

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
AUGUST 18, 2008

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 6:00 p.m. on Monday, August 18, 2008, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ and JANKU were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

Ms. Hoppe asked that the July 22, 2008 minutes be changed. She noted the Tribune quoted her in an article on July 23, 2008 and felt it was more representative of her point. She referred to page 35 of the draft and noted the quote indicated she stated “As the bird flies, it looks like a great idea, but the Rockhill portion is steeper than going up hills on Stadium or Broadway.” She asked that the minutes reflect that.

The minutes of the special meeting of July 22, 2008, to include the change requested by Ms. Hoppe, and the minutes of the regular meeting of August 4, 2008 were approved unanimously by voice vote on a motion by Mr. Janku and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman noted B268-08 would be added to the Introduction and First Reading section of the agenda. The agenda, including the Consent Agenda and the addition of B268-08 to Introduction and First Reading, was approved unanimously by voice vote on a motion by Mr. Janku and a second by Mr. Wade.

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

Kurt H. Albert – Albert-Oakland Park.

Kurt Albert, 400 E. High Point Lane, commented that there were no precedents for unnamng a City park, for staff to ignore the historic will of past Councils by renaming a park or its facilities, for staff to violate a law as set down by City ordinance and resolution, for staff to deceive the present Council as to the historic name of a park or for withholding documents that had been requested by Council. He provided the Council some documents and explained the first document was B387-71, which paid for an additional 20 acres from his mother and brought Albert-Oakland Park to 40 acres. He commented that they had agreed to sell the land for \$1,800 per acre, which was a very small amount, on the condition the park be named Albert-Oakland and this ordinance formerly recognized this fact. He noted Albert-Oakland Park was underlined in the ordinance title. The second document was B17-72 and it paid for a Master Plan for Albert-Oakland Park. He asked the Council to note the highlighted

areas. The third document was R24-72, which stated “Whereas the City of Columbia, Missouri is developing a public park facility, to be known as the Albert-Oakland Park, to be situated adjacent to the Oakland Junior High School.” The fourth document, B47-72, was a joint-use agreement with the Columbia Public Schools for the use of five acres. He noted this land did not belong to the park and could be taken back by the School District for their use given proper notice. He pointed out the park was officially named Albert-Oakland in two locations. The fifth document, B145-72, was for architectural services “for the development of the Albert-Oakland Park.” The sixth document, B414-73, adopted plans and ordered the advertisement for bids for “phase II of park and recreation improvements to Albert-Oakland Park.” The seventh document, B40-74, was for “phase II of park and recreation improvements at Albert-Oakland Park.” It accepted bids for the construction of tennis courts, picnic shelters, comfort stations, hiking and biking trails, softball and football fields, a tot-lot, playground and multi-purpose area. These improvements to Albert-Oakland Park would cost \$307,000. He commented that these were the first seven legal documents showing the will of past Councils and noted more would follow at a later date. He pointed out they were introduced by Council Persons McCaskill, Knipp, Smith, Frueh and Anderson. He commented that he had hundreds of other documents and would be glad to share them with the Council. In addition, he would soon pull others from the public record and make them available to the Council. The only difference for 32 years was whether or not Albert-Oakland was hyphenated and it was correctly hyphenated. He stated the next document was the Master Plan for Albert-Oakland Park, not Oakland Park. Another document was a list of park facilities and maps dated May of 2004. The 0.3 acre Village Square Park was listed, but the 20 acres C. M. Albert Park was not. In addition, Albert-Oakland Park was called Oakland Park and was shown as 75 acres, not the actual 70 acres that existed. Another document was a flyer dated August 31, 1975 for the grand opening of the “Albert-Oakland Municipal Pool.” He noted he had looked for the original dedication plaque, but it had been removed. In addition, all signs had been changed with the Albert name removed from the pool. He commented that the signs had a cost and the money was spent without Council approval. He asked why this was done and thought the next two documents would shed some light in the matter. He noted Paul Albert was dead and they could do him no harm, but they could harm his children, who also sacrificed so the City of Columbia could have 40 of the 70 acres of Albert-Oakland Park, and the reputation of the City. He felt it was up to elected officials to protect the integrity of government. Belief in government declined when retribution was delivered by government officials for what amounted to vigorous public debate on political issues. He noted there were additional documents provided to the Council.

PUBLIC HEARINGS

B243-08 Setting property tax rates for 2008.

The bill was given second reading by the Clerk.

Mr. Watkins explained, by State law, the City had to give the County Clerk notice of the tax rate. The proposed rate was 41 cents and was the same rate it had been for many years. He noted it was slightly below the maximum that was certified by the State Auditors Office for 2005, which was .4171. He pointed out the City had not yet received the State

Auditors certification for 2006. This was an item where the legislature had required something by dates that were difficult for all parties to meet. If the Auditor certified a lower number, they would come back to Council to reset it. Given the information they had, they were proposing to keep the property tax rate at the same rate it had been for many years.

Mayor Hindman opened the public hearing.

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

Mr. Skala understood the County Assessor assessed property value when property was acquired and gathered money according to that value. He stated he was also told that when a property received a new zoning category and was platted was when there was communication between the City and County with regard to the change in zoning and the amount assessed. He asked if that was correct. He understood it was not retriggered by the rezoning itself, but by the platting of the property after it was rezoned. He asked when the communication between the City and County took place. Mr. Watkins thought it was up to the assessor and was based on use as opposed to zoning. He believed there were areas in the unincorporated areas of the County that were platted by old plats and were still used and assessed as agricultural property. He believed it was based on the use as opposed to the zoning. Mr. Skala thought it might be appropriate to get a report. He stated he was interested in the communication between the City and County and how the process worked. Mr. Watkins stated they could ask the Assessor for the specific point at which taxes were changed.

B243-08 was given third reading with the vote recorded as follows: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B244-08 Setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2008.

The bill was given second reading by the Clerk.

Mr. Watkins stated the Special Business District (SBD) was a creature of the City and was in an area of the downtown that had been prescribed by Council. By law, the SBD could impose an additional property tax. State law required it be set earlier in the process than when the budget was approved. SBD was requesting the Council approve a 47.62 cent property tax, which was the same as this year. He noted this was just for the SBD area.

Mayor Hindman opened the public hearing.

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

B244-08 was given third reading with the vote recorded as follows: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B245-08 Adopting the FY 2009 Budget for the Special Business District.

The bill was given second reading by the Clerk.

Mr. Watkins explained that since the SBD was a creature of the City, the Council had to approve its budget. He noted this would be the first of a number of ordinances that would

be brought before the Council as part of the FY09 budget. He suggested the Council have the public hearing, but hold it over until the entire budget was approved later in September.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman continued the public hearing to the September 2, 2008 Council meeting.

Mr. Janku noted the Council would have three public work sessions on the budget. At one of those work sessions, a representative of the SBD would be present to speak on the budget.

Mr. Skala asked if the agenda for those work sessions were on the City's website. Mr. Watkins replied the schedule was finished today and would probably be posted tomorrow.

B246-08 Adopting the FY 2009 Budget.

The bill was given second reading by the Clerk.

Mr. Watkins noted the Charter required the City Manager to propose a budget to the Council prior to August 1, which had been done. The Charter also required the Council to approve a budget prior to October 1. If the Council did not do that, the Manager's budget became the budget for the upcoming year. He thought they wanted to make sure the budget reflected Council priorities. He commented that they had scheduled a very public and open process. Public hearings would be held tonight, September 2 and September 15. Scheduled approval of the budget was at the September 15, 2008 Council meeting. This would allow several opportunities for public input on all of the ordinances and items covered by the budget process. In addition, three budget work session would be held on August 20, August 25 and August 27. At the beginning of the first work session, he would make some overall comments concerning revenues, expenditures and the personnel package for the budget. The Council would also hear presentations from the Community Services Advisory Commission, the Cultural Affairs Commission and the Community Development Commission with regard to their recommendations for funding.

Mayor Hindman opened the public hearing.

Tonya King-Ellis, 1107 Park De Ville Place, stated she was the Vice-Chair of the Cultural Affairs Commission and was presenting the Commission's recommendations for funding of local arts organizations for fiscal year 2009. The basic guidelines of the arts funding program were that the applicants had to be arts organizations with a 501(c)(3) status, each agency could submit one application and requests could not be for more than \$10,000. They used a formula to figure the funding levels as it best aligned an applicant's score to the funding they received. The formula was based on one that was also used by the Missouri Arts Council. They felt these requirements and procedures made the process equitable for all regardless of organization staffing or size. Deadlines and changes to the process were presented at a January workshop where all local arts organizations were invited, to include previous applicants. The session was publicized by a press release, ads and newsletter listings. The application form was posted on the City's website and applicants could take advantage of an optional early review of their application by staff. Additionally, staff was available for one on one consultations through the May deadline. In June, the Commission held its public work session to review the eighteen applications that were received by the

deadline and to make preliminary recommendations. Every Commissioner read and scored the applications on their own in advance of the June meeting. They also provided at least one written comment per criteria per application. Once this was completed, the reviews were provided to City staff for a compilation of comments and scores. At their June meeting, they focused on finalizing reviews and scores, so staff could establish a ranking and determine preliminary funding using the approved formula. Applications were rated according to set criteria, such as artistic and educational quality, community outreach and administrative ability. Points were also given to applicants seeking revenue sources other than City dollars. In the end, they allocated \$95,000, which was calculated by assuming a two percent increase over last year's City budgeted funds and a distribution from the Office of Cultural Affairs restricted fund. They set aside \$5,000 for quarterly funding opportunities known as small requests. The Commission held a public hearing in July to obtain feedback from applicants and individuals. The recommendations approved that night were before the Council. She noted the decisions were difficult and pointed out the recommendations were not overall statements about the organizations. They were based solely on the project applications. She stated the Commission's charge was not to judge the quality of an agency because each served a need in the community. They had simply evaluated the information provided and made recommendations. She commented that they understood a two percent increase in funds would not be possible due to overall City budget constraints. Rather than decreasing the proposed annual awards to accommodate the cut, staff had decreased the amount available for their quarterly small request applications. The Commission's Executive Committee supported this plan as it preserved the annual awards to art organizations at the levels they were initially notified. They would still have small request funds available throughout the year, but would simply work with \$3,265 rather than \$5,000. She noted the restricted fund for arts funding had made a difference. For years, the Commission had hoped for greater pools of funds for allocation to local arts agencies. The topic was difficult as they recognized how unique it was for a City to provide any funding of this nature. She stated they were thankful for the dollars made available each year, especially in challenging times. With the exception of the coming year, growth of the City's arts funding had been steady at one to three percent or \$1,200 - \$1,800 each year. In the current fiscal year, available City funding represented 61 percent of what was requested, meaning that most agencies received far less than requested. Despite the level of funding in the upcoming budget, the relationship between what was requested and what they could allocate had narrowed again for the second year in a row after movement in the opposite direction for years. They were pleased by that because they knew it meant more money would be getting to local arts organizations and they in turn would be able to provide more outstanding art programs and services to the community and visitors. She explained this happened because of the move of the Office of Cultural Affairs (OCA) to the City's general fund in fiscal year 2007 and the resulting elimination of a departmental fund balance. Because the previous Council protected that fund balance by making it a restrictive fund to be used to augment what was budgeted by the City for arts funding, they were able to access some additional funds for the coming fiscal year. In the current fiscal year, it boosted the arts funding pool to the \$100,000 mark, which was a level they had hoped to achieve for many years. In the coming year, they would

access restricted funds in the same way, though the total would be \$98,265 with the difference being the two percent increase initially expected. She noted they hoped to be able to access restricted funds for some time and maintain level funding or some sort of modest increase according to a budget plan developed by the OCA staff. She stated there were many studies that proved the arts were a sound investment, not just for arts sake, but for increasing tourism, contributing to community livability and encouraging economic activity, and City funding encouraged this. More than 100,000 citizens and visitors participated in City funded art activities and events annually, making the City's investment per audience member about 80 cents. In addition, the programs supported were very diverse. In the past, they had included a percussion workshop for a local youth drum line that was 99 percent African-American, art activities at the Special Olympics State Games, an exhibit of art by Chinese artists and a concert of music by Jewish composers that were banned during World War II. She noted the Commission remained enthusiastic about the range of cultural and art related opportunities the City supported and commended the Council for recognizing the overall importance of actively supporting the arts locally. Programs like this and the Council's support of them made Columbia a creative community.

Reginald Kinsey, 7060 S. Dakota Ridge Lane, stated he was the Chair of the Community Services Advisory Commission and explained the Commission was charged with making annual funding recommendations to the City Council and Boone County Commission regarding purchases of social services within the community. These recommendations, along with information regarding a process utilized for formulating them, were presented to the Council in the form of an annual report. The Commission utilized a well developed and sophisticated funding process, which entailed an information and gathering component and allocation process. Information was gathered throughout the year from citizens and agencies that represented social services in the City and County. The process included input from City staff, Commissioners and the public in the form of presentations, panel discussions, work sessions and public hearings. The funding process considered the information provided by the annual evaluations of all social service agencies and programs funded by the City, County and United Way. This was now possible due to significant improvements made by staff to contract for evaluation services for FY07 program funding. Prior to this, agencies were only evaluated every five years. He noted they were constantly seeking to improve upon the quality of the process, and as a new component for the allocation process for FY09, the Commission and staff held a work session in May after reviewing proposals individually. The purpose of the additional work session was to discuss proposals and relay questions and concerns to applicant agencies, so those agencies could respond prior to the agency hearing in June. This allowed the Commission to gather information in a timely and organized manner and make funding recommendations with even greater confidence. He noted for FY09, 31 agencies submitted proposals for 49 different programs involving services for both the City and County, and of these, the Commission recommended funding for 29 agencies and 46 programs. He pointed out 30 agencies with 46 programs applied for City funding, and of those, 28 agencies and 44 programs were recommended for City funding. They recommended an increase in funding for 11 programs, level funding for 27 programs, a decrease in funding for four programs, and the elimination of funding for one program. New

funding was recommended for two programs and denied for one program. He commented that the decision making process was very difficult due to diminishing resources and increased needs. Funding was held to a zero percent increase in FY08 and it was their understanding there would be a zero percent increase for FY09 as well. Because resources were limited and the need for services was growing, they expected a high level of accountability and performance for agencies receiving City funds. Ensuring this high level of quality for social services purchased by the City required a significant amount of work throughout the year by the Commission and staff. He noted their meetings and work sessions were long and involved many view points and opinions. In the end, the results of these efforts included the recommendations before the Council tonight.

David Johnston, 2701 Chambray Road, stated he was the Chair of the Community Development Commission and explained the Commission met in May and June in order to review 22 projects and programs. Four of those projects had been previously considered by the Council on July 21 as an amendment to the 2008 Action Plan, so action had already been taken on those. They projected \$840,000 would be available in CDBG funding for FY09 for the remaining eighteen projects. Rather than discussing each of the projects, he noted he would comment on the differences between the recommendations of the Commission and staff. He explained Habitat for Humanity presented two requests to the Commission. One request was in the amount of \$96,942 and involved the expansion of ReStore, which was a program where they accepted donations of building materials for resale to the public. It was another funding mechanism for use in building homes. The other request was for infrastructure improvements with respect to land on Creasy Springs for \$180,063. The staff's recommendation was for \$101,000. Habitat for Humanity was obviously a very good program and met a very important need in providing affordable housing. The Commission, in review of the application, felt there were some problems with respect to the Creasy Springs location in that it was too far outside of the City and bus service area. He noted there were not enough funds for both programs, so the Commission voted on what they perceived to be the better program. They felt the ReStore expansion was the better option in that it kept materials from the landfill and provided continual funding for Habitat for Humanity over a longer period of time to generate additional funds for the building of low income housing. He understood Habitat's preference was for the Creasy Springs project because they were more interested in building homes. He stated the Commission's recommendation was to fund the ReStore expansion project \$96,000 and to provide zero funding for the Creasy Springs infrastructure project. He noted the other disagreement between the Commission and City staff had to do with Community Housing Options. They asked for \$5,000 in seed money to develop the organization, obtain necessary legal advice, file the proper documents, etc. with the thought that once they obtained the necessary organizational materials, they would be able to secure other funding and the CDBG funds would be returned to the City. The Community Housing Options people felt there was a need for handicapped housing and were in the early stages of development. The Commission felt giving them an option to get going to see what could be done was a worthwhile use of funds. Staff was concerned because the group did not have a track record. They wanted to see them develop and build a track record

so City funds would not go to waste. He noted it would fall upon the Council to make a decision with regard to those differences.

Paul Bradley McConnell, 2421 Wild Oak Court, understood there would be a five percent rate increase in their utility budget. The short term energy outlook from the Energy Information Administration indicated residential housing energy bills would go up 15 percent in the next year and one-half. He did not know how much that applied to this community, but felt it was a significant number considering they would already be incurring a five percent increase. The Interim Plan indicated there was 38 percent growth in energy consumption by 2028, which was significant. He noted his area of expertise was in residential energy consumption, which was a sector in this community that was hard to regulate. They wanted to create incentives so they could get this sector of the market under control, and because they had a large market for rental properties, it was doubly hard. As part of the Energy Subcommittee for the Visioning process, they discussed a lot of things and provided many suggestions to include developing a green building ordinance, developing a model energy code ordinance and developing a time of sale ordinance. He did not believe these suggestions should be unfair to those unable to make improvements and that they would need to provide some means to ease the burden placed upon the property owner or potential builder. If they did not, there would be a lot of people fighting this type of legislation. He noted one of his colleagues on the Subcommittee suggested implementing a public benefit fund to help ease the financing that went along with this. In addition, according to the Integrated Resource Plan, they had many programs available for demand side, but they had ineffective advertising and means in reaching the consumer to prepare them for changes in the future. Also, students would be at a loss to do anything about it because the bill was divided up and not representative of the actual property owner's intention to change anything. The Integrated Resource Plan indicated that due to the lack of integration between Columbia Water and Light's billing database and the 2006 land use database, Columbia Water and Light was not able to query the energy sales by business and residential building type, and Columbia Water and Light had not conducted an in-depth independent survey of its residential customers. He felt that if they wanted to effectively look at where these gains could be made, it would be a good idea to fill in that information. He thought they could look at various bills from time to time, but the customers changed although the property owners remained the same. He believed it was a good idea to require property owners to budget for future improvements. If they could set a time line through the enactment of an ordinance, so people did not have to take on the whole cost at one point, they might be able to get something done. He stated it was one way they could make great gains and keep the rate increases down.

Mr. Janku noted the Integrated Resource Plan would come before the Council, so that would provide Mr. McConnell another opportunity to speak regarding some of the ideas mentioned.

Mr. McConnell stated he had a disc from Milwaukee, Wisconsin. He understood they had worked heavily with their economic development arm and their public school to address energy efficiency financing for these types of improvements.

Mr. Skala asked if he had taken advantage of the Environment and Energy Commission (EEC) or the Boone County Smart Growth Coalition and suggested he consider sharing his views and ideas with those groups. Mr. McConnell replied the City had provided some training for people who were interested in doing energy assessments in the private sector and he thought that was probably the most effective way he could make an impact it. He understood the EEC would be a place to volunteer some time. Mr. Janku pointed out they had an opening on the EEC if he was interested.

Ms. Hoppe stated they were looking at many of the things he mentioned, but needed to take action. She noted they had discussed getting a sustainability director. It was a matter of finding funds and addressing how to do it properly. She thought they would be hiring consultants with regard to an action plan for the Mayor's Climate Protection Agreement to help move that forward. She agreed there was a lot to do and pointed out she was pushing for it.

Mayor Hindman noted there was a report on the Energy Star program in the Reports section of the agenda, which was in effect. He agreed there needed to be more communication because he did not know it was in effect. Mr. McConnell stated he felt it was more about coordination versus bureaucratic regulation. He commented that Public Works, Water and Light, etc. all had some responsibility in this matter. He thought they might be at a loss as to where their job ended and another began.

Homer Page, 503 N. Brookline, stated he was the Chair of the Disabilities Commission and recognized the difficulty of budgeting in these times, but urged the Council to try to find some or all of the necessary funding to continue the Paquin Towers recreational program. He commented that Paquin Towers was a unique facility. It was the only one of its kind in the City that served such a large number of people with disabilities, and those residents were among the most vulnerable people in the community. He noted both staff and residents testified to the high quality of the program that had been provided over the last three decades. It had a very good track record and met a genuine need. In addition, there were people, other than those at Paquin Place, who were served through the program. He understood the City had priorities, but felt providing services to the most vulnerable people in the community ought to be high priority because it was simply the right thing to do. He provided a letter from Commission.

Mr. Page stated he was the Chairperson of the Board for the Community Housing Options group and explained they had organized within the past six months. The organization grew out of the City's Affordable Housing study, which indicated a need for over 1,000 units over the next ten years to meet special needs persons housing needs, and they wanted to emphasize providing housing for people with disabilities. He noted the City Manager had been extremely helpful and supportive in facilitating their search for a site. He wished he would support their proposal for funding through the Community Development Block Grant as well. He explained the purpose of the funding was to do things needed in order to move forward with the project. The most important thing was to get initial architectural sketches drawn for the purpose of demonstrating to the community, neighborhoods and funding agencies what it was they had in mind. It was hard to have a

track record before they got started and this would be extremely helpful in allowing them to get started.

There being no further comment, Mayor Hindman continued the public hearing to the September 2, 2008 Council meeting.

B198-08 Rezoning property located east of Brown Station Road and southwest of U.S. Highway 63 from M-C and M-R to PUD-8; setting forth conditions for approval.

The bill was given third reading by the Clerk.

Mr. Watkins explained this was a request to rezone property from M-C and M-R, which were industrial classifications, to PUD-8. The bill was tabled at the applicant's request at the July 21, 2008 Council meeting. There was some supplemental information from the REDI Director and President of the Board pertaining to this project in the packet. The Planning and Zoning Commission recommended denial of the proposed rezoning request. The Commissioners were concerned about the further loss of industrially zoned land within the City. There was some concern involving traffic impacts of the proposed project as well.

Mr. Wade understood the original request was for a PUD-12, but staff talked them into a PUD-8. He asked for an explanation. Mr. Teddy replied with a PUD-12 already established on part of the property, the main concern was that the number of units would be a lot for the road system in that area.

Mayor Hindman opened the public hearing.

Chad Sayre, 7401 N. Fall Creek Drive, provided handouts for the Council and stated he represented the applicants, Carol and Randy Adams of Boone Prairie, LLC. When this property was originally rezoned, it was owned by the University of Missouri and had agricultural zoning. During that process, they discussed targets in the City for research and development type industry. They actually stacked it with M-C, M-R and PUD-12. The plan was to use the existing PUD-12 zoning as a buffer to the residential area across Brown Station Road. The issues they ran into with that concept involved access from the railroad because the geometry of the railroad in that area did not lend itself to a spur because of horizontal geometrics. Now, the vertical geometrics and the potential crossing of 63 was a problem as well. He noted they had made improvements to where Blue Ridge tied into their through street so it would accommodate higher traffic volumes, but from a prospect's perspective, access was an issue. The access issue and trying to compete with Discovery Ridge with regard to research and development type activities were the main issues. They felt this site would lend itself to a starter home and an affordable housing concept. It was graded and the grades lent themselves to trying to get the density needed to compete in that market. In addition, utilities for residential housing were on site. He commented that they felt there was a misconception in that this would be a loss of competitive industrial property, but they had not been successful in marketing it for that activity. As a result, they developed a concept of more dense detached single-family to be mixed with the attached single-family PUD-12 area. He explained they tried to identify those areas in this request and wanted to push ahead with what they believed to be the highest and best use for the property. This area was within the area that was eligible for CDBG funding and was very close to some of the higher employment areas of the City. He referred to the handouts provided and stated a

report on the need for affordable housing was included. He explained starter homes were now advertised for \$159,000 - \$179,000. The goal was to not just look at the dirt, but to also have a housing concept. He noted there was a discussion in the Columbia Business Times recently with regard to the need and desire for larger homes going down due to energy efficiency. He commented that they were focusing on the craftsman style home, which was smaller, and homes with a front porch. They would try to put them on postage stamp lots, so there was individual ownership. In addition, they were looking at common ground source heating and cooling and other sustainable aspects. He noted they planned on working with staff. He expressed his appreciation for the Fire Department working with them to incorporate a fire sprinkler system into the design of the home. He commented that they had tried to hit this from several different aspects and believed this was the highest and best use of the property. They did not believe it would be a loss of effective industrial property for the City.

Mr. Wade understood this was all new information and none of it was presented to the Planning and Zoning Commission. He noted the Council meeting was not where the process started. The process started with the Planning and Zoning Commission. He stated he had no intention of dealing with this in terms of a decision because the process should have started with the Planning and Zoning Commission.

Ms. Nauser asked why no one was at the Planning and Zoning Commission for the hearing. Mr. Sayre replied they understood it was date certain tabled due to traffic issues and would not be heard by the Planning and Zoning Commission. It was a misunderstanding on their part with regard to when it would be heard. Since that time, they felt they had answered those questions. He noted it was not their intent to not attend as they had staff support going into the Planning and Zoning Commission meeting.

Mr. Janku asked if the letter of May 28, 2008 was their statement of intent. Mr. Sayre replied yes.

Carmen Adams, 580 W. Route K, stated she was a realtor with Gaslight Properties/GMAC, and the owners of Boone Prairie, Randy and Carolyn Adams, were her parents. She explained five years ago, the development of this site began with PUD, M-C and M-R zoning, but little progress had been made to entice industry to the site. About nine months ago, they began re-evaluating and marketing the property and were disappointed to find the current zoning did not work for the site. This was mainly due to the lack of visibility and accessibility from the highway as well as the fact there was not an opportunity for rail access. She stated they were committed to the development of viable industrial sites, which were sites necessary to draw new industry to Columbia and to Boone County, but unfortunately Boone Prairie was not the site to provide that need. It was, however, ideal for affordable housing in potential purchase price and long term living expenses. If they were successful in rezoning, the concept they were developing was for smaller cottage style homes with a low \$100,000 price range. Homes sold in the past year at a cost of \$100,000-\$120,000 were on average 31 years of age. One of the problems this created with regards to affordable housing was energy costs. They had incorporated innovative ideas and plans to create lower utility costs and to reduce insurance premiums. The concept they were developing also incorporated common ground maintenance to be provided, which was

another effective way to reduce the homeowner's living expenses. According to the Affordable Housing Policy Committee report, another problem with sales in this price range was that people who could qualify for financing could not come up with monies for the necessary down payment and closing costs. Boone Prairie currently sat within the boundaries of the City's assistance program, which provided down payment and closing costs for first time home buyers and single parents. She noted Boone Prairie was also within walking distance of employment, schools, grocery, pharmacy and convenience items. She thought the community should be dedicated to providing the affordable homes that Boone Prairie could offer. Early discussions with affordable housing affiliates provided only positive responses to their concept and statistical data provided in the Affordable Housing Policy Committee report indicated the desperate need for affordable housing, which was defined as being below \$130,000.

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

Mr. Skala stated he had a problem with this, not the least of which was the problem Mr. Wade mentioned in that this was all new information and the process did not start here. He noted he had come to the meeting prepared to deny this request based on the comments of the Planning and Zoning Commission and the disappearance of industrial sites on 763 in lieu of residential properties. They had to find other industrial sites someplace to avoid the kind of problems they were now encountering, which included the lack of an economic base needed to drive the economy to pay the bills. He commented that they had deferred to the experts in terms of marketing, etc. with regard to land use and thought they should probably still do that. His concern was the track record of the past five years or so. They were overbuilt in a lot of areas. Given the density involved and not knowing the details in terms of cottage homes, etc., he was thinking they were already overbuilt in apartments. Given the materials that were distributed, he stated he would not mind giving the Planning and Zoning Commission another crack at this because it was a real attractive idea. On the other hand, however, he had a hard time giving up the idea of a site like this, which had access to a railroad, and seemed to be perfect for some sort of industrial use. Given the discussions regarding shovel-ready sites, infrastructure and growth management planning, it would seem to be a natural. He did not know the details as to why this was not marketable, but found it hard to believe it was not marketable. Although he tended to defer to the experts, he felt the experts had been making a lot of mistakes in the last few years. He suggested they send this back to the Planning and Zoning Commission for their review since the information was not here. If that was not acceptable, he was prepared to vote against it.

Mr. Janku commented that he believed the building of cottage homes was an excellent market due to there being a need. He noted a development on Proctor Drive known as Bear Creek Village was targeting this market. It had some of the amenities and features mentioned in this document and seemed to be doing well, even in these tough economic times. He noted the statement of intent that was provided would permit these, but it would also permit the development of 117 duplexes. He stated he could not vote for anything that would allow that type of duplex development. He understood that was not the intent, but the market could change and it would allow 117 duplexes. He suggested the statement of intent reflect their intent. He stated he was also concerned about the layout. He thought the PUD-

12 might have been appropriate in buffering the residential neighborhood to the west from an industrial area, but did not think they wanted put single family homes against a railroad. He wondered if people of modest means who were investing their life savings would want to invest against a railroad or the sites identified by staff as needing sensitive buffering. He thought they would want to be closer to the school and Brown School Road and felt the PUD-12 should be further back. He reiterated he could not support this with the statement of intent included because it would potentially permit 117 duplexes on the site.

Ms. Nauser stated she had seen this proposal when it was discussed in its infancy and noted she supported the concept of affordable housing because it was a market the City was lacking. She commented that she was disappointed in the process and because no one attended the Planning and Zoning Commission meeting. She explained she read comments of the Planning and Zoning Commission meetings because she wanted to know how the Commissioners felt even though she did not always agree with them. She noted she did not want this project to be denied. She would much rather see it go back to the Planning and Zoning Commission, so Council had all of the information needed to make a decision. She did not like getting new information at the Council meeting. This was something they had been trying to stop over the past year. She preferred coming into the meeting prepared with all of the information. She reiterated she liked the concept, but felt it needed to go back through the formal process.

Mr. Wade stated he had a problem with a new proposal starting at the Council level instead of at the Planning and Zoning Commission level. He felt there were other issues as well. He understood Ms. Peters, a Planning and Zoning Commission had gone to the site and done an intense survey of it. He believed one of the reasons this was an unacceptable industrial site was because the only access was on Brown Station Road. There was not access onto Route B. He noted Ms. Peters questioned why they did not put a crossing across the railroad. He understood there might be reasons to not to do that, but stated that when he went out there, he drove both sides of the railroad, as close as he could to get to the land, the UPS overnight site and the trucking company site and noticed a substantial amount of space between the two, which looked as though it needed to be a road. He thought that would make for an interesting possibility of access from that site to Route B and might cause it to have some industrial appeal. He commented that they had a site with railroad on one side, industrial sites just across the railroad, a huge electrical substation in the corner and a freeway along the other side. He did not think those were viewed as amenable areas for residential development. He felt that because they could not find anyone else to pay for the property, they had decided to make it affordable housing. This meant they were taking a site that was unacceptable for everyone else and putting in housing for lesser income people. He noted he had difficulty with that. He believed it was similar to creating affordable housing just downstream from the pollution stream at a power plant. They were placing affordable housing in places no one else wanted to live or use for other purposes. He felt the location identified it in terms of a use that was not appropriate for residential development, but was appropriate for other kinds of economic uses, such as industrial or office. He commented that history continued to haunt them. He noted he supported the PUD-12 as a buffer to a non-residential use when he was on the Planning and Zoning Commission. He stated he

was uncomfortable with justifying changing the non-residential use to residential in order to create affordable housing for the less fortunate. He reiterated the land use, given its location, was not appropriate for residential. He believed it was appropriate for economic activities. He did not believe the question was whether it was an appropriate industrial site, he believed the question was whether there was a way to create an access to Route B with the other industrial sites that were along Route B. He stated he could vote against this or to send it back to the Planning and Zoning Commission, but he could not support it.

Mr. Sturtz thought it would be fair to send it back to the Planning and Zoning Commission. Being new on the Council, he looked to the Commission for guidance. When they took this up in June, it was a completely different proposal, so reading those minutes did not help him. He wanted to give them the power they should have. He commented that he agreed with pretty much everything that had been said around the table as well. He agreed the City was really lacking in industrial land and was not satisfied that all of the options had been exhausted. He stated he would vote to send it back to the Planning and Zoning Commission, if they could.

Mr. Skala asked if sending this back to the Planning and Zoning Commission would be less expensive than denying it and asking them to start all over. Mr. Janku replied if it was denied, the Council would have to go through the process of determining whether there had been a substantial change.

Mr. Skala made the motion to send this proposal back to the Planning and Zoning Commission for their review and recommendation. The motion was seconded by Mr. Janku.

Mr. Janku commented that if the applicant wanted to explore the option suggested by Mr. Wade regarding access, he had no issue. He believed there were challenges in developing single family homes in the target price range, but did not believe the freeway seemed to pose a challenge. He pointed out Springdale Estates, Shepard Boulevard, Bluff Creek, etc. abutted 63, so it was not impossible for property abutting freeways to be developed as single family, but there were challenges in this location due to the industrial areas.

Mr. Skala stated with as much as they talked about economic development and the need for shovel-ready sites, he had a hard time with the idea of getting rid of another site in favor of residential area. He wondered where they get other sites. This seemed to be a natural area, although there were some problems due to access, but there were also problems with residential. He wanted a recommendation from the Planning and Zoning Commission after reviewing the same materials they were given. If they wanted to reconsider and look at other options, he was agreeable to that as well. He just wanted it to go through the process so they could make an informed decision.

Mr. Boeckmann suggested they table B198-08 to a date certain as well. He suggested it be long enough to give the Planning and Zoning Commission time to make a recommendation. Mr. Skala asked if it would be better to remand it to the Planning and Zoning Commission to go through the process so they did not have to set these dates. Mr. Boeckmann replied they would have to readvertise the public hearing if they went that route. He understood the actual zoning proposal might not change. If it did change, that issue

would have to be dealt with. Mr. Wade felt there would be a need for public input if the project was different, which it was since there was a set of different information.

Mayor Hindman asked the applicant for input. Mr. Sayre stated they had done quite a bit with regard to evaluation. It was not in its infancy. He noted the railroad connection between the two distribution facilities had been reviewed and thought they could document the issues discussed with Mr. Johanningmeier of the Railroad. He commented that he had not been in a situation where a proposal had been sent back, but understood the reason. He pointed out they had neighborhood meetings and did not believe any neighbors were against the proposal. With regard to the issues Mr. Wade brought up, he believed they could document and submit those as he felt they were strong on their reasoning. He stated that unless the opinions had changed regarding more crossings, underpasses, the acquisition of private property, etc., he thought they could document the issues. He commented that he did not anticipate their layout changing, so he would prefer the item be sent back to the Planning and Zoning Commission for presentation, feedback, etc. before coming back to the Council. If their sketches and layout did not change, they would attach those to clarify they would not end up with 117 duplexes. He did not think they would need to re-issue or re-publicize a new concept.

Mr. Skala understood this was just a rezoning request. There was no plan associated with it. This was only a conceptual plan in terms of information, so there would probably not be any substantial change to what they had. To go back through the Planning and Zoning Commission process would be the best option because they would not necessarily have to incur any additional advertising costs.

Mr. Wade commented that the issue was not the plan as much as it was the statement of intent because the statement of intent set the rules for the development of a PUD. This statement of intent did not set the rules for what they were proposing. Mr. Sayre asked if more restrictive information on the number and type of units would help. He noted they had a total number of units in the layout and could restrict the number of attached units.

Mayor Hindman asked if Mr. Boeckmann was still recommending B198-08 be tabled along with sending the proposal back to the Planning and Zoning Commission for review. Mr. Boeckmann replied since they were going to move forward with PUD-8, he thought it would be best to table B198-08 to a date certain.

Mr. Skala revised his motion to be to send this proposal back to the Planning and Zoning Commission for their review and recommendation and to table B198-08 to the September 15, 2008 Council meeting. The revised motion was seconded by Mr. Janku and approved unanimously by voice vote.

B228-08 Rezoning property located along the east side of U.S. Highway 63, on both sides of Stadium Boulevard (State Route 740) from District A-1 to District C-P; approving the Crosscreek Center C-P Development Plan; approving a revised statement of intent; approving less stringent screening requirements.

The bill was given second reading by the Clerk.

Mr. Watkins commented that this was a project the Council had previously seen and discussed. He asked Mr. Teddy to comment on the changes from what had been seen several months ago to what they had now.

Mr. Teddy explained this was a new application. Previous to this, a couple of individual site plans within the Crosscreek development had been submitted. After receiving an overall plan of the entire C-P subdivision, those were consolidated and heard as one case. He noted there were four parts to the request. One was the rezoning of just over five acres of formerly owned MoDOT land from A-1 to C-P, which was a planned business district. A second part was a request to amend the list of allowed uses for the southern portion of the property. They were specifically adding motor vehicle sales and service as an authorized use on Lot 110. Another part was a request for approval of the C-P development plan known as Crosscreek Center. There were ten lots that would include buildings and other improvements. There were three more lots in the development that were shown for possible later development, so the Council might see additional public hearings on C-P plans for those lots. The fourth part was a request for a variance for the north property line. The City's zoning ordinance required any parking lot within 50 feet of an adjacent residential property to be screened. The applicant was seeking relief from that screening requirement. He noted the Planning and Zoning Commission heard this case on July 10, 2008, after the filing of the application and a mediation process between the petitioner and two of the City's recognized neighborhood organizations, which produced an agreement the City was not a part of because it was a private party mediation agreement. It required the petitioner to do certain things and one of those things was to create a new statement of intent, which was done and was part of the ordinance the Council was to vote on tonight. He noted it was a very lengthy and detailed statement of intent. The Planning and Zoning Commission voted 7-1 to recommend approval of the 5.09 acre rezoning, which added contiguous property on the west side to the main C-P tract that had been zoned C-P since 2004 and 2006. The Commission also voted 6-2 to recommend approval of the amended list of uses to add motor vehicle sales and services on Lot 110. He pointed out there was a detailed definition in the statement of intent with regard to what that use entailed and what the accessory or ancillary uses involved. In addition, the Commission voted 6-2 to recommend acceptance of the new statement of intent, which governed the entire C-P development plan, subject to two changes. One was to change "should" to "shall" in the language on page 9 of the document and the other was to take language in the third paragraph of Exhibit D, which was the declaration of covenants, and move it into the statement of intent, so it was part of the City's regulatory document. The Commission also recommended approval of both the C-P development plan of the 10 lots and the screening variance by a vote of 6-2. He noted there was a statement on page 9 on the statement of intent that read "although national franchises have requirements for building look and character that may need to be accommodated, the franchise buildings on lots 101-109 also generally should be consistent with the unifying features above" and pointed out the Commission recommended "should" be changed to "shall."

Ms. Hoppe commented that in the discussion, they clearly stated "generally" and "shall" did not go together. It was "shall" or "shall not," she was surprised "generally" was still left in the language. Mr. Teddy explained they tried to go with the way the motion was read at the end of the session. He agreed it was contradictory.

Mr. Teddy noted paragraph 3 of Exhibit D of the declaration of covenants read "throughout the project, other than on Lot 110, buildings should have exteriors that primarily

use brick, a combination of brick and stone, brick with stone accents, and that complement other brick and stone buildings already present in the vicinity such as the MFA and MFA Oil buildings to the west of the project, or the Miller’s Professional Imaging building and the ProDental building, or to the northwest, and other buildings in the area such as Broadway Bluffs or Broadway Shops” and the Commission’s intent was to move it into the statement of intent with “should” being changed to “shall.”

Mr. Skala understood there was some discussion at the Commission meeting about not wanting to encroach on the mediation efforts in terms of the language, but thought it was clearly the intent of the Planning and Zoning Commission for a lot of the “shoulds” to be “shalls” and asked if that was a fair assessment. Mr. Teddy replied he recalled comments made about some stronger requirements on the building materials.

Mr. Wade understood he indicated the land to the north was residential, but thought the actual zoning was agricultural. Mr. Teddy explained the reference was to the actual use. That particular screening requirement was interpreted as being applicable to property that was either zoned or used as residential. Mr. Wade understood there was one house on it. Mr. Teddy stated that was correct and noted it was an estate residential use.

Mayor Hindman stated he had a question regarding the stub street to the north. He felt there was a lot of logic to requiring it. He understood the requirement indicated the interconnection of adjacent subdivisions with compatible land uses shall be encouraged and when a new subdivision adjoined unplatted or undeveloped land, the new streets shall be carried to the boundaries of such land unless vehicular access was unnecessary or inappropriate. He thought they were talking about the future there and he was surprised they did not require a stub street. He noted this issue had been brought to his attention recently. He felt this would leave about 45 acres of undeveloped land with only one access. He understood there was a potential secondary access opportunity off of the existing dead end of Timberhill Road , but it did not sound good to him. Mr. Teddy commented that they might not have provided sufficient analysis of the subdivision plat when it was brought forward in November of 2006 with regard to the configuration of Cinnamon Hill and the lack of a stub street, but noted that did not come up as an issue in the review of it. They looked at Cinnamon Hill as the access to that tract from the south. He pointed out Cinnamon Hill extended all of the way up the west frontage of the property. It was not in an improved state and there was no curb and gutter along that property. He showed the area that had been improved on the overhead and noted that with the addition of a signal, the property had the same access it always had, but it was probably better due to the signal and the improved relationship with the interchange. The Timberhill Road access would be useful if there was some kind of compatible land use, namely low density residential. It involved a 60 foot right-of-way, so it would accommodate some of the street extension. He agreed there were access limitations on the property, but noted it had the same or better access than it had before. The point they tried to make in the supplementary report was that adding a stub street would create an outlet for that property, but all of that traffic would wind up at the same place, which was at the Stadium and Cinnamon Hill intersection. Ideally, they would want more access to the east because that was a new direction with possibilities for connections to other roads, like WW and the future Stadium extension.

Mr. Skala asked if part of the problem was the fact the realignment of Cinnamon Hill Road postdated the consideration of the stub street. He thought the realignment of Cinnamon Hill facilitated the discussion of the stub street due to a vacuum.

Mr. Wade commented that the question of stub streets and interconnectivity within the City's zoning regulations was directly related to land use and they had commercial zoning against agricultural zoning, which already had adequate access with Cinnamon Hill. There was no requirement in the subdivision regulations for a stub street from commercial into agricultural zoned land. This became an issue of the developer of the affected land when the affected land was rezoned to work out an access arrangement with the adjacent property. It shifted the burden of cost.

Mayor Hindman opened the public hearing.

Sarah Read, an attorney with offices at 1905 Cherry Hill Drive, Suite 200, stated she was the mediator that worked with the parties on the Crosscreek development and was asked by the parties to come to the meeting to briefly introduce the mediation agreement. She explained the parties voluntarily engaged in mediation. Everyone worked very hard and the mediation resulted in a seven page agreement with five attachments. It was signed by the Timberhill Road Neighborhood and Stadium 63 Properties. It was ratified by the Shepard Boulevard Neighborhood Association on July 8, 2008 by a vote of 58-32, thus making them a party under the agreement. Section 8.1 of the mediation agreement indicated the parties agreed to jointly support the mediation agreement and the required filings in public, and in supporting the agreement, the parties would refer to its specific terms and not to any confidential mediation and communication. She explained mediation was a confidential process although the agreement itself was a public document. She noted she was bound the terms of the agreement, but was authorized to speak generically to the mediation process.

Mr. Skala asked when the mediation process began if an invitation was given to all of the potential stakeholders. He wondered if the invitation had been extended to Machens Ford or Toyota. Ms. Read replied there were generally three stages to the mediation process, which included a convening stage, the mediation process and follow up. The fact the parties were meeting to discuss mediation was broadly publicized and one of the topics in mediation involved the parties to be at the table. Beyond saying those were general stages in the mediation process, she explained could not say anything further. Mr. Skala understood the answer to his question was that it was broadly advertised and the parties that took part were the parties that took part. Ms. Read stated the answer to the question was the totality of what she had said.

Ms. Hoppe commented that there were other City recognized neighborhood associations affected, such as Bluff Creek Estates, East Pointe and Moon Valley Heights and asked if they were invited to participate in the mediation process. Ms. Read replied she could not address that, but could say the convening process was generally one that provided an opportunity for the parties to talk about who would be involved or whether they wanted to be involved. Beyond what was reported in the papers, she could not comment. She stated the three parties that actively engaged were Stadium 63 Properties, the Timberhill Road Neighborhood Association and the Shepard Boulevard Neighborhood Association.

Mr. Wade understood mediation was a more formal process of engagement between parties and usually took place only when there was a prior history of difficulty in conversation. The first stage was usually a careful design of a small or large group engagement process with a facilitator. He asked why the process went immediately to mediation, which involved a more strict set of rules and confidentiality, rather than beginning to bring parties together to look for discussion, which was usually done in the first stage. Ms. Read replied mediation was a very structured assisted set of private negotiations generally used when there was an existing conflict to help parties work through the conflict. She explained she was asked about mediation and mediation was provided. Mr. Wade understood when there was a highly public prior history of difficulty, one of the characteristics of mediation was confidentiality so there could be real engagement as opposed to the process playing out in the public arena and local media. Ms. Read stated that was correct and noted confidentiality was a hallmark of mediation and was recognized in State statutes and Supreme Court rules. The mediation process incorporated confidentiality specifically to give parties a safe space for discussions.

Mr. Sturtz asked who decided who an appropriate group was to sit at the table. He wondered if it was the mediator. He noted there were many issues that touched a lot of people across the City and were not necessarily a neighborhood scuffle. Ms. Read replied mediation was a process that was guided by the self determination of the parties, so almost any question about how mediation was structured, the process to proceed, etc. was ultimately a determination made by the parties. She explained she personally went toward the facilitative transformative end of the mediation spectrum as opposed to the more directive one, which was at the end of the spectrum and highlighted party self determination. Mr. Sturtz asked what the process would be in integrating or rejecting a group that came forward requesting to sit at the table in a self determining model. Ms. Read replied ultimately at some level it would all be party self determination meaning an agreement of the parties.

Ms. Hoppe understood several parties could make an agreement on an issue with other interested people not being a party to it. She commented that it did not necessarily include all of the interested parties. Ms. Read stated parties chose to come to the mediation table. Ms. Hoppe understood, but noted not all of the interested parties were necessarily invited. Ms. Read explained interested parties in the City Council process might be different than interested parties in a mediation process. Those who were willing to spend the time, effort, cost, etc. with mediation to really work through an issue could choose to sit down and mediate or not.

Mr. Skala commented that given the fact it was advertised and well known, everyone had the opportunity to sit down and it was determined by the people who participated as to what the rules were, etc. Ms. Read stated that was correct.

Bruce Beckett, an attorney with offices at 111 S. Ninth Street, stated he represented Stadium 63 Properties, the developer of Crosscreek Center, and noted he was not asked to sit at the table to participate in the mediation process. He explained he dealt with the results of it, which he believed was a fine result. He commented that Brian Treece, who was a speaker in opposition to their previous applications and who lived on the Bluff Creek side, which was on the other side of Highway 63, was asked and declined to participate in the mediation process. This was in the minutes of the Planning and Zoning Commission and his

letter to the Commission stated as much. There was also another neighborhood association, just north of the Shepard Boulevard Neighborhood Association, who was asked to participate and they declined. Those together with Timberhill and Shepard Boulevard were the only organized opposition they understood they had. If they thought there were other neighborhood associations who wanted to participate, they would have been welcomed. He stated they did not know of anyone else. With regard to the stub street, he explained they had an approved subdivision plat. The street alignments were the subject of previous discussions before this Council. It was public information and there was no suggestion that a cross stub street should be installed there. He pointed out that at a great expense to these developers, a substantial new access was provided to the west side of the Lamb's property. He noted that property was still zoned agriculture and they did not know what would happen in the future. They did not believe a stub street was required or necessary because they did not know what would happen up there. He reiterated they had a brand new, very adequate access to their property via the realignment of the streets in this area. He agreed with staff in that if they stubbed a street through one of the lots, they would congest the new intersection at Maguire and Stadium Boulevard. They were asking the Council to proceed without any further discussion or consideration of the stub street because they did not think it was appropriate under the circumstances. He pointed out the statement of intent before the Council without the changes suggested by the Planning and Zoning Commission was agreed upon as part of the mediation agreement. It was attached to it and an exhibit of it. It was heavily negotiated and was the result of all of parties that disagreed with each other now being in agreement on what its form should be. He asked the Council to consider approving it in the form it had been submitted and approved by the developer and the parties they knew of that were in opposition of the original proposal. He noted the statement of intent went from seven pages to twelve pages. There were new impositions on this development that were agreed to by the developer and the neighborhood associations as part of this mediation process. Those included pitched roofs on all buildings less than 10,000 square feet except where franchise restaurant agreements dictated a particular prototype. It included Lot 109, which was the convenience store, so it would have a pitched roof. It required all lots, 101-110, to have four-sided architecture. There was a list of specific exterior building materials they had to use and there was a list of prohibited exterior building materials. There was a requirement that Lots 106 and 109, which included the Taco Bell on the north side of Stadium, have brick and stone on all four sides. There was a requirement that rooftop HVAC units be baffled. There was also a requirement in the declaration of covenants that was required by the statement of intent that they also be screened. There was a requirement in the statement of intent that an architectural design theme be followed. In the declaration of covenants, as set out in Exhibit D, there was a requirement that all landscaping be maintained. There was a requirement that false gables, towers and pitched roofs be incorporated where possible. There was a requirement that the monument sign frames have similar architectural styles and match their buildings. He stated he could not possibility cover all the changes and noted this was a great development. They felt the mediation process worked and hoped Council agreed.

Mayor Hindman asked if there were any other changes he thought the Council should specifically know about. Mr. Beckett replied yes. He stated the statement of intent required the declaration of covenants to be imposed on the ownership of every lot, 101-110, which required neighborhood consultation and architectural quality review by a committee that included representatives appointed by both of the neighborhood associations that were parties to the mediation agreement. The declaration of covenants contained the language the Planning and Zoning Commission recommended be put in the statement of intent. The language also appeared in the mediation agreement, which was a contract indicating they would follow a brick, brick and stone or brick with stone accents architectural theme everywhere on these ten lots except for the car dealership lot. If there was any deviation from that theme, they had to go back to the neighborhood associations to obtain their approval. He agreed it was not part of the statement of intent and explained the statement of intent required two of the lots to have brick and stone. The rest could use exterior materials from the list set out in the statement of intent. This was an additional accommodation they made to the neighborhood associations.

Mr. Skala commented that he referred to two parties in the mediation agreement who decided not to participate and asked who had invited them. Mr. Beckett replied he could not say, but was told the neighborhood association north of the Shepard Boulevard Neighborhood Association declined to participate and Brian Treece was on record at the Planning and Zoning Commission saying he was invited and chose not to participate. Ms. Hoppe stated she was not sure Mr. Treece was a representative of the Neighborhood Association. Mr. Beckett commented that he did not know if there was a neighborhood association there, but Mr. Treece was the person from that neighborhood who voiced concerns. He was the only person they knew to go to.

Ms. Hoppe asked if neighborhoods had a veto with regard to architectural review. Mr. Beckett replied no and explained it would be a committee comprised of an architect, the lot owners, the person who was designing the building for their use and neighborhood association representatives from Shepard Boulevard and Timberhill. They would review the plans to ensure they had adhered to all of the standards imposed under the declaration of covenants and agreement with the neighborhood associations. It was more a question of how they would make it comply with their understanding with each other. Ms. Hoppe asked if it had to be unanimous. Mr. Beckett replied no. Ms. Hoppe commented that one of the neighborhood associations was small while the other was larger. If the larger one did not agree, she understood it could still be changed. Mr. Beckett explained they could not deviate from the designs standards agreed to in the mediation agreement without the neighborhood associations agreeing to it.

Mr. Skala stated he was trying to understand the mediation process because he believed it was a genuinely useful process and wanted to know how to apply it in the future. He understood it was not a matter of anyone in particular inviting anyone else to this process. The process was advertised because there was some sort of conflict and people showed up to participate. Those that showed up set the rules. He wondered what would happen if someone else with a burning interest in this had shown up. Mr. Beckett stated he did not know since he was not a participant. Ms. Read commented that she was unaware of anyone

who had expressed an interest and was excluded. She explained that when she indicated mediation was structured process, it was a process that was generally structured around a particular conflict where the parties were fairly well defined.

Gregg Suhler, 902 Timberhill Road, stated he was the past President of the Timberhill Neighborhood Road Association and a liaison who was involved in the mediation process. He commented that he had given testimony to the Planning and Zoning Commission on June 18, 2008 and regarded that process as being somewhat confused. He was no longer confused with regard to the “shalls” and the “shoulds” and planned to address it. He stated he was in favor of the mediation agreement. They did a very extensive job in the inclusion phase of who was to be involved. In addition, they spent a lot of time going over very specific language. He believed they had a good basis for mediation. He commented that they were very inclusive. Every name mentioned by a Council Member of an association or neighborhood community was contacted in the course of this and some respectfully declined. Charles and Rebecca Lamb were specifically invited and indicated they might be able to participate depending upon their schedules, but ended up being out of town for a good part of the month this process took place. He stated others had worked through existing neighborhood associations. The Rustic Road Neighborhood was the one Mr. Beckett had made reference to. He commented that they often had Rustic Road Neighborhood members attend their association meetings. In addition, the Lambs had attended their association meetings. He stated they had been very open and inclusive. He stated they were in an outreach mode through the course of this. He noted they had a lot of “shalls” and very few “shoulds.” He felt in the rule of law and the rule of people, there was always an issue of finding where the line should be placed. He urged the Council to proceed with the mediation agreement as written. The votes were 52-38 for Shepard Boulevard and 7-3 for the Timberhill Road Association. If they changed it to “shall,” they would be turning aside the wishes of the neighborhoods.

Ms. Hoppe asked if his neighborhood association discussed the differences between “shall” and “should” and their implications. She stated she attended the Shepard Neighborhood Association meeting and there was no particular discussion about that. Mr. Suhler replied much of the discussion on “should” and “shall” occurred in the course of the mediation. There was extensive discussion on “should” versus “shall” with respect to how it was modified at the Planning and Zoning Commission meeting. He believed the Neighborhood Association was very cognoscente of the differences between “should” and “shall.” He explained they wanted to keep human judgment involved in this because they had a lot of law supporting them. He thought they needed room for human judgment to make the consultative process work. He commented that this was very much the spirit of the Shepard Boulevard Neighborhood Association meeting as well. He felt tone of that meeting questioned why they were even talking about some of those things.

Ron Westhues, 2305 Bluff Pointe Drive, stated he was the President of the Bluff Pointe Neighborhood Association and noted Brian Treece, who lived in his neighborhood, gave a presentation to the Council in opposition to the Crosscreek development as a private citizen. He was not representing the neighborhood. If people needed to find out the

representatives of various neighborhood associations, they could contact Bill Cantin, who worked for the City.

Ms. Nauser asked if Mr. Westhues had testified on behalf of his Neighborhood Association during this process. Mr. Westhues replied no. Ms. Hoppe understood they had become a neighborhood association within the last three months. Mr. Westhues stated that was correct. He noted they would have been there long enough to have been involved in the mediation process. Ms. Nauser understood that when Mr. Treece testified there was not an organized association. Mr. Westhues stated that was correct.

Elizabeth Gill, 500 Westmount, stated she was speaking on behalf of Gay Bumgarner, who resided at 1513 S. Rustic Road and was unable to attend the meeting due to illness. She read a letter from Ms. Bumgarner, which indicated that those who lived on Rustic Road enjoyed their land for the tranquility of its natural environment. The proposed Stadium extension would pass over or through Rustic Road. The Crosscreek development impacted all who lived there. She believed the Crosscreek development agreement approved by two neighborhood groups that did not adjoin the Rustic Road development was flawed in several areas that were important to those who lived on the east side. She commented that no provision had been made for the exclusion of overnight deliveries to the establishments on the property. In addition, no provision had been made for limiting hours of operation between the hours of 11:00 p.m. and 6:30 a.m. Since experiencing the land disturbance and the reduction of the hillside, they knew truck noise would be amplified during the night time. Although they say the noise would be restricted to the development, noise from speakers at a car dealership, the drive-thru restaurants, etc. would flow in their direction. She explained it worried them that businesses could be open past midnight, especially at a convenience store or fast food restaurant, where people might hang out in the wee hours of the morning. She noted no screening was provided to ensure trash from the many fast food restaurants stayed in the development and did not blow onto their properties. She did not feel a car dealership was appropriate for a lot at the confluence of two fragile creeks because of the proposed washing, lubricating and oil leaks on the twelve acres of pavement. She believed it would harm the environment. The original agreement prohibited car washes except within a service station. This plan called for one or more car wash bays associated with the car dealership. Additionally, there would be indoor and outdoor storage and display of new and used motor vehicles, a body frame shop, paint shop, the storage and dispensing of fuels, lubricants and fluids, etc. This was the very reason they excluded car dealerships from the original approved use. She appealed to the Council to assure motor vehicles sales and services would not be allowed on Lot 110 or anywhere else on the property. She commented that several large pipes from the development were on the border of her property, so she would have damaging erosion to her land. With regard to aesthetics, she commented that while the statement of intent spoke to outside building materials, the franchise buildings were free to construct as they chose. She asked the Council to assure the design parameters were incorporated in the ordinance as conditions. She stated that nothing that had been submitted by the developers seemed to be appropriate or harmonious with the surrounding environment. What went in this development was important to them since Stadium Boulevard would be extended across their road and through some of their homes. She felt

the commercial development immediately west of their homes should enhance rather than detract from their rustic setting. A hodgepodge of unrelated businesses and buildings was not what they wanted as a signature of their neighborhood and City.

John Clark, 403 N. Ninth Street, asked the Council to reject each and every part of the application that had been brought before the Council. He did not believe they should have ever allowed this to go forward again by pushing aside the one year requirement. He believed the reason for the ordinance saying they had to wait was so there would be only one bite at the apple. For the Council to open this up, they were essentially sending a message to the Planning and Zoning Commission indicating Council would approve something. He thought the Council had a chance to correct that mistake. He believed one bite of the apple was all that should have been allowed and was the intent behind the restriction on being able to come back to the Council. He commented that he had spent 15 years building neighborhood associations and respected the interest of the neighborhood associations here. He was glad they had a second chance to say something, but did not believe the agreement addressed City-wide implications by the fact they had not done meaningful comprehensive planning for the City as a whole. There was nothing about the implications of this rezoning, the plan and everything to the east, which he believed to be the real issue. He encouraged those who were in favor of meaningful comprehensive planning to reject this. He noted he was also quite concerned about the use of mediation in the context. He felt the interjection of this concept at this time in this context muddled up this entire issue. It gave tremendous weight to the viewpoints of the two neighborhood associations who participated. He believed the way mediation was used in this context actually increased distrust in this process. He thought they needed to revise their decision processes with the goal of increasing public trust across the board. He did not feel this did that.

Sutu Forte, 627 Bluff Dale, stated she was concerned about the development and what it would do to Mother Nature. She noted she took a ride around the property and saw a lot of erosion. She did not see plantings to help protect the silt of the hillsides. When looking over the bulldozed area down into the creeks, things were getting full of rocks and rubbish. She commented that it was just around the corner from where she lived and would affect the Hinkson Creek as well. She explained this had been introduced to her as the “gateway to Columbia” and thought that was important. It was not just its function, but how it looked as well because visual was important for attracting new residents. For some reason, it had jumped to a done deal in that there were a certain number of lots and it had to have a Taco Bell and a car lot. She wondered what had happened to the gateway to Columbia idea, which she felt was visionary. She commented that she was excited about a recent article in the Missouri Conservationist and had brought several copies to give to the developers because she did not want to them to think of her as the enemy and she did not want to think of them as the enemy either. She understood they were trying to do something good for Columbia. As Mr. Sturtz mentioned in his acceptance speech, she thought it was important to have environmentalists work side by side with developers. She commented that there was an article on low impact development of land usage, which she found to be exciting and encouraging. It showed development could work with native plant species. With neighborhoods being so close, she felt how things looked outside front and back yards and

the sounds they were experiencing were important. She reiterated her concern for the land, trees, nature, etc. and stated she was thinking of the future of Columbia 20-30 years from now.

Mike Martin, 206 S. Glenwood, understood the Council was going to rezone the rest of the property from A-1 to C-P and noted he had just looked at the property on the County Assessor's website, which indicated all of it was agriculturally zoned and vacant farmland. He provided a handout and stated there were dozens of individual plats that were a part of Crosscreek on the Assessor's website. He picked out a few. There were 28 acres on one plat owned by Stadium 63 Properties. The City had it zoned planned commercial and the Assessor had it zoned as vacant farm, and as a result they paid \$40.57 in property taxes last year. He noted this problem was all over town. There were hundreds of plot plats like this in active subdivisions, etc, where people were virtually not paying any taxes. He picked out several parcels from the Broadway Bluffs/Broadway Shops developments. One was 1.4 acres and the assessor stated it was worth \$182,000, but it was currently for sale for \$1.228 million. The cost to Columbia in lost taxes was very high. He suggested the City let the County Assessor know when property was rezoned, so the designation was changed and taxed accordingly because it was costing the schools, the City and others that relied on property taxes.

Kurtis Altis, 1505 Azalea, stated he was Vice Chair of the Shepard Boulevard Neighborhood Association and commented that he would speak as both a proponent and opponent for this. He thought a neighborhood representative should come forward to confirm the vote they were already familiar with. It was almost 2-1 in favor of the development. In regard to the mediation, he suggested the Council not recommend this process for any future neighborhood to undergo. If the Council wanted to be helpful in communication, offering suggestions or something similar would be better. He felt the confidentiality issue was a huge one. He wondered whether some of the language used tonight and at prior Planning and Zoning Commission and Council meetings complied with the confidentiality agreement. In addition, he was uncertain as to what he could say. He believed to say the public could not know what had been discussed was a huge negative for what was suppose to be a community coming together to make a decision. With regard to the neighborhood vote, he was under the impression that some people had really not read the document. He noted he had not talked to anyone outside of those participating that had indicated they had gone through all of the documentation. There were people who stated they believed the vote was whether or not commercial development was going to be allowed at this location versus the alterations they would allow to the development. He stated he was personally not happy with agreement as it was presented and was glad the "shalls" and "shoulds" were being discussed because the specific language was very important. One of the reasons he opposed this was because it was arbitrary on whether or not they compiled with the architectural standards. The review board had no authority. He commented that he was very happy with the sign height reduction, but wondered why signs of five hundred percent of that had to be on the south side for the dealership.

John John, 1001 LaGrange Court, stated he was present as a friend of the Lamb's, whose property was not listed, under contract or for sale at this point. He commented that he

had looked at their property at the end of June because the Lambs felt it was time to decide what to do with it since they had commercial on one side, a water tower on the other side and a four lane highway on another side. It was not a low density residential property. He asked if they had asked why the street alignment was the way it was because according to subdivision code, it should have had a street to the south side. In fact, when Bruce Myer owned the property there were two sets of plans, one with and one without the stub street. He commented that it was not about the stub street. The issue was access. They were told access was not issue and that the property had good access, but when a developer outside of the area came to look at the property and went through a concept review, they were told they needed to contact the Crosscreek development to buy a lot so they could have the appropriate access. He stated the City was planning on spending \$7 million to start building a line of roads from New Haven to this intersection. If they expected this to be a single family residential neighborhood, they were blocking the continuation of that access road up to Broadway. He asked about the planning process and wondered if they were thinking this all of the way through. He wondered if they had good access. At one time they were told they did and would not need to worry about it, but at another time they were told they did not. If they had good access and did not need a stub street, they were not worried about it, but if they were going to be told they did not have good access and would need to cross another piece of property or buy another piece of property, he did not feel that was appropriate or good for Columbia because they would have created a situation where they blocked a way to get north to WW for convenient access. He agreed with the developer in that it was not fair to ask him to do it at this time, but it was also not fair to the Lamb's or future property owners to not have appropriate access. If they were going to spend money to get here from Maguire, he thought they should spend some time thinking about how they would get further north. He thought they should plan for the future without thinking nothing would ever happen with the undeveloped property. He noted there was an undeveloped 80 acre piece of property to the east and they were being told they could probably figure out a way to get across it. He wondered who would figure it out and get them access. He also wondered if they would not need a stub to that property since this property did not need a stub to them. The plan for creating access points was specifically for this type of undeveloped property. He did not think they could say a single house on 45 acres was a developed piece of property when they allowed commercial to creep up on three sides. He felt they were suggesting to the owner that it would be a more intensely used property in the future and proper access should be provided. He reiterated it was not about the stub street. It was about proper access and consistency.

Ms. Hoppe understood that if they did not require a stub street for this development, he was suggesting the Lamb's did not want to be told by staff that they needed to buy a piece of property in order to develop their property. Mr. John stated that was correct. He did not think they could not be told it was not required or not needed on the one hand, if when they came in with a developer in the future, they were told they had to have better access. He agreed they had better access than they previously did, but it did not appear as though they had appropriate subdivision code access. If this Council with this staff was willing to say two roads out to Cinnamon Hill was good enough for an intense development, they were okay

with it, but if they could not say that, he thought they needed better access from this development.

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

Ms. Hoppe commented that there was a reference to reduced lighting for the car dealership in the evening and asked what that meant. She wondered how the City could determine whether they were in compliance or not. Mr. Teddy replied there would just have to be visible evidence that it was a lesser light level overnight than during business hours. Ms. Hoppe asked if they had required reduced lighting in other areas and if they had a more measurable amount than what was provided here. She explained she was referring to the dealership. Mr. Teddy replied the lighting ordinance addressed minimum security lighting levels allowed overnight. Ms. Hoppe asked if they had a minimum. Mr. Teddy replied if the standard was to reduce to a security level of lighting, he thought they did have standards.

Ms. Nauser thought it would be a different level because they would have outside inventory they would need to maintain as secure. It was different than a regular store with inventory on the inside. She believed parking lot lighting would be less for a facility other than an auto dealership. Mr. Teddy stated that was correct. He explained they had a separate section for outdoor display area lighting, so there were some different allowances. Ms. Nauser understood the reduction could not be expected at the level of an indoor facility since this was predominantly an outdoor facility. She asked if that would make a difference when it was surrounded by light from other businesses that were open during that time. Mr. Teddy replied the surroundings could make a difference in how the lighting was perceived.

Ms. Hoppe commented that as she was driving from Kansas City to Columbia, she noticed how extremely bright and blinding lights were at car dealerships. She did not think “reduced” was really a standard. Mr. Teddy stated 10-20 foot candles were allowed for an outdoor display area, which would include a car dealership, adjacent to the roadway. This was high compared to what was allowed in a conventional parking lot.

Mayor Hindman asked what kind of lighting would be allowed in a parking lot. Mr. Skala replied he thought regular parking lots did not allow much more than 2 foot candles outside the perimeter line. It was substantially higher for display areas. He noted there was no number in terms of reduction in the ordinance. Mayor Hindman wondered how they could deal with that. Ms. Hoppe stated she was interested in some suggestions.

Ms. Hoppe asked for an explanation regarding how the City would monitor stormwater in terms of construction and wondered if they had enough staff. She was concerned about the silt going into the creek. Mr. Glascock replied they had staff that took care of that and whether they had enough staff was debatable. He noted the stormwater fund could only fund so much. He explained they had been monitoring the site and DNR and other people had been out there, and they had been in compliance with the ordinance each time. Ms. Hoppe asked if he was stating there had not been violations. Mr. Glascock replied no and explained he was saying the last few times, it had been corrected. Ms. Hoppe stated she wanted to ensure there were no further stormwater violations because this was by the Grindstone. Mr. Glascock commented that he did not think there would be because the slopes were already built. He thought they would be close to stabilization by now. He believed there might still be some erosion fencing at the bottom. He thought there might be a little more they needed to

do, but he did not believe immense grading would take place. Ms. Hoppe asked how often the City would check on it. She wondered if it would be checked once a week and after rain events. Mr. Glascock replied they would check it after a rain event for sure to ensure everything was functioning properly. Other than that, they tried to get out every week to two weeks, but it was not on a set schedule.

Mr. Sturtz understood early in the review process the developers had more intensive uses for this area and asked if they were told they could not go forward with that project because it would create too much traffic. Mr. Glascock replied they had discussed traffic and because of the access to Maguire and Lemone, a certain type of development was required on the south lot with regard to how many cars and trucks could go in and out of there in a certain period of time, so they did dictate what traffic could come out of there. Mr. Sturtz asked if offices or a hotel were too intense for the traffic load. Mr. Glascock replied he believed that was correct, but could not recall the exact uses. He stated they wanted something that involved off-peak hours. Mr. Teddy stated there was an application with multiple uses that was withdrawn, but he was not sure if it was withdrawn due to staff comment. Sometime thereafter, they had the opportunity to put in the car dealership. From a traffic perspective, the staff comment was that compared to some of the earlier proposed uses for that lot, this would have less of a negative impact on the intersection.

Ms. Hoppe understood MoDOT would only allow one right in and right out to the property, which was the restriction. Mr. Glascock stated that was correct.

Ms. Nauser understood there was already a south exit off of Cinnamon Hill. Mr. Glascock stated that was correct. Ms. Nauser understood adding the stub street to the north would provide the same type of access because it would be going to the same place. Mr. Glascock stated that was correct. Ms. Nauser asked if that was why they were saying it was not needed. Mr. Glascock replied they were looking at one tract. When doing traffic engineering, they needed to look at the global issue. Right now he was looking at funneling his traffic out of there. What staff was looking at was the fact there were no collector roads identified in this area. The only one identified even though it did not have a corridor yet was Stadium along the north side of the creek. He agreed with Mr. John in that staff should be looking at what was needed for all of the properties in that area. He pointed to an area on the map on the overhead and stated a collector would probably be needed at that location and a collector off of Broadway would probably be needed to tie into Stadium between Rustic Road and an intersection he pointed to on the overhead. He explained they needed collector systems in the area. A stub street would not do that. It would be more of a driveway. He currently had access for his agriculturally zoned property and that was what they would say was his access today. If he wanted to bring in a development, they might require a stub street over to the property line so it could be carried over when this road was built. He reiterated that they needed to look at it more globally than just the 45 acres.

Mr. Janku asked if there would be any difference in capacity in terms of development for the Lamb property if Cinnamon Hill went through the Lamb property instead of being extended to the west. Mr. Glascock replied not in his mind. He explained he would have to build less street on his property in the future, but the access would be the same. Mr. Janku asked if the volume of traffic that would be permitted would potentially be the same. Mr.

Glascock replied yes. He explained he would have to build more internal streets to his property. Mr. Janku understood it would not affect the number of units of residential development or the size of the commercial development. Mr. Glascock replied no and explained that was dependent upon the development and how it would lay through his property. He noted he would have to have stub streets to the east as well. They would have to determine whether they wanted to hook it to Timberhill or not.

Ms. Hoppe understood the City Master Plan did not have any roads in this area. Mr. Glascock replied there were no collectors or greater-type roads identified in that area except for the expressway of 740.

Ms. Nauser asked if it would be fair to say they would need to have the alignment of that extension before they would be able to do any planning for collector streets. Mr. Glascock replied yes. Ms. Nauser understood that was the key piece to begin future planning and once they had that, they could start looking at this area as a subarea and how they could tie in collector streets. Mr. Glascock stated he was hopeful they would have a decision of record with the Federal Highway Department by the first part of next year. He pointed out MoDOT had the 740 extension on its list of needs. Ms. Nauser understood it was not a lack of planning on the City's part. They were basically waiting on MoDOT. Mr. Glascock stated that once the extension was nailed down, they could nail down the collector streets in that area.

Mr. Sturtz stated he felt the mediation process was something to be admired and appreciated Mr. States pushing forward with it. He believed Mr. States had negotiated in good faith and invested a fair amount of money in the process, and he applauded that effort. He wished it would have happened sooner in the process because he felt uncomfortable with this coming back a second time and not being substantially different. He commented that this was a notorious project in that they had cut and fill and clear cutting since it was a speculative project from the beginning, which was a disappointment for such a prominent corner of the City. He believed it was a gateway in part and would set the tone for the area. He reiterated not everything was done wonderfully there, but some of the things that had come out of there were good, such as the stormwater catchments, the architectural design theme which had been developed for all of the lots except lot 110, etc. He stated he felt as though he had a split vote inside him. He wanted to send a message indicating mediation was a process they should be promoting and supporting, but did not feel comfortable with an auto dealership being at such a prominent spot. He did not believe it was the highest use of the property. He felt there had been the potential for a higher density use there. He noted he was not a traffic engineer, so he deferred to staff when they stated it would not have been able to sustain it. From a layman's perspective, there was not another intersection that would be as good for intense development with land set aside for the sensitive creeks. He stated he thought he would vote against the proposal because he did not believe the interests put forward by the neighborhood group represented the City-wide interest. It was an incredibly important intersection in the City and he did not feel it reflected the best thinking available for it. He thought it was a shame that more groups did not come forward and could not fault Stadium 63 for not assembling more groups. He only hoped in the future, the process of

collaborating with neighborhood, citizen and business groups would start earlier, so they would not be faced with a situation where they were basically re-voting.

Mr. Wade commented that he felt this was an important site with an important set of issues and that they were trapped by a history of inadequate planning and outdated zoning codes. While he did not like the nature of this development, he believed they were bound to the regulations and laws already in place in terms of zoning and the conditions of the site. This had been talked about as a commercial development, but it had started out as a real estate development for commercial purposes. It was organized into 13 plats of which 10 were to be sold as real estate plots and then developed. This was a structure of commercial development that was popular 20 years ago and one of the concepts that replaced the large regional mall. He believed it was outdated as new concepts had come from new urbanism and form-based planning. They involved more mixed use and integrated development. He wished he could change some of the decisions he had made when he was on the Planning and Zoning Commission, but recognized he could not do that. This was the legal framework with which they had to make decisions. He commented that there were four of these types of developments. Those were Bass Pro, the development northwest of Broadway Shops, the development at Forum and Nifong and Crosscreek. He hoped this was the last one. He stated he believed the intensity on the site was about a half to a third of what it should be. Due to the lot structure, these became sites for national chain businesses that had a specific branding and architectural design that was not congenial for local business. He reiterated he could not change this and go toward a structure of development he preferred. He commented that he considered the March vote a breakpoint. It was a poorly designed proposal in terms of how it was done and he believed his no vote was appropriate. He felt this project started when the no vote took place. As he looked at his opposition that informed his no vote in March, he found several key points. He noted he had made the commitment that the integrity of the original decision in terms of uses required the participation and agreement of all parties. The agreements now in place had done that, so it was no longer a negative for him. The mediation process was not a product of the Process and Procedures report. It was an attempt for disparate parties to try to come to agreement. It had to be a negotiation due to the prior history and relationship. It was the only methodology that had a chance of working. As he had listened and watched, it had worked. He agreed it was uncomfortable because the agreements they had come to were not necessarily ones some of them thought they should be, but noted he would continue his commitment to the integrity of those agreements. Another component of his no vote was due to all of the changes that took place between the Planning and Zoning Commission meeting and the Council meeting. That had not occurred here because what the Planning and Zoning Commission had evaluated was before them. He commented that there were four decisions, but he only received one vote, which he felt was inappropriate. He stated his one vote was based on the fact he believed the proposal before them had met the criteria of what an appropriately developed project should meet. It met the standards in the zoning codes and the requirement of imposing a set of standards through the negotiation process. The neighborhood agreements accepted the legitimacy of the new car dealership and he would accept those agreements. He noted his one vote would be a yes vote.

Ms. Nauser commended everyone who participated in the mediation process as it was likely not an easy process. In her view, the mediation process was not an open invitation for every individual in the community to participate. She believed it needed to involve parties with direct interest. Going back one or two zoning requests, there was an agreement between the neighborhood associations and the developers of what would and would not be allowed, which the developers wanted to change to a hotel and then a car dealership. She felt this was where the problems of trust occurred. She believed bringing in more people than those that originally participated seemed burdensome. If people were going to be faced with having a community invitation to the mediation process, they would kill mediation because she did not believe anyone would want to get that many people together to work out a solution for a distinct geographical area. With regard to this particular mediation process, she noted people were invited, participated and saw the document that was prepared. It went to a vote of the neighborhoods that were a party to the mediation and they agreed with the wording and intent. She agreed that changing it was not fair to the people who took the time to work out the agreement. She did not feel it was appropriate for the Council or the Planning and Zoning Commission to interject what people might have really wanted. She believed it should stand as written since that was what had been agreed to. With regard to architectural review, she pointed out there many architectural review boards throughout the community. Many subdivisions had architectural review boards. There was a set criteria of what needed to be included on the property with regard to architectural standards, but no one was dictating the actual design of the building. It only had to incorporate the items required. Architectural review boards were not there to vote on appearance. They were there to determine whether it met the criteria set forth in the covenants and restrictions. She commented that she believed not developing this property would bring further environmental degradation because they needed the landscaping, structures, stormwater mechanisms, etc. in order to stabilize the property. She felt it was time to begin the healing process by moving forward. She stated she believed it would be a nice addition to the community and would support it.

Ms. Hoppe thanked the developers and neighborhood associations that participated in the mediation process. She stated she was not convinced this was the ideal or best process or a process they wanted to promote, but understood why it was chosen. She believed facilitation in advance should have been the model. She commented that they always wanted the developer and neighborhood associations to come to some sort of agreement regardless of whether it involved mediation, facilitation, etc. and did not believe that required the Council to abrogate their responsibility to ensure this development met the requirements. She stated they should not abrogate their responsibility to the neighborhood associations and commented that the neighborhood associations did not have knowledge of all ordinances. In addition, the neighborhood associations were not voting to look after the interests of the City. She felt blindly accepting the mediation agreement would set a bad precedent unless they agreed with it. She, like many others in the community, believed a great opportunity was lost for a much better development in this area when the structure of the land was changed, cleared and rendered more conducive to this type of development. She believed it was important to not just look at road access when planning because it was only one factor. The terrain and landscape were also important. She stated she just returned from Oregon and

Washington where the terrain was a valuable asset and saw how some communities treasured it and used it for economic development. In terms of rezoning the property that was previously owned by MoDOT, she felt they would be better off having green space there. If this were to pass, she wanted to discuss some potential amendments. With regard to the car lot, she was concerned about the lighting and did not feel it was the best use for this gateway. She commented that she was torn because the actual participants who knew the details well did not agree to the mediation agreement, but the neighborhoods had approved it. Personally, she did not feel it was a good decision for the City, but the neighborhood associations had voted indicating they were fine with it. If this did move forward, she suggested incorporating the mediation criteria in the statement of intent.

Mr. Skala explained in preparation for this, he went through his notes from March when he voted against the proposal. He commented that this was brought back due to the justification staff provided. He did not believe it was a huge change, but there was some change and the mediation effort. He stated he was not sure he understood that process, but appreciated it. He agreed it would have been nice if they had done this earlier in the process. He noted he had a nice discussion with Mr. States this morning and they agreed positive movement had been made with the mediation process and other issues. The question was whether there was enough movement. He stated he continued to oppose the rezoning request, the amended use and the C-P plan on a number of levels. He felt the process and procedures issue had been somewhat addressed with the mediation effort. He stated he agreed with Mr. Wade in that it would be nice to have more than one vote since there were multiple issues and noted he opposed the rezoning because he felt it could be better used as a buffer. He understood this was mediated in good faith and the Planning and Zoning Commission made a recommendation for approval, but he did not agree with them. He stated he was still concerned about an auto dealership in the sensitive watershed due to runoff and hazardous spills. He commented that he thought of auto dealerships at entrance corridors and the tendency of auto dealerships to cluster since it was the most efficient way to sell cars. He noted sensitive environmental areas were discussed during the Visioning process. In the topic of managing growth, the goal was stated as a community with an open, transparent, inclusive planning process that valued and managed growth, protected the environment and City character and was beneficial and equitable to all. He felt there were better venues for a car dealership. There was a lot of property at the Lake of the Woods exit and he understood Mr. Mendenhall was trying to lure a car dealership to that particular location, which was along the I-70 corridor where many were. He believed this one would set the stage for further development. With regard to the plan, he commented that they did not know where the Stadium alignment would be, but understood that would be known soon for planning purposes. He also understood the BMP maintenance would be the responsibility of the people who owned the property. With regard to landscaping, they were replanting a lot of trees and this was a much better plan than before, but there were thousands of trees that were cleared. The signage had been improved, but there were still some outstanding large signs. He agreed they did not have form-based codes yet and acknowledged it would be a much better situation if they did because they could concentrate less on imposing architectural standards and more on the flexibility of uses. He commented that he felt Glenn

Rice of the Planning and Zoning Commission summed up his thoughts when he stated it was upsetting to him that Toyota was a non-participant and opted out of the negotiation process. He also stated putting trees around this area with a parking lot in the middle was like putting parsley around a pig and he shared his view. Mr. Skala commented that this development required one to get into a car and drive to the next lot instead of being able to walk from place to place easily. It encouraged the car culture. It was an anathema to where they wanted to go with form-based codes. He stated they were abandoning what they were trying to do with GetAbout Columbia with modal shifts. He noted this was at the confluence of the Grindstone Creek and the bridges for the Maguire extension would already destroy more of the 25 percent of the trees that were required, so they did not have much left. The creek banks were no longer riparian areas. It was the surface skimmed off of the top and dumped toward the creek and he felt it was a travesty. He reiterated he intended to vote against the rezoning, the amended use and the C-P plan. He quoted a National Geographic article where a former Orange County, Florida Commissioner stated “We have allowed Florida to be turned into a strip mall. This was our great tragedy, but just because we have ruined 90 percent of everything did not mean we could not do wonderful things with the remaining 10 percent.” He stated he thought they could do better in Columbia.

Mr. Janku stated he had learned quite a bit from this development in terms of development standards and the process of neighborhoods and developers working together. He thought mediation could be positive, particularly with respect to the issues that most directly affected the neighborhoods in the immediate area of the development, but also believed they as the Council needed to decide whether mediation was in the best interest of the community, and there could be times when they might not agree with all elements. He recalled years ago when a developer and a neighborhood association came to an agreement on a development plan which essentially violated City policy with regard to access, etc. because the neighbors wanted a particular use and did not want much access through the neighborhood. He stated this was somewhat different than the agreement voted on previously. He felt the most significant change was the attempt to move toward unified architectural standards. He understood the neighbors were allowed to participate in the follow up to it, which he felt was significant. He stated he intended to support this. He agreed with Mr. Wade in that he wished it would have been a more intense, higher economic value type development.

Mayor Hindman stated he agreed a more intense and walkable development would be superior, which was why he was in favor of the hotel when that issue came up. He commented that he felt they had to live with the rules that existed and those rules permitted what had happened. None of them liked the speculative clearing of the land. He understood the entire community was upset about it, but the rules that existed permitted it to happen. With regard to a more intense and walkable community, he noted the developers had followed what was legal at this time, so he did not think they could say they could not do this. That would leave them not knowing what they could do. He explained they were discussing looking at form-based zoning, etc. that would improve the situation. He stated he also agreed this process had improved upon the standards by which they would have normally developed. He commented that the car lot would have higher standards with regard to

landscaping in the parking lot. There would be architectural standards with respect to the buildings. He agreed it would be better if it was similar to Broadway Shops, but believed they would end up with a development with architectural integrity, better signage standards, landscaping, etc. than would be required. He thought they would end up with the best they could hope for within the rules they had. He agreed it might be a missed opportunity, but noted changes had been made. He stated he would support it.

Mr. Wade commented that this project would probably have a long term impact on policy in Columbia because it had clearly identified deficiencies in the planning process and development policies with regard to land disturbance, the tree ordinance, etc.

Ms. Hoppe asked if the recommendations of the Planning and Zoning Commission were included in the ordinance or if amendments would have to be made. Mr. Boeckmann replied the statement of intent was as it was submitted by the applicant. He explained the Council could not change the statement of intent, only the applicant could. The Council could, however, include an amendment in the body of the ordinance as a condition.

Ms. Hoppe stated she wanted to include in the body of the ordinance the changes recommended by the Planning and Zoning Commission to include the change to page 9 so “generally should” was replaced by “shall” which was in conformance with the mediation agreement.

Mr. Skala thought “shall” was in the mediation agreement and asked what she was changing. Ms. Hoppe replied page 9 of the agreement exhibit draft said “generally should be consistent.” She wanted to change it to “shall be consistent.” Mr. Skala asked if that was part of the language of the mediation agreement or if it was a recommendation from the Planning and Zoning Commission. Ms. Hoppe replied the Planning and Zoning Commission recommended the statement of intent be changed. Mr. Teddy explained the recommendation was to change the top bullet point of page 9 of the applicant’s submitted statement of intent to read “shall” instead of “should”.

Ms. Hoppe made a motion to include in the body of the ordinance a statement so that the top bullet point on page 9 of the statement of intent stated “shall” instead of “generally should.” The motion was seconded by Mr. Skala.

Mr. Boeckmann stated he did not know what words in the ordinance were being changed. Mr. Janku explained the problem was that the bullet point was in the statement of intent, which could not be amended by the Council. The ordinance needed to be changed.

Mr. Janku asked if the language in the statement of intent reflected the agreement that came from the mediation process. Mr. Beckett stated the “shall” Ms. Hoppe was referring to was included in the second bullet point on page 9 of the statement of intent. Mr. Wade asked if that was part of the mediation agreement. Mr. Beckett replied it was. He explained the statement of intent in this form was attached to and part of the mediation agreement, which was specifically approved by the neighborhood associations and developer. Mr. Skala commented that if that was the case, he did not believe they could change it.

Mr. Skala stated that if it was part of the mediation agreement, he was withdrawing his second of Ms. Hoppe’s motion. Ms. Hoppe’s motion died for a lack of a second.

Ms. Hoppe stated she was also concerned with the issue of reduced lighting at the car dealership because she felt it needed to be something meaningful to the neighborhood.

Mr. Beckett commented that they had agreed to 20 foot light standards, which were short. They checked with Machens, and as a matter of practical energy savings, they turned down the lights at night. He noted that if Machens did not use the lot, they had to revisit the use of the lot with the neighborhood associations under the mediation agreement. It would be downward facing box lights on the light standards. He felt the lighting was addressed by the limitations they had already agreed with.

Mr. Skala stated he agreed 20 foot standards were reasonable as well as cutoff fixtures, but the specifications in the lighting standards were semi-cutoff, which meant the lenses could come below the box feature. Lenses sagging below the cutoff made it problematic. The other issue was the extent to which lighting was reduced because they had no way to quantify it except by specifying the spillover to the property line. He suggested no more spillover than what a normal parking lot might have after lights were dimmed, but thought they needed to talk to an engineer. Mr. Janku stated he thought that was a standard.

Mr. Wade commented that 20 foot standards with semi-cutoff features would have a fairly reduced level of off-site bleeding. Mr. Skala pointed out it had an increased level because it was a car dealership, which had a much larger allowance. If they had agreed to reduce it to some degree, they needed to come up with a way for them to reduce it at the property line. Mr. Janku asked if that would allow flexibility to step it down at the edge. Mr. Skala replied he thought so. He stated they wanted enough lighting for security lighting and felt the real test would be to determine how much they would have to reduce their display lighting to ensure there was no spillover.

Ms. Nauser asked if the lighting ordinance already dealt with this. She wondered if they were asking for something more. Mr. Teddy replied there was nothing that required turning down the lights. There were standards that said what a minimum level of security lighting was. Ms. Nauser asked for clarification. Mr. Teddy explained the Crosscreek document just said reduced. It did not indicate the level of reduction, such as security level, etc.

Mr. Skala suggested they specify the spillover at the property line would be no more than what was allowed on a regular parking lot when a regular parking lot was lit. It would require them to lower the lighting because a car lot had a bigger allowance at the property line during business hours. If they reduced it to the level of a regular parking lot, he thought it would help the situation.

Ms. Nauser asked where the spillover was and if it was on the highway. She asked where the closest residence was. Mr. Skala replied the amount of spillover was an index of how bright the bulb was. Mr. Beckett explained the letter of intent stated all of the light fixtures would be shielded from direct illumination of public streets and neighboring properties. Mr. Skala stated there was a statement indicating the lighting would be reduced to some degree. They were struggling with the extent to which it would be reduced. Mr. Beckett explained they did not have a definition either, but there intent was to reduce them at night.

Mr. Skala commented that they had already agreed to reduce the light to some degree and suggested they ensure there would be no more spillover than on a regular parking lot. Mr. Watkins did not think there would be spillover because there was a landscaped strip

there. In addition, they had full cutoff fixtures and were not allowed to go onto the public right-of-way. He was not sure they had not already achieved what he was suggesting. Mr. Skala stated he understood there was a more stringent reduction beyond the property line for a regular parking lot than a display lot. Mr. Beckett stated the statement of intent read "...light poles that are a maximum height of twenty...all such lights will be shielded to direct illumination away from residences, public streets, and other public areas, and wall packs will not be used." Mr. Skala stated if they were shielding the point source of light and it could not be seen off the property, he thought it was satisfactory. There was no way to quantify the statement regarding the reduction.

Ms. Hoppe stated the other concern the Planning and Zoning Commission had was regarding the architectural integrity and standards of the lots and including it in the statement of intent, which could not be done since they could not change the statement of intent. She asked if they could secure it within the ordinance in order to make it stronger. She suggested a unifying architectural theme in all of the buildings other than the dealership.

Mr. Janku noted the statement of intent read "the development will follow a unifying architectural theme on lots 101-109 by use of exterior finishes which will be within a compatible color range, and detailing characteristic..." It also indicated diversity in buildings on lots 101-109 would be allowed for interest. He recalled a lady from one neighborhood association indicating she did not want a standardized development.

Ms. Hoppe stated the Planning and Zoning Commission suggested the buildings should have exteriors that primarily used brick, a combination of brick and stone or brick with stone accents, and would compliment other brick and stone buildings already present in the vicinity. She thought the issue was whether the City could enforce it because it was not in the statement of intent. It was in the mediation agreement. Mr. Boeckmann stated the City was not a party to the mediation agreement, so they could not enforce it. Ms. Hoppe suggested it be inserted in the ordinance so it could be enforced.

Mr. Beckett stated that language appeared in two places. It was in the mediation agreement and in Exhibit D to the declaration of covenants which was attached to the mediation agreement and statement of intent. The statement of intent required the declaration of covenants to be recorded and it contained the language. The statement of intent included a list of prohibited and required exterior building materials. If they wanted to deviate from that list, they would have to come back to the Council and if they wanted to deviate from the brick and stone theme, they had to go back to the neighborhood associations for approval.

Ms. Nauser noted they did not have an architectural standard and they had agreed to this standard. She stated she did not want a town that looked the same everywhere. She thought they had what they were looking for here. She felt they had gone above and beyond in many cases and suggested they move forward.

Ms. Hoppe stated if it was a "shall" instead of a "should" and if it was enforceable by the City, she was fine with it. She wanted it to say "there shall be a unifying architectural theme" instead of "there generally should be a unifying architectural theme." Mr. Boeckmann stated the language on page 8 of the statement of intent read "the development will follow a unifying architectural them on lots 101-109." Mr. Skala understood "will" was a "shall."

B228-08 was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HINDMAN, JANKU. VOTING NO: SKALA, HOPPE, STURTZ. Bill declared enacted, reading as follows:

B236-08 Authorizing the installation of additional parking lot lighting at the Activity and Recreation Center (ARC); appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would approve the lighting scheme for the ARC and appropriate money to cover costs. He noted the only difference between what they saw earlier in the year and this involved doing this with the force account versus contracting it out. This provided more flexibility if needed.

Mayor Hindman opened the public hearing.

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

B236-08 was given third reading with the vote recorded as follows: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Construction of the North Grindstone Sewer Extension Phase I Project.

Item A was read by the Clerk.

Mr. Watkins stated this was Phase I for this particular sewer. Phase II would be to extend it from here to the high school site by going under I-70. This was included in the 2005 agreement with the Boone County Regional Sewer District for the entire Grindstone watershed. The City's share was about 4,600 feet and the Regional Sewer District was responsible for about 3,400 feet. In addition, the Regional Sewer District was providing the engineering and right-of-way. He pointed out this was the first phase of a project that would extend sewer north to the high school site. It would take out a package wastewater treatment plant and pump station as they moved to Phase II. The total cost of this project was about \$1.1 million. The City's share was estimated at \$620,000. He noted they intended to come back to Council when the project was completed as part of the engineer's final report with a special tie in fee that would be applicable to the City's part of the extension. He explained they were sizing the line to the point it could be taken under I-70 and could pick up the North Grindstone part. In addition, it would allow sewage to be pumped from the Hominy Branch, which was further north. It would save a substantial amount in terms of having to go through developed areas to upgrade sewer line sizes. Financing for this project was approved by the voters with the April sewer ballot issue. Should Council elect to proceed, there was an ordinance authorizing the City Manager to execute an interconnection agreement later on the agenda.

Mayor Hindman opened the public hearing.

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

Mr. Janku made a motion directing staff to move forward with the project. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

OLD BUSINESS

B222-08 Amending Chapter 27 of the City Code as it relates to water service line tap fees for sprinkler systems.

The bill was given third reading by the Clerk.

Mr. Watkins explained this proposal would incentivize adding sprinkler systems to older buildings as they were retrofitted. It would waive a \$600 one time tap fee. This was tabled at the last meeting, so it could be taken to the Water and Light Advisory Board. The Water and Light Advisory Board discussed it at their meeting last week. They tabled this along with a number of fee recommendations. He explained if they felt comfortable with moving forward, they could vote on it tonight. If they wanted to wait on the formal Water and Light Advisory Board recommendation, they needed to table it again.

Mr. Wade stated his tendency was to wait for the recommendation from the Water and Light Advisory Board.

Mr. Wade made a motion to table B222-08 to the September 2, 2008 Council meeting. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B234-08 Calling a special election relating to the issuance of Water and Electric System Revenue Bonds for the purpose of constructing improvements to the City's water distribution system by replacing and upgrading existing mains.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposal to include a water ballot issue at the November election. Due to the Charter, the ballot issue language stated "water and light." The amount of the bond issue would be about \$39 million and would involve a six year series of projects. It would focus primarily on fire flow improvements in existing neighborhoods and improvements to the water distribution system. Staff was suggesting two one and one-half percent rate increases followed by four five percent increases would be needed to support the debt service. There would be operational increases from time to time as well. The average annual increase for the average residential customer was about 23 cents per month for each one percent increase, so a one and one-half increase would be about 37 cents and five percent would be about \$1.15. He noted a long standing policy of the City was to fund a portion of its major capital improvements with bond issues, which he thought made sense because the cost of the improvements was going up faster than interest rates.

Ms. Hoppe asked how much would be for new development and new growth. Mr. Kahler replied he did not have those numbers tallied. Ms. Hoppe understood the 24 inch transmission main in the north section was \$4.5 million and the 24 inch transmission main in the south section was \$6.75 million. She believed those were new growth and asked if he could point out others. Mr. Watkins stated he was not sure he would call all of that new growth. Mr. Glascock explained they had pressure differentials in the northeast pressure zone, which was in the Clark Lane area, so this project would solve that problem. He felt it was more for that problem than growth. Ms. Hoppe asked about the project to the south. Mr. Glascock replied it was one loop, which started by Lenoir to the tower at Shepard to Hillsdale.

B234-08 was given third reading with the vote recorded as follows: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B237-08 Authorizing the acquisition of a trail easement for the proposed Scott's Branch Trail.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a request to be able to coordinate the Scott's Branch Trail with easement acquisitions needed for the Scott Boulevard project by a landowner. The trail had been on the Trail Plan for sometime and they were making allowances for it as part of the Scott Boulevard road improvement project.

Mr. Hood noted the Scott's Branch Trail was included in the 2005 park sales tax ballot issue, but the actual funding to implement the trail project was scheduled for the 2010 and 2011 City budgets. In this case, the property owner was requesting the negotiation of the trail and road easements at the same time. Staff felt it was a reasonable request and wanted to proceed in that manner.

B237-08 was given third reading with the vote recorded as follows: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B238-08 Amending the FY 2008 annual budget to make the municipal judge position a full-time position; increasing the salary of the municipal judge accordingly.

The bill was given second reading by the Clerk.

Mr. Watkins noted this was being brought forward at the request of the Council as follow up to their closed meeting evaluation of the judge.

B238-08 was given third reading with the vote recorded as follows: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B241-08 Appropriating funds for the purchase of fire apparatus.

The bill was given second reading by the Clerk.

Mr. Watkins stated the 2005 public safety ballot issue included the acquisition of a number of pieces of fire equipment. It essentially included projected needs from 2005 to 2015. As staff went to bid for the 2008 portion, they were presented with an interesting proposal. New standards and requirements were going into effect next year in terms of fire equipment and would substantially add to the cost. Staff was recommending they commit to the 2008, 2009 and 2010 purchases because the manufacturer would lock in prices as of today. The thought was that the interest rate would be less than the cost escalation of the units over two years.

Mr. St. Romaine explained these units would be purchased off of a cooperative contract that was bid in the State of Texas. It was a competitive bid contract and they were authorized to purchase off of the contract.

Mr. Watkins noted these would be two ladders and a pumper.

Mr. Skala made a motion to amend B241-08 per the amendment sheet. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

B241-08, as amended, was given third reading with the vote recorded as follows:
SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. 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.

- B229-08** Approving the Final Plat of Rolling Hills Road at Old Hawthorne located east of South Cedar Grove Boulevard and north of the intersection of State Route WW and Rolling Hills Road; authorizing a performance contract.
- B230-08** Abrogating the Final Plat of Creasy Springs Ridge; approving the Final Plat of Creasy Springs Ridge Plat 2 located on the northeast corner of Creasy Springs Road and Proctor Drive; authorizing a performance contract.
- B231-08** Vacating a sanitary sewer easement located northwest of the intersection of Smiley Lane and Rangeline Street (State Highway 763); accepting a conveyance for sewer purposes.
- B232-08** Authorizing substitute service agreements with the Columbia Public School District, Richard Mark Fenton and the Pednet Coalition, Inc. relating to the Safe Routes to School Grant funded by the Missouri Highways and Transportation Commission.
- B233-08** Authorizing an interconnection agreement with Boone County Regional Sewer District for property located in Sunrise Estates Subdivision.
- B235-08** Accepting a conveyance for underground electric utility purposes.
- B239-08** Appropriating funds for cleaning of the *Martin Luther King, Jr. Memorial*.
- B240-08** Accepting a donation for the purchase of a freight storage container for the Police Department; appropriating funds.
- B242-08** Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- R182-08** Setting a public hearing: voluntary annexation of property located on the southeast side of State Route KK, west of Red River Drive.
- R183-08** Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for Regional Public Health Emergency Planning and Preparedness.
- R184-08** Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for Maternal Child Health Services.
- R185-08** Authorizing Amendment No. 4 to the agreement with the Missouri Department of Health and Senior Services for the WIC Supplemental Food Program.
- R186-08** Authorizing CDBG agreements with the Housing Authority of the City of Columbia and the School of Service d/b/a Access Arts.
- R187-08** Authorizing a grant application to the Department of Transportation and the Missouri Department of Transportation for transportation planning grants from the federal government.

- R188-08 Authorizing an agreement with the Columbia Balloon Corporation relating to a balloon festival to be held August 22-24, 2008 in the Corporate Lake area on South Providence Road.
- R189-08 Authorizing an agreement with Cook, Flatt & Strobel Engineers, P.A. for engineering services relating to the design of replacement structures for Bridges 12 and 13 on the MKT Nature/Fitness Trail.
- R190-08 Authorizing an agreement with Azul Properties, LLC for removal and replacement of sidewalks along a portion of Sixth Street, adjacent to Lucy's Diner; transferring funds.
- R191-08 Authorizing an agreement with TREKK Design Group, Inc. for engineering services relating to an inflow and infiltration study of the sewer collection system.
- R192-08 Declaring official intent to reimburse certain project costs with proceeds of bonds.
- R193-08 Naming the new salt storage facility located at 1101 Big Bear Boulevard the "Walter Leroy Anderson Salt Storage Facility".

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

NEW BUSINESS

- R194-08 Authorizing an agreement with CDC-Columbia, L.L.C. to provide bus service to The Cottages apartment complex.

The resolution was read by the Clerk.

Mr. Watkins explained this was a partnership with the owners/developers of The Cottages apartment complex off of Nifong. The City had different but similar partnership arrangements with some of the other student housing facilities. In this instance, they did not have enough buses to run this route. He noted Mr. Glascock had negotiated an agreement that would provide two buses and an increase in service in terms of territory and the growing student area.

Mr. Glascock commented that it would help get to the State Farm area, which they had not been able to accommodate in the past.

Mayor Hindman asked if the students would get on with a pass. Mr. Glascock replied the ones from The Cottages would have a pass, but they would be picking up other people who would pay for the service as they went along the route.

Mr. Boeckmann noted a change in the contract. He explained the buses were described as 26 passenger buses, but they were actually 20 passenger buses. Mr. Glascock explained the reason was because they had to install wheelchair lifts.

Mr. Janku asked if they currently operated a late night service. Mr. Glascock replied yes and noted it was for the University. Mr. Janku asked if that was just a shuttle. Mr. Glascock replied he thought it was their commuter route. Mayor Hindman asked if it picked up non-University passengers. Mr. Glascock replied he did not believe it did. Mr. Janku asked if the commuter route was called the gold route. Mr. Glascock replied he thought they had two routes. The gold route ran up Old 63 and he thought there was another, but could

not recall. Mr. Janku understood the hours of operation for this were later than their normal bus operations. Mr. Glascock stated they were. This went until 1:30 a.m. The one with the University went until midnight, but they were renegotiating that with the University so it would go until 1:30 a.m. as well. Ms. Hoppe understood that was on Thursday, Friday and Saturday. Mr. Glascock stated that was correct. Ms. Hoppe understood it ended earlier during the week. She thought it was 6:00 p.m. Mr. Glascock stated he could not recall when they ended during the week.

Ms. Hoppe asked if Mr. Janku was suggesting it should not go later into the evening. Mr. Janku replied he was just noting that it was different than most of their bus operations. He thought most bus operations stopped at 10:00 p.m. Mr. Glascock stated the University route was by contract and they were paying the operating expenses to go that late. Mr. Janku wondered if they would receive that same payment from this route. He asked if there would be a subsidy from the University. Mr. Glascock replied no.

Mr. Janku noted another difference was advertising on the bus. Mr. Glascock stated they thought this would be a good way to see how it worked. He understood when people saw it, others might ask to do it as well and staff would bring those to Council. Mr. Janku expected that to be the case, especially with the other apartment complexes. He wished they could have discussed this in terms of policy, so they were not talking about this for the first time late in the evening. He wondered what the monetary value of advertising was. They were currently getting subsidies from different apartment complexes that were not getting advertising. He wondered what difference in value merited the advertising and how much they would charge the next person who wanted advertising. He also thought the question of advertising itself was an issue. Mr. Glascock replied it would cost \$3,800 for one sign per bus, so he would start with that in terms of negotiations. Mr. Janku hoped there was more value in this agreement than the agreements with the other complexes. He wondered what the price for advertising was in order to treat everyone fairly. Mr. Glascock stated it was dependent on the size of sign, where it was located, etc. He noted he would get all he could. Mr. Janku explained his problem was with what they would require of someone else who wanted advertising in terms of money. Mr. Glascock stated he would look to bus systems that did this on a regular basis to see what they were charging.

Mr. Sturtz stated he agreed with Mr. Janku in that staff had set a serious precedent unilaterally. He wished this would have been a Council decision. This was a big issue. They had to decide whether they wanted advertising on buses regardless of payment and determine the value of it. A regular person would not know the details of this agreement. They would just see the advertising and wonder how it happened.

Mayor Hindman asked if this was something the apartment complex asked for or if this was something they would try as an experiment. Mr. Glascock replied the apartment complex asked for it and he told them he would bring it forward.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, stated he represented the apartment complex. He explained the problem was that other apartment complexes were getting bus service, but this one was not. As a result, they entered into discussions as a way of getting bus service. When he explained to his client that the only way to get bus service to them was if they bought two buses, they wondered how they could justify the large

expenditure and the idea of advertising came to the forefront. He noted it was a key part of their discussion with staff. He commented that he thought it was a good idea for the City. He thought a good way to publicize advertising was available was by having someone do it. He felt the quicker they established a policy and prices, the more revenue they would receive. He hoped they would not withhold approval of this agreement due to this nuance.

Mr. Skala understood in the case, in order to advertise, they had to buy the bus. He commented that he was not saying this was not a good idea, but they had not discussed the issue of advertising on buses for revenue.

Ms. Hoppe noted she had raised the issue of Wal-Mart signs being on buses and the City not receiving any money. Ms. Hoppe commented that page 3 of the contract indicated Capstone had the right to incorporate within the paint scheme on the sides or backs reflecting the existence and nature of The Cottages and the buses would primarily serve The Cottages on a regular basis. She was concerned the average person who wanted to take the bus might feel as though it did not include them. Mr. Van Matre explained they only had in mind that this bus would stop at The Cottages. They did not mean to imply the bus exclusively served The Cottages. He stated he would be happy to scratch “primarily” from the agreement. He noted Mr. Koopmans made it clear they could not have an exclusive bus or anything that implied it was exclusive. He understood it had to be a public bus accessible to the general public. Ms. Hoppe thought it would be good to remove “primarily.”

Mr. Janku thought the bus stating “The Cottages” in the front like they did with “Wal-Mart” and other destinations would be consistent. The sign on the side of the bus was different.

Ms. Nauser suggested they use this as an experiment. She noted she had previously asked for a staff report with regard to advertising on buses, which they had received.

Mr. Sturtz asked if this was a permanent advertisement on the side of the bus because he thought that was worth more than \$3,800. Mr. Van Matre pointed out the buses cost more than \$3,800.

Mr. Skala suggested they request a staff report so they had some numbers to base this on and so they had comparisons of what others did. Mr. Watkins commented that he was not sure how they would value that. The value was what people were willing to pay. He noted the value of a sign on a bus in St. Louis would be different than in Columbia. Mr. Skala thought they could look at other college towns.

Mayor Hindman noted he had always been reluctant to promote advertising. He thought advertising inside the bus with a few signs on the outside might be okay, but was concerned about going too far. He commented that he was not sure how many opportunities they would have with someone buying them a bus.

Mr. Sturtz felt they should set a policy if this was what they wanted. Without a policy, they were just winging it.

Ms. Nauser thought this could be considered a defacto policy, but agreed they should look at an overall policy. She stated they had many requests to extend the bus service, but they did not have the money. This would address that issue. They were also promoting alternative transportation in order to get vehicles off of the road since it contributed to global warming and traffic. She felt the pros outweighed some of the cons in this situation and

thought this should be allowed on an experimental basis. She did not think many people would come along offering to buy two buses.

Mr. Wade noted that if they adopted this, they would have set the first stage of a policy. He thought they also needed to deal with the question of advertising on regular buses the City bought itself. He felt passing this would require them to decide what they wanted to do with regard to advertising on other buses. He stated he would request a report from staff at the end of the meeting.

Mr. Janku asked for the cost of the buses. Mr. Glascock replied \$56,000 per bus. Mr. Janku asked how much the apartment complexes with existing contracts for bus service paid per year. Mr. Glascock replied they varied. He thought they were \$8,000 - \$15,000. Mr. Janku noted this agreement was for five years and if someone was paying \$15,000 per year, it was equivalent to the cost of the bus. Mr. Glascock noted these were 20 passenger buses. They were not 40 foot buses. These were like the paratransit buses. The 40 foot buses cost \$260,000.

Ms. Hoppe understood Mr. Janku wanted it to be equitable in comparison to what other student apartment complexes were paying. She noted she thought they were paying \$28,000 per year. Mr. Glascock stated he did not believe so. Mr. Watkins thought that might be a total of all of the complexes.

Mr. Janku suggested the destination sign indicate it served The Cottages, similar to the Wal-Mart destination sign in the front of the bus where it rotates with other destinations. Mr. Wade asked if that would be on there anyway. Mayor Hindman asked if that was in lieu of the right to have the name on the side of the bus. Mr. Sturtz thought they could revisit advertising on the bus at another time. Mr. Janku felt that would be consistent with what they already did. Mr. Skala stated there could be an application to do more in the future, which they could consider.

Mayor Hindman made a motion to allow the destination sign up front to show The Cottages and to not allow advertising on the side of the bus. The motion was seconded by Mr. Sturtz.

Mr. Glascock asked what would happen if they did not have destination boards as he had not seen the buses. He noted the paratransit buses did not have those. Mr. Janku stated he was afraid of that. Mayor Hindman understood there might be some weaknesses, but thought they should go ahead and vote on the motion unless someone wanted to propose something different.

The motion made by Mayor Hindman and seconded by Mr. Sturtz was approved by voice vote with only Mr. Wade, Ms. Nauser and Ms. Hoppe voting no.

The vote on R194-08, as amended, was recorded as follows: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R195-08 Authorizing an agreement with The Curators of the University of Missouri for investigation of a residential street speed limit reduction study.

The resolution was read by the Clerk.

Mr. Watkins explained they discussed this study last spring and negotiated the contract during the summer. It was now in a form the Public Works Department was comfortable with. They were suggesting two neighborhoods be considered in the study. Mr. Glascock noted the two neighborhoods were Rothwell Heights and Shepard. Mr. Watkins noted the goal was to determine if a reduction in speeds from 30 mph to 25 mph had an impact.

Mr. Janku asked why these neighborhoods were selected as the test neighborhoods. Mr. Glascock replied the Shepard Boulevard Neighborhood was presented by Ms. Hoppe. Rothwell Heights was selected because it had many roads with speed calming, so they wanted to see if it would have an impact.

Mr. Skala asked how long the pilot project would run. Mr. Glascock replied it would be about a year.

Mr. Janku thought they should have models that applied to many situations. Mayor Hindman thought they might want situations with no traffic calming.

Ms. Nauser asked if there were other studies within the United States they could refer to without having to spend money to do this here. Ms. Hoppe replied they were presented with a lot of information at a work session. The 25 mph was safer and cities were going toward it. She stated she would be in favor of allowing neighborhoods to apply for 25 mph status.

Ms. Hoppe noted they discussed PedNet doing an educational program as part of the pilot project when this was first discussed and stated she wanted that to be a part of this. Mayor Hindman thought that would have to be bid. He did not think they could designate who did the programming.

Mr. Wade commented that they came to a decision some time ago to use this model. Mr. Janku agreed. Mr. Skala thought discussion involved using a test neighborhood or two or a neighborhood in each of the wards. Mr. Wade recalled they agreed they were to provide neighborhoods they wanted considered with justifications and two would be chosen. Mr. Janku stated he suggested many at the work session. Mr. Wade thought they should allow this to proceed.

The vote on R195-08 was recorded as follows: SKALA, WADE, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: 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.

- B247-08** **Approving the Final Plat of Academy Village Plat 1 located on the southeast corner of Green Meadows Road and Providence Outer Roadway.**
- B248-08** **Approving the Final Plat of Concorde Office & Industrial Plaza Plat 14-B, a Replat of Lot 29, Concorde Office & Industrial Plaza Plat 14 and Lot 28B, Concorde Office & Industrial Plaza Plat 14-A located on the north and east sides of Maguire Boulevard; authorizing a performance contract.**
- B249-08** **Calling for bids for construction of the Rutledge Drive/Weymeyer Drive storm water management project.**

- B250-08 Authorizing an agreement with Black & Veatch Corporation for engineering services relating to final design and bid phase services for the Columbia Regional Wastewater Treatment Facility; appropriating funds.
- B251-08 Authorizing an agreement with Engineering Surveys and Services for engineering services relating to City contracted sewer district projects.
- B252-08 Amending Chapter 14 of the City Code to prohibit parking along a section of Clinkscales Road.
- B253-08 Accepting conveyances for sidewalk, storm sewer, underground and temporary construction purposes.
- B254-08 Accepting conveyances for utility purposes.
- B255-08 Authorizing an agreement with Boone Hospital Center for William Street improvements.
- B256-08 Accepting a grant from the Mid-Missouri Solid Waste Management District for a seasonal beverage container recycling project; appropriating funds.
- B257-08 Appropriating Share the Light Program funds for the purchase of volunteer uniforms and equipment for the Police Department.
- B258-08 Amending Chapters 5 and 11 of the City Code as they relate to Public Health and Human Services Department fees.
- B259-08 Amending Chapter 17 of the City Code relating to Parks and Recreation fees.
- B260-08 Amending Chapters 13 and 22 of the City Code to increase sewage service utility rates.
- B261-08 Amending Chapter 14 of the City Code to increase parking fees for unmetered off-street facilities.
- B262-08 Amending Chapter 22 of the City Code relating to transportation fares.
- B263-08 Amending Chapter 22 of the City Code to increase commercial service solid waste utility rates.
- B264-08 Amending Chapter 22 of the City Code to increase wastewater connection fees.
- B265-08 Amending Chapter 27 of the City Code to increase electric rates.
- B266-08 Amending Chapter 27 of the City Code to increase water connection fees.
- B267-08 Amending Chapter 27 of the City Code to increase water rates.
- B268-08 Authorizing the City Manager to execute an intergovernmental cooperation agreement with Rock Bridge Center Transportation Development District and TKG Rock Bridge, L.L.C.

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Mayor Hindman noted this report was provided for informational purposes.

(B) Tasers.

Mayor Hindman stated this was an informational report.

Robin Remington, 503 Taylor Street, stated she read the report on the City's website and felt the report was confusing because it referred to the documents it was evaluating and the policies of the Columbia Police Department. In order to understand what was being said, one would have had to go back to the original document of the Police Department. She asked when Council received the report and wondered if they had the chance to compare the statement in the report with the statements they were referring to. Mayor Hindman explained the Council received the report on Thursday. Ms. Remington understood no action would be taken on the report tonight. Mayor Hindman stated that was correct.

Mr. Skala commented that there were two helpful informational sessions held by the Interim Police Chief. Suggestions were provided during those sessions, which he planned to elaborate on during Council comments.

(C) Noise Baffling for Air Handling for Commercial Rooftop Equipment.

Mr. Wade explained he asked for this report and since baffling equipment could be purchased off of the shelf and was relatively inexpensive, he felt this was something that needed to be required. He commented that there was so much noise in people's lives already.

Mr. Wade made a motion directing staff to work with the legal department in bringing forth an amendment to current ordinances. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Sturtz commented that he felt the use of the word rooftop was inaccurate because in many cases they were looking at equipment that was on the ground level. He asked if staff could use a more general term for the air handling equipment. The Council concurred and asked that it be noted in preparation of the ordinance.

(D) Lake of the Woods Swimming Pool.

Mr. Watkins stated this was an informational report as requested by Council. Mr. Skala understood they would take this up as part of the budget discussions.

(E) Parks and Recreation Department's Paquin Towers Recreation Program.

Mr. Watkins stated this was an informational report.

(F) Potential Sanitary Sewer District on Westmount, Thilly, and South Garth.

Mr. Watkins explained they received a request for a potential sanitary sewer district, which would allow them to take care of some old sewers. The potential district could encompass up to 60 lots. A petition representing 27 of the 60 property owners had been received. The preliminary estimate was about \$600,000 for the entire district. He noted they no longer taxbilled these. He stated further study would be needed to determine how they might divide this into chunks they could budget and accommodate over a couple years. They did not want to go any further without Council direction to proceed. It involved City sewers and private sewers.

Mr. Wade stated he had concerns with regard to how this would be organized. With regard to the maps, he hoped they could improve the readability of those maps so they would know the boundaries of the district. If a district was a coherent group of people, this area could potentially have 4-5 districts. He thought there needed to be a way to note each district. Mr. Glascock explained they did not put them together until they received Council direction to proceed. They would then pare it down to manageable dollars. They also needed to determine if property owners that did not sign the petition would participate or not. Mr. Wade noted he was beginning to get calls from people with questions. He thought they needed a more understandable way of defining the districts. He noted one of the keys of making this work with the City paying was voluntary easements, which he felt was a policy issue. If the City was paying the cost with many homeowners contributing easements, he wondered what they did with people who wanted the work done for free, but would not donate the easement. He believed they needed to be fair. He was not sure how they would deal with those that would not provide voluntary easements. Mr. Glascock stated they would be left out. He noted he did not believe the term “sewer district” was valid any longer. Mr. Wade asked what they would do if they had two people in the middle who were necessary to make the line work, but would not participate. He felt there would be some tough issues. Mr. Watkins commented that in terms of priorities, they would spend their money where people would provide easements. As they began to study this, they would look at pieces where everyone wanted to be part of it. It would be done on a case by case basis. They could not say the district would be a certain size.

Mr. Wade made a motion directing staff to proceed with preliminary design to determine feasibility and costs associated with the district. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(G) Home Performance with Energy Star and Energy Star Home Programs.

Mayor Hindman stated he did not know the City was involved in these programs and felt it was a great thing. He asked how the general public could obtain more information. Mr. Watkins thought it was discussed on the City’s cable channel, the website, etc. Mr. Kahler noted staff encouraged it as well. Mayor Hindman asked how a citizen would know who to call if they wanted their home checked. Mr. Kahler replied the Energy Services Division could be contacted. Mayor Hindman understood staff would then provide a list of contractors.

Mr. Wade noted a constituent had contacted him because he had a less than good experience with the program. He asked when the contractors were paid after they completed a whole house energy assessment. Mr. Kahler replied he was not certain, but would get back to him. Mr. Wade explained the constituent had an assessment done by one of the private contractors three months ago, but had still not received a report. Mr. Kahler asked if he could provide specific information so they could review the situation and get back to him. Mr. Wade replied he would provide him the information needed.

Mayor Hindman understood the City did not provide the service. Mr. Wade stated that was correct, but noted the City certified the contractors and provided referrals to citizens. He was concerned performance standards might not be up to the quality needed. He did not think there was any reason a report should not be returned in a week or two at most. Mayor

Hindman understood this was different than the energy audits done by City staff. Mr. Wade stated that was correct. He noted this involved a more sophisticated methodology.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

BUILDING CONSTRUCTION CODES COMMISSION

Howe, Christopher, 1710 Cliff Drive, Ward 3, Term to expire August 1, 2011

BOARD OF HEALTH

Irwin, Ilalyn, 2405 Lynnwood Drive, Ward 5, Term to expire August 31, 2011

HISTORIC PRESERVATION COMMISSION

Gardner, Brent, 315 W. Stewart, Ward 4, Term to expire September 1, 2011

Sebastian, Douglas, 2026 State Route E, Term to expire September 1, 2011

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Kurt Albert provided a copy of his comments from earlier in the evening.

Katherine Murrie, 103 Westwood Avenue, asked if the taser issue would be discussed at a later date and asked when. Mr. Skala replied there would be a public announcement. Mr. Janku stated it would be well publicized on the agenda.

Mr. Skala stated he gleaned suggestions from the informational sessions regarding tasers and wanted to offer them to the Interim Police Chief to incorporate with the rest of the reports. He commented that there was a record on the discharge of tasers built into the device itself and understood those could be reviewed on a regular basis. He suggested those be downloaded on a monthly basis to ensure the number of taser uses were in line with the events. He understood a records request was filed with regard to all incidents of taser usage and the Police Chief had indicated the cost would be at least \$1,500 to do research to obtain those. He recalled there were 69 deployments of tasers and thought it might be reassuring to the public if those could be reviewed. He was not sure of the extent to which it was possible, but thought it might be a good idea to do that. Someone had brought up coordination between psychological services and people who had expertise with people mental disabilities as part of the training program in order to try to assess those prior to taser usage.

Mr. Skala noted Mr. Martin had brought up the issue of assessments with regard to changes in zoning earlier in the evening. He was told by Mr. States that he thought reassessment happened when there was a plat, but others felt it was when there was a rezoning. He suggested a report indicating when this was communicated between the City and County and when it took effect be provided.

Ms. Hoppe stated she wanted to know how often vacant property was reassessed. She was referring to a piece of property, which she did not believe had been reassessed for 30-40 years.

Mr. Skala made a motion directing staff to provide a report regarding reassessments to include communication between the City and County, if property was reassessed when rezoned or platted and how often vacant property was reassessed. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Skala stated with regard to Mr. Albert's comments earlier, he understood they had agreed to split up the area that he knew as Albert-Oakland Park when he came to Columbia so it would have two different names. One would be named after C. M. Albert. The other would be Oakland Park. He noted there seemed to be a good deal of evidence that this was known as Albert-Oakland Park in many official documents. Since he voted in the affirmative, he wanted to make a motion to reconsider it.

Mr. Watkins explained a resolution would be coming forward. He understood Council had never voted on a resolution naming the Park. Since about 1985, it had been policy that the Council needed to name facilities. That had never occurred, so staff was planning on bringing forward a resolution at the next meeting for Council consideration. Mr. Skala stated he would address it at the time the resolution was brought forward.

Ms. Hoppe asked if there were any other parks that had been named, but did not have a resolution naming them. Mr. Watkins stated he would have to ask staff to check. He thought since 1985, any park that had been acquired and dedicated had Council approval, but there could be some older existing parks that had not had Council approval.

Mr. Wade noted R24-72 introduced by Knipp stated "whereas the City of Columbia, Missouri is developing a public park facility to be known as the Albert-Oakland Park" and he felt that was a naming. He suggested that be looked at to determine if Council had officially named it.

Mr. Skala understood Arnie Fagan was celebrating a 20th anniversary for his store and suggested they do a resolution celebrating it. Mayor Hindman suggested a proclamation instead. Mr. Skala stated he would pursue that instead.

Mr. Wade stated he wanted to request a report on the potential of advertising on buses to include the pros, cons and potential income, etc. due to their prior conversation.

Mr. Wade made a motion directing staff to provide a report regarding the potential of advertising on buses to include the pros, cons, potential income, etc. The motion was seconded by Mr. Janku.

Mr. Sturtz asked if they could look at examples of other cities. Mr. Wade assumed that would part of the report staff would provide.

Ms. Hoppe noted she just returned from Portland and they did not allow advertising inside the buses, but did allow it on the outside of buses. In addition, it was controlled by the City because it looked good.

The motion made by Mr. Wade and seconded by Mr. Janku was approved unanimously by voice vote.

Mayor Hindman stated he thought it would be a good idea to have a resolution of some sort to send concerns to our sister city of Kutaisi in the Republic of Georgia.

Mayor Hindman made a motion to do a resolution of some sort to send to our sister city of Kutaisi expressing concern for the citizens of Kutaisi and the Republic of Georgia. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mayor Hindman referred to the proposal to build The Cottages, which was sent back to the Planning and Zoning Commission, and noted this idea was highly recommended in the Affordable Housing report. While he was not certain this was the proper place for them, he was convinced they needed to do what they could to make way for the possibility of this kind of development to take place in the proper situation. He commented that when he was on vacation, he saw an article where someone was proposing to build a set of cottages on smaller lots. Mr. Sturtz thought that was on Ridgeway. Mayor Hindman recalled the person claimed to be having a terrible time meeting the present subdivision standards. He thought they needed to take a look at what they could do right now to enable that type of thing to be built. He understood, in the long run, they needed to look at the zoning ordinances, but believed that would be a long process. He wanted to know what they could do to make way for a few of these projects to be built in accordance with the recommendations of the Affordable Housing Task Force.

Mayor Hindman made a motion directing staff to provide a report regarding the waivers that might be required or what policy they might be able to create for at least a few demonstration projects. The motion was seconded by Mr. Wade.

Mr. Wade stated that section of the Affordable Housing report was well written and suggested they ask what would be involved in implementing the recommendations of that section of the report. He wanted to ensure the report from staff included the substance from that section of the report. Mayor Hindman stated he hoped that would be the basis of the report. He commented that they had some practical situations where builders were ready to try, so he wanted to make way for them.

The motion made by Mayor Hindman and seconded by Mr. Wade was approved unanimously by voice vote.

The meeting adjourned at 12:06 a.m.

Respectfully submitted,

Sheela Amin
City Clerk