. He displayed the location of the City's water source, the water treatment plant, etc., and described the current and older wells and processes used to keep the water supply safe. He explained the Task Force decided to use the 20 year travel time delineation the

Department of Natural Resources (DNR) had determined might threaten the wells at McBaine and the aquifers under the City. The Task Force also decided to use the list created by DNR of potential contaminant risks. He commented that there was not much threat to the current wells being used in the McBaine area, but there was minimal threat to the old deep wells in town. Although there was this potential, the Task Force felt the City should not close them as they could be used in other future efforts. He noted the City had responsibility to ensure the towers inherited from other water districts were not a threat to the aquifer in those areas as well, and the Task Force suggested they be closed or maintained depending on future use potential. He displayed the seven potential threats the Task Force had determined existed, and noted they did not believe most represented much of a danger. Those included groundwater migration from City wetland cells and Eagle Bluffs Conservation wetlands, infiltration from the Missouri River, malicious tampering, the use of pesticides, herbicides and fertilizers, petroleum pipelines through well fields, seepage from the City wastewater treatment plant, and future activities in the McBaine Bottoms. He pointed out the Task Force felt they needed to identify something other than chloride as a fingerprint to monitor over time to determine if there had been a change, and provided other suggestions to address potential issues as well.

Mr. Schmidt asked for the nature of the problem of water migrating from Eagle Bluffs. Mr. Betz replied a source from the outside was getting to the inside, which they had not happened prior to 1994. Mr. Schmidt understood 44 billion gallons were in there and the City was taking six billion gallons per year, so the water would need to come from some place or it would be emptied. Ms. Hoppe commented that she understood part of the problem was that the City pumped wastewater at Eagle Bluffs. Mr. Betz explained, over the years, the wells had 20 parts per million of chloride, but as the wetlands were used and the Department of Conservation used the Eagle Bluff area, the parts per million of chloride had increased. This was the reason the USGS believed there was a connection from the outside to inside the aquifer. They had also found pharmaceuticals and personal care products in small amounts, which needed to be monitored as well for changes.

Mr. Betz reiterated the community ultimately protected the water source, and that was what EPA, DNR, etc. wanted. These regulatory agencies wanted the communities to become more knowledgeable about the water supply in terms of where it came from and why it was important for it to be protected. He noted the Task Force would be working with the Water and Light Department in terms of a public education program to protect the water source.

Ms. Nauser asked if the Task Force currently worked with the medical community on advising patients of how to dispose of unused medications. Mr. Betz replied no, but noted he thought a few groups in Columbia were taking an interest in this particular issue. He understood one-half of all medications that were prescribed were not used and one of the ways many disposed of them were to flush those medications down the toilet.

Ms. Nauser understood the Task Force would be participating in a public education campaign in terms of flyers with utility bills, but wondered if the Task Force had considered talking to homeowner associations, especially in terms of yard applications of pesticides and herbicides. Mr. Betz explained there were a lot of things that could be done, and this was the

reason the regulatory agencies wanted the entire community involved in spearheading the protection of their water source.

Mr. Schmidt understood the task now was to translate actionable items into action and asked if the EPA and other agencies were making resources available. Mr. Betz stated the DNR enjoyed working with communities so they had help if they wanted it.

Mr. Betz pointed out he believed Columbia was a fortunate in terms of the water at the McBaine bottoms as it was replenishable and of a high quality, so they had a reason to protect it.

Ms. Nauser commented that several years ago there had been a movement toward educating property owners about the benefits of rain gardens to collect runoff and asked if this was still ongoing. Mr. Betz replied he was not certain. Mr. Skala stated he believed the rain gardens were part of the solution to the TMDL controversy. Ms. Hoppe pointed out the Hinkson Creek TMDL Adaptive Management Stakeholders group was discussing rain gardens along with other ideas. Mr. Betz stated he understood rain barrels were being made available, and thought the Water and Light Department would be interested in participating in the effort.

Mr. Skala asked if the Source Water Protection Plan Task Force worked in collaboration with the University of Missouri as he understood the University had stringent requirements for unwanted materials, such as laboratory waste. Mr. Betz replied the Task Force included two representatives from the University of Missouri.

Mr. Schmidt stated he hoped to see action items come before the Council if approval was needed.

Mr. Johnsen explained a subcommittee of the Water and Light Advisory Board was looking at how rain barrels could make an impact in terms of water demand and conservation. They had not approached it from a water runoff point of view. He noted recommendations would likely come forward. He pointed out this report was a fluid report as there would be an annual update and recommendations that might impact the budget. He understood the Task Force had agreed to meet annually.

Mayor McDavid made a motion to approve the Source Water Protection Plan. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**REP58-13 Administrative Public Improvement Project - Sidewalk Maintenance at Columbia Regional Airport.**

Mr. Matthes provided a staff report.

Ms. Hoppe understood there was a possibility the airport terminal would be replaced and wanted to ensure any sidewalk improvements would remain. Mr. Matthes stated he understood there would be a use for these sidewalks even if a new terminal north of the runways was built. Mr. Glascock explained these sidewalks were located where the charter flights came in and out.

**REP59-13 Columbia Regional Airport Air Traffic Control Tower Closure.**

Mr. Matthes provided a staff report.

**REP60-13 Pedestrian Crossing Sign for Eastbound Broadway at Old Highway 63.**

Ms. Hoppe thanked staff for providing the report.

**REP61-13 Transit Report - Integrated Marketing Communications Plan.**

Ms. Holtzclaw provided as staff report.

Mayor McDavid stated he would be happy when bus passes could be sold at locations other than the Wabash Station.

**REP62-13 Correspondence from the Downtown Community Improvement District, the Columbia Chamber of Commerce, the Downtown Columbia Leadership Council, the East Campus Neighborhood Association, the Historic Preservation Commission, the North Central Columbia Neighborhood Association and the Planning and Zoning Commission relating to Downtown C-2 Zoning.**

Mr. Matthes provided a staff report.

Ms. Hoppe explained she had asked for these comments to be provided within two months so the City could put some basic measures in place until permanent changes could be made, and asked if this could be discussed at the first Pre-Council Meeting in May. Mr. Matthes stated he thought that could be accommodated.

**REP63-13 Intra-Departmental Transfer of Funds Request.**

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

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Barbara Wren, 615 Bluffdale Drive, stated she understood the idea of trails through a natural area was romantic, but noted she had some concerns. She noted a trail area under construction bordered her property, and displayed photographs showing the vegetation that had been removed. She understood this was funded through the GetAbout program with Federal Highway Administration money, which had an executive order to not do harm to the environment. She commented that the vegetation that soaked up rainwater and protected her property from flooding had been removed, and this was a concern because her property was in the floodplain and she had federal insurance through FEMA. She did not believe this area would recover in her lifetime in terms of the trees and vegetation that had been removed, and the trail would no longer be in a natural area. She stated a silt fence had been installed, but the water would come over the fence if the creek flooded. Trees that helped to prevent the bank from eroding when the creek flooded had been removed. She noted she had contacted the Department of Natural Resources due to her concerns. She believed the GetAbout project had disregarded many federal regulations and wanted the Council to be aware of the issue.

Mr. Thomas asked for the location of this site. Ms. Wren replied it was on Old 63 south of Broadway where the trail would connect from Stephens Lake Park to on Old 63, and noted Lori Klein's property had been acquired so the trail could go under the bridge and circle up her driveway to connect with Old 63. She thought that property might be in danger of flooding as well due to all of the concrete in the floodplain as the velocity of the water would increase.

Mr. Thomas thought the concrete would be 8 or 10 feet wide. Ms. Hoppe pointed out a lot more area had been cleared. Ms. Wren understood a 15 foot wide area had been cleared back into the forest behind Eastgate.

Ms. Hoppe stated she would follow up with this issue when she made her comments later in the evening.

Mr. Schmidt thought the issue of a wider area being cleared had been addressed in the past. Mr. Skala recalled the reason given in terms of some sewer crossings was the fact people were in the trenches, and they needed to ensure the trenches did not collapse. He understood this was not the reason for this situation since the trail would be flat.

Toni Kazic, 2308 Bluff Pointe Drive, commented that one of the difficulties she and her neighbors faced when discussing the Grindstone Trail issue with the City was that there was not an opportunity for give and take in the public situations when the issue was discussed. She suggested a process that would accommodate a thoughtful discussion of all of the interconnected issues, which included eminent domain, the environment, the allocation of funds, etc. She agreed reasonable people could reasonably differ on these issues, but thought it would be helpful to participate in thoughtful discussion with the citizenry instead of through sound bytes. She noted she did not know the best mechanism for this to occur, but hoped something could be accomplished for the greater good of Columbia.

Mr. Thomas asked Ms. Kazic if she lived in the Bluff Pointe Neighborhood. Ms. Kazic replied she did, and explained she lived in one of the two properties that directly bordered the Grindstone Creek. The original plan for the trail would have gone through her backyard and the revised plan for the trail ran in the creek bed and would place a concrete structure in a creekbed that already flooded. She had observed the construction and the kinds of clearance along the Hominy Branch Trail and understood similar clearance would occur here. She was concerned because the vegetation and mature trees that would be cleared helped to prevent erosion. Mr. Thomas understood she was not in favor of the trail. Ms. Kazic stated she felt there were many alternatives to this particular routing, and those routings would better benefit the City.

Ms. Hoppe understood Ms. Kazic was asking for a discussion before the public hearing was held. Ms. Kazic stated she did not know the best mechanism, but felt the opportunity for a thoughtful discussion was missing from the process. She commented that she had attended Parks and Recreation Commission hearings, was before the Council, and had written letters.

Mr. Skala commented that the thoughtful discussion Ms. Kazic had mentioned could likely be accommodated with through the office hours that some of the Council Members held. Ms. Kazic stated she hoped to take advantage of office hours, but noted she had a job that was more than a full-time job and often included the weekends. She stated she would make an effort to meet with them, but pointed out some of her neighbors might not be able to meet with them individually. She commented that the difficulty was that they were near the end of the process with regard to this trail, and issues continued to arise for which she felt a thoughtful discussion was needed.

Mayor McDavid suggested Ms. Kazic contact her Council Member as this would not be arbitrated tonight. Ms. Kazic noted she had been working with her Council Member. Ms. Hoppe stated she thought it was more about getting staff and the public together for an opportunity to ask questions and discuss the issue before a public hearing was held. Mr. Thomas stated it sounded like an interested parties meeting was needed. Mr. Skala agreed. Ms. Kazic explained they had attended those in the past.

Ron Westhues, 2305 Bluff Pointe Drive, commented that the City had proposed all of the neighborhoods be tied together through trails going through the creek in 2005, and a public hearing had been held in 2010, but no one was in attendance at that time because no one knew the details so there was no opposition. He stated there had never been an opportunity for the property owners to talk to the City Council. He thought the property owners had to be contacted if their properties were going to be taken through eminent domain, and he had never been contacted. The ballot issue, which included this item as well as other items, passed, and it then became a promise. He did not believe everyone that voted on the ballot issue was necessarily voting on this particular trail, and the property owners that would be impacted were not made aware of this.

Mayor McDavid explained Mr. Westhues would have an opportunity to make his case as the Council would have to make a decision regarding whether they moved forward with this trail or not.

Mr. Westhues felt this same issue would come up again if this was not addressed in the future.

Ben Jacob commented that he had been in Columbia since the mid-1960's and had seen a lot of changes. He listed some of the construction projects that had taken place which had removed trees and negatively affected peoples' sublimity of life. He stated sublimity of life depended on less development and slower and more deliberate consideration. It was not based on the blind faith that growth was better. He encouraged a more deliberate approach to the decisions of the City. If more students would be moving to Columbia, he thought they should be housed in the sublime areas versus being stacked on each other. He also suggested non-concrete trails as they did not destroy the natural facing of creeks and wooded areas. He was concerned with the removal of trees and the natural area, and thought the issue needed to be addressed.

Mr. Trapp explained a gentleman had spoken at his first Council Meeting about a year ago regarding the ability to use the transit system to get his cat to the veterinarian and a follow up report had indicated cats were not allowed on buses. He understood the lack of cats in carriers on City buses was not the biggest issue facing transit, but noted it would do his faith in democracy good if an ordinance allowing cats on buses in carriers could be brought forward this year.

Mr. Skala stated he had been contacted by a constituent regarding issues with the maintenance of a silt fence associated with a water line project in the Woodridge Subdivision, east of 3821 Cedar Lane, and asked staff to look into the situation.

Mr. Skala understood a chain had been put across Dawn Ridge Road at Clark Lane, next to the Stonegate Mobile Home Park, and believed that could be a public safety issue in terms of access by emergency vehicles. He asked staff to look into the situation.

Mr. Skala asked staff to look into the potholes in the Oaks Subdivision in the Blue Ridge area by Yoko Court, Shingo Court, Gene Drive and Pine View Drive, and on the westbound lane of Clark Lane in front of White Castle going towards Home Depot.

Mr. Skala commented that if the City was going to improve transit and customer service, they needed to get people out of the rain through the use of bus shelters as there were a number of bus stops without shelters in his area, and asked for a report from staff on the issue.

Mr. Skala asked staff for a report regarding the potential of a multi-sized transit fleet.

Ms. Hoppe made a motion for Council to appoint her as the representative of the Collaborative Adaptive Management (CAM) stakeholder group. She noted Daryl Dudley had previously served in that capacity. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Hoppe asked for a meeting to be held on the Grindstone Trail before a public hearing was held whereby the public could ask staff questions and state their concerns. Mr. Thomas agreed a meeting was needed for those in the impacted neighborhoods to attend.

Ms. Hoppe commented that she had been shocked by the amount of clearing that had taken place for the trail to connect Old 63 and Stephens Lake Park, and asked for a report regarding the amount of oversight staff had on hired contractors. She wondered if the trees and paths were marked before they were cleared. She wanted to know if compliance with the Clean Water Act to avoid, reduce and mitigate environmental impacts was required, and how this process could be improved.

Ms. Hoppe asked for an ordinance requiring any trail placed on the parks sales tax ballot to have already gone through the public approval process prior to being placed on the ballot. This would ensure the neighbors and others in the community were aware of the details and had been able to provide input. Currently, the public was asked to vote on only a general concept. Mr. Matthes stated he would follow up with Ms. Hoppe after the meeting.

Mr. Schmidt commented that there were many stormwater issues in his neighborhood in terms of flooding in basements, etc., and as a result, he believed the surplus funding should go through the regular budget process instead of on special projects on the fly. He thought the surplus should be spent deliberately.

Mr. Thomas understood there had been a motion to draft legislation to change the name of a street in the Chapel Hill Plaza area to Veterans United Way at the March 18, 2013 Council Meeting, and noted this would significantly impact at least one business owner as that person would have to redo all of her stationary, etc. He asked if this was a public street

and if there was a process to ensure it did not negatively impact anyone. Mr. Matthes replied he understood this was essentially a driveway, and as a result, there was not an established process. He noted staff was drafting an ordinance for Council consideration, and included in that process would be a check with impacted neighbors and property owners. Mr. Thomas understood the constituent would prefer to keep her existing address, which was 2011 Chapel Plaza Court, and stated he would put her in touch with staff.

Mr. Thomas understood the Council had asked staff to prepare an RFP for an outside consultant to look at the City's transit system in terms of goals, strategies for funding, etc., and asked if this had moved forward. Mr. Matthes replied staff was in the process of putting together a list of questions and would provide that list to Council to ensure it was satisfactory prior to moving forward.

Mr. Thomas thanked Mr. Glascock for his free three year transit pass in lieu of a parking pass.

The meeting adjourned at 12:57 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk