

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**AUGUST 20, 2007**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, August 20, 2007, in the Council Chambers of the City of Columbia, Missouri.

Mayor Hindman explained the first public hearing was a joint City and County public hearing and asked the City Clerk to call the roll for both City of Columbia and Boone County representatives.

The roll was taken with the following results: Council Members HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE and NAUSER were present and Commission Members PEARSON, MILLER and ELKIN were also present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**PUBLIC HEARING**

**(A) Joint Public Hearing with the Boone County Commission for the construction of Scott Boulevard from Rollins Road to Brookview Terrace.**

Mr. Glascock showed a diagram of the project from Rollins Road/Smith Drive to Brookview Terrace on the overhead. The estimated cost for the widening and new alignment project was \$11.5 million. The alignment was offset to the east where there was some unimproved ground in an effort to avoid a stream, a 36-inch water line and the driveways of some duplexes that fronted onto Scott Boulevard. He noted they had an interested parties meeting in 2002, a Council work session in 2003 and another interested parties meeting in 2007. At that time, they had a more abrupt curvature. The owner of a property he pointed to on the overhead asked that it be softened so it would not be so close to their land. He pointed out the water line restricted the height of the route as well. South of Chapel Hill to Brookview Terrace, they were on the alignment and there were only three private driveways. He pointed to the heavily vegetative area they were trying to avoid on the overhead and explained there would be a retaining wall in order to stay out of the stream. He noted Ludwick would not have direct access on to Scott and the duplexes and ball field would access Georgetown. He commented that Chapel Hill was currently being constructed and that they were putting in a pedestrian crossing, so once this project was built, there would be a sidewalk all of the way to the Katy Trail. He stated Gillespie Bridge had full access and Chapel Hill would have a signal. He showed Grant Lane and noted it was the portion the County abutted. He provided an illustration of a cross section and indicated the offset was about 96 feet with some variation. The median would be a thirteen foot planted median with a two foot curb and gutter on each side. There would be eleven foot lanes with a bike lane on each side and it would have a five foot sideway and an eight foot pedway.

Mr. Elkin asked if the majority of the secondary residential collector streets were right in/right out with the exception of Chapel Hill where there was a stoplight. Mr. Glascock

replied no and explained a lot of them were full access. He pointed them out on the overhead.

Ms. Miller asked if the sidewalks were urban or if there was a green buffer between the bike lane and sidewalk. Mr. Glascock replied they had a five foot buffer between them for trees to be planted. He pointed out that had to be worked out with MoDOT.

Mr. Skala asked if the issue of full access versus right in/right out was a default position or if it was discussed in terms of whether some of the access points should be limited. Mr. Glascock replied absolutely. Mr. Skala understood what was proposed was their best judgment. Mr. Glascock stated that was correct.

Mr. Wade asked for the length of the stream bed which was to be avoided. Mr. Glascock replied it was around 500-700 feet. Mr. Wade understood it was about one-tenth of a mile. Mr. Glascock stated that was correct.

Mayor Hindman opened the public hearing.

Chris Kespohl, an attorney with offices at 1103 E. Walnut, stated he was representing the Westlawn Homeowners Association and that he was also a resident of the Westlawn Subdivision with property at 4115 Joslyn Court. He provided a handout and noted his property was outlined as the most affected in the subdivision. He stated he had participated in numerous conversations with City staff and Mr. Wade and was proposing a couple other options regarding the project as it affected their area and the northern half or first mile of the project. He commented that the current right-of-way was between 80-100 feet wide and there was a ten foot utility easement on one side and a fifteen foot utility easement on the other side, so he believed there was ample space to put the roadway in the current right-of-way. The issues involved were the safety of the public in having a road with safe accesses and the Goodin Branch Creek bed, which was about 500 feet long. He referred to proposal #1 in the handout and noted each bolded access point was a street. The non-bolded access points were driveways or private property. He explained he tried to provide the estimated distances between them as well. He noted they were similar in number and traffic numbers and if safety was a primary issue in the upper half, that argument could be countered with the fact these were similar numbers. He felt that if the concern was safety, they were not following consistent guidelines in each half of the project. He pointed out proposal #1 would require the elimination of a set of duplex driveways between Georgetown Drive and the next street to the south. He believed there were eight duplexes with shared driveways and turnarounds in the front. He commented that there were platted lots owned by the same property owners behind them, so an alley could be constructed to access Georgetown to the north where the residents could turn onto Georgetown and drive down their rear access alley to their residences. In regard to the environmental impact, they were proposing it be moved to the west in order to preserve the Goodin Branch Creek. He explained there were culverts under Sussex Drive and Rainbow Trout that lined up. In addition, the creek bed veered toward Scott Boulevard's current alignment and then backed away. He believed it could be relocated in a direct line, which would provide the additional space for the road within the current right-of-way. He understood that was a costly and time consuming project involving the Corps of Engineers, but was possible per his conversation with them. By doing this, they would remain in the current right-of-way and disrupt less of Scotts Branch Creek. Another

issue was the affect on adjacent property owners as a whole. There would not be a need for significant land acquisition, so there would be a huge savings in regard to the cost of the project. It would also be minimally evasive to the property owners in the Westlawn Subdivision. The other proposal essentially involved the same parameters and would keep the road in the right-of-way until it passed Westlawn. It also involved putting Goodin Branch in a culvert for approximately 500 feet and he understood the issues and implications of that. He pointed out the handout also included a petition from the Westlawn Homeowners Association and a letter from Joe Giangiacomo, who asked him to provide the letter to the Council since he could not attend. Mr. Kespohl asked those interested in this project to stand and approximately 15-20 people stood.

Mr. Skala asked if these proposals had been provided to the Public Works Department for evaluation. Mr. Kespohl replied no. He explained he had been piecing this together for the last two weeks. He noted he did not receive notice of the public hearing since he was not considered an adjacent property owner. The neighborhood association, however, was notified and they contacted him. He explained he had met with Public Works staff about three times and would provide these proposals to City staff.

Bill Hobbs, 3018 Scott Boulevard, asked how far the four lanes would go and when they would merge into two lanes again. He wondered if they switched to two lanes before the bridge just north of the fire station. Mayor Hindman asked if he meant the bridge at Hinkson Creek. Mr. Hobbs replied yes. Mr. Glascock replied it would go to the curb and guttered section and pointed to the location on the overhead. Mr. Hobbs understood it switched to two lanes before the bridge. Mr. Glascock replied that was correct.

Garland Russell, 1114 Scott Boulevard, stated he concurred with the comments made by Mr. Kespohl and commended the City staff for their willingness to discuss these matters in an effort try to find solutions. He noted several years ago, there was a meeting where a number of proposals for Scott Boulevard were presented to include this one. He understood this was the top of the line proposal with an elegant price tag. He believed if there was to be any meaningful input from the public, the public should be able to compare the price of this proposal with the price of some of the others. He understood this proposal would cost approximately \$11 million, but did not know the cost of the other proposals and believed such considerations should apply in making a decision.

Ed Orr, 4903 Fallbrook Lane, stated he drove on Scott Boulevard everyday and agreed it needed to be fixed as soon as possible. He noted he was part owner of three pieces of property located between Ludwick and Millbrook. Two of those were duplexes and had driveways in the center that accessed Scott Boulevard. He commented that the grade was very steep and if Scott Boulevard was widened from its current position and equally divided straight out, the road would be level with the windows and the slope of the driveway would be very dramatic. He understood Mr. Kespohl was suggesting rear access to the shared driveways, but a problem with that was that these properties had front garages that would be useless when seeing the line needed for access. He stated he was impressed with the new plan and fully endorsed it as it saved his property value. If the road were placed on top of Scott Boulevard and widened right there, it would decrease their property value since the garages would be useless. He thought there was probably some compromise that Mr.

Kespohl and the homeowners association could reach with the City. He agreed taking some of Mr. Kespohl's back yard and making Scott a busier road was a serious concern, but believed equal consideration should be given for taking the front yard, driveway and garage access to property he had a partial ownership interest in.

Mr. Skala asked which proposal he was referring to when he stated "the new plan" as there were two proposals suggested by Mr. Kespohl. Mr. Orr replied he was referring to the first one, which he understood would continue Scott Boulevard a little straighter and veer off between Ludwick and Millbrook. He thought Mr. Kespohl's preference would be for Scott Boulevard to stay straight. Based on the first plan in 2002, he believed this was a considerable improvement and would help to control the ingress and egress safely due to the access road.

Susie Liu, 4301 Mesa Drive, stated she owned two duplexes at the corner of Mesa and Scott Boulevard and wanted to know if her property would be affected if the street was widened. Mayor Hindman explained a description of the proposed road had been presented and if she had specific questions relating to her property, she should meet with the Public Works staff so they could provide specific answers pertaining to her property.

Henry Warren, 301 Bright Star Court, stated he represented the Kings Meadow Neighborhood Association, which was located north of where the project started and across from Rothwell Heights near the intersection of Christian Fellowship and Scott Boulevard. He explained he participated in a meeting about three years ago in regard to a proposal to extend Scott Boulevard north to I-70 and rework the intersection of old Broadway, Strawn Road and Scott Boulevard. At that time, he commented that Scott Boulevard as it was would not be able to handle the traffic. He was pleased the City and County were addressing this problem and wondered what the status of that proposal was. He noted there were two subdivisions going in north of old Broadway, which would affect that area and that end of Scott Boulevard. If all of these projects were going to tie together, which he felt was critical, he wondered if the new subdivisions would require some reworking of the street configuration at that end of Scott Boulevard as it would affect the traffic pattern on all of Scott Boulevard. He commented that he was glad to see the overall improvement of Scott Boulevard was taking place as it would improve the traffic flow from that area.

Mayor Hindman asked if he wanted to know the status of the extension of Scott Boulevard. Mr. Warren replied yes. Mayor Hindman understood it was still on the CATSO Plan. Mr. Glascock stated that was correct. He noted there was no funding for it at this time, but they were looking at completing an environmental study for the interchange at I-70.

Becky Awad, 4702 Cedar Rock Court, stated she was the Vice Chair of the Stonecrest Neighborhood Association and that they had questions regarding traffic flow in and out of Gillespie Bridge as they were concerned about the neighborhoods in the back using the Chapel Hill extension as their main entrance. They also wondered if one would be able to go straight across or if there would only be one way out and in. They were also wondering how traffic would be redirected during construction. She stated they were also unclear as to the elevation of the road and explained the elevation of the Chapel Hill extension was a little higher than anticipated. In addition, they were concerned about traffic flow for the ball fields

as it was awful when games were going on. She stated those were some of their questions and concerns, but noted they fully supported the project.

Mr. Elkin asked for clarification regarding the road she was concerned with during construction. Ms. Awad explained they had heard a lot of traffic would be past West Pointe and wondered if they would use the new Chapel Hill extension or Gillespie Bridge Road. Mr. Elkin understood she wanted to know the overall traffic control during construction. Ms. Awad replied that was correct. Mr. Elkin understood she was not as concerned with the plan itself, but more concerned about access and traffic during construction. Ms. Awad replied they were concerned about traffic during construction and traffic coming in and out on Gillespie Bridge Road. She explained they were concerned about cut through traffic in Stonecrest because there might not be a way to go out off of Gillespie Bridge. Mr. Glascock explained they were pouring the intersection with Chapel Hill as if Scott was being built, so they would not need to do anything with that intersection during this project. That signal would always be functioning and Gillespie Bridge would have full access after construction. He believed it would be widened to one side first and then widened on the other side. He stated they would try to keep the intersection open for the duration, but noted when it was time to pour the intersection, they might have to close the street for about a week to give the concrete time to cure. Ms. Awad understood there should not be problems for people that used that road all of the time. Mr. Glascock pointed out the residents of Longview would probably use Chapel Hill because it would have a signal.

Mr. Wade asked Mr. Glascock to demonstrate the traffic flow at the ball parks. Mr. Glascock replied they would have to go to the street that was there today, which would be an outer roadway, to Georgetown and would exit out off of Georgetown Drive.

Larry Hogan, 4903 Cochero Court, asked how many traffic lights were proposed along the new stretch. Mr. Glascock replied, at this time, there would only be one traffic light at Chapel Hill.

Jason Black, 1506 Waterford Drive, stated he represented the Georgetown Subdivision Neighborhood Association and noted they were concerned about the ball field traffic being redirected through Georgetown to access Scott Boulevard. He asked if there would be access from the south side of the ball fields onto Chapel Hill Road as well or if the only access in/out would be at Georgetown Drive. Mr. Glascock replied he did not recall, but believed there was some type of pedestrian access or access off of Chapel Hill on top. They would not have access at Scott Boulevard. Mr. Black stated he was okay with traffic being redirected to Georgetown only if it would be a part of that traffic. If all of the traffic going in and out of the ball fields went through Georgetown, he would be concerned because adding that traffic to the traffic from the approximate 400 residential units in the neighborhood would make it difficult to get in and out. If the ball fields had access to both Chapel Hill and Georgetown, they would be less concerned.

Mr. Elkin asked if there was an access on the west side of the ball fields on Chapel Hill. Mr. Glascock replied he believed there was an access on top of the hill. Mr. Elkin asked if it was a vehicular access. Mr. Glascock replied he could not recall, but believed there was at least a right in/right out access there.

Bob Akin stated he owned 700 and 600 Scott Boulevard and that his property at 700 Scott was at the corner of Rollins Road and Scott Boulevard. He asked if there was a proposed stop light at Rollins Road. Mr. Glascock replied there was in the future, but not as part of this project. Mr. Akin asked if they would need more right-of-way than what they had now. Mr. Glascock replied he did not believe so, but noted they might need some construction easements. Mr. Akin stated 600 Scott Boulevard was one duplex north of Rollins Road and asked how far the five foot sidewalk would be extended. Mr. Glascock replied he believed it went up to Rollins. Mr. Akin stated stop lights would improve his property because people had a terrible time backing out onto Scott Boulevard and was hoping there would be one at Rollins Road. Mr. Glascock explained they were looking at it, but at this time it was not in the plan.

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

Mayor Hindman explained the joint portion of the meeting was adjourned and the Council would return after the break for the remainder of the meeting.

## **INTRODUCTORY**

Mayor Hindman asked that the roll be called again for the Council only portion of the meeting. The roll was taken with the following results: Council Members HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE and NAUSER were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

## **APPROVAL OF THE MINUTES**

The minutes of the regular meeting of August 6, 2007 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Ms. Crayton.

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

The agenda, including the Consent Agenda, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Ms. Hoppe.

## **SPECIAL ITEMS**

None.

## **SCHEDULED PUBLIC COMMENT**

None.

## **PUBLIC HEARINGS**

### **(A) Joint Public Hearing with the Boone County Commission for the construction of Scott Boulevard from Rollins Road to Brookview Terrace.**

Council discussion of Item A was continued from the joint portion of the meeting.

Mr. Skala made a motion directing staff to proceed with plans and specifications for the Scott Boulevard project. The motion was seconded by Mr. Wade.

Mr. Wade stated the design presented by staff was, at this point, the design of choice. In addition, he believed the information received from the neighbors was a sound analysis indicating there were some reasonable options to some of the components. He noted there

were two primary purposes for the design shown - safety and the Corps of Engineers requirement for remediation of the Goodin Branch. There was also a necessity to work within the constraints of the existing water line. In review of the proposals from the Neighborhood Association, there were some options for dealing with safety and Goodin Branch. He complimented them for their persistence, working with staff and their creativity. He commented that the Goodin Branch might be the critical question in that the Corps of Engineers had already issued a permit for the design presented by staff and if they went with a design that kept Scott Boulevard in its current right-of-way, which would move it approximately one block or one-tenth of a mile to the other side of the tree line, a new Corps of Engineer permit would need to be issued. Mr. Glascock stated it would be considered a major revision, so a new permit would be required. Mr. Wade understood the granting of new permits by the Corps of Engineers was time costly and asked how long it would take. Mr. Glascock replied he did not know. Mr. Wade explained the problem involved the remediation of a natural waterway, but there was not much in regard to the Goodin Branch as it was. If one did a biological assessment, they would find very little biological validity to it. The reconstruction, whether done with the construction of a new road or with relocation, should make it a better biological branch. He stated he would vote in favor of this motion, but noted he hoped there would be a serious look at some of the options the neighborhood association offered as it moved toward final decisions. He understood some additional costs might be involved, but there would also be a savings since fewer easements would have to be purchased for relocation. He pointed out he liked proposal #1 and commented that since Scott Boulevard was so important, he wanted to make sure they did it correctly.

Mr. Skala stated this was new information that had not yet been considered and noted he was supportive of the motion to proceed, but would encourage staff to evaluate the new information.

Mayor Hindman suggested the review of the proposals be added to the motion. Mr. Skala revised his initial motion and directed staff to proceed with plans and specifications for the Scott Boulevard project and to evaluate the proposals submitted by the neighborhood as they moved forward. The revised motion was seconded by Mr. Wade and approved unanimously by voice vote.

**B271-07     Setting property tax rates for 2007.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was the first piece of legislation Council would consider for the upcoming budget. He explained they were not proposing a tax increase in terms of the property tax rate this year. It would be the same rate as it had been for several years.

Mr. Janku made the motion to amend B271-07 per the amendment sheet.

Mr. Watkins explained the City also had to approve the property tax rate for the public library in addition to its own tax rate per State law. The Library Board submitted a letter indicating a change to their current rate of .2970 cents per dollar to a rate of .2971 cents per dollar.

The motion made by Mr. Janku to amend B271-07 per the amendment sheet was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

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

B271-07, as amended, was given third reading with the vote recorded as follows:

VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER.

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

**B272-07 Setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2007.**

The bill was given second reading by the Clerk.

Mr. Watkins explained, per State law, the Council set the property tax rate for the Special Business District (SBD). He noted it was a self imposed property tax on property within the downtown SBD to pay for operations. The current rate was .4834 cents, but the SBD was asking it be lowered to .4762. He pointed out this only applied to property within the SBD.

Mr. Janku made the motion to amend B272-07 per the amendment sheet. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

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

B272-07, as amended, was given third reading with the vote recorded as follows:

VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER.

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

**B273-07 Adopting the FY 2008 Budget for the Special Business District.**

The bill was given second reading by the Clerk.

Mr. Watkins noted, per State law, the Council had to adopt the budget for the Special Business District (SBD). Since they changed their property tax rate, they submitted a slightly decreased budget for the next fiscal year. Staff was suggesting the public hearing be held over for testimony to be taken at the next two Council meetings.

Ms. Hoppe made the motion to amend B272-07 per the amendment sheet.

Mr. Skala asked what CCA stood for. Mr. Watkins replied the Central Columbia Association, which was the merchants association and was different than the SBD.

Mr. Skala asked what HUB stood for. Mr. Watkins replied it was the urban beautification plan for the downtown and was adopted by the Council, jointly with the SBD, four to five years ago.

The motion made by Ms. Hoppe to amend B273-07 per the amendment sheet was seconded by Mr. Wade and approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman continued the public hearing to the September 4, 2007 Council meeting.

**B274-07 Adopting the FY 2008 Budget.**

The bill was given second reading by the Clerk.

Mr. Watkins explained that per the Charter, the City Manager was to submit a proposed budget for City operations to the Council by the first of August. Traditionally, three public hearings were held on all facets of the budget. In addition, City boards and commissions that made funding recommendations traditionally made presentations. Representatives of the Community Services Advisory Commission and the Community Development Commission were scheduled to make presentations tonight.

Mayor Hindman opened the public hearing.

Reginald Kinsey, 7060 S. Lakota Ridge Lane, stated he was the Chair of the Community Services Advisory Commission and explained the review process, which included presentations, panel discussions and information from City staff, Commissioners and the public. Thirty-five agencies submitted proposals for fifty-one different program services and the Commission recommended funding thirty agencies for forty-five programs for FY 08. In regard to City specific funding, thirty-four agencies applied for funding for fifty programs and twenty-nine agencies for forty-four programs were recommended for funding. New program funding was recommended for three programs and increased funding was recommended for nineteen programs. In addition, new funding was not recommended for three programs. In regard to the Boy Scouts - Day Camp, there was no other funding source and the program was proposing to serve children who were already being served by other programs funded by the Commission. The Nora Stewart Memorial Nursery School was not funded due to concerns involving ADA accessibility and the safety of the building in which the program was housed. In addition, the agency was reluctant in pursuing other funding sources, such as the Missouri Department of Social Services Child Subsidy for Participant Family. The Salvation Army - Social Services was not recommended because it was a duplication of services provided by other agencies in the community. In addition, there were concerns regarding costs and the inconsistency of its hours and availability. Mr. Kinsey explained the Commission also recommended no funding for three agencies which were currently funded. The Adventure Club Scholarship Program proposal lacked clarity in definition and cost of unit of service. They also failed to pursue other grant funding. The Cedar Creek Therapeutic Riding Center lacked financial accountability for its programs. He noted an IRS 990 had not been filed since 2004, the most recent audit was completed in 2003 and the agency was non-compliant with quarterly reporting requirements. In addition, the FY08 proposal was incomplete and contained multiple errors. In regard to the Columbia Public Schools - Project Crib, the Commission believed it was a high quality and important program, but thought the Columbia Public Schools should be providing funding for the program. He pointed out the Commission's intentions were made clear last year when funding was reduced. Mr. Kinsley stated the decision making processes were difficult because all of the programs provided needs and services to the citizens of Columbia. He noted the Commission expected a high level of accountability for agencies requesting City funds. He commented that their meetings and work sessions were long and involved and that they appreciated the support of Council.

Mayor Hindman stated the Council appreciated the hard work and tough decisions made by the Commission and that they would review their recommendations with great care.

David Johnston, 2701 Chambray Road stated he was Chair of the Community Development Commission and explained the Commission had held a number of meetings in

review of the 2008 CDBG project submissions. He commented that he would not go over the proposals they agreed with, but would discuss the proposals in which there was some disagreement. He noted the Services of Independent Living had requested \$40,000 to continue building ramps for those who were physically disabled, but the Commission only recommended \$30,000. He explained it was an increase over the recommendation in prior years and that they could not justify full funding due to the number of other requests. In regard to the Hunt Avenue project requested by the Public Works Department, they recommended full funding but had concerns involving public input. They felt the neighbors along that street should be consulted about the project. If this project was approved, they strongly recommended it be moved forward as there had been a problem of funds sitting for a long time in the past. Mr. Johnston noted there were comments made by the Community Services Commission indicating they were not recommending funding with respect to the Nora Stewart Memorial Nursery School due to problems with the building. The Community Development Commission was recommending full funding of \$150,000 to get the building in line. They did have some concerns in that the organization needed to set aside funds for improvements and go after alternative funding, but felt the project met an important community need as it provided day care service in the central Columbia area. In regard to the Show-Me Central Habitat for Humanity – ReStore project, he commented that they believed Habitat was an excellent organization and met an important community need in providing reasonable priced housing, but could not recommend funding at this time due to the limited funds available. In addition, they felt alternative sources of funding could be secured for that particular request. He stated the Destiny of Hope - Housing Counseling requested \$25,000, the Commission recommended \$3,500 and the City was recommending zero funding. He noted they provided counseling for housing needs, which was a service not met elsewhere, and believed \$3,500 would enable them to provide some counseling. He commented that the CDBG program was an excellent program and he hoped it would continue.

Mayor Hindman stated the Council appreciated their hard work.

Lorenzo Lawson, 2301 Shamrock Drive, stated he was the Executive Director for the Youth Empowerment Zone (YEZ) and noted the Community Services Commission had granted them \$15,000. Although that was generous, it fell short of what they needed. He explained the funding would be used as the salary for their Youth Development Specialist and noted they were a three year old organization still in its infancy, but were looking toward being self-sufficient in the future. He stated they were a City-born organization that worked with at-risk youth.

Anthony Carr stated he was 21 years old and that before he joined YEZ he had run-ins with the law. His life turned in the opposite direction after going into the program. He met with good mentors that helped him with job development skills and taught him to do the right things, stay on track and stay focused. He noted he would soon open his own business and go to college. He believed it was a good organization and a great program for young adults such as him.

Jesse James Simmons stated he was 16 years old and a junior at Hickman High School. Before participating in YEZ, he was in a lot of trouble and was kicked out of his

mother's house. He moved in with his father, who recommended he talk with Mr. Lawson. He noted one of the YEZ employees, Mr. Hunt, worked with him in filling out applications and teaching him how to dress and talk. He was currently working for the University as a food service worker who delivered food to patients. He pointed out it provided him with something to do other than cause trouble.

Mr. Lawson noted the next speaker was the gentlemen that had been helping these young people and was the reason for the additional \$30,000 request as they wanted to keep him as an employee of the program.

Purvis Hunt, 605 Claudell, stated he was an unlikely mentor as he had been in and out of trouble as a youth. He commented that many believed the people he worked with were disadvantage youth, but he thought of them as misguided young people. He explained they assessed them, asked about their needs and asked what they wanted to do in regard to a career or education. Many of these kids lack the knowledge on how to build resumes, write cover letters, talk appropriately or search for employment. Most of their kids were seen by the community as a small threat. They just did not have anything to do as their resources were limited. He stated his job had so many limitations, but he exceeded beyond those limitations. He noted some young people would call him at 2:00 a.m. or 3:00 a.m. with personal problems because they had no one else to talk to. He pointed out he opened his doors and his phone and tried to spend as much time with them as he could because they were just looking for something to do and if he did not provide something or lead them in the right direction, they would find something on their own, which might not be something good. He thanked Mr. Lawson for the opportunity to work with these young people and commented that he believed he had made a difference in the young people's lives he had worked with. He reiterated the kids he worked with were not bad, they were just misguided.

Mr. Lawson noted Mr. Hunt had recently graduated from Columbia College.

Tron Jordheim, 2301 Walther Court, stated he was the director of PhoneSmart, a call center in Columbia, and had hired 5-6 kids through YEZ. Each of them had been talented and interested in learning about business. One of the first kids they hired through the program was starting at MU this fall. He stated they had found the kids to be very trainable and coachable. He noted the Front Yard newsletter discussed neighborhood response teams, which included representatives from Police, Public Works and the Health Department, going through stressed neighborhoods looking for chances to improve assets and property and believed that was what happened with YEZ. They were seeking out young people who were assets to the community, but were undervalued, under-challenged or bored. They were matched up with businesses that could provide direction and teach them how to function in a business environment. He stated it was a tremendous program and asked the Council to provide the funding requested.

Jerry Taylor, 801 Happy Hollow, stated he was the Chairman of the Youth Empowerment Zone Board and noted Mr. Lawson had put together a very effective team, which was the reason they were making a difference in the community. He commented that they had several things in the works in order to be on their own footing, but at this time they were young and still needed assistance.

Christine Gardener, 112 Anderson Avenue, stated she was the President of the Board of CAT Television and provided a handout regarding the amount of funds CAT had raised. She commented that in July, she attended the annual conference for the Alliance of Community Media, which was the national organization serving all PEG channels and local access community media centers. The community media center in Grand Rapids was working on a project to improve the efficiency and effectiveness of agencies working with ex-offenders recently out of prison. It was a variety of probation and parole, social service, not-for-profit and faith-based agencies. The form people leaving prison had to fill out had to be done at a certain site and took four hours to complete. In addition, the agencies did not have that information or information on what the other involved agencies were doing. The media experts at the media center convened all of the parties and listened to their needs. As a result, they were able to develop on-line systems, networks and data storage systems to address these problems and vastly improve the process of getting people back into the community, connected to job training, housing, counseling and any other available programs. She stated a television show did come out of it informing the general population about local efforts in their community and noted social workers and administrators did not have the skills to accomplish something like this because they were either struggling to keep up or did not have the time or technological savvy to create a project. She explained CAT, in a small way, had started this process through the “Making a Difference” program, which aired several times per month giving local not-for-profits an opportunity to explain what they did and to recruit volunteers by providing nine minutes and showing the segment twelve times per month. She commented that in 2007 she celebrated 30 years as a supporter and producer of community radio and understood the importance of local media and building an informed and involved community. In addition, she understood how local media trained people for careers by beginning as volunteers, changed lives for the better and opened a world of opportunities. She stated they were currently involved in a huge explosion of technology and did not want to be shut out. She asked why they could not create a place where people could narrow the gap by learning these skills and applying them in service to the rest of the community. She asked those who supported CAT to stand and approximately 20 people stood.

Pat Fowler, 4995 North Sandker Court, stated she had been involved with CAT-TV since 2005 as a co-producer of Running Columbia and as a camera person and editor of several of the discussion programs hosted around town. She commented that citizen television would vary in its production quality because most started as novice community members with news stories they wanted to tell. As a part-time graduate student studying public policy, her interest involved capturing thoughtful and in depth discussions of local and regional issues on camera and airing them on CAT-TV. With the channel’s help, she posted new shows bi-monthly or monthly, filmed some League of Women Voter events and edited the Muleskinners Speaker Series. She noted she was also a cheerleader for the channel among MU students who served community agencies as service learning volunteers and explained she worked for the Office of Service Learning that helped place several hundred college students in the community. CAT-TV provided students the ability to learn how to video, film, edit, and make public service announcements for their agencies. They had projects underway for Theatre Reaching Young People in Schools (TRYPS), Central Missouri

Community Action (CMCA) and The Shelter. Because of the affordability of CAT-TV, it remained accessible for students and agencies. Over time the expenses of creating even small programming added up and if they could keep CAT affordable, they could keep CAT accessible. She thanked the Council considering their funding request. The stronger their resources, the more they, as volunteers and producers, would be able to create independent local programming.

Jo Sapp, 1025 Hickory Hill Drive, understood one of the questions that had arisen was how much funding CAT had looked for on its own. She referred to the handout provided by Ms. Gardener and noted it showed what they had been able to do over the past three years on a part-time basis with a skeleton staff. If they were properly funded and staffed, they would be eligible for grants for outside funding which would make them a lot closer to being self-supporting. She noted that between the cash they brought in and the in-kind from Stephens, they were supporting between 40-45 percent of their expenses.

Shannon Kennedy, 111 Hubbell Drive, stated he had been a producer at CAT3 for about two years and used the opportunity to put his own projects and the projects of his friends on air. He noted he was not a student at the University of Missouri, so he did not have access to those resources and having CAT3 was important to him and the projects he wanted to pursue. He used the resources at CAT3 to include the volunteer crew when doing a recent half hour show. He was then took it home to do the post-production editing on it. He planned to put it on CAT3 and use it as part of his own portfolio. He noted he would be attending film school in San Francisco, partially due to the interest CAT3 had sparked in him. He stated he could not think of any nobler goal for a community than to encourage communication among its members. He noted the resources available at CAT3 were amazing and he could not think of another community in which he had lived where anything comparable existed.

Chip Newbury, 107 Hubbell Drive, stated he was a producer of CAT and a resident instructor at MU in the IT program, which concentrated on film post-production. He commented that he had a number of students who were producers at CAT and that he pushed his students to build up a demo reel to help them go out and get a job. CAT offered his students the ability to make more programming, specifically socially oriented programming. He noted there were other people interested in video that could not afford an education but could afford to become a producer at CAT and take some classes to develop good skills for becoming a professional in the field of video production. He believed it was a great resource for the City.

There being no further comment, Mayor Hindman continued the public hearing to the September 4, 2007 Council meeting.

**B197-07 Voluntary annexation of property located on the southeast corner of Roosevelt Avenue and Lenoir Street; establishing permanent C-P zoning; setting forth conditions of approval.**

The bill was read by the Clerk.

Mr. Watkins explained this was the voluntary annexation of property located in southeast Columbia. The Planning & Zoning Commission recommended approval of C-P as permanent zoning subject to conditions involving traffic. He noted this item had been

previously discussed and tabled and that there was an agreement involving notice, lot rent, etc.

Mayor Hindman understood the amendment sheet basically adopted the agreement. Mr. Watkins replied yes. Mr. St. Romaine explained that at the previous Council meeting, several commitments were made by the property owner and those were included in the agreement. One item included was the abatement of tenant lot rent for the last three months of the mobile home park's operation. He noted the requirement by State law was that the property owner provide at least a four month notice to the tenant. The property owner agreed to increase that notification by two months for a total of six months. He pointed out the owners had met with several tenants in conjunction with representatives from GRO and that some of the tenants felt the "People's Proposal" should be agreed to instead. It included a one year notification and additional subsidies that could be used for relocation purposes. The agreement as part of the amendment sheet represented the items the property owners were willing to agree to in exchange for annexation.

Mr. Janku made the motion to amend B197-07 per the amendment sheet. The motion was seconded by Ms. Nauser.

Mayor Hindman opened the public hearing.

Laura Parker, 1603 Paris Road, stated she was speaking on behalf of Grass Roots Organizing (GRO) and the 122 adult residents of the Sunset and Ed's Mobile Homes Parks who signed and supported the "People's Proposal." The families who lived in Ed's and Sunset lived there because it was affordable housing and this affordable housing was in danger of being destroyed with people's lives uprooted. She stated this issue had come before the Council in the past and would continue to come before them until the City decided affordable housing was just as important, if not more important, than commercial development. They were urging the Council to value the health, safety and well being of these residents. She understood the owners of Whirlwind Properties had proposed that if they received annexation and zoning, they would provide tenants with six months notice and free lot rent to include water and sewer for the last three months prior to closure. She agreed this was slightly better than the 120 days mandated by law, but noted it was still inadequate as it did not come close to meeting the mental, emotional and financial costs associated with the evacuation of two mobile home parks. If the Council voted in favor of the owner's proposal, she believed it would mean economic disaster for many of these families. She commented that nearly all of the families owned or were purchasing their homes and many homes could not be moved. Those that could be moved would only be moved if the family could afford the high cost to do so. She noted the average cost of moving a mobile home was approximately \$2,000 and pointed out most were old and more difficult to move. They had heard bids as high as \$6,000. Some of the families would lose their homes and entire investment, but the owners of the property stood to make a substantial profit if this request for annexation and commercial rezoning was approved. She stated the "People's Proposal" represented what residents in these parks identified as the minimum requirements needing to be included. GRO joined with residents in requesting this proposal be attached as a condition for the annexation and rezoning of this property. The "People's Proposal" would provide a one year notification to the residents and six months of free lot rent, require the

owner to properly maintain the mobile home parks throughout operation, not allow any new buys or new move-ins during the final year of operation, provide each family that owned their home or was buying it \$700-\$1,000 toward moving costs and require this proposal to be a part of any sales contract accepted by the owners. She believed this proposal was reasonable and would soften the economic devastation these families currently faced. She noted it would also prevent homelessness and provide families additional time to save money. She explained time and money would increase options, allow families to avoid moving during the winter season, lessen the trauma faced by children who might otherwise have to change schools mid-year, and prevent the City's social resources from being overburdened.

Mary Hussman, 5306 Rice Road, stated it had been her privilege over the past several months to serve as a volunteer consultant for the Ed's and Sunset families. They had been welcoming, friendly and responsive to organizing the "People's Proposal." She asked those in support of the "People's Proposal" to stand and approximately 40-50 people stood. She commented that many people had been collecting signatures for the "People's Proposal" and someone had provided her with another ten signatures, so there were 132 adult residents who had signed that proposal.

Ron Netemeyer, 4803 Cody Court, stated he was a shareholder in Whirlwind Properties and pointed out this involved a proposed annexation, not a proposed evacuation. He felt it was a misnomer to believe if the Council approved this annexation and zoning request, the tenants would be at a greater risk. They would actually have greater protections than any other tenants in the State of Missouri. The proposed voluntary annexation had been discussed, investigated and considered at great length with many individuals, groups and agencies and three things remained clear. This was island of County property surrounded by the City, so it was rational and logical for it to become a part of the City of Columbia. The zoning of planned commercial was consistent with long term land use plans already developed by the City and was consistent with current and pinion uses by properties to the south and west. He noted they would be grandfathered in with continued operation as a mobile home park. By approving the annexation agreement, the Council would be providing these tenants more tenant rights and protections than they or any other tenant anywhere in Missouri enjoyed. In the event of closure, a six month notice surpassed any statutory notice requirement. In addition, they agreed to confer benefits of approximately \$200,000 to the tenants in the form of rent abatements to include water, sewer and trash. He believed this proposal was wise for the managed growth of the City of Columbia and fair to the tenants it could one day impact. He asked the Council to head the recommendations of staff and approve the annexation.

Ms. Hoppe understood Mr. Netemeyer had gone beyond what the law required, but wondered why he was unwilling to provide a one year notification or notification when they contracted with a buyer if it was beyond the six months to provide a maximum notice for tenants to save and move. Mr. Netemeyer stated they were offering a real world, workable solution to the problem with the six months. He noted it was hard to imagine a contract where a buyer would want to wait one year before closing if they wanted to convert it to some other use and he believed that extended any reasonable period of time any future

development or sale of the property could anticipate. He explained another problem with the one year guarantee was that it took revenue to run the park. They had mortgages and staff to pay and the responsibility to maintain the properties. He stated their company could not continue to run the park for a one year period given the fact tenants would be moving out. He pointed out six months pushed them on this issue as it was. The \$200,000 he mentioned earlier was just rent abatement assuming they received rent paid in the first three months, otherwise they were looking at \$500,000. In regard to trailers that could not be moved, they had as much of an incentive as anyone to help the tenants move their trailers because if they were left behind, they, as owners, would have to incur the cost of removing or disposing of them. He thought \$2,000 was a fair assessment and that could be another \$100,000. He believed with only including what they had offered to date, it could cost the company \$500,000 if it was ever sold or developed. He noted they could not extend it for a year as they would not be able to maintain payments for that length of time. Ms. Hoppe clarified that she was not asking for rent abatement for the year. She was only asking about notification. Mr. Netemeyer understood and pointed out the reality of the situation was that people would not stay there and only move out in the last 2-3 months. If a year was provided, people would be wise to start moving out right away and if that happened they would not have the revenue for the on-going operation of the park. Ms. Hoppe asked if it would be helpful if the tenants gave a guarantee indicating they would stay to the end. Mr. Netemeyer noted they attended the tenant meeting and offered a scenario for the tenants to sign an agreement indicating they would pay their lot rent for the next two years, would not move out and would keep up their yards in exchange for a guarantee they would operate the park for two years, but the tenants were not agreeable to the long term agreement, so it made it impossible for them to make a long term agreement in return. Ms. Hoppe understood they would be requiring the tenants in mass to make that commitment. Mr. Netemeyer stated that was how it worked because they had to generate enough money to pay the bills. They could not promise to operate for an extended period of time unless they had assurance they would have the revenue to actually support that operation. He noted people had concerned themselves with what the potential profit might be, but had not brought up the fact that this could fail tomorrow and he and his partner would be responsible for the associated loans. Ms. Hoppe understood his concern was that if they gave too much notice people would move out early. Mr. Netemeyer stated he believed six months was reasonable in a business setting and was the period of time they felt they could financially support the park after people began to move out. He reiterated they would not be able to do it for the one year period.

Ms. Hoppe understood the agreement he was accepting of went with the land and carried over to the new owner if it changed hands before the six months period. Mr. Netemeyer replied he would expect it would be binding to any future owner as well. He explained they worked with a lot of the tenants who for health or social reasons were behind on lot rent. He believed they had been as compassionate as they could be while also trying to run a business. They would continue that in the event they had to close the park.

Ms. Hoppe understood he indicated he would be willing to assist the tenants with a group rate or in some other manner to the extent possible without putting a dollar figure to it. Mr. Netemeyer stated that was true. He explained Whirlwind Properties, in addition to

owning the raw land, owner-financed about 30-40 homes. They would need to move a good number of homes if the property ever sold. He thought they could secure a contract with a discounted rate for such a large number of homes. He stated that would be to their benefit because they would not want abandoned trailers left behind.

Ms. Hoppe asked how much they anticipated they would profit when the property was sold if it was to be zoned C-P. Mr. Netemeyer replied they were not doing this because they had an immediate intention to sell the land and stated he was not a real estate expert or appraiser, so he had no idea. He believed there were a lot of benefits to the tenants becoming citizens of Columbia as they would have access to CPD and, hopefully, in the future, to bus routes. He stated he thought there were a lot immediate benefits to the tenants that were overlooked by this.

Mr. Skala stated he appreciated what they had done, but believed he would be remiss if he did not try to follow up on the one year notification. He commented that there was a problem with affordable housing in this town and that mobile home parks were one of the last truly affordable respites for a lot of people. He understood competitors were trying to lure people from his property to other properties and asked if it would serve them to extend some of the leases from one month in order to prevent being left with no tenants. He stated he was not suggesting they pay anymore because he felt what had been offered was good. His concern involved notification as he believed there was a huge difference between six months and a year for these people. He wondered if a lease agreement arrangement would solve some of the problems indicated and enable them to allow a year's worth of notification. Mr. Netemeyer replied that in terms of a one year notification, they would no longer be the owners of the park before that one year period was up because their financiers would take over possession since they would not be able to financially support it. With regard to entering into a written lease which was longer than a month, he believed that was a good idea on paper, but thought actually getting payment on those leases could be difficult. He commented that other companies were putting up flyers on the doors of newer homes only. Their park was one of few that allowed older well maintained homes. Other parks did not want trailers that were over 10 years old. He noted it would be difficult to enforce or collect money for the breach of leases. He stated there was no financial security in the lease. Mr. Skala understood the lack of payment could happen, but felt from a tenant's perspective the same thing could happen to them if he sold the property or developed it as a commercial development because at the end of six months they would not have any protection either. Mr. Netemeyer explained if they gave a one year guarantee, they would not be able to operate the park for one year. He stated it would be a useless guarantee because he would not have the finances to uphold it. Mr. Skala understood the difference between six months and one year was significant. Mr. Netemeyer stated it was about \$500,000.

Ms. Hoppe believed those that had the opportunity would move when they could, so they did not have to try to move within the six month notification time frame, and as a result, the park would be looking for new tenants. She was concerned new low income tenants would move in without knowledge of the property being zoned C-P and asked if they would be willing to notify new residents of the C-P zoning and that they had the right to a six month notice and three months of lot abatement. Mr. Netemeyer pointed out future tenants moving

into their parks would have more security than any tenant in any other park. Other parks would only be required to provide a 120 day notice and would not be required to provide lot rent abatement. Although he believed people who moved into their park would be provided a better protection than any other tenant in any other park, he stated he had no objection to informing future tenants in writing of the zoning and protections that would be provided. Ms. Hoppe asked if the agreement could be amended to include that requirement. Mr. Boeckmann replied that as long as the property owner was willing, they could amend the agreement to require notice to the tenants. Mr. Netemeyer suggested the City provide something, which they would agree to attach to any potential lease a new tenant might sign. He understood they would be informed of the contents of the ordinance. Mr. Boeckmann suggested a legal description be provided in the contract. Mr. Netemeyer stated they had no objection to that.

Shirley Capps, 4130 South Lenoir, noted there was recently an article in the Columbia Daily Tribune indicating their days were numbered. She felt that was true in all walks of life as there were no guarantees. The mobile home park might become a part the past, but that decision might not be Whirlwind's decision. The City or County could shut them down if they wanted. She did not wish to move as it was home to her. She noted she had lived there for approximately 32 years. Since Jason Shoot and Ron Netemeyer became the owners of Sunset, they had been working with the Kathy Little, the manager, to make it a clean place to live. She felt the tenants had to take responsibility as well. They needed to pay their rent on time and keep the homes and lots clean. The few times she had encountered Mr. Shoot and Mr. Netemeyer, she had come away with a positive feeling. She pointed out they did not have to offer six months notice and three months free rent and that she did not feel they were out to get them because they were low income. Sunset was a business for them and if people paid their rent on time and took care of their lots, they might not want to sell. She stated people would always need a place to live. The manager did a good job in trying to make it a good place to live, but she could only do so much. They needed to take responsibility as well. She felt GRO had been stirring everyone's fears. No one wanted to or could afford to move as most of them lived paycheck to paycheck. She commented that GRO had been talking to a chosen few and not the majority. She noted the park was no different than other sections of Columbia. They were people who worked hard to get by. She pointed out she had been expecting this annexation for many years because Columbia was expanding and stated growth was not bad as long as they kept people of low income in mind. If they were fair, paid their rent and kept up their yards, she did not believe Mr. Netemeyer and Mr. Shoot would give up a business that had been active for so many years.

Lana Wisemen stated she lived in the Rustic Meadows Trailer Park and was in fear everyday of the owner closing the park while only giving them four months notice as they had no where to go. She believed, in all reality, these people would likely only be able to save about \$600 during the three month rent period, which was not close to what it would take. She felt they needed every bit of help they could get from anywhere they could get it. When a person owned a piece of property, whether it was a mobile home park, an apartment building, rental property, etc., she believed they needed to be responsible for the property and the people on it. By accepting the "People's Proposal" the Council would be showing the

property owners that they needed to take responsibility for what they owned and the people's lives they affected. She asked the Council to accept the "People's Proposal."

Donna Murray stated she was a lot owner at Crescent Meadows and noted they were going through a lot of changes in an effort to become a better trailer court. She commented that her heart went out to the people at Sunset and Ed's as they were good people. She noted the cost to move a lot was high and explained it cost her daughter \$1,100 without set up costs and deposits to move a mobile home from one lot to another within the same court. She stated she did not know if Columbia was turning their backs on mobile home parks, but felt they were important. She believed they needed more mobile home parks where people could buy their lots. People chose to live in mobile homes because they were cheaper. She asked the Council to listen to the concerns of the people.

Ed Berg, 1215 South Fairview Road, stated he had been a resident of Columbia for 45 years and quoted Franklin Roosevelt as saying "you judge a great society by what it does for its poor." The people who were living in Sunset and Ed's trailer courts were the working poor who had hopes of owning their houses and had achieved that by buying the trailers in which they lived. He heard statements being made regarding one year leases and that most of the trailers were over ten years old, so they could not be moved. He did not understand the harm in requiring a one year lease because the owners would have a right to obtain damages from people if they moved. The people had indicated they wanted to stay there as proven by those who signed the petition with GRO and those that were in attendance. He understood progress was going to happen. The Council was faced with a similar decision in 2000 with regard to Walnut Woods and no procedure was adopted at that time. He suggested Council adopt a procedure and begin looking at increasing low income housing, which could involve scattered housing in apartments and increasing the number of residences available to the poor. He believed they needed to set up a process to find out what the effect of closing the park would be and what resources might be available to aid them.

Charlotte Nagel, 4150 S. Lenoir, stated she lived at Ed's and noted her pad rent was \$160 per month. Therefore, if she could wait for the last three months, it would only be \$480 and that was not enough for the first month and last month security deposit. She explained she was in the process of buying her mobile home and still owed \$4,000. It would take two years to pay it off at \$200 per month. She noted Woodstock would accept her trailer and offered to pay to move it. When she called Mrs. Netemeyer with this news, she was told they could not move until the trailer was paid off per the contract. If the mobile home park was sold within the two years, the money she put into it would be forfeited and she would be left without a home and money for a home. She noted she could not move to their other trailer park because it was 20 miles outside of the City limits and she walked or biked to work at Lenoir. The \$700-\$1,000 would, however, help her to get into another place close to where she worked.

Mr. Skala asked if she had entered into a contract that exceeded six months in terms of putting equity into the place she was buying. Ms. Nagel replied she was buying her trailer for \$12,000 and all of it was paid off except for \$4,000. Her contract indicated she could not move until it was paid in full. If they left within the two years, she would lose her trailer and the money she put into it.

Eugene Elkin, 3406 Rangeline, stated he wanted to ensure they were speaking of manufactured mobile homes as they discussed the issue this evening. He commented that as one owned property, which increased in value, they could go to the bank to obtain the necessary funding. If Mr. Netemeyer needed money to operate for one year, he would have the cash. He stated they needed to realize they were looking at poor people's lives and everything they had to say was important. He pointed out creating new laws would take years. He believed the City should do whatever it could and if the tenants wanted a year, they should get it. He asked the Council to set a better example for the entire State.

David Nagel, 4150 S. Lenoir Street, stated this had happened to them once before. The property owner of 2211 Grindstone indicated he had no intention of selling, but they received a letter within a couple weeks of it being zoned commercial telling them they had to move out or go where he wanted them to move. He had put in new water meters and had moved a new trailer in to make them think he would not sell. He understood that property sold for about \$1.5 million. Mr. Netemeyer's partner stated if they were offered a good amount of money, they would sell. He explained their contract indicated the trailer had to be paid in full or they had to receive written permission for it to be moved, which they were not going to provide. He stated they feared they would be forced to move again as it had happened before. He noted they started with a 1974 trailer and moved up to a 1990 trailer. They eventually wanted to buy a piece of property to put it on. He pointed out it was a way to get started and move up as they could not just go out and buy a house.

Ms. Hoppe understood they would not be able to move prior to the six month eviction notice due to the contract. Mr. Nagel replied the contract stated they could not move the trailer without written permission or before it was paid in full. Ms. Hoppe asked if they were worried they would take the trailer back if they gave an eviction notice as she felt they would provide permission for it to be moved if there was an eviction notice. Mr. Nagel replied they would not be able to afford to move it. They were currently being offered free moving and set up with the first month's deposit and rent and were not able to do that since they did not have permission or the ability to pay it off. Ms. Hoppe understood they wanted to do that before the six month eviction notice. Mr. Nagel replied yes and explained that had already happened to them once before. The owner of the previous place they resided in wanted them to move to Prathersville, which they could not do since the bus service was not very good.

Jason Shoot, 6250 Gillmore Lane, Ashland, stated he was the other partner with Whirlwind. He explained in the case being discussed, they were the lender or bank and it would not be feasible to have 30-50 trailers scattered all over. He noted they would not lose their equity if something happened with the park. He stated it was in their best interest to take care of them and they would likely be moved by them since they shared ownership in the trailer. He pointed out they were in a better spot than others.

Mr. Skala understood in the event they found a buyer, the equity in these trailers would be maintained and they would help move these people to another place at their expense. Mr. Shoot explained they would still be owners and because they had paid on it, it would not void their contract. Mr. Skala asked who would pay the moving expense. Mr. Shoot replied it would be up to them, but that they would do what they could because it could not be left

there. He explained they would have to pay to move it if it was abandoned and reiterated they would be keeping the equity in their homes.

Ms. Hoppe understood if trailers were left because they could not be moved, the property owners would have the expense of tearing them down or moving them. Mr. Shoot replied he would assume they would, but noted he had not thought about it since they did not plan on selling the property. He believed a new buyer would want them removed. Ms. Hoppe asked if they could not find the money to move the trailer, but could move into an apartment or house, if they could just leave it. Mr. Shoot replied that was one of the risks. Ms. Hoppe understood it would be an added expense to them and explained she was trying to move that added risk and expense for them to a benefit for the tenants by helping them move. Mr. Shoot replied that was why they would likely do their best to help them move and to keep the equity in the home. Ms. Hoppe asked if, in addition to the three month rebate, they would offer \$100-\$300 toward moving after it was known they would be evicted and would receive the contract money. Mr. Shoot replied he did not know they could afford to agree to anything else. They were stretched to the maximum already in regard to what they could do. They would obviously try to help people, but they did not know how far down the road this would be or what those costs would be. He pointed out this was an annexation. It was not an eviction.

Mayor Hindman felt they were trying to negotiate with the applicant, which was taking a tremendous amount of time. He thought they needed to either deal with this issue as proposed or continue it if they wanted to try and negotiate further.

Mr. Shoot pointed out if no agreement was put in place, the tenants would be at a greater risk because they would only have 120 days. They were doing what they could to move forward with the annexation while keeping everything good for everyone. He felt GRO had scared a lot of people into thinking they would only have six months after tonight and that was not the case.

Cindy Snowden, 4130 South Lenoir Street, Lot #97, stated her children had trailer #6 at Ed's and her mother had #80 and she had #91 at Sunset. She commented that she wanted the annexation to go through, but also wanted written documentation so she was not out in the cold like others had been at other trailer courts. She noted she had as much invested in her properties as Mr. Netemeyer did because she owned her trailers and paid property tax on them. She stated she would love to be annexed because it meant snow removal and she missed three days of work this year because she could not get off of her road. She wanted written documentation and advance notice to protect her. She did not want to have to try to get her trailer out during the last three months. She noted there were only four companies in the area and 100 plus trailers to be moved. They would also need to obtain the necessary permitting due to traffic issues.

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

Ms. Hoppe commented that she wanted to amend B197-07 so that any new people that moved to the mobile home park would be provided notice that the property had been zoned commercial and that they would be provided a six month notice and three months of rent abatement.

Mr. Boeckmann suggested adding a statement to the proposed agreement indicating that the property owner would agree to provide notice of the contents of this agreement to all future tenants of Ed's and Sunset Mobile Home Parks and also adding the legal description of the property to the proposed agreement.

Ms. Hoppe made the motion to add a statement indicating the property owner agrees to provide notice of the contents of this agreement to all future tenants of Ed's and Sunset Mobile Home Parks and the legal description of the property to the proposed agreement. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Hoppe stated this was a very difficult decision and noted the mobile home tenants were in a tenuous position regardless of whether this passed or not. The owner could decide to evict the tenants and change the use per the present zoning in the County at any time. She believed this property would sell, but did not know when it would sell. She commented that if they had a commitment to low income housing, mobile homes were part of that. She noted the tenants were facing a massive economic and personal devastation. It would be as though a whole neighborhood of 100 people were being dislocated. She agreed the owners should not have the total responsibility for coming to the rescue, but believed they should partly assist since they would have an economic benefit. The City and community should also have the responsibility to come to the rescue. They could not allow people that were barely making it to become homeless. She asked if there were any federal, state or local resources available to assist. Mr. Teddy replied there was a possibility for CDBG funds to be used for relocation assistance, but it could be difficult to link to this activity of commercial zoning as HUD might take a dim view of that. Individuals within the mobile home parks who met income guidelines could be eligible, through the HOME program, for several types of assistance, such as relocation expenses, rehabilitation of the housing units to bring them up to Code or acquisition of a new home. He was not sure how much would be available though. He noted if federal funds were used, the homes would have to be brought up to a standard condition. He stated HUD enforced the building code applied when manufactured homes were constructed at the factory. He pointed out they did not find any State resources for this situation. They might be able to receive some technical assistance from the Public Service Commission, but their charge was not with landlord/tenant relationships. They were charged with inspecting this type of housing and ensuring the seal was on homes that were sold. They essentially enforced the HUD Code, which had been in place since 1976. He stated they might be able to do site inspections to determine what locations would be appropriate for the relocation of tenants. He pointed out they did not currently have a program involving the acquisition of mobile home sites or manufactured homes themselves. They would have to set something up if Council were willing to put resources into such a thing.

Ms. Hoppe asked what services might be available for relocating into low income housing versus moving the mobile home. Mr. Teddy replied there were housing voucher programs for people of low income, such as Section 8. The tenant based rental assistance, which was run by the Columbia Housing Authority, could be a possibility, but he did not think it was currently set up to allow for this kind of situation. Ms. Hoppe asked if and when they received the six month eviction notice if the City had someone with knowledge of these

programs that could go out and help the tenants find homes versus the tenants having to fend for themselves. Mr. Teddy replied they could inquire about possible assistance with the City on an individual basis, but they were not geared up to assist with relocations in the case of a mobile home park redevelopment. Ms. Hoppe understood they did not have someone within the City who could educate the tenants in regard to the resources available when a mobile home was being closed. Mr. Teddy stated they did not have a person with this dedicated function. Ms. Hoppe asked if the Council could direct staff to provide that assistance. Mr. Teddy replied they could put together a contingency plan with an estimate of the need. He explained when Walnut Woods was relocated, there was some assistance from the City which amounted to no more than \$350 per household at a different mobile home park. Some of the residents relocated to other mobile home parks in the City. There was also a consumer counseling service that provided management of private donations and they did not know the amount of that assistance as it was kept confidential by that agency.

Mr. Skala understood the motion on the table was to adopt the agreement. Mayor Hindman replied that was correct. He pointed out this was a request for rezoning and he did not think they could amend this to suit themselves because they would be rezoning and imposing restrictions. Mr. Skala understood and agreed it might not be appropriate. He commented that he was thinking about making an amendment to extend the six month notification period to one year, but did not think they could do that legitimately. He stated he was not convinced by the argument that it would be a real problem to extend it the six months. In light of that, he would be inclined to favor a continuance in order to talk about that.

Ms. Nauser asked how they could require a condition of annexation greater than the law required. Mr. Boeckmann explained this ordinance did a number of things. It included annexation, permanent zoning and the agreement. If anything was changed, the applicant had the right to withdraw his annexation request. They could not do anything the applicant had not agreed to. Mr. Skala understood they had to vote it up or down. Mr. Boeckmann stated they could vote it up or down or continue negotiating. Mayor Hindman commented that he did not believe they wanted to continue negotiating tonight. Ms. Hoppe asked if they could table it to give the parties more time to work out additional provisions.

Mr. Skala made the motion to table B197-07 to the September 4, 2007 Council meeting. The motion was seconded by Ms. Hoppe.

Mr. Boeckmann suggested they vote on the pending motion involving the amendment sheet before tabling the item.

Mr. Netemeyer stated he would object to the continuance of this issue. He noted if it were to come into the City, it would come in under these terms or not come in. He did not believe it would be productive to continue it.

Mr. Janku asked for clarification regarding those individuals that were paying down on their loans, but could not move when they had the opportunity. Mr. Netemeyer replied that issue was separate and apart from the fact they rented a lot in the trailer court to that mobile home. He explained they actually sold that mobile home, so that individual was buying it from them. They were owner financing it. He stated it was like any other lending institution that would not allow someone to take the collateral on the loan and move it anywhere they

wanted. He explained that if the buyer moved it to another park, decided they no longer wanted it and defaulted on the loan, they would own a home that was incurring lot rent in another park. It made no sense to allow someone to move a home they were financing through them to another park. Having to take back possession of a mobile home happened more often than they might think and they did not want homes scattered around Columbia or Boone County. They would have to move back these abandoned homes at a great expense or start paying lot rent to another company. He noted that in the event these parks were closed or developed, they would have a great financial incentive to find a location for any home they financed whether it be in another one of their parks or someone else's park. He explained they had ownership in the home until it was completely paid off, so they wanted to ensure they were preserved. He commented that those that lived in homes they were buying from them were in as safe a position as possible because they would want to find a place for that home.

The motion made by Mr. Janku and seconded by Ms. Nauser to amend B197-07 per the amendment sheet was approved unanimously by voice vote.

Mr. Skala stated he was withdrawing his motion to table the item in light of the applicant's testimony.

Mr. Wade commented that he believed they were trying to address three issues simultaneously that could not be addressed together. One issue was the question of annexation and as part of the annexation agreement, the guarantees to the residents in regard to their ability to move. The other two issues, which they had spent a great deal of time discussing but could not be addressed now, were the questions of affordable housing and a place to move that allowed people to build equity. He noted there were cities that had mobile home developments which were well managed and in which the residents had to be owners of the lot and mobile home and he believed that was an option they needed to look into, but one that could not be dealt with tonight. They also needed to address the issue of having a City policy in regard to large housing dislocations of resource limited residents, but could not do that now. He stated he would support the annexation as amended. It went beyond State law requirements, although it did not go as far as some would want. He thought it was as fair as they had a reasonableness to expect.

Ms. Nauser agreed with Mr. Wade in that they had spent a lot of time on issues that were beyond the scope of what was before them. She commented that when she was young, she lived in a mobile home, so she had empathy. She understood the situation a lot of these people were in, but believed the offer that had been made was far better than where they would be if the annexation did not go forward. She noted there was nothing stopping the owners of the property from converting it to any uses that were allowed under the current zoning. If it was not annexed, they could all still get an eviction notice. She explained they were discussing annexation and not eviction notices. They had to determine if this was relevant to the City's growth. She noted the property was surrounded by the City, so it made sense to annex it into the City. She hoped the property owners would live up to their words and assist the tenants to the point they could. She stated she planned on supporting this.

Ms. Crayton stated she agreed with Mr. Wade regarding his comments on affordable housing. She felt they needed to stop acting like they did not know what was going on as it

had been going on since 2000. They were displacing entire families and asking the community to absorb them. She noted public housing and Section 8 already had a long waiting list. In addition, they already had people and families in shelters who had not been absorbed. She wondered what they would do with another 100 families. She recommended anyone living in a mobile home to be prepared for the mobile home park land to eventually be sold.

Mr. Skala commented that in terms of land use, this was not a difficult decision. What made it difficult was the social aspect, which was an issue they needed to address, but one they could not address now. He noted this was a small step in the right direction because it was better than not having the protections agreed to. He stated he was conflicted, but would support this proposition.

Mr. Janku noted this situation was not perfect, but with the amendment, the protection was better than it had to be. He commented that if he thought the park would continue to exist for a great length of time if he were to vote no, he would do so, but he did not believe that was the case. He stated they had a good example of that on south Providence Road just outside the City limits where people were evicted and an apartment complex was later built. That could happen here as well and if that happened, the tenants would have less protection than they would under this agreement. He noted it was not a perfect solution, but it was the best option they had.

B197-07, as amended, was read with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

Mayor Hindman pointed out they had an Affordable Housing Committee, which was working on the issues involved, but had not yet filed their report. He noted the City was not ignoring the issue. It was a tough problem here and elsewhere in the United States.

**B236-07 Rezoning property located on the northwest corner of Bass Avenue and South William Street from R-3 to O-1.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this proposed ordinance would change the zoning classification from R-3 to O-1. The subject property was surrounded by property owned by the Boone Hospital Center and the Hospital was requesting rezoning to unify zoning on the larger tract and to erect a parking garage. The rezoning involved a 0.43 acre tract and the Planning & Zoning Commission recommended approval by a vote of five to three. Mr. Teddy stated the difference of opinion at the Planning & Zoning Commission meeting involved the zoning technique of O-P versus O-1.

Mr. Skala understood there was a traffic study underway for this area and asked if had been completed. Mr. Teddy replied he understood from talking to the applicant's engineer that it had been submitted. Mr. Watkins stated it had been submitted, but he had not seen it yet.

Mayor Hindman opened the public hearing.

Barbara Weaver, 1415 N. Countryshire, stated she was the Chairperson of the Boone Hospital Board of Trustees and explained the requested rezoning was part of a \$120 million

project that included a \$20 million parking structure on this particular site with an approximate \$100 million bed tower, which would be built after the garage was completed. The project was a result of a master planning process that began in late 2005 and was completed this year. Throughout the process, meetings had been held with City staff, the East Campus Neighborhood and other stakeholders. They listened carefully to the concerns of each stakeholder and included those concerns in the design of the first part of their \$120 million project, which was the 942 bay parking structure. The initial conversations regarding the parking structure centered around the construction of a 600 plus bay garage, but after careful examination of the future needs of the Hospital, it was determined it would be prudent to construct a 940 bay structure. She explained they would have to redo a parking structure on the east side of Boone Hospital and would need parking available when that was done. In addition, with the construction of a new tower, they were losing parking. They hoped this would meet their needs for a long time. She noted another reason they decided to go with the larger structure was due to concerns for the neighborhood because if they needed to add parking to the structure again, there would be more construction. She pointed out two different traffic studies had been done. The first one evaluated a 600 bay structure and the second one was done for the 940 bay structure. She commented that the project included \$1 million for the beautification and widening of William as well as pedways included in the City's Master Plan. She pointed out all but the small northeast corner of William and Bass were currently zoned O-1. They were asking that this parcel also be zoned O-1. It was suggested that this be zoned O-P, but that would add three months to the construction timeline at a cost of about \$250,000 per month for just the garage, which would impact their construction of the bed tower. The estimated cost was an additional \$2-3 million to the project and was significant. She asked the Council to consider this zoning.

Tom Schneider, 11 N. Seventh Street, stated he represented the Boone Hospital Board of Trustees and noted this was a greatly needed project as the Hospital was sometimes on diversion meaning that it lacked the physical space or capability to admit new patients. He explained they sometimes had to say no because they did not have the physical capacity. He commented that the majority of their rooms were shared rooms and the national trend and standard was for private rooms for infection control, privacy and labor and delivery. He showed some drawings on the overhead and noted the project was designed for a 20 percent reduction in surface water runoff. It would have more green space or open space than what currently existed on the site. He noted the traffic study was filed with the Public Works Department today with a request that a meeting be scheduled to address the needed street improvements, which might involve a round-a-bout on William Street. The parking garage would be on the west side of William Street and was a four bay, five level garage with approximately 950 spaces. There was an elevated connector to the main hospital by a pedestrian walkway.

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

Mayor Hindman stated he thought it looked like a good project for the community.

Ms. Hoppe understood the traffic study had been provided to staff, but had not been forwarded to the Council. Mr. Watkins explained, typically, for an open zoning, they would review the study with the applicant to ensure it met the professional standard the City

engineers felt was appropriate. The Council would not see it. He noted he was not aware it had come in today.

B236-07 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B237-07 Approving a revision to the C-P Development Plan for Columbia Mall (Target); approving less stringent landscaping requirements; allowing a reduction in the required number of parking spaces.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposed ordinance would approve a C-P plan amendment for the Columbia Mall and permit the construction of an approximate 27,000 square foot addition to the Target store and additional parking. The plan included two zoning variances involving the parking calculation and the reduction in the percentage of open space for the entire Mall property from 15 percent to 9.6 percent. The applicant was requesting a new, almost 300 space, parking lot that featured pervious pavement and underground detention to be considered as an offset for the removal of open space. Mr. Teddy pointed out, in regard to the parking variance, they were requesting the parking requirement be calculated on gross leasable area rather than gross floor area because it would allow for expansion even after this Target expansion. Mr. Watkins stated staff was supportive of that variance. He also noted an amendment sheet had been prepared due to a technical amendment in regard to the date of the plan.

Mr. Janku made the motion to amend B237-07 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

Mark Farnen, 103 E. Brandon, stated he was speaking on behalf of the Columbia Mall and showed an aerial photograph on the overhead screen. He explained their proposal involved three parts. The primary part was to expand the existing Target store by about 27,000 square feet to the west. It would also involve reconfiguring the front of the current store. He showed some illustrations on the overhead and noted it would not be a Super Target. It would be a medium-sized Target with an expanded array of product offerings. It would not include a full service grocery operation. He pointed out this part of the request was unanimously approved by the Planning & Zoning Commission and due to the fact it was being built over a parking lot, it would not increase impervious surface nor change the stormwater profile of the Mall. It would, however, displace some existing parking on the west side. Part two of their request involved parking and they were asking for a variance to the way the City calculated minimum required parking. He explained the City required the Mall to provide one space for every 200 square feet under a roof. They were asking the Council to consider only the gross leasable area under roof and to not require parking for those areas considered to be common areas, which he showed on the overhead. Eliminating those areas from consideration, which involved approximately 135,000 square feet, would reduce the required number of parking spaces to about 3,567. With the variance they could attain that number and have seven extra spaces, but with only seven extra spaces, the Mall would not be able to add anything larger than 1,400 square feet. They could not even build up since it

would invoke the new parking rule. As a result, they were asking to build an additional 297 spaces just south of J.C. Penny's in an area currently used for stormwater management and considered open space. He showed the area on the overhead and noted they would need a variance to go below the minimum open space percentage, if they were to build a lot in that area. In an effort to offset the loss of open space, they were proposing the installation pervious pavement in that area for the parking lot. He pointed out this would be a great way to evaluate the effectiveness of pervious pavement. It was in the new stormwater ordinance as an acceptable means of stormwater control. It had never been done in this City on a scale such as this. It would not impair water quality and would improve public safety on the perimeter of their property. He commented that they needed the Council's support for this unique approach and noted the Planning & Zoning Commission was split on this issue.

Ron Shy, 5600 Highway KK, stated he was an engineer with Allstate Consultants and commented that a lot of people did not realize the Mall had detention. He understood it was one of the first, if not the first, major detention structures in the City and had been operating continuously since the 1980's. He explained they wanted to place the detention storage in underground, large concrete vaults and put granular fill and pervious pavement on top of it. He noted pervious pavement had not been used much in Columbia. They saw some mock-ups at a concrete company a few weeks ago that were impressive and showed a demonstration on the overhead illustrating a full bucket of water being poured on the pavement and disappearing immediately. He pointed out the value of this was that it did provide some water quality benefit that regular concrete pavement and a drainage system did not. It also provided some detention value as well in the granular fill underground. They were planning to put undergrains in the system which would take water to the underground storage vaults. They were also considering the reuse of part of the water to irrigate some of the landscaping in the pervious pavement area. He pointed out they had not yet decided because they did not know the exact monetary requirements at this time. He explained that in order to build this, they would have to build a retaining wall along Worley Street. He provided an illustration of what that might look like on the overhead and noted it would be a tall wall at the highest point along Worley Street, which could be tempered with landscaping. He commented that they would be very particular about the landscaping materials used on this lot because they did not want it to clog the pores in the pavement. He noted the Mall would have to make a commitment to maintain this lot in a much different manner than conventional concrete pavement. This pavement would need to be vacuumed and power washed several times a year. It would also need special consideration for snow removal. He understood the Public Works Department was anxious for a project such as this to be constructed to see how well it worked. He commented that this did not work everywhere, but in this case they would have to import most of the fill material, so it was an ideal situation for it to be tried. The landscaping portion would be the last part and the design allowed them to intercept drainage off of the regular parking lot into the pervious pavement area, so it could actually drain more than just this area. He noted this area was not conducive to continuous heavy truckloads, but they did not anticipate that use on this lot. This would either be overflow or employee parking. He pointed out the ring road would stay intact for most of the traffic to travel in and around the Mall. They believed it was a partial offset to the green

space. He noted that per the new water quality manual, detention when coupled with pervious pavement had nearly the same value as open space coupled with detention. It would have the same function and the same detention. It was just pervious pavement instead of the green space.

Ms. Hoppe asked how high the wall would be at its highest point. Mr. Shy replied about 39 feet. Ms. Hoppe asked how long the wall would be. Mr. Shy replied about 600 feet. Ms. Hoppe asked for the width of the green space below the wall. Mr. Shy replied the narrowest spot at the very bottom would be about 15 feet. Ms. Hoppe asked if he would acknowledge that trees and green space served functions other than stormwater. Mr. Shy replied absolutely. He noted he would not say green space was an absolute trade off with this, but explained, in this case, it was as close as they could get as far as a water quality and detention component was concerned. Ms. Hoppe stated a lot of oil and gas leaked onto the parking lot and asked if this would filter that as well as green space. Mr. Shy replied it would not filter as well as green space, but explained on the existing parking lot an oil and gas spill went into the storm sewer, directly into the detention pond and into the stream. In this situation, it would go through the system before it went into the stream. He noted there was an added benefit by going through the pervious pavement, but he would not say it was better than going through green space and tall grass because it was not.

Mr. Skala stated green space and trees had other functions, such as aesthetics. In addition, customers tended to park under shade trees. Since the numbers had dwindled from 15 percent open space to 13.5 percent due to not keeping track and would now go down to 9.6 percent, he asked if any thought had been given to compensating for the loss by increasing some of the green space along Bernadette by converting a row of parking to additional green space. Mr. Shy replied many of the islands that were landscaped were not all initially in the landscaping plan. The Mall over the years had added some islands to sustain landscaping. The problem was that irrigation was extremely important to landscaping on small islands and it was difficult to add those in after the fact. Mr. Skala asked about zeroscaping. Mr. Shy replied the Mall had not given any consideration to taking out parking spaces because they were needed at certain times of the year.

Mr. Skala asked what their position was in regard to parking structures. Mr. Shy replied they were very expensive. In addition, the parking structures would likely have to be placed on the north side and the anchor stores would not want a parking structure in front of their store.

Mr. Janku asked what part of the Mall drained into the detention area. Mr. Shy replied the roof of the Mall and generally everything south of the parking lots drained into it. Mr. Janku asked if there would be any filtering done in the concrete tanks. Mr. Shy replied no. It was strictly detention. He noted most of that water was already piped in large pipes. In addition, there was no filtering now. Mr. Janku asked if it could be filtered. Mr. Shy replied it would be extremely difficult to do for that size of drainage area on the area they had to work with. He explained there would be some settling effect inside the detention pond and they would have some areas in the vaults that would need to be cleaned periodically due to that settling. He noted there would be some structures at the headwaters that would collect the material that would settle quickly, such as grit and gravel, and that would need to be removed

from time to time by the Mall maintenance people. Mr. Janku asked if cups and bags would be caught. Mr. Shy replied yes, but filtering for water quality would not be part of the program.

Mr. Wade understood there was a heavily wooded corner that was not part of the shopping center and this proposal did not affect that at all. Mr. Shy stated that was correct. Mr. Wade commented that most people believed that corner was a part of the Mall, but it was not as it was under separate ownership.

Mr. Janku asked if the top of the wall would be above the parking area. Mr. Shy replied there would be a ten foot separation between the wall and the road around the parking lot, which would be landscaped and likely have a fence as well.

Ms. Hoppe understood the Planning & Zoning Commission was concerned about heavy trucks in this area and asked how that would be prevented. Mr. Shy replied it would not be prevented, but noted it was an area that was beyond the beaten path, so he did not anticipate any trucks being parked in that lot. They would have destinations similar to those today. This would not be the quickest route through the parking lot to where they were going. Using the overhead, Mr. Farnen described the ring road south of J.C. Penny and the secondary ring road which did not lead anywhere except the parking lot. The other one took one to the back side of Target or the south entrance of the Mall. It would be the path of any truck going to the loading docks. There would be no reason to detour to the southern ring. Ms. Hoppe asked if they might just park there for whatever reason 25 years from now. Mr. Shy replied signs could be placed there indicating no trucks were allowed in that parking lot. Ms. Hoppe asked what would happen if a heavy large truck did go there. Mr. Shy replied the guidelines indicated intermittent trucks were fine, but a continuous use of heavy trucks would not be good for the pavement, especially if it was asphalted. This would likely be concrete and the structural value would depend on the engineering of it. They would not engineer it for the same standards as Worley Street. Ms. Hoppe understood they could have a sign with weight limits for vehicles in that area. Mr. Shy stated the geometry of the parking lot did not lend itself for very good turns for a large eighteen wheeled truck. Ms. Hoppe asked if the actual wall could hold it if it happened. Mr. Shy replied yes. Ms. Hoppe asked how long the pervious surface would last and when it would need to be replaced. Mr. Shy replied he could not answer that as it would depend upon how the Mall maintained it. Per the ordinance, they were committed to working with the City to monitor that performance and maintenance effort. He understood they had to have a written maintenance procedure for it. Ms. Hoppe understood some malls had small trucks that could clean up oil and gas and properly dispose of it rather than having it go into the stormwater. She asked if they had looked into that. Mr. Shy replied the Mall already had a truck they used to sweep and vacuum the lots. He did not think they had a pressure washer truck, which would also need to be used on the parking lot periodically.

Mr. Skala stated this had a lot of promise in terms of pervious pavement and asked if the Mall was responsible for its maintenance. Mr. Shy replied yes. Mr. Skala asked if that would be in writing. Mr. Shy replied yes and noted he believed the ordinance was requiring the Mall to work closely with the Public Works Department in their monitoring efforts and to supply them with necessary information.

Dan Simon, an attorney with offices at 203 Executive Building, stated were proposing to take open space that in many respects was dysfunctional in terms of open space, aesthetics, stormwater detention and stormwater quality and replace it with what was not technically considered open space, but should at least be the equivalent of open space functionally. In terms of aesthetics, it would look better after this than it did now with its open pits that were dangerous, hazardous and difficult to maintain. By doing this, they would be allowing the Mall to continue being a major asset to the community by enabling it to modernize and attract new tenants. If they did not allow this, the Mall had the potential to become an urban eyesore as it might not be able to attract businesses, which could lead to more pavement, urban sprawl and traffic problems.

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

Mr. Wade stated he would support this request. He did not have concerns of trucks being on it because the Mall would have to deal with that as they could not stand for it to be broken down unnecessarily. He believed they would make sure the trucks stayed off of it since it would cost them money to maintain and fix. He felt this was a much better storm management system than they had now as those pits were not functioning well in terms of stormwater. He understood a concern by the Planning & Zoning Commission was in regard to setting a precedent. He did not believe this was a precedent as precedents were set when creating a legal requirement to act in a particular way in the future or when one in his own mind felt they had to treat someone in another case just as they did this one. He felt this was a unique situation. He noted the Mall met the requirements in place at the time of its original construction. Things had changed and they were now a generation or two behind in terms of the most current concepts of the structure of retail. It was essential they change to remain viable, however, the City did not build that change into its zoning requirements. He commented that they did not want a situation similar to the Blue Ridge Mall in Independence at this location. He thought they would want a healthy, dynamic retail center. He felt the variances being asked for were acceptable. He noted he and Mr. Skala tried to get the City to build one of its parking lots with a permeable surface to create a community demonstration, but that did not happen. He stated they now had it being presented by a private development and its potential with the stormwater ordinance being in effect soon would be huge. He believed it was a better way than creating huge impermeable surfaces. He stated he would keep track to ensure there was a substantial sharing of data with the Public Works Department so they would understand what was really involved in pushing this as an option in the future.

Mayor Hindman stated he like the idea of being innovative and tried to support those types of things. He believed the idea of a permeable surface with the vaults underneath was innovative and was planning to support it. He also agreed that when one had a commercial area located with infrastructure in place, they wanted to maintain it as a viable commercial area. This was built some years ago and there was no other way to provide green space. He noted the present green space had grown up in trees to some degree, but in reality that was because it was neglected rather than done on purpose. They were not clearing out climax forest. They were just clearing out an area that probably should have been mowed. He stated he would like to see more landscaping at the Mall in the future. In regard to

parking, he was not a fan of the minimum parking requirement and was happy to approve that waiver. He was supportive of the Mall sacrificing a few more parking spaces for landscaping as it was good for business and because it was located at a major entrance into the City.

Mr. Skala stated he could support the variances and agreed the pervious pavement was innovative. He saw it as a successful test plot and thought it might entice others to do the same thing. He commented that he did not have a problem with the variance in terms of recalculating the number of parking spaces as it seemed reasonable. He offered the compromise in order to increase green space and would just encourage the Mall to do what it could. He believed this was a positive step, but noted they were getting close to the end of being able to do anymore with the property they had. In the future, one alternative would be to build a parking structure.

B237-07, as amended, was given third reading with the vote recorded as follows:

VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER.

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

**B238-07 Approving the C-P Development Plan of Old Hawthorne Plaza located on the northeast corner of State Route WW and Rolling Hills Road, extended; approving an increase in the maximum allowable building height; approving less stringent screening requirements; allowing a reduction in the required number of parking spaces.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a request to approve a C-P development plan for nine commercial buildings with a total gross floor area of about 115,500 square feet. It would be located in the northeast corner of State Rout WW and Rolling Hills, extended. There were three variance requests to include a variance to the limit on the height of two of the buildings, a variance for landscape screening along two sides of the subject property and a variance to the number of parking spaces. Mr. Teddy noted staff and the Planning & Zoning Commission recommended approval.

Mayor Hindman opened the public hearing.

Phebe LaMar, an attorney with offices at 111 S. Ninth Street, stated she was representing Old Hawthorne Plaza, LLC, which was the owner and developer of the property located at the corner of WW and Rolling Hills Road. She noted the property was already zoned C-P and that this proposal involved the actual C-P plan. It was drafted in cooperation with and subject to the approval of the developer of the remainder of the Old Hawthorne development, so it would fit into the overall plan for the entire development. She commented that this plan incorporated the requirements already approved by the City when the preliminary plat was approved for the entire development. It included the placement of Pergola Drive on the property and provided a connection between Rolling Hills Road and the residential portion of Old Hawthorne. It also provided access to the buildings that would be constructed on this property and was a dedicated public street. The proposed uses included a variety of retail, convenience, office, and restaurant space. She noted the proposed development complied with City ordinances in all but three respects as there were three variances being requested. The building height variance was being requested for buildings B

and C on the golf course side. The variance was not being requested for the side of the property that bordered the residential streets because there was enough setback for the building height from the residential portion. She stated they were requesting a variance in regard to screening along the golf course, but were not asking for a variance for the property that bordered the residential development. With regard to number of parking spaces required, she noted it was anticipated the hours of operation of the businesses located in this development would vary. As a result, the variance to the parking space requirement should not impose a burden. She understood there were a couple of people who were concerned about the intermittent stream mentioned in the report from the Planning Department and noted this property was preliminarily platted prior to the passage of the stream buffer ordinance. Therefore, it was grandfathered by that ordinance.

Ms. Hoppe asked how much of a stream buffer they were providing since they were not complying with the ordinance. Ms. LaMar replied they were complying since they were grandfathered.

Tim Crockett, an engineer with Crockett Engineering, 2608 N. Stadium Boulevard, stated, currently, there was about 150 feet to the stream. There would be some areas in there where they would grade and remove trees. He noted that while they were not proposing a stream buffer, a large portion would be preserved. Ms. Hoppe asked how narrow it would be. Mr. Crockett used a drawing to explain what portion would remain and noted the south fork of the Grindstone Creek did not encroach onto this property at all. He thought about 100 feet of area would be preserved, but most of that would be off of their property since the creek did not encroach on to their property. Ms. Hoppe understood they would be 100 feet away from the stream.

Mr. Wade asked for clarification regarding the variance for the height of the buildings as he understood it to be for the height of the buildings. Ms. LaMar replied she was only pointing out the reason for the variance request was due to the golf course portion as it was also zoned R-1. The buildings were far enough away from the residential houses in the development to be in compliance in that direction. It was only in the direction of the golf course that they needed the variance. Mayor Hindman asked if it was needed even though there were no houses out there. Ms. LaMar replied yes. Mr. Crockett explained the building height for C-P in this instance was 45 feet. They could obtain an additional foot of height for every additional foot of setback from the adjacent property line. They located the buildings so there was not a need for a variance against the residential side. It was needed for the golf course side only.

Ken Midkiff, 1005 Bellview Court, stated he was the Conservation Chair of the Osage Group of the Sierra Club and was speaking on behalf of that organization. They had objections to the variances for the building height and screening, but their primary concerns involved the stream buffer for the South Fork of the Grindstone, no buffer for a class 2 or 3 unnamed tributary of the South Fork of the Grindstone and this plan promoting a fast runoff of rainfall. It appeared everything would be composed of impervious surfaces and the plan as submitted was unimaginative. They were disappointed the developer did not submit plans that incorporated methods of water retention/detention that did not cause fast runoff into the south fork of the Grindstone. There were types of water permeable cement appropriate for

parking lots and sidewalks. There were many ways to retain rainfall in addition to permeable surfaces, so it was released gradually instead of all at once. He encouraged the developer to use materials and methods that slowed down the release of rainwater. While the overall acreage of 12.6 acres might be small, they feared all this nibbling would lead to the demise of the Grindstone as a perpetually flowing stream. They were afraid it would be flooded or dry. In regard to the stream buffer on the South Fork of the Grindstone, he and Marion Mace met with the Public Works Department, who had a map that was different than the map for the public notice. One of their primary concerns was about possible intrusions that would violate the stream buffer ordinance approved by the Council on January 2, 2007. The South Fork of the Grindstone was a class 1 stream as it was perpetually flowing and should be afforded a 100 foot buffer on each side of its banks. The maps provided were not clear as to whether the creek buffer zone would be respected as it did not show the South Fork of the Grindstone. The South Fork of the Grindstone ran along the north, northwest and west sides of this proposed development and might allow the buffer to be impacted. He stated they were seeking assurances that the buffer zone would not be included in this plan and noted that Mr. Fitzgerald of the Public Works Department assured them the development plan did not intrude upon anything west of the extension of Rolling Hills Road. He thought that should be clearly stated. He also thought it should be clearly stated that in no other area would the stream buffer be impacted. The staff report indicated there was an intermittent stream running through the site in an east/west direction. He noted the stream buffer ordinance described type 2 streams as intermittent streams and type 3 streams as waterways or natural channels which were not shown on USGS seven and one half minute maps. He could not find any stream on the USGS map, so he was not sure whether it was a type 2 or 3 stream. At any rate, it was their position that a stream buffer should be in place, however none was. They believed it should either be 30 feet or 60 feet on each side. As a result, they had four requests. They were asking the Council to place a hold on this plan until the developer addressed buffering the type 2 or 3 stream. He noted this was a plat and that the stream buffer ordinance should be complied with since this was after January 2, 2007. They also wanted an amendment to ensure the South Fork of the Grindstone was not affected. They speculated the stream buffer for the south fork of the Grindstone was not affected by this plan, but such an amendment would clarify the intent and remove any speculation. They would also request that the Council ask the developer to submit plans responding to concerns about impervious surfaces and the quick runoff of stormwater. He understood they did not have the power to compel it, but thought they could request it. In addition, they did not want the variances requested pertaining to building height and screening to be granted.

Mayor Hindman asked what their objection was to the height of the building. Mr. Midkiff replied the variance was so the building could be 85 feet in height and he felt that was fine for the downtown area, but did not believe it was okay for this area. He thought they might end up looking like Kansas City. He felt it was an intrusion in that area. In addition, this would not be a residential building. It would be an office building and in the outskirts of town. He commented that the problem was not necessarily the height, but where that height was proposed. Mayor Hindman understood he would rather have shorter commercial buildings. Mr. Midkiff replied yes.

Mr. Crockett explained they put a lot of thought into this plan and laid it out around the golf course. They believed the six story buildings would provide great views to the golf course. He noted this project had been going on a long time. The preliminary plat was approved in late 2005. He pointed out they tried to retrofit the plan to conform with some of the stormwater ordinances yet to be in effect. They put in some curbless parking lots and drainage swales for filtering effects. In regard to the stream buffer, he noted the ordinance stated any preliminary plat approved before January 1, 2007 was exempt. He commented that they were not ignoring the stream buffer and believed they had done a good job of buffering the stream even though it was not required of them. He believed it was a good plan.

Marion Mace Dickerson, 3651 S. Ben Williams Road, stated she was a member of the HARG Group and the Sierra Club and believed they needed to clarify whether this fell under the stream buffer ordinance. When she and Mr. Midkiff met with Public Works, they were told this was a preliminary plat. If that was the case, the stream buffer ordinance should apply. She also believed there should be some direct stormwater reduction control devices built into the project as it was a big project and should be above and beyond the minimum requirements. With the amount of building going on here, the increased runoff volume and velocity could create a number of issues that would affect water quality in the stream. The increased flow might not demonstrate signs at the original entry point, but further downstream the increased flow during runoff times could cause undercutting in the bank and streambed so that gradually the stream itself would change its shape and cause concern even within the allowed buffer. If the Council only looked at the short term appearance, they might be causing the water quality and citizens along the creek numerous problems in the future. Increased flooding downstream was a major concern and anyone in the drainage watershed should be concerned about the extra water they might see coming down the creek. It might cause an overflowing of the banks and a wider swath until the peak runoff period was gone. She commented that much of this should be managed through the 100 foot buffer, but that did not always work without some form of continued maintenance to ensure stream bank stability and integrity. She noted this was one of the nicer streams in the area, so they needed to think about the long term consequences of the proposed actions.

Mr. Wade commented that these were serious comments, but none of them were made before the Planning & Zoning Commission and asked why it was coming now rather than at the Planning & Zoning Commission meeting. Ms. Mace-Dickerson replied they were not aware of it being discussed at the Planning & Zoning Commission meeting. The first she found out about it was through a newspaper article indicating this would be an open hearing and discussed. If they had been aware, they would have brought it up then. Mr. Wade pointed the same announcement of the public hearing was made for the Planning & Zoning Commission meeting two weeks before they had their hearing. Ms. Mace-Dickerson replied she did not see it and did not realize the Planning & Zoning Commission would be discussing it.

Ellen Wolfe, 8000 E. Turner Farm Road, stated she was a member of the HARG Group and noted several concerns had been expressed by group members as to the types and locations of the commercial development that would occur here. She commented that it

was not clear where the commercial development would be in relationship to the South Fork of the Grindstone Creek and the extension of Rolling Hills Road or what the protections would be for Cedar Grove and the South Fork of Grindstone Creek. She pointed out the statement of intent and the development agreement contained statements agreeing to minimize stormwater runoff and environmental impacts. Their main concern was how this commercial development would impact waterways in the South Fork of the Grindstone Creek. The statement of intent and development agreement discussed a 100 foot barrier along the South Fork of Grindstone Creek. She understood a considerable amount of time and effort by all parties went into negotiating this development agreement and statement of intent, and therefore, they were asking the Council to uphold the letter and spirit of the agreements.

Ms. Hoppe asked if the HARG Group received any written notice that this was coming forward. Ms. Wolfe replied she was not aware if they had and apologized for bringing this up late as they were unaware of it until this Council meeting.

Don Stamper, 2604 N. Stadium Boulevard, stated he was speaking on behalf of Old Hawthorne Development and noted the 100 foot statement recited was from the development agreement but it was specific to the Vineyards property where there was an agreement sought by the HARG Group that they would not put building structures within 100 feet of the creek. He pointed out it was very specific in where it was located in the agreement. He commented that the stream everyone could not seem to locate was easy to find. It was a profound part of the development. They had buffered and protected it throughout the development. He noted the stream was not on this property or on this C-P plan. It was adjacent to this C-P plan. He stated the level of the ground would change because there was a lot of grading that needed to be done and because a road needed to be put in to the north that would cross the South Fork of the Grindstone Creek. In addition, there was another commercial tract to the west of Rolling Hills Road as it went north that was more significantly impacted by the creek than this C-P plan. He reiterated the creek was adjacent to the commercial property and that he believed they had done a good job in trying to protect the creek. He noted they had met the 401 and 404 permitting process and were being monitored by the City.

Ms. Hoppe asked about the issue raised with the intermittent stream. Mr. Stamper replied they were not sure where that was and did not think it was on their property. They did not know where the staff came up with the wording of intermittent as no one had identified it. He noted that with the grading plan, it would change if it was in the middle of the property. He stated it was not a Corp of Engineers regulated stream or an identifiable stream.

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

Mayor Hindman commented that he did not believe this was a case in which they were rushing to get their plan through before the stormwater ordinance took effect. He believed this was designed before the stormwater ordinance came along. They indicated they had made some adjustments to try and comply with the stormwater ordinance. They stated they did not show the buffer because they did not have to. In regard to the reduced parking spaces, he noted he would like to see more of those situations. He also did not object to the height of the buildings.

Mr. Wade commented that when the C-P ordinances were revised, he argued against having the restriction on the height of buildings, but the stakeholder group made another decision. His preference would be to remove the 45 foot limit from the ordinance because he believed they needed to think about going up. He stated he did not mind those buildings at this location even though they were far from downtown.

Mr. Skala stated he wished they would have gotten the stream buffer ordinance in place sooner. He noted he could not fault the applicant and they had made some effort to protect their self interest and property. He commented that he wished the Planning & Zoning Commission would have had the opportunity to discuss the issues brought up at their meeting. He stated he did not have any other opposition to this as it was straight forward.

Ms. Hoppe asked how the intermittent stream was treated in relation to the Grindstone Wal-Mart development as it was also C-P. She wondered if it had been protected. Mr. Glascock replied they had retaining walls next to them. Mr. Janku stated they were identified on the map and it was clear they were there. Mr. Glascock noted they were not allowed to cover them up. Ms. Hoppe understood this was not identified on this property. Mr. Glascock replied no and added he did not think it even drained 50 acres. Ms. Hoppe understood this was a different situation. Mr. Teddy explained the comment in the staff report was just descriptive. They were describing how the property currently drained. There was some indication on the base map of an intermittent stream. He noted it was not a comment on a regulatory stream. He thought it was probably just a gully or draw from the existing topography. Mr. Janku pointed out that ordinance preceded the stormwater ordinance and was sure this would have been regulated if that one had been. Mayor Hindman stated he thought the Corp of Engineers required that.

B238-07 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B239-07 Authorizing an amendment to the allowed C-P uses to allow a car wash for property located north of Vawter School Road and east of Scott Boulevard; approving the C-P Development Plan of Spring Creek - Phase 2 - C-P Development; approving less stringent screening requirements.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this involved a C-P development plan and an addition of a carwash as a permitted use. The Planning & Zoning Commission recommended approval provided there was a 50 foot wooded buffer.

Mr. Wade asked if the Planning & Zoning Commission recommendation also included the condition of a change in the percentage of open space. Mr. Teddy replied he thought it did, but did not think they arrived at a number. He stated 72 percent was noted on the plat. Mr. Wade commented that he thought the condition from the Planning & Zoning Commission was 70 percent. Ms. Hoppe stated she thought it was 72 percent. Mr. Wade believed the motion that was approved included 70 percent.

Mayor Hindman opened the public hearing.

Jay Gebhardt, an engineer with A Civil Group, provided a handout and stated they were asking for an additional use of a carwash for this site. In 1998 or 1999, when they

rezoned the ten acres, they thought this would be the only commercial in the area and were trying to tailor it toward a more neighborhood type commercial. Now, there was about 33 acres of commercial near this intersection of two arterials. As a result, they believed conditions had changed so that a carwash under certain conditions would be a good use for the property. He explained they tried to mitigate the problems and ideas staff raised in their report. In regard to traffic issues, they were constructing, at their expense, a left turn lane. He described the area and stated the left turn lane would mitigate concerns of the carwash getting busy. He noted they were against a residential neighborhood and had talked to the neighbors causing the plan to evolve over time. He commented that they were placing the carwash on the west side of the property in an effort to keep the vacuums as far from the residential area as they could. In addition, the purpose of the commercial building was to provide a visual barrier. The hours of operation of the carwash would be the same as the BP station. He thought it closed at 11:00 p.m. during the week and at midnight on Friday and Saturday. He stated they had agreed to the condition of a 50 foot buffer, which was also a tree preservation and floodplain area. He noted there was an idea of a 70 percent buffer and commented that his point at the Planning & Zoning Commission meeting was that the statement of intent governed all four lots, not just this one, and they already a bank and BP station that had 39 percent landscaping. He pointed to an area on the drawing and indicated that if they wanted to put something regarding 70 percent on that part, it would be fine. They did not want it to hurt the gas station or the bank though. With the 50 foot buffer, the tree preservation, the stream buffer ordinance and the 100 year floodplain, there was no place else to build on this site. He stated they would be happy to put 65 percent or some other percentage on it in order to make it more palatable.

Mr. Wade asked if the area to right of the dark green area was available for development. Mr. Gebhardt replied no and stated it was the 100 year floodplain. He explained the dash line was the buffer. Mr. Wade understood it did not matter what percentage was there because that land would never be available for development. Mr. Gebhardt replied that was correct.

Mr. Gebhardt pointed out they had submitted a final plat showing the 50 foot buffer, so they were in compliance with that condition already.

Ms. Hoppe understood staff recommended additional walkways connecting the restaurant/retail area with Vawter School Road and asked if that was being provided. Mr. Gebhardt replied there was one sidewalk on the bank side, but no sidewalk along the BP side now. The reason was that the BP was mostly driveway and if they put in a sidewalk, it would not provide a clear pedestrian way because the entrances to the BP station were quite large for delivery trucks and general circulation around the canopy. He reiterated there was a proposed sidewalk on the opposite side, which he called the bank side, and on the east side of the entrance road.

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

Ms. Nauser commented that this development was in her ward and that since the BP station had been built, she had not received any complaints in regard to light spillage or anything else associated with it. She commended the applicant for his efforts in talking to the neighbors. She stated it was always good for people to be proactive in talking with the

neighbors and noted no one had been present to speak against it at this meeting or at the Planning & Zoning Commission meeting. She commented that she was in full support of the project and believed it provided an added benefit to that section of town.

B239-07 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B240-07 Approving the Wingate C-P Development Plan located on the west side of Keene Street, along both sides of Wingate Court.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a C-P development plan that would allow for two office buildings and a five story parking structure on a four acre site. The proposed medical offices would have a combined floor area of over 75,000 square feet. The development would require 378 parking spaces, which necessitated the five story parking structure. The maximum height of the structures on the site would be 60 feet. The Planning & Zoning Commission recommended approval.

Mr. Janku understood there was discussion regarding traffic congestion and asked if they had looked at the impact of this on the Highway 63/I-70 interchange and the backup of traffic that already occurred there. Mr. Glascock replied he believed they had received a preliminary draft of the traffic study, which they were discussing with them. Mr. Janku asked if the study extended that far. Mr. Glascock replied he thought so and noted this was in the CID traffic study, which involved the whole Keene Street corridor. Mr. Janku asked if it extended all of the way to the I-70/63 interchange. Mr. Glascock replied it would not extend to the interchange, but would extend to the outer roadway at Keene. He did not think it was their responsibility to fix the interchange. Mr. Janku understood they could not fix it by themselves. Mr. Skala asked if the proposal was a part of the CID or if they were a participant in the CID. Mr. Glascock replied he had not seen the CID, so he was not sure. Mr. Wade stated they needed to be careful about the CID because it did not yet exist. Mr. Glascock pointed out that was who generated the traffic study.

Mayor Hindman opened the public hearing.

Jay Gebhardt, an engineer with A Civil Group, stated he was representing the owner of the property, Bruce Odle, who was proposing to build these medical offices and was talking about participating in the community improvement district (CID).

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

Mr. Janku stated he drove through that interchange everyday and the free right turn on I-70 Drive filled up the 63 left turn lane, so one could not head west on 70. He stated he was the first car at the stoplight by 63 and I-70 Drive tonight and he was the only car to make it all of the way through to the left turn lane to go westbound. The reason was due to people coming out of the strip along Keene Street. It was already gridlocked without the addition of 378 cars. Mayor Hindman asked if he was proposing they deny this proposal because of that. Mr. Janku replied he did not necessarily think they should deny the proposal, but believed they needed to get that interchange moving along. He understood it was a multi-

million dollar project, but felt it needed to move forward or other modifications needed to be made.

Mr. Wade commented that they were seeing the development of an employment center along Keene with a density they wanted, but at the same time, it created a responsibility for addressing the infrastructure needs. He noted this kind of intensity eliminated a lot of sprawl, but the City had a responsibility to allow the infrastructure improvements whether by CID or another way. Mayor Hindman stated they could talk about the CID, but they did not know when that would be done. Mr. Janku noted the CID might happen and would impact Keene and I-70 Drive, but it would not help the 63/I-70 interchange. Mayor Hindman stated if they approved this, they would be approving it without any improvement for that intersection in sight. Mr. Wade stated he would vote in favor of it, but thought it was almost irresponsible to not see infrastructure commitments there.

B240-07 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(B) Voluntary annexation of property located 2,200 feet west of Brown Station Road, on the north side of Waco Road, extended.**

Item B was read by the Clerk.

Mr. Watkins stated this was a public hearing on the voluntary annexation of property located on the north side of Waco Road. It was part of a site being proposed as an elementary school. The applicant was requesting R-1 family zoning, which was equivalent to what the County zoning was now.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering, 2608 N. Stadium Boulevard, stated this was a straight forward request going from R-S to R-1.

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

**(C) Proposed non-motorized intersection improvements at Forum Boulevard and Stadium Boulevard, Providence Road and Stadium Boulevard and Providence Road and Stewart Road.**

Item C was read by the Clerk.

Mr. Watkins stated this was a required public hearing regarding some proposed improvements to the intersections at Forum and Stadium, Providence and Stadium, and Providence and Stewart.

Mr. Glascock illustrated a drawing of Stadium and Providence on the overhead and stated they were planning to put in a sidewalk back to the Mizzou Training Center. They were looking at putting in Australian rights and MoDOT was agreeable. He stated they were also planning to put in crosswalks with pedheads, count down timers and ADA accessible ramps. They were also going to put in marked bike lanes, but were not sure how they would transition out of those once they got around the corner because it was narrow through that area.

Mr. Janku asked what an Australian right was. Mr. Glascock replied it was a type of right turn and explained that instead of coming around in a circle, it brought one up more

square with the intersection causing a merge at a slower rate while still allowing one to keep moving if no one was coming. It forced one to yield to on-coming traffic. He noted it was safer for pedestrians.

Mr. Glascock showed the drawing of Stewart and Providence and stated they were basically putting in crosswalks and marked bike lanes. He understood the University would be doing some work in this area, so they might not want to do this project this year unless they left the east side of Stewart for a later date. He understood the University would be doing their work in 2008. He provided the illustration of Forum and Stadium on the overhead and noted they were discussing taking out the concrete and making it a planted island. They would put in an Australian right turn lane and there would be a raised crosswalk. They were trying to connect to the Forum Development Group. He pointed out the Consent Agenda included an agreement to proceed with other intersection designs.

Mr. Janku asked how they could add intersections. Mr. Glascock recommended they send a list of the intersections they wanted included in the next contract to the City Manager's Office as they planned on doing others in the future.

Mayor Hindman opened the public hearing.

Jay Lindner, 1400 Forum Boulevard, stated he was speaking as the major property owner at the Forum and Stadium intersection and as a representative of the various businesses located with them. He noted the Council should have received a letter regarding this issue already. In addition, he had a petition signed by various business owners within the shopping center expressing concerns. He pointed out they were not speaking in opposition of having a better facility for cyclists and pedestrians through this intersection. Their main concerns stemmed from the fact that this design would make the safety and efficiency of vehicles and trucks in this intersection worse and they were not sure what the benefit of that would be. They were requesting a variety of information to help their engineers, Shafer, Kline and Warren, to do an analysis. He commented that they did not receive the notice they would have liked to have seen with this major change. They were requesting this design not be approved, but tabled to allow them time to conduct an informative meeting with the City and the affected property owners and businesses.

Wayne Whitehead of Shafer, Kline and Warren stated they were a tenant in the Forum Shopping Center and wanted to receive a number of things so they could take a professional look at the changes suggested at this intersection. They were asking that this be tabled for at least 30 days to give them an opportunity to look into it. He explained one of their biggest concerns involved the off-tracking of the tractor trailers because there were a lot of tractor trailers that used this intersection. There were times when the traffic backed up to the south on Forum through two stop lights. In addition, the right turns off of Forum onto Stadium were quite heavy and if these turns were made to be more complicated for the tractor trailers, it would cause traffic to back up in all three directions. He stated they would just like the opportunity to look at the studies that had been done. He stated he was not sure if a traffic impact study had been done at this intersection with the suggested improvements. He reiterated they just wanted to ensure the changes made good sense.

Mr. Wade asked if there had been a meeting between the interested parties and the people involved in the design of these. Mr. Linder replied not to their knowledge. He stated

they sent a letter to Council on Thursday, but did not know this was on tonight's agenda until Friday, which was when he sent the e-mail as well. The tenants did not know what was going on either and that that was the big concern as people wanted to know what would happen since it had a big influence on their businesses. Mr. Wade understood they had no opportunity for critique or to provide input on this design. Mr. Linder stated that was correct.

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

Mayor Hindman stated he was a big supporter of redesigning these intersections, but believed since it was not a crisis, they should allow the delay. He asked if there was a significant problem with a delay. Mr. Glascock replied they could delay the Forum intersection, but he wanted to get started on the other two since they had been working with the University on those.

Mr. Wade stated this was one of the busiest intersections in town and he would hate to see them move ahead.

Mayor Hindman suggested they approve the Providence and Stadium and Providence and Stewart intersections and continue the Stadium and Forum intersection.

Mr. Wade made the motion for approval of the Providence Road and Stadium Boulevard and Providence Road and Stewart Road intersections and to continue the Forum Boulevard and Stadium Boulevard intersection to the September 17, 2007 Council meeting. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**(D) Construction of the H-13A Trunk Sewer - Southeast Gateway Sewer Extension.**

Item D was read by the Clerk.

Mr. Watkins explained this was a public hearing for the public improvement of a sewer extension for the H-13A Trunk Sewer which was required to provide sanitary sewer capacity for new developments the University was proposing in the hospital area. This was a joint project between the City and the University and the University had already up fronted the cost of the design. They expected the entire project to cost about \$1,240,000 and the City's share was about \$800,000.

Mr. Glascock showed an illustration on the overhead and noted the City's portion was the dashed area. It was essentially from the Hinkson to their property line.

Mr. Wade asked why the City was paying two-thirds with the University paying only one-third when it served the University. Mr. Glascock replied it was an 80 acre point and the City was bringing it to the property like they did with everyone else.

Mayor Hindman opened the public hearing.

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

Mayor Hindman made the motion for staff to move forward with the project. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**OLD BUSINESS**

**B244-07 Authorizing an office lease agreement with Boone County for property located at 101 North Seventh Street; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would allow them to sign a three year lease to house some of the non-motorized staff and would be paid for by the grant. It was approximately 4,600 square feet. The basic lease was \$10 per square foot, but they added things to the lease so it could be paid for by the grant. That was the reason the cost was over the \$10 per square foot price.

Mr. Glascock stated there was a need for education with the grant and this was the office from which they wanted to provide that service. In addition, it was close to City Hall.

B244-07 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B245-07 Authorizing an agreement with CH2M Hill for engineering services for the stormwater management assessment project; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this agreement in the amount of \$64,000 with CH2M Hill would be paid for with stormwater utility funds and did two things. It looked at the City's water quality manual, particularly at what they would have to do as they became a Phase I community at the 100,000 mark. It also provided a 25 year financial model. He noted they had been looking at rate studies in all of the other utilities and this was essentially a rate study as well. He stated he was quite concerned about the financial health of the stormwater utility and thought they needed outside expertise to help take a look at how they would fund stormwater utility in the future.

Mr. Wade asked if this would provide information on possible adjustments they might need to consider over the next year in regard to the stormwater ordinance. Mr. Watkins replied yes.

B245-07 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B256-07 Calling for bids for construction of Sanitary Sewer District No. 154 - Phase 1 (West Broadway, Glenwood Avenue, Westwood Avenue and Maupin Road) and the Maupin-Edgewood Drainage Project.**

The bill was given second reading by the Clerk.

Mr. Watkins stated they had been talking about working on a combination stormwater/sanitary sewer district to begin addressing some flooding in the common sewer in the area of West Broadway. He explained they had some neighborhood concerns about the property on the north side, so they decided, until a decision was made about Broadway, to begin to address the south side of the area, which was where most of the flooding was coming from. This would call for bids for the construction of Phase I, which was the south side of Broadway. He thought the sewer utility cost would be approximately \$200,000 and the stormwater drainage improvements would be about \$370,000. Stormwater improvements would come from the stormwater utility and the rebuilding of the sewer district would come from a combination of tax bills and fifty percent matching money from the sanitary sewer fund.

Mr. Glascock pointed out they might have to carry the tax bills for awhile until they got Phase II finished.

Mr. Watkins noted the map on the overhead showed the breakdown of Phase I and Phase II.

B256-07 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B260-07 Authorizing Amendment No. 1 to the wind generation energy purchase and transmission service agreement with Associated Electric Cooperative, Inc.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was an amendment to the wind generation agreement with Associated. It essentially set the date and would begin on September 5, 2007.

Mr. Dasho noted the grand opening of the wind farm would be on September 17, 2007.

B260-07 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B264-07 Authorizing an agreement with Planning Design Studio, LLC for landscape design services for major roadway landscape entryway improvements into the City of Columbia; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins explained they had been discussing doing a landscaping plan for major entrance ways into the community. They had been working with the University, but that was not continuing, so they elected to go out for RFP's. This proposal was for Phase I, which included the general master planning for the area. The cost was \$33,000 plus some reimbursable expenses with a not to exceed cost of \$38,000. It would take about three months to complete.

Mr. Janku understood they would identify what they perceived as the major entryways. Mr. St. Romaine stated yes. He explained there were about four parts to Phase I. The first part was site identification. They would determine the high profile sites that might be proposed for landscape improvements. They would work with key stakeholders and there would be opportunities for public input to try and identify the most optimum sites. The other three parts would be the establishment of standards, the development of a master plan for these sites to include cost estimates and the maintenance requirements for each site.

Mr. Skala asked if there would be some movement toward low maintenance zeroscaping or if it was too early to determine. Mr. St. Romaine replied it was too early to say. They would be obtaining input from the planning designers as they moved forward.

B264-07 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B265-07 Authorizing an agreement with Steve Herigon Construction, Inc. for the donation and sale of land in the Vanderveen Crossing Subdivision for the extension of the Bear Creek Trail from the Garth Nature Area to Providence Road.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was an agreement with Mr. Herigon for the donation of about 39 acres that would allow the extension of the Bear Creek Trail. In addition, the Parks & Recreation Department was asking for the ability to purchase one lot at \$44,000 to provide additional access to the property. He noted these were lots Mr. Herigon had proposed to donate as they developed that area and they were able to pull them all together into one ordinance. He pointed out the map on the overhead showed those lots.

Mr. Janku noted the Vanderveen Neighborhood Association had been pushing for this as they were interested in the trail connection through the neighborhood to the Bear Creek Trail. He understood the report mentioned the property near the Prairie Hills Subdivision along Creasy Springs Road could potentially be used as practice soccer fields and wondered if it might also be appropriate for a neighborhood park. He pointed out that was the neighborhood that recently asked to be brought into the City. He thought they would welcome a park adjacent to them at some point.

B265-07 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B269-07 Amending Chapter 18 of the City Code to establish a deferred retirement option plan (DROP) for police and fire pension plans.**

The bill was given second reading by the Clerk.

Mr. Watkins stated he was concerned with the number of seasoned employees retiring, particularly from the Police and Fire Departments. They worked with the Police Officers Association and the Fire Union to come up with a proposal that was cost neutral to the City, but allowed the police and fire employees that were eligible to retire to continue to work for up to another five years without impacting their benefits. They saw this as a win/win and were pleased to support it. He noted they were bringing this to Council a little earlier than the other personnel ordinances due to a change in State law that would go into effect later this month. They wanted to get this approved and into effect prior to that change in State law.

Michael Cox, 912 West Ash, stated he was a trustee on the fire pension plan and that he had been a fireman for 18 years. This was the first time the City Manager, Finance Director, police officers, firemen, the Fire Chief and Police Chief had ever agreed on anything. He asked for the Council's support.

Jeff Westbrook stated he was President of the Police Officers Association and thanked the City Manager and Finance Director for their hard work on this proposal. He agreed it was a win/win situation and wanted to see it passed.

Mr. Watkins pointed out they were looking for options to do the same kind of a thing with other employees under LAGERS, but thought that might require a change in State law and would not come about quickly. He noted they did not have quite the problem with

LAGERS in that the employees continued to see benefit increases the longer they worked. With police and fire employees, there was an incentive to retire after 20-25 years.

Mayor Hindman made the motion to amend B269-07 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B269-07, as amended, was given third reading with the vote recorded as follows:

VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER.

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

## CONSENT AGENDA

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

- B241-07**     **Approving the Final Plat of Trail Ridge Subdivision Block 4 located on the northeast corner of Green Meadows Road and Green Meadows Circle.**
- B242-07**     **Approving the Final Plat of Magnolia Falls located south of Nifong Boulevard, on the south side of Old Mill Creek Road and east of State Route KK; authorizing a performance contract.**
- B243-07**     **Vacating a portion of a street easement located north of the vacated right-of-way for Iowa Avenue.**
- B246-07**     **Authorizing water service termination cooperative agreements with Consolidated Public Water Supply District No. 1 of Boone County, Public Water Supply District No. 4 of Boone County and Public Water Supply District No. 9 of Boone County.**
- B247-07**     **Authorizing grant agreements with the Mid-Missouri Solid Waste Management District for the purchase of beverage container recycling bins and a reconditioned baler; appropriating funds.**
- B248-07**     **Authorizing a right of use permit with Kale Development, LLC to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system and lighting, electrical conduits and water service lines within the Carmello Rock Drive rights-of-way.**
- B249-07**     **Authorizing a right of use permit with West Lawn Properties, LLC to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system, signage and lighting, electrical conduits and water service lines within the Defoe Drive rights-of-way.**
- B250-07**     **Authorizing a right of use permit with Mill Creek Manor, Inc. to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system, signage and lighting, electrical conduits and water service lines within the Clairmont Way rights-of-way.**
- B251-07**     **Authorizing a right of use permit with Eastland Hills Estates L.L.C. to allow construction, improvement, operation and maintenance of landscaping, including lighting and signage, and electrical conduits within the Maple Leaf Drive rights-of-way.**
- B252-07**     **Authorizing a right of use permit with WJP Properties, LLC to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system and lighting, electrical conduits and water service lines within the Reedsport Ridge and Payson Drive rights-of-way.**
- B253-07**     **Authorizing a right of use permit with 14th Fairway, LLC to allow construction, improvement, operation and maintenance of landscaping,**

including an irrigation system and lighting, electrical conduits and water service lines within the Crooked Switch Court rights-of-way.

- B254-07 Authorizing a right of use permit with Frech and Conrad Development, LLC to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system, signage and lighting, electrical conduits and water service lines within the Steeplechase Drive rights-of-way.
- B255-07 Authorizing a right of use permit with Steve Herigon Construction, Inc. to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system, signage and lighting, electrical conduits and water service lines within the Tuscany Ridge Drive rights-of-way.
- B257-07 Authorizing the acquisition of easements for construction of the H-21B Sewer - Lake of the Woods Mobile Home Park Lagoon Interceptor.
- B258-07 Authorizing the acquisition of easements for construction of the Hardin Street improvement project, from Ash Street northward to Worley Street.
- B259-07 Appropriating funds to the Street Division FY 2007 operating budget to offset expenditures for snow removal.
- B261-07 Confirming the contract with Emery Sapp & Sons, Inc. for construction of the Hillsdale Pump Station and 24-inch discharge main under I-70.
- B262-07 Appropriating funds for the repair of railroad maintenance equipment.
- B263-07 Accepting conveyances for utility purposes.
- B266-07 Accepting and appropriating funds for the purchase of supplies and equipment for the C.A.R.E. Garden Project and the C.A.R.E. Gallery.
- B267-07 Accepting and appropriating federal forfeiture funds for the purchase of equipment for the Police Department.
- B268-07 Appropriating fire equipment sale proceed funds.
- B270-07 Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- R178-07 Setting a public hearing: construction of improvements at Hickman Pool.
- R179-07 Authorizing Amendment No. 7 to the agreement with the Missouri Department of Health and Senior Services for the Local Public Health Agency Consolidated Contract.
- R180-07 Authorizing Amendment No. 8 to the agreement with the Missouri Department of Health and Senior Services for the Local Public Health Agency Consolidated Contract.
- R181-07 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Lead Agency Program to Address Education, Community and Worksites/Schools relating to assistance programs for chronic disease prevention and control.
- R182-07 Authorizing an agreement with the Missouri Department of Health and Senior Services for breast and cervical cancer screening services.
- R183-07 Authorizing various Adopt A Spot agreements.

**R184-07**     Authorizing application for a Land and Water Conservation Fund grant from the Missouri Department of Natural Resources relating to construction of the Stephens Lake Park amphitheater.

**R185-07**     Authorizing Supplemental Agreement No. 1 with HDR Engineering, Inc. for engineering services relating to improvements for five intersections to enhance pedestrian, bicycle and vehicular travel and safety.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

## **NEW BUSINESS**

**R186-07**     Authorizing a Tour of Missouri host city agreement with The Hawthorn Foundation.

The resolution was read by the Clerk.

Mr. Watkins stated this would authorize a City host agreement with The Hawthorne Foundation, which was a non-profit foundation associated with the Department of Economic Development, and would set out various responsibilities involving Stage 4 of the Tour of Missouri to be held on Friday, September 14, 2007. The cost for what the City would be required to do was estimated to be \$60,000.

Mr. Janku asked how the sponsorships were going in terms of raising funds. Ms. Steiner replied they had recouped a little more than half and that did not include the in-kind donations.

The vote on R186-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R187-07**     Authorizing an agreement with LaserCraft, Inc. for the installation and administration of a red light camera enforcement system.

The resolution was read by the Clerk.

Mr. Watkins explained about a year ago, the Council passed an ordinance that set this program up. A committee composed of Police, Law and Public Works took RFP's for the red light camera enforcement system and recommended LaserCraft, Inc. He understood they would provide sixteen cameras. Mr. Boeckmann replied that was correct. He pointed out it was not sixteen intersections, it was sixteen intersection approaches. A typical intersection would have four approaches. The Police Department thought some intersections would only need cameras on two intersection approaches.

Ms. Hoppe understood they were looking at four to six intersections. Mr. Boeckmann stated yes. Mayor Hindman understood LaserCraft would work with the Police Department in determining the locations.

Ms. Hoppe asked if signs indicating there were cameras would be posted. Mr. Boeckmann replied yes.

John Schultz, 1301 West Colchester Road, asked if the \$28.50 was over and above the \$95.00 and court costs or a portion of it. Mr. Boeckmann replied it would be a portion of

it. Mr. Schultz understood there would be the ability to view live video and track speeding and asked if the Police Department would develop a policy in regard to who would be able to access the live video. He understood if there was a bank robbery, the Police would want to review the video. He wanted assurance that the Police would not be watching all of the time. In addition, he asked if they would be able to track speeds under the existing ordinances or if a change in those ordinances would be required. Mayor Hindman replied they would not be able to do that. Mr. Boeckmann stated it was not in the language. Mr. Schultz hoped the turn around time on reporting the violations was quick, so someone accused would have a good chance to defend themselves. He understood LaserCraft would work with the City in regard to the engineering of the affected intersections by recommending changes to improve traffic flow and reduce the running of red lights. If that happened, he suggested it be provided to the public to show it was not just a revenue enhancement program as he thought that would enhance acceptance by the community.

Mayor Hindman stated he believed this was a good program and noted it was for public safety because when one ran a red light, they jeopardized the lives of other people. A typical situation when someone ran a red light was a t-bone collision, which involved a lot of damage and a high potential for injury. He pointed out he regularly received complaints regarding people running red lights. He commented the survey results indicated dissatisfaction with traffic enforcement. He felt the red light camera system was far superior to a patrol person doing the same work because the cameras were there 24 hours and were constantly monitoring the intersections. An officer would have to take time from something else, sit around until he saw a violation, chase that person down, which could create a hazard in and of itself, and write the ticket. He noted they could only be at one intersection at a time and would not be there for a large portion of the day. The red light camera system took pictures of the entire intersection, to include the white line, the red light, the license plate and the car location in the intersection. It also took a movie so one could see the entire thing. He understood the pictures were sent to the company, the company sorted them out and sent them to the Police Department and if the Police Department believed there should be a charge, the pictures were turned over to the Prosecutor's Office to determine whether to file a charge. If a charge was filed, a notice would be sent out. The notice would include a secure number to review the pictures themselves. The person accused would then have the right to plead guilty by mail, go to court or file an affidavit stating they were not in the car. He believed this would result in safety and people being defensive drivers. People would be warned that the intersections were monitored by cameras. The hope was that it would not generate a lot of revenue because people would stop running red lights. He stated he was supportive of this and noted staff had done a great job in negotiating the contract.

Ms. Nauser stated she was in opposition of this. She commented that she recently visited Virginia and they had aggressive driving zones where the fines were doubled if one was charged with speeding or moving violations. It caused quite a ruckus when people started to get ticketed. She noted the fine here was \$125. It was more for someone who was caught smoking in a bar. If this was a safety issue, she felt it should be approached with fines. She believed that would be a greater deterrent. She explained the greater the fine, the less likely she was to violate the law. She noted the newspaper indicated she had 291

stoplight violations last year and approximately 22,000 since 2000. By the statistics, it did not appear there was a problem, but by personal observation she agreed it happened. She did not believe putting cameras at four to six intersections would solve the problem. She pointed out there were numerous intersections where one could not make a left hand turn without pulling into the intersection or where one would have to sit through multiple lights for an opportunity to turn left. She noted it took two lights for her to turn onto Broadway today. If they were going to have intersections with lights, they needed countdown timers to allow people to see how much time they had left. She stated there were a lot of streets with high speeds and stop lights and if one was going 50 mph down Providence and the light at the bottom of the hill turned red, one would either have to slam on their brakes or speed up to make it through the intersection, which were both dangerous options. Mayor Hindman believed that was a problem with or without the cameras.

Ms. Nauser stated she felt they were becoming a more regulatory community and noted she had a philosophical problem with cameras focusing on people at intersections. She did not believe it would solve the overall problem. It was only being solved at six intersections. She reiterated that if they really wanted to address the safety issue, they needed to increase the fines to make people think twice at every intersection. Mayor Hindman stated he had no objections to increasing the fines. Ms. Hoppe stated officers would be needed to ticket people. Ms. Nauser commented that she would rather have fewer amenities and more police officers if that was the issue.

Mr. Skala stated he agreed with Ms. Nauser in that the fines needed to be increased. He noted he was not denying the fact that they had a red light problem and that safety was paramount. His concern was with the approach they were taking to solve the problem. The people who were violating the law should be the ones to bear the burden and increasing the fines would do that without involving anyone else.

Mayor Hindman commented that one of the problems with just increasing the fines was that they needed officers at the intersections to ticket the people to impose the fine. The cameras freed up the officers.

Mr. Wade thought it was unfortunate they had to even think about the use of the cameras. They only did because people who considered themselves law abiding were not by running red lights. On his way to the meeting, he noticed about six red lights and observed two people running red lights and four others starting on a yellow light with the light turning red before they got through the intersection. He commented that four of the six were on cell phones. Those non-law abiding citizens were placing themselves and others at grave danger. He believed the problem had accelerated over the last ten years as people had become less respectful. He did not think increasing the fines would deter the problem. He thought there was substantial evidence of that in criminology. He stated he was in support of using the red light cameras.

Ms. Nauser wondered what the point of the fine was if fines were not a deterrent. She believed if the fine was substantial enough in that it made people think, it would only take a few people having to pay that fine before others took notice. She noted MoDOT had very large fines for speeding in work zones, so they felt fines would deter people from speeding. She believed fines were a deterrent for bad behavior.

Mr. Janku stated a few years ago, he was not in support of this, but felt the problem had gotten worse and this was one of the few tools they had with limited resources in term of officers. He noted they could not permanently station them at various intersections. In regard to fines, there was a challenge in imposing those fines as some would be able to pay and others would not and in order to be equal, they could not put a higher fine on a wealthy person and a lower fine on someone who could not pay. They had to come up with an appropriate level that would be fair across the board.

Mr. Skala reiterated if the fines were substantial enough, they would make a difference. He believed the problem with officers manning the intersections would be a temporary problem if the fines were substantial. The alternative would be to put up non-functional cameras and alternate some of the functional ones. He thought the intersections could be manned with the threat of a camera. He was uncomfortable by the fact they would be spying on people who were following the laws. He believed the people breaking the law should be the ones that were punished. He felt there was room for error and that this was an intrusion.

Ms. Hoppe stated she did not want more monitoring of people either and was reluctant in doing this, but believed something needed to be done. If this did not work out, they could stop or continue with more cameras. She commented that she had observed oil truck and semis running red lights and believed that was death waiting to happen.

The vote on R187-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, WADE. VOTING NO: SKALA, NAUSER. Resolution declared adopted, reading as follows:

## **INTRODUCTION AND FIRST READING**

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

- B275-07**     **Voluntary annexation of property located 2,200 feet west of Brown Station Road, on the north side of Waco Road, extended; establishing permanent R-1 zoning.**
- B276-07**     **Rezoning property located northeast of the intersection of Chapel Hill Road and Mills Drive from Districts R-1, O-P and PUD-6 to O-P and R-1.**
- B277-07**     **Rezoning property located southeast of the intersection of Range Line Street and Smiley Lane from A-1 to C-P; approving The North Woods C-P Development Plan.**
- B278-07**     **Rezoning property located north of State Route KK and east of Scott Boulevard from R-1 to PUD-4.1; setting forth a condition for approval; approving The Village at Wyndham Ridge PUD Development Plan.**
- B279-07**     **Approving the C-P Development Plan of Paris Road Plaza - Phase 2 located on the east side of State Route B (Paris Road), north of East Brown Station Road and south of the U.S. Highway 63/Paris Road overpass; approving a revision to the C-P Development Plan of Paris Road Plaza - Phase 1; approving a revised statement of intent.**
- B280-07**     **Approving the Auburn Hills South 32.8 Acres C-P Development Plan located on the north and south sides of Brown School Road, between**

**Rangeline Street (State Route 763) and Edenton Boulevard; approving less stringent yard requirements.**

- B281-07 **Approving The Colonies Lot 101 & 102 O-P Development Plan located on the east side of Colony Drive, east of Forum Boulevard.**
- B282-07 **Approving the Auburn Hills 16 C-P and PUD Development Plan located on the west side of Edenton Boulevard, along both sides of Bodie Drive, extended; allowing reductions in the required perimeter setbacks.**
- B283-07 **Vacating an electric utility easement located south of Stadium Boulevard, between East Pointe Drive and U.S. Highway 63.**
- B284-07 **Amending Chapter 22 of the City Code as it relates to sewers and sewage disposal; amending the City of Columbia Food Code.**
- B285-07 **Accepting conveyances for drainage and temporary construction purposes.**
- B286-07 **Accepting conveyances for utility purposes.**
- B287-07 **Authorizing an agreement with the Columbia Public School District for renovation of the Hickman High School swimming pool.**
- B288-07 **Accepting and appropriating funds to be used by the Police Department in a proactive auto theft program (Bait Car Program).**
- B289-07 **Amending Chapters 13 and 22 of the City Code relating to sanitary sewer utility rates.**

**REPORTS AND PETITIONS**

**(A) Intra-departmental Transfer of Funds.**

Report accepted.

**(B) Angled Parking.**

Mr. Watkins stated Council asked staff to review this issue primarily as a way of increasing meter revenues. The areas they looked at in terms of street capacity were at the University campus and they were opposed to the changes. Staff did not think they should move forward with angled parking.

Mr. Janku thanked staff for the report. He stated it was an attempt to get more parking on pervious surface.

Mayor Hindman commented that another possibility was backing-in angled parking. He understood that was effective for cyclists and pedestrians. He thought they might want to mention that to the University to see if they wanted to experiment with it.

**(C) Auburn Hills Neighborhood Park Development.**

Mr. Watkins explained the Parks & Recreation Department was requesting direction regarding the development of a 12 ½ acre neighborhood park in Auburn Hills. There were two ways to look at the development of the park and they involved the alignment of Harvester Road. Staff was recommending they proceed with the development of the Master Plan of the park, but to do it so it did not matter where Harvester Road was finally constructed. The alternative would be to wait until decisions regarding Harvester Road were made, but that might be a while.

Mr. Hood showed the two potential routes on the overhead and pointed out the recommended plan would leave both corridors open. He noted the neighbors were opposed to the western route. He commented that they wanted to move forward with the development of the park as quickly as possible.

Mr. Janku handed out a portion of the June 6, 2005 Council Meeting minutes and explained that when the CATSO Plan came forward, the Council unanimously adopted an amendment to not move the road to the south. It put the alignment of the road on hold until the park plan came forward. He pointed out the neighborhood was opposed to the western route. The plan for the active part of the park was not impacted, but the heavily wooded passive and stream areas would be impacted. The alignment would obliterate the oxbow of the stream. He explained this park was purchased from the developer when the property was being platted, so people bought homes with the expectation that they would back up to a park. The idea of running Harvester Road south through the park came forward after the fact. He referred to Appendix A and noted a common area owned by the neighborhood adjoined the park. Not only would the road divide the park from the adjacent lots, but it would also sever the common area from the park. He pointed out there were a number of pedestrian access points into the common area from the neighborhood, which made it a very pedestrian friendly way for people to enter the park area. He stated Harvester Road connected between 763 and Derby Ridge, which connected to Brown School Road. Brown School Road was anticipated as the northern loop for the City. It connected with 763 and 63 and would eventually be four lanes, so it would be heavily used in order to keep traffic off of I-70. There was tremendous potential for cut-through traffic on Harvester. He understood it was the cheaper option since it went through the park and the County would have to pick up a portion if extended to Derby Ridge. The neighborhood felt it would be a detriment to their use of the park and would negatively impact the park. He suggested the Council stand at the oxbow where the road was proposed to go because he did not think they would want the road to go through there. He suggested they proceed by holding a public hearing. He felt one reason to advance the decision was so it would not affect one's ability to market their property if they were considering selling it. He commented that he generally fought for roads in his ward, but would never fight for this one to be funded and he doubted any future Council Member for this ward would either, so it would be a paper road which would never be built.

Mr. Janku made the motion to proceed with a public hearing to include discussion regarding the road alignment. After public comment, the Council could either make a decision on the road or continue deferring it and only proceed with park development. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

**(D) Jake Brakes.**

Mr. Watkins noted this was a report requested by Council and if Council wanted to change the Code to outlaw or muffle these brakes, staff needed to be provided direction.

Mr. Janku stated he wanted to proceed with an ordinance as he had received a number of complaints over time. He understood Mr. Loveless had as well since he previously brought it up. Mayor Hindman asked if he wanted to pursue just muffling the noise or if he

was suggesting outlawing the brakes. Mr. Janku replied the use of the brakes was causing the problem, so that was what he wanted to pursue.

Mr. Skala did not think this would be a tremendous hardship because they were generally used when it came to grades as that was when they were most effective. He did not believe it was necessary to use them within the City.

Ms. Nauser asked why there was a problem if they were only used on grades. Mr. Skala explained their primary purpose was to be used on grades. A prohibition was needed to prevent people from getting in the habit of using them at other times. Mr. Janku understood it was easier to use the Jake brake. He noted the people in Parkade were concerned as they backed up to I-70. He pointed out there were other neighborhoods adjacent to I-70 that would also be impacted.

Mr. Wade asked if other communities had Jake brake ordinances as it would be interesting to see the different ways of providing signage for that. Mr. Janku understood Lawrence, Kansas had one.

Ms. Nauser stated she felt they were becoming over-regulatory. She noted there were many industrial places in town with over the road trucks. She commented that if one purchased a home that backed up to the highway, they would have to expect highway noises. It was a choice made by where they lived. She stated she previously lived on Doris Drive in Parkade and the truck noise did not bother her. Mr. Janku noted there could be some people in Parkade that lived there prior to I-70. She pointed out the Police Department had never received any complaints, so she did not believe a City-wide ban was needed. She thought it sent the wrong message and reiterated there were a lot of industrial customers residing in Columbia. She felt adding another regulation of this nature was making Columbia a very unfriendly town. She stated she could not support it.

Mr. Skala commented that people choosing to live adjacent to highways was one issue, but noted some of the buffers between the highways and residential areas were disappearing. He felt noise was similar to second hand smoke.

Mr. Janku made the motion to direct staff to prepare an ordinance outlawing the use of Jake brakes within the City. The motion was seconded by Mayor Hindman and approved by voice vote with only Ms. Nauser voting no.

**(E) Street Closure Requests – Twilight Festival; Antique/Classic Car Show.**

Mr. Watkins explained there were two street closure requests. One had to do with the Kids' Camp at the Twilight Festival and the other involved the Old Wheels Car Club.

Carrie Gartner, 11 South Tenth Street, stated she was the Director of the Central Columbia Association (CCA), a voluntary merchants association, and the Special Business District (SBD), the public organization. She noted they were two separate boards, which had two separate budgets. The CCA was the organization that did the Twilight Festival. This was the eighteenth year for the Twilight Festival and in 2000, they added the Kids' Camp and a concert series at Courthouse Square. In January, the CCA discussed ways to freshen up the Festival. The suggestions received were to move the big venues closer to the stores and restaurants and to a close street, which was why they closed Ninth Street and move the concert a couple blocks to the south. They also decided to consolidate all of the kids'

activities at Flat Branch Park, which would soon be twice the size it was now. She noted the Ninth Street closure had already been approved. They were only asking for a closure for Fourth Street at this time.

Ms. Crayton stated a business owner had asked her why the events had been moved as he felt it was due to a sinister reason. He did not think they wanted the kids from the neighborhood to attend the Festival. Ms. Gartner explained the CCA had 120 members who helped pay for the Festival, so people would go to their stores and restaurants. Courthouse Square was a good venue for a lot of festivals, but it was not close to people's stores. When they moved the venues to the south, the merchants' business picked up because people were closer to the stores and restaurants.

Mayor Hindman made the motion to approve the street closures as requested. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**(F) Chronic Weed Violations.**

Mr. Watkins stated staff had proposed two options for staying on top of chronic weed violators. If either option was of interest, Council should provide staff direction on how to proceed. He explained the two options were to substantially increase fines or give chronic weed violators special attention to get the grass cut sooner.

Ms. Hoppe understood both options could be pursued. Ms. Browning replied yes. She noted that when they had stubborn cases, they referred them to court and continuing violations could be added. She stated, at times, that was the only disincentive they had.

**(G) CATSO-Statewide Transportation Investment Priorities.**

Mr. Watkins explained this was an informational item.

**(H) Green Roof Options – City Hall.**

Mayor Hindman noted this was discussed during the Pre-Council meeting and suggested they continue this issue. Mr. Watkins stated it needed to be continued for at least one meeting as he needed to determine how quickly they could put together the information requested.

Mr. Janku wondered if they wanted to proceed with setting a resolution for a public hearing. Mr. Skala thought that would be appropriate. Ms. Nauser agreed. Mr. Watkins understood they wanted staff to draft legislation setting a public hearing, which would delay the decision for four weeks. Mr. Janku suggested a resolution be placed on the agenda and that they allow public comment on that resolution as they did with other resolutions. It did not need to be advertised formally, but could still be advertised. Mr. Watkins stated they could do that.

**(I) Cable Television Fees (Video Service Provider Fees).**

Mr. Watkins stated this report dealt with cable television fees in regard to whether to raise them from three to five percent. If this was something they wanted to consider, a motion directing staff to prepare the appropriate legislation was needed.

Mayor Hindman made a motion directing staff to prepare the legislation needed to increase the franchise fees from three to five percent. The motion was seconded by Ms. Hoppe.

Mr. Janku understood, at the previous meeting, Mr. Watkins had ideas about procedures and stated he would appreciate staff thoughts involving that as well.

The motion made by Mayor Hindman and seconded by Ms. Hoppe was approved unanimously by voice vote.

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

### COMMUNITY DEVELOPMENT COMMISSION

Hammen, Janet, 1416 Wilson Avenue, Ward 6, Term to expire November 1, 2008

### DISABILITIES COMMISSION

Keller, Michael, 2000 East Broadway, #258, Ward 3, Term to expire June 15, 2009

### BOARD OF HEALTH

Lyle, Shelley, 1001 LaRail Drive, Ward 5, Term to expire August 31, 2008

Schnitzer, Patricia, 407 S. Garth Avenue, Ward 4, Term to expire August 31, 2010.

### HISTORIC PRESERVATION COMMISSION

Bourgeois, Stephen, 16 B North Ninth Street, Ward 1, Term to expire September 1, 2010

Piazza, Joy, 210 Tracy Drive, Ward 4, Term to expire September 1, 2010

Treece, Brian, 2301 Bluff Pointe, Ward 6, Term to expire September 1, 2010

### INTERNET CITIZENS ADVISORY GROUP

Upchurch, Wesley, 5451 S. Bethel Church Road, Building 7, Unit 301, Ward 5, Term to expire October 15, 2009

### WATER AND LIGHT ADVISORY BOARD

O'Connor, Tom, 806 Leawood Terrace, Ward 4, Term to expire June 30, 2008

### POWER SUPPLY TASK FORCE

Malon, Richard, 3801 Ivanhoe Boulevard, Ward 2

Ottinger, Hank, 511 Westwood, Ward 4

Parker, Richard, 215 W. Sexton Road, Ward 1

Wollersheim, David, 2801 West Broadway, G1, Ward 2

## **COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Ms. Crayton stated she was contacted by a gentleman that lived on Hirth regarding 506 Worley as a tree from that location had fallen into his and his neighbor's yard breaking his fence. She asked for someone to look into the situation and contact the owner of 506 Worley to remove the tree and fix the gentleman's broken fence.

Ms. Crayton commented that as one came off of Oak Street in between the wedge and behind the apartment building off of Ash, the weeds were waist high. She asked someone to contact the owner as the grass had not been cut all summer.

Mr. Janku made a motion directing staff to work with the Non-Motorized Transportation Group to include the Providence Road and I-70 intersection for study. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Janku understood the Board of Adjustment had an issue regarding whether downtown storage was permissible in the C-2 zoning district and approved the request with conditions. He thought this needed to be reviewed as there needed to be appropriate conditions on an on-going basis. He was suggesting a staff report be provided with the idea that they might eventually refer this to the Planning & Zoning Commission and the Building Construction Codes Commission since it involved fire safety.

Mr. Janku made the motion directing staff to provide a report regarding storage and conditions of that storage in a C-2 zoning district. The motion was seconded by Ms. Nausser and approved unanimously by voice vote.

Mr. Janku stated the Historic Preservation Commission expressed interest in having a vehicle to accept grants and donations. He thought they might want to utilize the New Century Fund since it was already in place.

Mr. Janku made a motion directing staff to review the possibility of utilizing the New Century Fund for the acceptance of grants and donations for the Historic Preservation Commission and, if it was, to advise the Historic Preservation Commission or bring a report to Council for appropriate action. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman understood the Historic Preservation Commission wanted authorization to recommend names for downtown alleys.

Mayor Hindman made a motion authorizing the Historic Preservation Commission to recommend names for downtown alleys. The motion was seconded by Mr. Janku.

Mr. Wade stated he did not necessarily disagree, but did not understand what that meant or why it was important. He felt they were changing the responsibility of the Commission without considering it. He commented they had not had this responsibility in the past and wondered why it would be appropriate for them to have the responsibility. Mayor Hindman stated they asked for it and he was not sure why they would not allow it. Mr. Janku thought the request stemmed from the fact the previous suggested alley names were based on historic interests.

Ms. Hoppe asked if he thought another board or commission might be more appropriate. Mr. Wade replied he did not know. He noted they had street names that could be historic, but they did not want to be involved in street names. He did not understand why it was appropriate or not appropriate.

The motion made by Mayor Hindman and seconded by Mr. Janku was approved by voice vote with only Mr. Wade voting no.

Mr. Skala stated he was not sure what the problem was. Mayor Hindman explained the Historic Preservation Commission wanted to suggest names to them. Ms. Nauser pointed out they were not going to be naming the alleys, they would just be suggesting names. Mr. Skala understood Mr. Wade was not sure why the Historic Preservation Commission should be the ones suggesting names. Mr. Wade stated that was correct. He believed if it was appropriate to suggest names for alleys because some might be historic, it was also appropriate to suggest names for streets because some of those might be historic.

Ms. Nauser stated she noticed new light poles on Forum Boulevard that she was not informed of and believed the neighbors did not know about them either. She asked why those were being put up in the landscaped section of Forum. She wondered how this fit into the street lighting plan and how long this had been in the works as some of the neighbors were unhappy.

Mr. Wade noted he had been contacted by two people regarding those lights as well. He stated they were very tall street lights and had not been necessary since the street was built about 20 years ago. The comments made to him were that it did not seem to be a good use of City money as they were street lights that were not needed. He questioned how those decisions were made.

Mr. Dasho stated they were contacted by a member of the public who indicated there were no street lights there. He went to that location at night and it was very dark along there. He noted it was a major street with sidewalks and if one went further down Forum, there was lighting. He believed this one section needed to be lit for public safety purposes.

Ms. Nauser stated she had never noticed it being dark and would drive there after the meeting. Mr. Wade stated it was a four block area in which those lights were being put up.

Ms. Hoppe made a motion for the Affordable Housing Task Force to address issues involving mobile homes and to provide recommendations to Council regarding a way to help people stay in their mobile homes or relocate. She wanted them to address the issues that came up with the annexation discussion earlier in the evening. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

The meeting adjourned at 2:04 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk