

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JULY 7, 2008

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, July 7, 2008, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HINDMAN, JANKU, SKALA, WADE, NAUSER and HOPPE were present. Council Member STURTZ was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of June 16, 2008 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Skala.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Ms. Hoppe asked that B182-08, B185-08 and B194-08 be moved from the Consent Agenda and placed under Old Business. Mr. Janku asked that R151-08 be moved from the Consent Agenda and placed under New Business. The agenda, to include moving B182-08, B185-08 and B194-08 to Old Business and R151-08 to New Business and the Consent Agenda, were approved unanimously by voice vote on a motion by Ms. Hoppe and a second by Mr. Skala.

SPECIAL ITEMS

Rick McKernon - Soap Box Derby Trophy Presentation to Mayor Darwin Hindman.

Rick McKernon, 181 W. Waltz Drive, explained he and Chuck Boots were with the Mid-Missouri Soapbox Derby Association and the Downtown Optimist Club. He noted the Downtown Optimist Club had been doing this for 40-some years and thanked the City for allowing them to use Broadway. He explained this year they had some famous racers. Superintendent Phyllis Chase raced against Chancellor Brady Deaton and the Superintendent won. In addition, the City held its own as Presiding Commissioner Ken Pearson was sent down in defeat by Mayor Hindman. On behalf of the Downtown Optimist Club and the Mid-Missouri Soapbox Derby Association, he presented the Political Challenge Cup to Mayor Hindman and explained he could keep it for one year. They would then ask him to defend his championship. He thanked Mayor Hindman for his kindness and support of the race.

Mayor Hindman stated it was a lot of fun and pointed out Carl Edwards started out with the soapbox derby. Mr. McKernon explained one of the first races Carl Edwards had ever won was the soapbox derby at age 11. Mayor Hindman stated the soapbox derby was a terrific event for kids and thanked them for holding it. Mr. McKernon noted the winners in Columbia went on to compete nationally in Akron, Ohio.

Marilyn Starke – Purchasing Manager of the Year Presentation.

Mayor Hindman presented Ms. Starke with the Manager of the Year award from the Missouri Association of Public Purchasing. It was given to those who provided significant contributions to the advancement of the purchasing profession for public entities in Missouri. Ms. Starke had been serving as Columbia's purchasing agent since 2006. She was nominated for the award by her staff, who cited her professionalism and innovative approaches to problems along with many other deserving qualities. He stated the award spoke highly of her professionalism and noted it was good for the citizens of the Columbia to realize what a terrific and professional staff they had. He congratulated her on the award.

Mayor Hindman recognized the Korean graduate students in the audience, who were with David Valentine from the Truman School of Public Affairs. He welcomed them and stated he hoped they enjoyed the meeting.

R159-08 Naming the 80 acres of land located north of the Boone County Fairgrounds (Atkins property) as the "Thomas E. 'Country' Atkins Jr. Memorial Park."

The resolution was read by the Clerk.

Mr. Watkins stated in December, 2002, Tom Atkins had donated 80 acres jointly to the City of Columbia and Boone County. In 2003, both agencies had adopted a Master Plan, which called for the City to be the primary management agency for the site, and indicated they would use the ground primarily for youth athletic field complexes. He noted the first phase of development of the property would be completed later this summer provided they had some dry weather. Staff discussed the naming of the property with Mr. Atkins and he asked that the property be named for his father, Thomas E. "Country" Atkins, Jr. The proposal had been reviewed by the Parks and Recreation Commission and the Boone County Commission and both concurred. If approved by the Council, this resolution would officially name the eight acre tract as the Thomas E. "Country" Atkins, Jr. Memorial Park.

Mr. Hood gave special thanks to the Atkins family for their generous donation.

Mayor Hindman stated the Council was appreciative of this very generous gift. It had been given to both the City and County and they were working cooperatively in connection with the planning and development of the area. He understood it would be used primarily for athletic fields of various kinds, which were needed in the community. He noted they were always looking for outlets for young people and this would clearly be one response to that need. He again thanked Tom Atkins and the Atkins family on behalf of the Council and the citizens of the community.

The vote on R159-08 was recorded as follows: VOTING YES: HINDMAN, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. ABSENT: STURTZ. Resolution declared adopted, reading as follows:

SCHEDULED PUBLIC COMMENT

Brenda Procter – Abuse of Taser Guns.

Brenda Procter, 903 W. Stewart Road, stated she provided a packet to the Council with a DVD which she would play for them. While watching the video, she asked them to

consider whether they felt tasers were safe enough for use in the City of Columbia and whether they were certain regulations were in place to ensure nothing like this would happen in Columbia. She showed the video which illustrated a few incidents involving the taser and its deployment.

Edward Berg – Taser Gun Purchase, request that the City Council reconsider its decision since Taser guns are lethal.

Edward Berg, 1215 S. Fairview, stated he wanted to discuss the Council's action of approving the purchase of additional taser guns on June 2, 2008. He commented that he did not know how the previous images had affected them, but he was outraged every time he saw them as he could not believe this was happening in this Country. There were scores of these images on the internet and the images demonstrated that such acts of brutality could happen anywhere taser guns were used unless there were strict and exact guidelines and procedures in place as to when and how these weapons could be used. He felt the procedures that existed in Columbia with regard to taser guns were too vague. Columbia was expanding their use of these guns from specialty officers to all police officers without adopting stricter restrictions. Unless there was stricter control on the use of taser guns in Columbia, he believed the scenes shown would happen here. He did not feel they had to play Russian roulette with the lives of people or sentence a person to death for shoplifting, refusing to obey an order of a police officer, a traffic violation, or a stupid prank. Such images did not build community trust or create respect for the police. They only created fear and limited cooperation from the community. Trust, respect and cooperation from the community were the most effective weapons against crime. He noted the "scroll of death" contained the names and addresses of 350 people who had died in the United States and Canada since 2001. The list had been compiled by two people whose son and brother had died after being tasered by police. Amnesty International had listed 300 deaths in the United States since 2001 for people tasered by police and had called for a moratorium on their use. He felt Columbia had to restrict the use of these weapons to a standard that mandated use only when it was of imminent harm to the public or the safety of a police officer. He stated GRO was asking the Council to reconsider its decision of June 2, 2008 to purchase more taser guns because there was controversy as to the safety of these weapons and whether such weapons reduced deaths. He understood the taser gun was claimed to be an alternative to the use of firearms by the police, but Chief Boehm told the Council on June 2nd that he could make that connection. He stated they were encouraging the police to use non-lethal and less harmful weapons and commended both the Council and the Police Department for attempting to provide officers with such weapons, but noted they did not believe the taser gun was this alternative. He pointed out taser guns were potentially lethal weapons and needed to be restricted to the same standards and use as firearms. The evidence that taser guns were lethal weapons was seen by the report from Amnesty International as well as the fact that many communities had adopted very strict rules. The rules mandated persons who were pregnant, children, the elderly, people with heart conditions or other serious health problems, frail or disabled people, people intoxicated or under the influence of drugs, and the mentally ill should not be tasered. Some, but not all of these rules were in effect here. The police were

advised to not shoot persons near the heart, face, eyes or groin area. Many communities did not allow a person to be tasered more than twice and that was one of the rules in Columbia. Persons standing in water, at heights, running machinery, driving near inflammables or with a pistol in their hand should not be tasered. He commented that being tasered with 50,000 volts for five seconds each time the trigger was pulled had a physical effect upon the person, and was mental and emotional, if not fatal. They were asking the Council to listen to public concerns and obtain more information in order to make an informed decision. He invited them to begin the process by attending a public meeting held by GRO on July 15, 2008 at 611 N. Garth, Columbia, Missouri between 6:00 p.m. and 8:00 p.m.

Shimin Zhuang – Persecution of Falun Gong Practitioners in China.

Shimin Zhuang provided some handouts and stated she was a graduate student at the University of Missouri and a Falun Gong practitioner. She explained she came to America from a small town in central China in 1999 and had lived in Columbia since 2000. She stated she loved this beautiful and peaceful City and considered it her second hometown. She commented that she was before the Council to tell them about the persistent persecution of the Falun Gong practitioners in China and the harassment of Falun Gong practitioners in Flushing, New York. She explained Falun Gong was an ancient Chinese high level qigong practice to improve the mind and body. It involved five sets of exercises and included one set of mediation, which was powerful in improving physical health and relieving stress and anxiety. Besides performing these exercises, Falun Gong practitioners were also required to conduct their daily life based on the three principles of truthfulness, compassion and forbearance. Because of its tremendous health improvement and great moral uplifting effects, since its introduction to the public in China in 1992, it had rapidly spread around the world. Now, thousands of people in over 80 countries were benefiting from this practice. She explained the then Chairman of the Chinese Communist Party, Jiang Zemin, could not allow so many people to have their own belief and ordered the persecution in order to stop Falun Gong in July of 1999. In 2001, he also issued a directive to eradicate Falun Gong from the surface of the earth. Since then, hundreds of thousands of practitioners had been illegally forced into labor camps, tortured and incarcerated in mental hospitals to be “brain washed.” She felt one of the most barbaric human rights violations of the 21st century was revealed in 2006 when a doctor’s wife publicly stated that her husband, then a surgeon in China, had removed corneas from 2,000 Falun Gong practitioners. An investigative report by David Kilgour, the former Canadian Secretary of State, and David Matas, an international human rights lawyer, estimated that over 40,000 adherents of Falun Gong had been killed for their organs since 2001. She stated that when the Nazis’s inhumane crimes against Jewish people had been discovered, the International Community had made a solemn commitment that it would never again allow genocide to take place. According to Amnesty International, in preparing for the Beijing Olympic Games, Chinese security agencies had been conducting large-scale arrests of Falun Gong adherents throughout China in recent months. She commented that Falun Gong practitioners were being killed faster and more frequently than before. Within the first three months of 2008, the Falun Dafa Information Center documented six cases of practitioner deaths occurring within 16 days of arrest, and in some cases, within

hours. In America, the land where she deeply enjoyed her freedom, since Saturday, May 17th, hundreds had assembled in Flushing, New York, to assail Falun Gong practitioners daily. She explained she went to Flushing, New York on May 30th and stayed there until June 13th to hand out Epoch Times, an independent newspaper that highlighted human values, right and freedoms, but endured insults, abuse and curses. She commented that the persecution of Falun Gong practitioners had lasted nine years and was the most brutal and the largest in scale. She asked the Council to consider adopting a resolution to help stop the persecution of the Falun Gong and thanked them for their attention.

PUBLIC HEARINGS

B141-08 Rezoning property located on the north side of Berrywood Drive, approximately 400 feet east of Portland Street, from R-1 to O-P; approving the Silver Oak Senior Living O-P Development Plan; setting forth conditions for approval.

The bill was read by the Clerk.

Mr. Watkins explained this item had been tabled at the June 16th Council meeting to this meeting. The proposed O-P development plan would allow construction of a 4-story independent living facility, a 2-story assisted living facility and two 1-story medical office buildings for a total floor area of about 275,000 square feet. The requested statement of intent would limit the uses and density of the development to what was shown on the development plan. The Planning and Zoning Commission recommended approval of the proposed rezoning, statement of intent and development plan subject to a number of conditions. From staff's perspective, those had been taken care of.

Mayor Hindman opened the public hearing.

Christine Hake, 3629 Evergreen Lane, stated her property was immediately adjacent, on the east side, to the area being proposed for development. She commented that the developer had worked with the neighborhood and she appreciated everything they had done. She noted she was still opposed to the project because she felt there were very few areas in Columbia with that type of climax forest. She also felt the assisted living center, which was nearest to the residential homes, should be moved farther away. At the Planning and Zoning Commission meeting, there was a lot of discussion about meeting the 80 percent opacity screening, but she felt it was left in uncertainty because they were leaving it up to the developer and neighbors to figure out. She stated she wanted something more concrete.

Mayor Hindman asked for clarification on why she wanted the assisted living facility moved. He wondered if she thought it was too close. Ms. Hake replied it was only 60 feet from the property line and 15-20 feet of that was for a utility easement, which would be bare. In addition, they would have a retaining wall, so for practical purposes, it would not be very far and would essentially be at the property line.

Allen Hahn, 3711 Woodridge Court, stated he was the Chair of the Woodridge Neighborhood Association and explained the Association reluctantly agreed this zoning was in the best they could expect at the moment. He noted the developers had come approximately 13 months ago to present their plans for development. In addition, they worked with them on changes, and at this moment, they felt it was the best deal the neighborhood could get. He asked the Council to listen to those that lived in contiguous

properties as they had some sincere concerns. He noted he had received a phone call this morning from someone who indicated they would be interested in working with the neighborhood for a possible trade of property that might not impact the climax forest. He thought that was an interesting development and believed the neighborhood would be happy to see that happen. He understood it might take time, if it could be done at all. He felt the developer had negotiated in good faith, but was reluctant to say it would be wonderful because of the climax forest.

Ms. Hoppe noted language in the conservation easement regarding a trail through the preserved climax forest and asked for the neighborhood's position. She understood it mentioned a possible ten foot trail. Mr. Hahn replied he had not seen that particular easement, so he could not comment. He understood it would be given to the City. Mr. Teddy explained there was nothing on the plan that indicated a trail at this time and its construction would require an amendment of the plan. There was a conservation easement document that made reference to a bicycle and walking trail, but it was not on the plan. In the event they proposed one, it would be taken through as a plan amendment. He noted the greenspace conservation easements tended to just be greenspace. Mr. Boeckmann explained it was an easement granted to the City and one of the uses the City could make of it was for a trail, but he did not think anyone planned on doing that at the moment.

Terry Baumeister stated he was the architect, planner and one of the partners in the venture and explained that in previous renderings they had made mention of trails, but it was not binding. They were executing the easement for that particular part of the climax forest to be dedicated to the City for however they wanted to use it.

Ms. Nauser asked if they discussed the trail during the original negotiation for the conservation easement or if it happened subsequently. She noted she did not recall seeing it in an original draft. Mr. Baumeister replied 8-10 months ago, they indicated the possibility of putting in trails if desired. He noted there were no restrictions on having trails or for any use of them. Ms. Nauser commented that she had seen a previous version of this easement that addressed the preservation of the trees and understood the possibility of a trail was added after then. She asked if that was brought up by him or if the City approached him. Mr. Baumeister replied it was both. He explained Ron Shy of Allstate Consultants was the civil engineer and had drafted the easement. He did not believe the easement had verbiage for the trails. If the City wanted to put trails or anything else on it, he felt it was the prerogative of the City to do so. Ms. Nauser explained she was trying to get at who initiated adding the trails. Mr. Baumeister replied it was probably something they did because they liked for their residents and the community to commingle. In addition, it helped the elderly to walk on specific trails and commune with other people in the neighborhood. He stated they had sufficient trails for them to use without the greenspace easement, but noted he thought it would be nice if they could walk with others in order to commingle.

Mr. Hahn stated he believed it was the hope and intention of the Neighborhood Association that the area labeled tree preservation, which was on the eastern edge, would never be used for anything other than to preserve those trees and would be an area that could never be sold.

Ms. Hoppe commented that it was her understanding in reading through all of the testimony that tree preservation was very important, so she wanted to get the neighborhood's take on whether they wanted a ten foot paved trail because trees would have to be removed. Mr. Hahn stated he could not speak to that, but did not think it would meet with great favor.

Mr. Baumeister explained the easement would be given to the City for whenever and however they wanted to use it.

Mayor Hindman understood there was no decision with respect to the trail and that Mr. Hahn could not speak for the neighborhood. Mr. Hahn stated that issue had not come before the Association, but he would be happy to take it up with them.

Mr. Skala understood the conservation easement did not preclude the City from using it for a trail should the City decide to do that. Mr. Boeckmann stated that was correct. Mr. Skala thought some of the confusion came from testimony about the trailhead.

Mr. Baumeister explained current zoning was single family and under that zoning all of the trees could be removed. They were proposing, under their zoning, to keep 26 percent of the old forest. He stated they had tried to purchase the whole property to make it all an old forest preserve, but that did not happen. They were currently looking at making it a park. The current zoning would preserve 27 percent of the forest today. If the efforts of the Neighborhood Association, City and other organizations were successful in finding other property that was easier to develop and had the same demographics, they did not have a problem with trading property in order to save the forest. At this time, however, they did not want to waste much more time or money. They did not want to put off zoning for six months. They were willing to put off developing it for a couple of months, so they had the time to see if they could be relocated. He stated he would have loved to save the entire forest and noted they were saving at least 30 percent of it.

Mr. Skala understood the proposed rezoning was for planned office and it was also restricted in the statement of intent to the uses demonstrated in the plan. Mr. Baumeister stated that was correct.

Scott Wright, 3625 Evergreen Lane, stated he lived adjacent to Ms. Hake, who spoke earlier, and was in one of the residences immediately adjacent to the tree preservation area on the eastern edge of the proposed project. He commented that he wanted to express his agitation. He noted he had attended the Planning and Zoning Commission meeting when the plan was presented and specifically stated in what was approved by the Commission was a no access easement with regard to the tree preservation area. Tonight he was hearing something being presented to the Council that was very different from what was in the notes of the May 8th Planning and Zoning Commission meeting. As a resident who would be directly affected by public access of that piece of property, he believed this was a whole new ballgame as it had not been discussed with the Neighborhood Association. He pointed out it would change his tentative support of the project. He commented that he had communicated with Mr. Skala that he hesitantly supported the project as submitted to the Planning and Zoning Commission. That included a no access tree preservation area and an 80 percent opacity requirement for the residents who lived along that boundary. A concern he raised at the Planning and Zoning Commission meeting was the fact the City had on occasion approved screening of less than 80 percent opacity, particularly if ornamental trees were put

in place. He stated Aurelle Garnett presented photos at the Commission meeting showing that they could see clear across the lot in the winter because it was a deciduous forest and noted he did not want to look out his backyard to see a parking lot with lights at night through the trees. He asked the Council to take a careful look at exactly what was being voted on because what he had heard tonight was very different from the presentation to the community and the Neighborhood Association.

Mr. Skala asked for clarification in terms of public access with the conservation easement. He wondered what would happen if someone wandered into this conservation easement area. Mr. Boeckmann replied if people walked through there, nothing could be done. Mr. Skala asked if there was anything specifically stated in the conservation easement restricting public access. Mr. Boeckmann replied he did not believe so.

Mr. Baumeister explained the City could do whatever it wanted, but from their view, as the developer, they did not need, nor desire, the right to develop trails. In their opinion, it would be nice, but was not something needed or required. It was not something they would fight over. With regard to the 80 percent opacity of the forest, he referred to the plan on the overhead. He thought they were putting in 35 cedar-type trees that were not deciduous, so they could screen the corner or anyplace within the easements they needed in order to increase opacity. That was how they would create the 80% opacity in the project.

Mr. Janku asked what factors made this site desirable. Mr. Baumeister replied the elderly population had a need for a hospital, medical clinics, privacy, etc. within a 5-15 mile radius. He noted there was a definite national trend toward people his age returning to their college community to enjoy their golden years. The demographics involved not only loved ones being put in facilities now, but themselves as well. They did not want to be too remote because they did not drive that well at that age. He noted the facilities themselves used shuttles to take people around. If they were in the middle of no where and had to travel for everything, it would not be a good site. Being downtown would be nice for walking, but was also not where they wanted to be. He stated this site was close to medical, shopping, restaurants and housing districts of people who would be putting their loved ones in a facility.

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

Ms. Nauser stated she was concerned with the addition of the bikeway/walkway-path/trail through the conservation easement because she understood the residents wanted the trees. She asked if there was any connectivity to any other trail or park system through this area. Mr. Teddy replied there was not any direct connectivity, but there was a sidewalk system. Ms. Nauser asked if it would connect to any other trail facility. Mr. Teddy replied not directly. He explained the Hominy Branch future trail would be nearby, but would not have direct access. He pointed out the trail language was in a version of the conservation easement that was reviewed in May and staff had suggested it be removed. With the latest version of the easement, they took care of a couple of other issues, so staff determined that since there was no trail or bikeway on the plan, they could not build one in the conservation easement. He noted they had originally requested a greenspace conservation easement with the understanding this was to be permanent open space. It was not to be a greenspace trail easement, which was another category in the Code. There was also something called a greenspace access easement that was intended to provide public access to a greenspace

area, but this was not that type of easement. Ms. Nauser understood the first request was for the conservation easement, which would be set aside for greenspace only. Mr. Teddy stated that was correct. He explained that with the way it was written now, it was only there in the event the City wanted to use it for that purpose. The private property owner would not have the right to put in any kind of pedestrian facility there. Ms. Nauser understood the original purpose was a greenspace conservation easement and it was now some kind of access park easement, which was contrary to what the neighborhood was in agreement with. As a result, she was opposed to that addition in the conservation easement. If they were negotiating trail easements, she felt that should be on the table at the beginning. She did not believe it should be brought up at the Council meeting when the stakeholders knew nothing about it. She applauded everyone for working together to come to some form of mutual agreement.

Ms. Hoppe noted one of the concerns of the residents identified in the staff report was an assurance that the tree preservation area would be placed in a land trust that would forever preclude clearing and development, but the easement indicated the grantor or City could remove plants, shrubs, ground cover and trees necessary for the construction, installation, maintenance, repair, etc. of a bikeway or walkway if they chose to do so. It seemed as though that contradicted what the residents wanted because a ten foot trail would definitely remove a lot of trees.

Mr. Skala asked for the precise distinction between a conservation easement and the greenspace public access easement that was referenced. Mr. Teddy replied there were three definitions in the Subdivision Code. One was a conservation greenspace easement, which was intended to preserve a natural resource area. Mr. Skala asked if that suggested no trespassing. Mr. Teddy replied it would as long as it aligned with private property. He explained it granted certain exceptions to the City. The City could build a street crossing or utility. There was also a greenspace access easement, which allowed public access to a natural area, and a greenspace trail easement, which was what they would recommend if this was being considered for a trail.

Mr. Wade stated he basically supported the view of Ms. Nauser and Ms. Hoppe. If they did a greenspace conservation easement to protect it from being developed by the developer, he thought they should also protect the citizens from the City developing it. He did not see a difference.

Mr. Janku asked how that could be done. Mr. Wade thought they could make an amendment to remove it from the greenspace conservation easement. Mayor Hindman did not think Council could make that amendment. Mr. Boeckmann explained they could reject this easement and get an easement of the Council's liking.

Ms. Nauser understood the easement followed the land, so it became a permanent restriction. She was uncertain as to the method of removing an easement once it was reserved by the owner to the grantee. Ms. Nauser understood Mayor Hindman indicated they could change it today to delete it, but a future Council could add it back in. Mr. Boeckmann explained they could not change the easement. If the City, in the future, wanted to put a trail there, they could do so by condemnation. Ms. Nauser understood they could not do it by changing the easement or with an ordinance. They would have to go through a condemnation process. Mr. Boeckmann stated that was correct. He noted there was no

guarantee that a future Council would not put a trail there regardless of the decision tonight. Ms. Hoppe understood they would have to go through the proper process. Mr. Boeckmann explained if they accepted the easement as it was, they would have to hold a public hearing to put it in. If the Council wanted to protect the citizens from themselves, he suggested they reject this easement and require the submission of a new easement without that language. Ms. Hoppe stated she wanted an easement that reflected the spirit of the agreement between the neighbors and developer.

Mr. Skala stated he was not suggesting a trail go through there, but was concerned about public access. He noted a lot of people used this forest as a resource and wondered if people could walk in and out of the woods for the experience of it. Mr. Janku understood he would prefer a conservation access easement. Mr. Skala stated yes. Mr. Janku understood he wanted the neighborhood to have access to the property in its natural state. Mr. Skala stated that was correct. He believed the neighborhood wanted guarantees indicating this would remain as much of a natural forest as possible, but that they also wanted to be able to enjoy it because it was a natural forest. He was not suggesting it be a picnic area, but felt the language in the conservation easement precluded people from going into it. Mr. Boeckmann explained the definitions in the subdivision ordinance were put in there so they would not have to list all of those things in the dedication of a plat. They would just have to say “greenspace conservation easement” and by definition that meant there was no public access. If they wanted to translate it into a grant of an easement, which was what this was, they would have to spell out what they wanted in the easement.

Mr. Skala explained the reason this was troubling to him was because it reminded him of The Links development when the developer initially agreed to put in a trail, but wanted to restrict access to the Hominy Branch. A lot of people felt that was not acceptable. The developer changed his mind to make it accessible, but did not want the same thing to happen here. He did not want to prohibit people from appreciating the forest in terms of walking on the property. He asked if the appropriate thing would be a greenspace easement with public access. Mr. Boeckmann replied yes, if they wanted people to be able to wander through there. Mr. Janku wondered if they wanted to hear from the applicant because he might not want to provide access. Mayor Hindman thought he had already indicated he had no objection to the way the City wanted to use it. Mr. Baumeister stated he had no objections on how the City wanted to use it. He noted he had been discussing it for the last few moments with the neighborhood and understood they felt it was a natural area where they could not keep people out, but they did not want it to be a park either. He stated he would be glad to sign any kind of easement the City deemed adequate for the process.

Mayor Hindman asked if Mr. Skala’s suggestion of an access easement solved the problem. Ms. Nauser stated she did not believe it would. She felt an access easement would invite anyone to use it as a public facility. She did not believe anyone would have a problem if someone from the neighborhood wandered through there as long as they were not disturbing business at the assisted living center. An access easement would allow anyone to come into the area to use it. Mr. Skala stated he did not think that was necessarily a bad thing.

Mr. Skala asked how Mr. Hahn and Mr. Baumeister saw the access issue. Mr. Hahn stated he did not see the access issue as a major issue, but pointed out there was a City park across the street that the neighbors could use for picnics. He did not think they wanted to limit access. He commented that he also did not believe they wanted this agreement to be deal breaker. He noted they did not want to see trails or a parking lot there and explained the intent of the neighborhood was to leave it as a natural area. He believed that was also the intention of the Silver Oaks representatives.

Mayor Hindman thought the suggestion of an access easement would allow the public to enter. Mr. Skala noted it also protected the neighborhood from any development.

Mr. Janku asked if anyone could be charged with trespassing if there was an access easement. Mayor Hindman replied it would be open to the public. Mr. Janku did not believe the owner would want it to be wide open in case they wanted to remove someone from the property.

Mr. Wade believed everyone was talking about a protected piece of climax forest and the greenspace conservation easement was the correct way to provide for that. He thought they could just remove item (3) and the portion that stated “however, the grantor may remove plants, shrubs, groundcover, and trees necessary for the construction, installation, and maintenance, repair, etc. of the bikeway/walkway” from the easement. Mayor Hindman asked if the public could enter. Mr. Skala felt that was the important question. He agreed that simplified the language, but did not believe it resolved the issue. Mr. Wade explained they were not creating a park. Mayor Hindman thought they were creating a public space. Mr. Wade believed they were creating a greenspace conservation easement on private property with the easement being held by the City. Mr. Skala understood the distinction, with the conservation easement, meant they had to appreciate it from the outside. Mr. Wade stated he did not know what it meant. Mr. Wade commented that he did not see the question of access being pertinent. Mayor Hindman thought it was very pertinent. He agreed with Mr. Skala in that it should be available to the public for access. Mr. Wade commented that it was 2.6 acres. If they did not create paths, etc., there would be very few people walking through it and those that did would be local. Mayor Hindman thought he was right with regard to the use.

Ms. Nauser stated her contention was that the purpose was to save the trees. She did not want a ten foot bike path constructed in the future because it was contrary to what was discussed by the neighborhood and developer. Mayor Hindman commented that no one was saying anything about a ten foot bicycle path. Ms. Nauser pointed out the easement stated “...not to exceed ten feet....” She did not believe there was anything prohibiting someone from the senior center or a neighbor from walking through it. In addition, she could not imagine someone from south of town coming out to walk through the 2.5 acres.

Mr. Wright explained that years ago he worked for the United States Forest Service in Colorado Springs with a role of environmental education. The issue they were dealing with was with regard to access. He noted there were a lot of public spaces that were available, open, public and accessible. From a management perspective, they needed to limit access by limiting things such as trailheads, parking lots, and picnic tables. If they wanted to preserve the area as an old growth forest and limit the impact, they simply should not provide

trails and picnic spaces. He thought that would preserve the spirit of what had been negotiated without a fear of future development of that area to include ten foot wide bike paths, which he was not thrilled about. He stated he loved trails and what they had available as community resources in Columbia, but he was not sure he wanted a trail 60 feet behind his house. He understood this issue recently came up in the Vanderveen development as well. If that was being discussed, he suggested the issue be tabled so more members of the community, and in particular the Neighborhood Association, could provide input as they were talking about something very different.

Mr. Skala explained that from his perspective, he wanted to limit access by not having trails. He wondered if it was a legal question as to whether the term conservation easement was different from an access easement. He noted he was not trying to encourage people to come from all parts of the City to this property, but it bothered him to have a public area with limited access to some people versus others. Ms. Nauser asked how this easement was any different than a utility easement that ran along the back boundaries of somebody's property. She felt it was public right-of-way the public owned for access, but noted it did not allow people to wander through backyards. Mr. Boeckmann replied a utility access was only for utility purposes, which meant the City could maintain the utility. It did not mean any member of the public could wander through the utility easement. The document in front of them was a greenspace conservation easement and if they wanted to know what it meant, they needed to read the document itself. If there was something on a plat labeled greenspace conservation easement, they would go to the subdivision ordinance for a definition. It was not necessarily the same and in this case it was not the same thing. Mr. Janku understood this did not match the ordinance. Mr. Boeckmann stated that was correct. Mr. Janku thought that was part of the confusion. This was a hybrid of two different easements set out in the subdivision ordinance. He understood an access easement would provide access to everyone in the public and noted he was not sure what restrictions the property owner could impose if someone was walking around at midnight. Under a natural conservation easement, however, the trees were protected and the property owner controlled when people were on the property. If they were uncomfortable, they could have someone evicted.

Mr. Boeckmann asked if there were a lot of people wandering through it now. Mr. Wright stated that occasionally there were people who enjoyed the space. Mayor Hindman asked if that was acceptable to him. Mr. Wright replied it was and he suspected it was acceptable to the entire Neighborhood Association. He thought it was a different situation if they approved a plan that would allow for the future development of a trail.

Mr. Wade commented that he sensed some of them liked the greenspace conservation easement and wanted it to perform the purpose of preserving that climax forest without opening the possibility of its development in the future. He thought that could be done by taking out (3) and the one sentence he mentioned earlier from the proposed easement.

Mr. Janku noted the ordinance did not reference any particular easement, but Exhibit A, which was the statement of intent, and it included verbiage regarding a conservation easement. It did not specify access or a trail. It only referred to a conservation easement. If

they were comfortable with it, they should just pass the ordinance. They could then submit a traditional conservation easement that matched the City ordinances rather than the hybrid.

Mayor Hindman asked for the definition of the conservation easement from the ordinances. Mr. Boeckmann replied it was a perpetual interest in land described and dedicated in a subdivision plat and by designation of a greenspace conservation easement, no right of entry would be given to the City or the public. Mayor Hindman thought that went too far.

Mr. Skala stated he agreed they needed to get rid of the language about trails, but the statement about restricting access was very troubling. Mr. Janku understood he wanted the statement of intent to refer to a greenspace access easement, which would provide access. Mr. Skala assumed that would also protect the old growth forest in the same manner as a conservation easement, while providing public access. Mr. Janku understood that would also not allow the construction of a trail. Mr. Skala stated that was correct.

Ms. Nauser understood Silver Oaks would still own the property. They had just reserved this piece of property in an easement. If they had an access easement, anyone would have the right to come onto the property, although it was private property. She understood the conservation easement preserved tree cover, which was the intent of all of the negotiating stakeholders. If they allowed access, they were telling everyone they could access private property. Mayor Hindman noted the owner was willing to grant that easement. Ms. Nauser did not believe they were agreeing to change it. She thought they only wanted to protect, conserve and save it. She did not think they wanted everyone to have access because it was still their property. Mayor Hindman pointed out they would be the ones granting the easement to allow access. Mr. Boeckmann explained that if they granted an easement with access, they were saying the public could come onto their property. Ms. Nauser noted they would be changing it if they turned it into an access easement. Mr. Janku thought they needed to ask their opinion.

Mr. Baumeister explained he understood they still owned the property with a greenspace conservation easement. They were granting an easement to not tear down the trees. The particular section that indicated they would grant a ten foot trail through there was an additional grant of their property, but it was still private property. If they granted a ten foot bike trail access, the ten feet would be public property and the public could go through there, but not access the forest. He noted they only wanted to preserve the trees and the area. They also did not want to abuse the privacy of the neighbors to have anyone walking behind their house and looking in their windows. He thought it needed to be a policable matter as well. He did not know how to get there. He just wanted to ensure they, the homeowners and the City were protected. Whatever vehicle it took to get that finalized was fine with them.

Mr. Hahn explained that when they first approached the developers with regard to this, they just wanted to see the area preserved. They were not familiar with all of the legal aspects of preservation. They wanted the trees and natural area preserved. If someone wanted to picnic, they only had to go across Berrywood to the City park. Without consulting with the Neighborhood Association, he stated he did not disagree with Mr. Baumeister.

Ann Peters, 3808 Berrywood Drive, commented that when they had agreed to this, they did not have a copy of the easement. The only reason they wanted it to go to the City

was because they were not aware of any other options. Had they known of greenspace trusts, etc., they would have avoided contact with the City regarding this matter. She noted the developer had done a wonderful job in negotiating with them. She wondered if they would consider deeding it to the Neighborhood Association, so they could skip City involvement.

Mr. Wade felt they were confusing purposes. What had started out as a purpose to preserve a piece of the climax forest had become a discussion about creating a public use space. He did not believe it had ever been about public use. It had only been about preserving a little piece of a climax forest. He pointed out this issue would come up again if they were serious about using the natural resource inventory to begin finding ways to set aside natural habitat. He thought they were setting aside a little piece of natural habitat, which was different than creating a public use space of which they had an enormous amount within the City. He believed a greenspace conservation easement was the appropriate attachment to the land because it did not allow anything to be done except for it to be a piece of climax forest.

Mayor Hindman commented that he did not believe anyone was arguing about the preservation of the forest. The question was with regard to access. He stated he would not go along with not providing access voluntarily. Mr. Skala stated he would not either. Mr. Skala explained he was not talking about having a picnic in the middle of this piece of property. He was talking about the ability to walk through it to watch some birds and that could not be done with a conservation easement.

Mr. Janku pointed out they had the ability to control access for public use spaces, such as parks and recreation areas, to reasonable hours to avoid potential problems. He was not sure they would have the ability to control access once they put a conservation access easement on a piece of property because it did not impose any limits. Mayor Hindman thought they could probably control it through ordinance since the easement would be to the City. Mr. Skala pointed out that if it was a conservation easement, there were no exceptions, so there would be no access.

Ms. Hoppe commented that another alternative was for the Mid-Missouri Greenland Trust to take ownership of the easement. It was difficult for a neighborhood to do it because it needed to be monitored and enforced. She noted the Greenbelt had the Grindstone Nature Area, which the public used. She thought that might be an alternative.

Mr. Janku asked if they wanted to table this item since not all of the stakeholders were present to accept or reject options. Ms. Nauser stated she did not think it was fair to table it. Mayor Hindman thought everyone present was in agreement with the idea of preserving the trees and not allowing development within the preserved area. He did not believe there was any objection to people accessing the property. Mr. Hahn stated access had not been discussed. They had only discussed preservation. Mayor Hindman thought it would have been assumed that there would be public access if it was an easement to the City. Mr. Hahn commented that he did not know.

Mr. Baumeister stated the original goal of zoning and noted he would make the commitment that whatever the Neighborhood Association and City deemed appropriate for that section of the property was acceptable to them. They would appreciate it if the zoning

matter could be addressed. He noted they were on record as saying they would be glad to work with the City and Neighborhood Association in figuring out the best legal vehicle for everyone's needs with regards to the portion of the climax forest they were leaving untouched.

Ms. Hake commented that all of the negotiations that had been made to date in good faith involved this forest being preserved. She did not believe they wanted to keep anyone from walking through the forest. It was private land now and there were people who walked through. She stated she was very much against allowing access for trails because it was a small area. She wondered if they had a conservation easement, if that meant someone could not walk through it. She thought it was common sense to allow people to walk through it.

Mr. Wade noted the statement of intent indicated the area of climax forest that remained would be dedicated as a greenspace conservation easement or similar instrument to the City of Columbia. It did not dictate what was in the easement, so it could still be worked out as suggested. Whatever ended up being satisfactory to the developer, the neighborhood and the City was what it would be. Mayor Hindman agreed as long as they were not binding them with regard to access. Mr. Boeckmann understood the only disagreement involved access, so that needed to be resolved.

Mr. Wade stated the statement of intent referred to a greenspace conservation easement and everyone had committed to doing that in a way that reflected what the three parties found acceptable, so he thought they should be allowed to negotiate for an acceptable greenspace conservation easement. They could then move forward because it was already in the statement of intent. Mayor Hindman understood it was a greenspace conservation easement not as defined by the ordinance. Mr. Boeckmann asked what that meant. Mr. Wade replied the developer, neighborhood and staff would work it out and it would be whatever they agreed upon.

Mr. Hahn asked if the Council would allow the Neighborhood Association and Silver Oaks to negotiate this final issue. They could go ahead and approve what they wanted to approve with the recognition they would negotiate between the three parties as suggested by Mr. Wade.

Mayor Hindman wondered how the City would be represented. Mr. Boeckmann explained that if the Council left the decision with staff and the City did not have to build trails or anything else, they would accept whatever was worked out by the developer and the Neighborhood Association because he did not think staff cared about the access. Mayor Hindman stated he thought the idea was sound unless it was negotiated as a conservation easement as defined by the subdivision ordinance because it prevented access, which he was opposed to and wanted the opportunity to oppose formally. He suggested the easement be subject to Council approval in order to ensure he had the opportunity to oppose it if it was in the easement. Mr. Skala asked if that was an option. Mr. Boeckmann replied they might be able to determine it tonight if someone made a motion requiring a greenspace conservation easement or a greenspace access easement.

Ms. Nauser pointed out the City did not own the property. It was not in fee simple title to the City of Columbia. It was an easement for the stated purposes. An easement did not grant ownership. It only gave rights for specific uses.

Ms. Hoppe commented that for practical purposes the owner had allowed the neighborhood to wander on it occasionally in the past and she assumed that would continue in the future.

Mr. Skala stated he was concerned because it could be a legal issue if, by definition, it was stipulated as a conservation easement. Mr. Boeckmann noted it would be an issue for the property owner. He explained if someone walked on his neighbor's property without being invited, it was technically trespassing and was a higher degree of trespassing if it was posted or if the person was told not to come onto the property. It would be up to the property owner with regard to whether they cared or not. Mr. Skala asked if they could stipulate it was acceptable and not that kind of restriction. Mr. Wade stated he believed it should be that kind of restriction. Mayor Hindman stated he did not agree. Ms. Nauser commented that she did not believe they should be opening this up for people to bring their family and children for a picnic, and full access gave people that right. Mr. Skala noted full restriction gave people no right at all.

Ms. Nauser made a motion to amend B141-08 by adding a condition to Section 4 indicating the applicant shall submit a greenspace conservation easement as described in the subdivision ordinance to the City before any building permits were granted for buildings on the subject tract.

Mayor Hindman asked for the definition. Mr. Boeckmann replied a greenspace conservation easement meant no access.

The motion made by Ms. Nauser to amend B141-08 by adding a condition to Section 4 indicating the applicant shall submit a greenspace conservation easement as described in the subdivision ordinance to the City before any building permits were granted for buildings on the subject tract was seconded by Mr. Wade.

Mr. Janku asked if the applicant and Neighborhood Association came to an agreement to provide public access, if there was a way to qualify it. He suggested language indicating a greenspace conservation easement, which could provide for some degree of public access if agreed to by the property owner.

Ms. Nauser commented that if they were going to move forward on conservation easements, they would have a hierarchy of public spaces and she felt greenspace conservation easements should be to set aside land. She did not believe every inch of public property had to be accessible by everyone. She pointed out this was still private property. If it was deeded to the City, she would have no problem with people having access. She did not believe they would be having this discussion if the bike path had not been in there, and there would not have been access. Mr. Skala stated that was not true. He agreed the bike and pedestrian trail should not be in there, but noted they would have had the discussion because he would have talked about access. Ms. Nauser stated if this were deeded to the City, she would have a different philosophy. Since it was an easement, it belonged to the applicant and she felt they should have the right to tell someone they needed to leave. She did not believe anyone would have a problem if people were just walking through and viewing nature because there had not been a problem to date. If people started using it more often, she believed the property owner should have the right to dissuade people from using it since it was not City property. Mr. Boeckmann pointed out that if the applicant and the neighbors

decided they wanted access, they would be free to submit another easement to the City for acceptance.

Mr. Janku stated he agreed with the concern of unlimited access and suggested allowing the property owner to have restrictions involving time, etc. He noted they did not allow unlimited access in City parks either. If it was acceptable to have some access, he thought the easement could be qualified in order to accomplish that. Mayor Hindman understood the easement was to the City, so the City had the right to control when access took place. Mr. Wade thought the property owner already had that right. Mr. Skala stated he could change his mind. Mr. Wade agreed and noted it was his property. It was not a public space. Mr. Skala understood Mr. Baumeister was amenable to a limited amount of access on this property regardless of the name of this easement. It was in the City's legal definitions that a conservation easement involved restricted access. Mr. Wade understood Mr. Baumeister indicated he was willing to go along with anything that would make this work.

The motion made by Ms. Nauser and seconded by Mr. Wade to amend B141-08 by adding a condition to Section 4 indicating the applicant shall submit a greenspace conservation easement as described in the subdivision ordinance to the City before any building permits were granted for buildings on the subject tract was defeated by voice vote with Mayor Hindman, Mr. Janku and Mr. Skala voting no.

Mr. Janku asked if they could strike "as described in the subdivision ordinance" and add "which may provide for limited public access."

Mr. Wade explained this was underpinned by a much broader question in terms of conservation easements for the protection of natural areas versus public use. They had talked extensively about natural resource area protection at the Council retreat and that was at the heart of this. He thought they needed to find a way to move forward without penalizing this Neighborhood Association and developer for an issue they had not resolved in terms of policy for the City.

Mr. Skala asked if they could go back to the tentative solution of letting negotiations between the developer, neighborhood and staff take place, subject to bringing the easement before the Council. Mr. Janku was not sure they wanted to ask them to come back to the Council prior to proceeding. Mayor Hindman suggested they accept the zoning issue with the understanding the statement of intent would be amended to indicate there would be an easement of some kind without defining it and that it would have to be accepted by the Council. The parties could then negotiate and present it to the Council to accept or reject.

Mr. Baumeister explained they would have staff on site and suggested they post something indicating access was available upon check in with the Silver Oaks staff at certain dates and times. Mayor Hindman thought that was a possibility.

Mayor Hindman suggested language stating "a greenspace easement to be determined by negotiation and subject to City Council approval." Mr. Boeckmann asked if he wanted to include a time frame. Mayor Hindman replied he thought the neighborhood was interested in making sure that was done.

Mr. Baumeister asked if they had any comments with regard to them policing their own property. Mr. Wade replied that was a right he would always have. Mr. Baumeister understood that would give free access and control to the public property as well as

protection for the Neighborhood Association. Mayor Hindman stated they could work that out. Mr. Wade pointed out it would be access to private property. Mayor Hindman made a motion to amend B141-08 by adding a condition to Section 4 indicating the application shall submit a greenspace easement acceptable to the City Council. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The vote on B141-08, as amended, was recorded as follows: VOTING YES: HINDMAN, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

B179-08 Rezoning property located northeast of the U.S. Highway 63 and Vandiver Drive interchange from A-1 and PUD-14 to C-P.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a 7.6 acre tract in north Columbia. The requested rezoning would change the property from A-1, agriculture, and PUD-14, a planned unit development with a maximum density of 14 dwelling units per acre, to C-P, a planned business district. The rezoning was in response to the realignment of Vandiver, which was approved by the Council in March of 2007. The Planning and Zoning Commission recommended approval of the rezoning request by a vote of 4-2.

Mr. Teddy commented that staff and the majority of the Planning and Zoning Commission who voted in favor of the rezoning request had agreed the shift from PUD to C-P was appropriate in view of the change to the Vandiver extension roadway alignment. On the Major Roadway Plan, it was shown as crossing Hinkson Creek southeast of this site, so originally, the site would have had substantial creek frontage. Now there would be road frontage on four sides of the tract.

Mayor Hindman opened the public hearing.

Chad Sayer, an engineer with Allstate Consultants, stated he was available for questions.

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

Mr. Wade stated he recalled the original discussion of this proposal when he was on the Planning and Zoning Commission and it was going to be a neat condo area with trail access, but that was messed up by the road. He thought this proposal was entirely appropriate and the openness in terms of the kinds of businesses was appropriate because of its confinement.

B179-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

B189-08 Authorizing construction of water mains serving Smithton Villas, Plat 2; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was an ordinance that would authorize payment of differential costs for installing about 1,027 feet of 16-inch water main and was what the computer model showed needed to be provided.

Mr. Glascock noted that it would be projected on north toward the interstate in the future.

Mayor Hindman opened the public hearing.

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

B189-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

B192-08 Authorizing construction of improvements to the Garth Nature Area; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Watkins explained that earlier this year the Council had received a report suggesting the need for 22 additional spaces in the Garth Nature Area. The total cost was about \$48,290 and would be paid from park sales tax.

Mayor Hindman opened the public hearing.

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

Mr. Janku commented that he thought when they did the master planning for parks, they needed to have more leash-free areas as that was driving the need for more parking with people exercising their dogs late in the afternoon. He noted this area took water off of Garth and funneled it into the wetlands and asked if there could be some interpretive signage showing how stormwater was being managed and filtered. He pointed out that with the new parking lot, no lighting was being proposed. He noted the existing lot had one light near the street. He hoped they could put in solar powered lights as was done at the ARC at a relatively modest cost. Mr. Hood thought both suggestions were doable. He believed the sign could be done with the budget shown here, but the solar powered lights were about \$6,250 each. If they added two, the cost estimate would increase by about \$12,500. He thought they could take the additional money out of the FY09 road and parking budget. With Council authorization to spend the extra money, they could add the two solar lights.

Ms. Nauser asked what would not be funded if they took the money out of the budget for lights. Mr. Hood replied the FY09 road and parking budget was around \$180,000 and would primarily be used for overlay of existing roadways and parking lots. They would be able to do \$12,000 less. He noted they had not yet developed a specific list of all projects for the FY09 money.

Mayor Hindman asked if they could run a wire to the lot. Mr. Hood replied he thought they could probably run electrical, but he did not know where the nearest electrical service was located. He commented that he felt the solar powered lights met the goal of sustainability and green development, so he would recommend the solar lights.

Mr. Skala asked if they would be dusk to dawn lights. He recalled a prior conversation with regard to whether dusk to dawn lights were good for the parks. He suggested motion detectors for the evening rather than a dusk to dawn lights that would be objectionable to some folks as it would deal with people who were not to be in the area at the wrong times. Mr. Hood thought the solar lights they had were dusk to dawn, but suspected they could put a timer or motion detector on them. He felt the question was whether this was to be used

primarily for security. Mr. Janku replied that was the primary reason. He explained the park was used at night when it really should not be used. Mr. Skala thought the motion detectors might be a better alternative because law enforcement would then know when people were there after hours. He felt having dusk to dawn lights on constantly encouraged people to come and use the property. Mr. Janku stated that was a good point and suggested it be looked at with the existing light as well.

Mr. Wade understood it was primarily a daytime use facility and the extra parking was primarily for daytime parking. He noted they already had one light and wondered if they needed two extra lights to provide adequate lighting for security for what little parking there would be. Mr. Janku thought they did. He stated it was not for the users that were using it for the intended purpose. It was because people parked there and hung out. He noted it would be expanded further away from the street, so it would be more isolated. Parking was currently close to the street and well lit. He noted he wanted to head off problems.

Ms. Hoppe thought a solar light with a motion detector was the best solution. Mr. Janku suggested they let staff work that out. He wanted it to meet the need of staying on long enough to deter people from staying for a while. Mr. Hood stated they could investigate the technology available.

Mr. Janku made the motion to amend the plans referred to in B192-08 to include interpretive signage and solar lighting as discussed. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

B192-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the north and south sides of Poplar Hill Drive, on the east side of South Bethel Church Road.

Item A was read by the Clerk.

Mr. Watkins explained this was a required public hearing, but no action was required at this time. Legislation on the next agenda would include the annexation and zoning. This was a request to annex about four acres south of the City limits.

Mayor Hindman opened the public hearing.

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

Ms. Nauser commented that as this area began to develop, it was creating another problem because Old Plank was a poor quality road in that area. There were a lot of multi-family homes being constructed in this area, so she wanted them to consider sidewalks and transportation as they moved forward due to the lower income people and students who would be living in the area.

(B) Construction of the Cascades Pump Station Project.

Item B was read by the Clerk.

Mr. Watkins explained this project would allow them to expand the Cascades Sewer Pump Station in south Columbia. The resolution estimate was \$325,000. He noted they had an agreement with the Regional Sewer District as well as the developers in the area, who

would help defer the cost of this project through a \$1,000 per lot tie-in fee. The pump station was being expanded to accommodate 330 additional lots, so it would almost cover the cost of the station.

Mayor Hindman opened the public hearing.

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

Mr. Skala made the motion to proceed with the final plans and specifications of the Cascades Pump Station project. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

OLD BUSINESS

B182-08 Approving the Final Plat of East Pointe Plat 2-C3 located on the south side of Stadium Boulevard (State Route 740), between U.S. Highway 63 and East Pointe Drive; authorizing a performance contract.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was the final plat of about 4.5 acres located in front of Hollywood Theaters and the Planning and Zoning Commission recommended approval.

Ms. Hoppe commented that the staff report indicated there were no traffic problems or issues, but was not clear as to what was done to look at the issue. She noted the residents of East Pointe had commented that it was difficult to get out with Hollywood Theater traffic at certain times. She wondered what type of traffic analysis was done. Mr. Teddy explained it was commercially zoned property and nothing could be done with regard to the zoning. He noted the property was also partially platted, so this was making one lot. Arguably, one lot already existed as part of an Administrative Plat. The infrastructure at the site already existed with East Pointe Drive and Goodwin Pointe Drive. There was also an access easement that ran between two lots. Until there was a development plan, which would go through a staff review versus a public review due to the zoning, there was not a lot that could be said about the design.

Ms. Hoppe asked if staff would conduct a traffic analysis when the plan was submitted. She wondered if they would look at whether a right turn lane out of East Pointe onto Stadium going east was needed. She thought that would allow traffic to flow better at the intersection. Mr. Glascock replied they could review it, but noted it was open zoning, so there was nothing they could do. She understood they could not make it a requirement, but that she could ask for it to be done. She noted she brought this up because the report referenced no traffic concerns. Mr. Glascock explained there was not a concern because the zoning was already there. They were just making two lots into one. Mr. Teddy stated there were opportunities for access management since Goodwin Pointe Drive was a commercial cul-de-sac, but he did not know what the site plan would look like because they did not have one under review. Mr. Glascock thought they could have some access management on East Pointe Drive versus the cul-de-sac. They could make it right-in/right-out forcing them to go left out off of the cul-de-sac, but without a plan, they did not know the options.

Ms. Hoppe stated she was essentially interested in the comment regarding traffic and what was done internally. Mr. Teddy explained it was a check off. When reviewing plats, they looked at traffic among other issues and if no staff person expressed a potential

problem, they would indicate no traffic problems were created by the plat. He reiterated they did not know what would be developed.

Mayor Hindman noted the problem was that there was only one way because the bridge had not been built since it was not a popular idea. There would be two exits with the bridge. Ms. Hoppe stated she had spoken with both neighborhoods regarding it. Mayor Hindman asked if there was interest in the bridge. Ms. Hoppe replied it was complex issue.

Jim Muench, 2711 Mallard Court, stated he was the Chair of the Shepard Boulevard Neighborhood Association and noted that while they did not have any indication as to what might go on this property, the Association was requesting the City and developers of that land communicate their plans to them as early as possible, retain as many trees as they could and carefully study traffic flow from any new business at the intersection. He commented that it was already often backed up when movies were letting out.

B182-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

B185-08 Accepting certain streets for public use and maintenance.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was an annual ordinance that accepted streets that were built through private contract. These were built, primarily, by developers to City standards. There was a year waiting period and then Council accepted them for public use. This year, they were accepting 74 street segments, totaling about nine miles of additional streets.

Ms. Hoppe asked if the City had funds allocated in the budget for the additional nine miles in terms of snow removal and street maintenance. Mr. Watkins replied they increased the street maintenance budget every year. Some streets were paved and some received no treatment. Subdivision streets received less snow removal services than some of the major streets. He noted they updated that plan last year. He could not say they had “x” number of thousands of dollars available in street maintenance for the additional 9 miles, but he could tell them, they planned on making street maintenance a priority in the upcoming budget even though the budget would be pretty tight. He explained he did not know if the houses constructed on these streets paid the same level of taxes that funded streets in terms of property taxes, sales taxes or utility taxes as people in established neighborhoods or houses that were built two years ago, but thought it was an equitable approach.

Ms. Hoppe felt they needed to ensure they had the funds to maintain them, and if they did not, she thought they needed to defer taking possession of them. Mr. Watkins pointed out he was not sure that was something they could legally do. He thought that would set a horrendous precedent if the City did not follow through with what they said they would do after someone had gone through a process that was prescribed by law, had done everything asked of them and had met all of the requirements. If the Council wanted to change the policy, they could, but they needed to give people time to work it through the system, so as they built new streets, they knew what they were getting into.

Ms. Hoppe stated she was concerned as to whether they anticipated having the funds to take care of the streets. Mr. Watkins commented that they would love to have more

money. He noted they had discussed what they could do with more money for snow removal, etc. He thought they could maintain these streets at the level of maintenance their neighbors and similar streets were maintained throughout the City. He stated that was the best assurance he could provide them.

B185-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

B194-08 Appropriating funds for the police training facility.

The bill was given second reading by the Clerk.

Mr. Watkins explained the 2005 capital improvement sales tax ballot included \$1 million for the construction of a police training facility. After a lot of work by staff, they had recommended a location and a project to the Council. After getting into the project, they had determined the cost of the project would be substantially more than the \$1 million. Because he felt it was an important project with regard to what they had told the voters, they were prepared to use some public safety capital reserve funds left over from other projects to meet the additional requirement. They were asking the Council to appropriate \$250,000, which would bring the entire project to \$1.5 million.

Ms. Hoppe noted at the work session, they had discussed the cost of utilities and the importance of providing features for energy conservation. She understood they had a limited budget and asked if this would be built so they would be able to add energy saving features in the future. Mr. St. Romaine replied he thought it would. He stated they would have all liked the building to be LEED certified, but it would add 6-8 percent to the overall budget. He understood that when looking at life cycle costs, there were some paybacks. He thought they could look at things like photovoltaic systems for the roof. They looked at it for City Hall, but since the payback would take over 25 years and because they were looking at cutting costs since they were over budget, they did not look at it in this particular instance. He stated he thought they could add things, such as a solar hot water system. In addition, they had a lot of expansion possibilities. He noted they had included a lot of LEED principles in this project even though the building would not be LEED certified and explained there were a lot of things in this project budget that were energy efficient. Mr. Watkins stated they were building the project so it could be expanded and as they did the expansion, they could review what could be done to improve energy efficiency at that time as well.

Mayor Hindman commented that he shared Ms. Hoppe's concerns about energy savings. He stated he would vote in favor of this, but thought they needed to take into consideration the benefits to the power company as well. He understood it was difficult when facing a cash flow issue due to the amount of money it would take up front and suggested they get a credit on the power purchase side. He did not think they were accounting for it as they should and thought they needed to look at how it could be done. He understood in this instance, it might be the rural electric company, which made it more difficult. He noted he had read that LEED did not necessarily save energy, so he thought they needed to see if LEED certification was really saving energy as well.

B194-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. ABSENT: STURTZ. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B180-08** Approving the Final Plat of Hospitality Point, Plat No. 1 located on the north side of Business Loop 70 West; granting a variance to the Subdivision Regulations relating to street right-of-way width.
- B181-08** Approving the Final Plat of Deerfield Ridge Plat 2 located north of the Scott Boulevard and State Route K intersection; authorizing a performance contract.
- B183-08** Authorizing an agreement with Reynolds, Smith & Hills, Inc. for preparation of an airport master plan update for Columbia Regional Airport; appropriating funds.
- B184-08** Authorizing application for FY 2009 transit planning, operating and capital assistance grants.
- B186-08** Authorizing a right of use permit with Fairway Meadows Corporation to allow construction, improvement, operation and maintenance of landscaping, including lighting, an irrigation system, signage and electrical and irrigation conduits within a portion of the Scott Boulevard right-of-way.
- B187-08** Authorizing a right of use permit with Greenwing Development, LLC to allow construction, improvement and operation of electrical conduits and water service lines and maintenance of landscaping, including an irrigation system and lighting in islands within portions of Wood Harbor right-of-way.
- B188-08** Authorizing a right of use permit with Greenwing Development, LLC to allow construction, improvement and operation of electrical conduits and water service lines and maintenance of landscaping, including an irrigation system and lighting in an island within Estancia Court right-of-way.
- B190-08** Authorizing supplemental agreements with the Missouri Department of Transportation, the County of Boone, the City of Centralia, the Centralia Special Road District and the City of Hallsville for the upgrade of passive warning signs at Columbia Terminal Railroad (COLT) highway-rail crossings and the closure of a highway-rail crossing on Brown Station Road in Hallsville; appropriating funds.
- B191-08** Accepting conveyances for utility purposes.
- B193-08** Accepting and appropriating donated funds for Stephens Lake Park development projects.
- B195-08** Appropriating funds for the production of instructional videos on healthy cooking and eating for the Health Department.
- B196-08** Authorizing an agreement with the Columbia Area United Way for reimbursement of joint social services agency assessment, evaluation and training activities.

- R142-08 Setting a public hearing: consider the FY 2009 Capital Improvement Project Plan for the City of Columbia, Missouri.

- R143-08 Setting a public hearing: consider amendments to the 2008 Community Development Action Plan and the 2005 – 2009 Consolidated Plan as it relates to reprogramming available CDBG and HOME funding and expanding the Neighborhood Response Team area.

- R144-08 Authorizing an agreement with Central Methodist University to provide health clinic experience for nursing students.

- R145-08 Accepting an emergency shelter grant program contract with the State of Missouri, Family Support Division; authorizing agreements with various human service agencies.

- R146-08 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for the Missouri Community-Based Home Visiting Program.

- R147-08 Authorizing an agreement with the Columbia School District to provide a crosswalk guard at Grant Elementary School.

- R148-08 Authorizing an agreement with the Boone County Historical Society for operating a museum and maintaining and making improvements to the Maplewood Home and other historic buildings in Nifong Park.

- R149-08 Authorizing an agreement with the Boone County Historical Society for caretaking services at Nifong Park.

- R150-08 Authorizing an extension of the temporary closure of a portion of Rollins Street west of Hitt Street.

- R152-08 Authorizing an amendment to the resource management agreement with The Energy Authority, Inc.

- R153-08 Authorizing an agreement with URS Corporation for engineering services relating to the Worley Street sidewalk project.

- R154-08 Authorizing a Memorandum of Understanding with the Boone County Sheriff's Department and the University of Missouri-Columbia Police Department as it relates to creation of the Mid-Missouri Bomb Squad.

- R155-08 Establishing the GetAbout Columbia Bicycle Cost Share Program.

- R156-08 Officially recognizing the Lenoir Woods Neighborhood Association and recognizing it as the official neighborhood organization for the area described in the by-laws of the Association.

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

NEW BUSINESS

- R151-08 Amending CDBG agreements with various community agencies.

The resolution was read by the Clerk.

Mr. Watkins explained they had received a request, which had gone through the Community Development Commission, for three agencies to receive additional time in order to complete their projects. It involved the Enterprise Development Corporation (EDC), the

Shalom Christian Academy, and the Boone County Council on Aging (BCCA). All three of the agreements had been executed on May 22, 2006 for a two year period. The Commission had recommended a three month extension for Shalom and a one year extension for BCCA and EDC.

Mr. Janku stated he did not oppose giving the additional time, but felt with the Shalom application, they seemed to be saying they wanted the applicant to purchase the land, but there was still a big doubt as to whether the bank would come forward with the loan to build on the property. He thought that would put them in a difficult situation with the person having bought the land because they would have no recourse to recover the land or money that had been expended. He wondered if there was a way to make this a mutually contingent relationship with the bank, so all parties would know the project was moving forward before expending any money. Mr. Teddy thought they could talk with the bank Shalom was currently working with. He understood the bank referenced in the letter from Mr. Fonville of Shalom was still considering their request for financing. He noted he had tried to reach the bank officer, but had not been able to speak with him yet. He commented that the bank officer and Mr. Fonville had met with staff about a week ago. He stated \$100,000 had been originally committed and the plan was to extend a commitment for half that amount for three months in hopes that would induce Shalom to buy the property. By buying the property as opposed to trying to acquire and construct the facility at the same time, they could show they had some equity and it would improve their position with the bank. If Council granted the extension to August 29, they would have to expend those funds by that time to acquire the property or the grant agreement would expire allowing the money to be reprogrammed. If they acquired it, they would have a loan that would only need to be repaid if they sold the property, converted it to a use other than a daycare or the 60 month period expired. Mr. Janku stated that was his concern. He wanted them to receive the money, but only if the bank was willing to move forward. He understood the bank knew the City had made this commitment. Mr. Watkins understood he was suggesting the extension be contingent upon the bank offering financing. Mr. Janku stated he did not want to release the funds to purchase the property until the bank had made the commitment. He did not want it to be bought and then just sit there. He felt these were prime lots for low income housing that could be tied up for five years without any forward movement. He suggested they allow the extension only if the bank was willing to move forward with their funds. Mr. Watkins suggested that be included in the legislation. He recommended a motion indicating the Shalom extension was contingent upon receiving a firm offer from the bank for the project. He agreed with Mr. Janku in that he was not sure they wanted them to purchase the property if they could not follow through. He also understood where Mr. Teddy was coming from with regard to owning the ground, but thought a firm commitment from the City should be about the same.

Mr. Wade asked if why they had not already done the project. Mr. Teddy replied this was a 2005 application for 2006 funds. They received an extension last July, and at that time, they shifted their strategy from using the money for construction to acquisition and other pre-development costs. He thought the original financial arrangement did not come to fruition. He understood they had made a number of changes to the site plan. He noted they

had the faith-based rules to apply because it was a religious organization, so any space in the building the grant supported could not be used for religious instruction and had to be open to the general public, so they had had a number of setbacks and changes in direction. They expressed to the Community Development Commission that it was still their intent to follow through and build the facility. He thought the Commission felt this was a very worthwhile service for the area as they offered after hour daycare, which was a service of great demand. The issue was how to get it off of the ground. Staff did not originally recommend this extension. The Commission heard from Shalom and compromised with the three month proposal.

Mr. Janku made a motion to amend Section 2(a) of the agreement with Shalom associated with R151-08 by adding “including documentation establishing that funds will be available for construction” so it read “Upon presentation of proper documentation by Agency including documentation establishing that funds will be available for construction, the City will reimburse the Agency funds not to exceed \$50,000...” The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The vote on R151-08, as amended, was recorded as follows: VOTING YES: HINDMAN, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. ABSENT: STURTZ. Resolution declared adopted, reading as follows:

R157-08 Authorizing an agreement with SEGA Inc. for engineering services relating to a transmission line route study.

The resolution was read by the Clerk.

Mr. Watkins explained staff felt the City would need a new substation in the southwest part of the community in the foreseeable future. They did not know where or how it would be fed. This would be the first step in deciding where alternative substations might be located and how they might be fed. The cost was about \$105,000. As they moved through the process, they would take a lot of public input. The first thing they needed to do was to determine how much the City would grow, what the load growth would be, and the options available.

Mayor Hindman understood this also involved transmission lines. Mr. Watkins stated that was correct.

Ms. Nauser noted the southwest was growing. She had talked about this with the previous Water and Light Director because she wanted to get it moving. She felt as properties developed, it would become difficult to put in something like this. They needed approximate locations at the very least so they could acquire the appropriate easements and have the appropriate public discussion because it would be contentious since there were already several projects in the works in that area.

The vote on R157-08 was recorded as follows: VOTING YES: HINDMAN, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. ABSENT: STURTZ. Resolution declared adopted, reading as follows:

R158-08 Authorizing resubmittal of a petition to rezone 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.

The resolution was read by the Clerk.

Mr. Watkins explained this resolution would authorize a resubmittal of a request to rezone 5.01 acres of former MoDOT street right-of-way. It had to do with the Crosscreek area and would allow forward movement of the process. He pointed out this was not the decision. It would only allow the process to move forward. It would go through the Planning and Zoning Commission and would then come to Council. It only involved the rezoning as well.

Mr. Teddy commented that from the staff's perspective, this more recent application was different and distinct from the bill that was defeated. The statement of intent had a lot of detail regarding architectural quality and other site design items that would add cohesiveness and uniformity to the development. He pointed out they published an advertisement for a Thursday public hearing, but put a footnote in the legal notice indicating the hearing on July 10th was contingent upon the Council's decision to accept the application.

Jim Muench, 2711 Mallard Court, stated he was the Chair of the Shepard Boulevard Neighborhood Association and noted his Association had participated in a mediation process aimed at resolving issues regarding the Crosscreek Center development and that the Timberhill Road Neighborhood Association and Stadium63 Properties had signed an agreement a couple of weeks ago. He commented that the Shepard Boulevard Neighborhood Association representatives could not endorse the mediation agreement, but had agreed to present it to the Association for a vote on July 8th, which was tomorrow evening. In general, the mediation provided a more positive atmosphere in which to discuss the issues related to this development. He suggested the Council encourage such a less adversarial system earlier in the process. Due to the confidentiality agreement he had to sign before he could participate, he could not speak about the mediation discussions themselves. The agreement, however, was a public document. Their main reasons for not signing the agreement were stated in Exhibit A at the end of the document. The Shepard Boulevard representatives were uncomfortable with a car lot at that location. If they agreed to it, they wanted its architecture to compliment the architectural theme the rest of the development was expected to adhere to under the terms of the agreement. Since last December, when they first learned about the development plan that was eventually defeated by the Council in March, the Shepard Boulevard Neighborhood Association's position had been simple. They wanted a development at the important intersection of Highway 63 and Stadium that would reflect well on the City, protect property values and fit the City's vision for future development in the area. They wanted an aesthetically unified Crosscreek Center with a consistent architectural theme that fit with other surrounding architecture and that gave it a sense of place and a unique identity as a shopping destination. Although the developers had agreed in principle that such a theme was important, they had presented no specific plans outlining such an architectural theme even though the Association had asked repeatedly for that information. Such plans would show them real thought had gone into the design of the buildings in the development. He stated they needed to see more than rectangles drawn on a map. They wanted to see what they had in mind. In addition, they did not feel it was enough to create a list of construction materials and let each franchise have free reign because there were apparent loopholes in the text to allow that to happen. Their greatest fear was that this agreement would let the developers create another strip of random

corporate prototype buildings erected in hodgepodge styles reminiscent of Clark Lane, which in 30 years would look like the Business Loop, and drag property values down. He noted that Crosscreek would also set the stage for future development in the area and along the Stadium extension, which he understood had been declared a scenic roadway in the CIP plan. He wondered how scenic the roadway would be if it was populated with a motley string of unrelated franchise buildings and car lots. They wanted to ensure Crosscreek and neighboring developments did not become havens for car lots or other automotive related businesses now or in the future. The fear of wrecking Stadium's scenic corridor was why they continued to ask the Council to either honor the original agreement to not allow a car lot in the development or to at least make it conform to the overall architectural theme of the rest of the development. He commented that the mediation agreement was a baby step forward, but it needed a stronger commitment to an architectural theme that applied to all of its buildings. They had seen photos of the Toyota building prototype and its space age design made its ability to blend with a brick and stone-based architectural theme nearly impossible. He commended Stadium63 for responding to many of the detailed recommendations the neighborhood had asked for in terms of landscaping, signage, lighting, traffic, stormwater protection, crime prevention, protection against sound pollution, the creation of a safe environment for children and a place that was friendly to pedestrians and bicyclists, but there were still outstanding disagreements regarding issues such as the height of the signs, the car lot, the masking of rooftop HVAC units from sight, the lack of restrictions on overnight deliveries, the use of public address systems and allowing businesses to remain open 24 hours. He understood the Council faced the decision of whether or not to allow a share of the development to be exempt from the requirement of waiting one year before resubmitting a plan. Because the mediation process was meant to stand for the entire development and because a unified architectural theme should cover the entire development, the Shepard Boulevard Neighborhood Association believed it would be unwise to consider approval of the development in a piecemeal fashion. Although there had been a few changes since March, they failed to see how the new plan was substantially different from the one that failed. The plan still involved the same car lot, the same businesses were slated on the same lots, and there was no specific unifying architectural theme. He felt that pretending the basic plan represented a significant departure from the previous plan simply because it was being presented in smaller chunks did not make it so. If Council believed this plan was substantially different and decided to allow the zoning change to go forward, they would ask the Council to require the former pieces of agriculturally zoned land to be retained as a green space buffer for the development.

Ms. Nauser asked if the Neighborhood Association had voted on this issue yet. Mr. Muench replied they would be voting tomorrow night. Ms. Nauser understood he was projecting the opinion of the Neighborhood Association before the formal vote took place and asked if he would sign the agreement as a representative of the Neighborhood Association if most of the neighbors approved it tomorrow night. Mr. Muench replied he presumed so. He pointed out he was not speaking for his neighborhood. He stated he was speaking for the representatives of the neighborhood that were voted in as the people involved in mediation. Ms. Nauser commented that she thought it was representation of the Neighborhood

Association. Mr. Muench explained he was the elected chairman of the Neighborhood Association, so he could be speaking as the elected chairman of the Neighborhood Association.

Ms. Hoppe understood the representatives were not recommending it. Mr. Muench noted they had agreed to present it to the Neighborhood Association for a vote.

Ms. Hoppe stated they were not making a decision on whether the previously owned MoDOT property would be rezoned tonight. They were only deciding on whether to bring the issue back to Council for a determination. She asked if he had a position on that. Mr. Muench replied he thought they could live with it, but that they would prefer the whole development to be considered as one package versus being cut into small slices. If Council decided to allow for this to be considered as a rezoning issue, they would like it to be considered as a greenspace buffer. Ms. Hoppe noted they were not making that decision tonight. They were only making a decision on whether they could bring back the request for rezoning. They would make that decision another time. Mr. Muench stated he would not take a strong position on that either way.

Doris Littrell, 920 Timberhill Road, stated her Neighborhood Association was one of the three parties involved in the negotiation and mediation process. They had had met and voted to approve the agreement, so she was encouraging the Council to approve the five acres because the idea was that it should be one whole cohesive development with the buildings being compatible with each other. She understood the Council's vote tonight would allow it to be taken up as one project. She noted there was some disagreement about the car lot as Mr. Muench and others did not like the idea of the car lot. She explained the reason they agreed to the mediation agreement was because they felt the whole development would be cohesive and have a sense of good quality and continuity into the future because the Neighborhood Association would have a seat on the committee that would oversee the quality of buildings and landscaping. At this point, the developer would be the person that would decide on the quality issues. When all of the lots were sold, there would be a homeowners association of the commercial owners and the neighborhood associations that signed the agreement would have a spot on the committee, so they would have input on any kind of deviation from the plan in the future. She felt the Council's decision tonight to add these five acres would make a cohesive project. She understood they would make a decision on its merits as one entity at a later date.

Mr. Skala understood one of the difficulties in the mediation agreement was that there was an exception for the car dealership itself in terms of appearance. Ms. Littrell stated that was correct. She noted the rest of the development would be cohesive as far as building materials. She commented that they did not want all of the buildings to look exactly alike even though they were built of the same brick or stone. She agreed the car lot was the exception and was entirely different. When driving in, it was down the hill on the right side. She stated they agreed to make that an exception for various reasons.

Ms. Hoppe understood another exception involved franchises in that they did not have to have pitched roofs. They could have their own architecture. She thought that might be a difference in terms of how that language was viewed. Ms. Littrell explained their interpretation was that the franchises had to accommodate the agreement. For example, the

Break Time would be made of brick and stone and have a pitched roof, which was different from what they usually did. She understood the Taco Bell would be brick on all four sides, but did not know about the roof. She pointed out not every building had to have a pitched roof because they wanted some interesting differences. She noted no one wanted it to look like the Business Loop or Clark Lane.

Ms. Nauser asked if she felt the mediation process was helpful and wondered what she had gained from the process. Ms. Littrell replied she thought it was helpful and noted one of the reasons the mediation process was successful was because some of the ownership of the development had changed. The mediator representing the developer was very open to listening to what their issues were, which had not happened in the past. There had been some major mistrust issues with the developers in 2004. Through the mediation process, she felt they had made real headway in getting past that distrust. Their concerns with regard to light, noise, signage, etc. had been addressed. She commented that the mediation process was helpful, but she did not know if they wanted to require it of everyone because not everyone would want to work that hard.

Mayor Hindman understood staff had indicated they felt there had been a substantial change with regard to the spirit of the regulations and in not needing to wait the full year. In addition, they apparently had a successful mediation process. In his opinion, those two things suggested they should give staff's position the benefit of the doubt and allow this to come forward. He pointed out the developers needed to understand there was probably a significant risk in coming forward and not making it this time.

Mr. Skala stated he thought they had achieved the purpose of notifying the public and obtaining input. Regardless of the decision, he thought it was incumbent on them to do just that. He agreed with Mayor Hindman in that staff felt this should move forward and believed it should as well.

Ms. Hoppe commented that the present zoning ordinance did not allow the acceptance of a petition to amend the zoning map if it was the same or substantially the same zoning as the petition that was defeated. She thought the question was whether this was the same or substantially the same. She felt the 5.09 acres versus 5.01 acres was a miniscule difference and the statement of intent was different, but neighbors would judge how different it was. She stated she did not want to make a predetermination on it since the Shepard Neighborhood had not yet voted on it. She explained she was focusing on the difference in ownership. The previous one had MoDOT as the owner and this one would have Stadium63 as the owner, which was a key difference. She thought they should make a decision that was a good precedent so they did not defeat the purpose of the ordinance. She did not think they intentionally brought it through as one owner with the thought of coming back with another owner if defeated, so that was the significant difference. She commented that whether they approved the zoning or not was yet to be decided. She understood everyone wanted it to come forward as one cohesive, unified plan, so she would approve the resubmittal.

Mr. Janku stated he did not have the ordinance in front of him, but thought the language indicated it either had to be substantially different or Council could approve or waive it. Mr. Skala agreed there was an exception. Mr. Janku pointed out they could waive

the substantially different standard, but thought they could argue it was substantially different with the common elements theme.

Mr. Wade commented that for him the question was not whether it was substantially different, but whether it was justified. He felt the resubmittal was justified. He noted one of the problems with making all decisions with one vote was that this was completely left out. He did not think they would be addressing this question if they had separated the rezoning from the development plan. With the changes that had taken place, it was as though a new project was starting and he thought it needed to be treated as such. He stated they were not voting with regard to whether they agreed or disagreed with anything in the new statement of intent. They were simply saying this little piece of rezoning could start the process again with the Planning and Zoning Commission.

Ms. Nauser stated she felt that if they did not allow this to be reconsidered, it would be self-defeating on their part. The problem was a lack of communication and a distrust with people feeling deals were being made behind the scenes. This was not a question of whether they had 100 percent consensus. It was a question of whether progress had been made. She noted they were moving forward with the new processes and procedures and were trying to bring people together to have this type of dialogue and felt that if they did not allow this to come through after telling people to do that, it would have been a failure on their part and could have derailed the whole process for the future. She believed people had complied with what the Council asked them to do, so they had an obligation to allow it to come forward for another discussion.

The vote on R158-08 was recorded as follows: VOTING YES: HINDMAN, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. ABSENT: STURTZ. 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.

- B197-08** Voluntary annexation of property located on the north and south sides of Poplar Hill Drive, on the east side of South Bethel Church Road; establishing permanent R-1 zoning.
- 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.
- B199-08** Approving the Final Plat of Rangeline Crossing located on the west side of Rangeline Street (State Route 763), approximately 250 feet north of Smiley Lane; authorizing a performance contract; granting a variance from the Subdivision Regulations regarding street right-of-way width.
- B200-08** Approving the Final Plat of SFH Subdivision located on the southeast corner of Clark Lane (State Route PP) and U.S. Highway 63; authorizing a performance contract.
- B201-08** Approving the Final Plat of Old Hawthorne Plaza located on the northeast corner of State Route WW and Rolling Hills Road; authorizing a performance contract.

- B202-08 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.
- B203-08 Authorizing a right-of-way acquisition reimbursement agreement with the Broadway Fairview Transportation Development District; appropriating funds.
- B204-08 Appropriating funds relating to the Scott Boulevard Phase I reconstruction project, from Rollins Road to Brookview Terrace.
- B205-08 Authorizing grant agreements with the Mid-Missouri Solid Waste Management District for the purchase of recycling balers and compactors and a self-cleaning magnet; appropriating funds.
- B206-08 Accepting conveyances for utility, sewer, drainage, temporary construction, greenspace, trail and conservation purposes.
- B207-08 Authorizing an agreement with Sho-Me Technologies, LLC for connection to the City's fiber optic cable system.
- B208-08 Authorizing the Southland Area Customer Transfer Agreement with Consolidated Public Water Supply District No. 1.
- B209-08 Accepting conveyances for utility purposes.
- B210-08 Amending Chapter 13 of the City Code relating to business licenses.
- B211-08 Amending Chapter 2 of the City Code relating to the attendance policy of the Substance Abuse Advisory Commission.
- B212-08 Appropriating funds relating to public health nuisance abatement activities in Boone County.
- B213-08 Authorizing an agreement with the Columbia School District to provide crosswalk guards at Benton, Derby Ridge, Field, Paxton Keeley, Mill Creek, Shepard Boulevard, West Boulevard and Grant Elementary Schools for the 2008 summer school session; appropriating funds.
- B214-08 Authorizing First Supplemental Agreements with the Shoppes at Stadium Transportation Development District, the Stadium Drive Corridor Transportation Development District A and the Columbia Mall Transportation Development District relating to transportation improvements to the Stadium Boulevard corridor from Broadway to I-70.
- B215-08 Authorizing a Cooperative and Cost Participation Agreement, Direct Loan Agreement and Promissory Note for transportation improvements to the Stadium Boulevard corridor from Broadway to I-70.

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Mayor Hindman noted this report was provided for informational purposes.

(B) Potential Sanitary Sewer District on Crites Lane.

Mr. Watkins stated this was a petition for a sanitary sewer in north Columbia. They were asking for Council direction to form the district.

Mr. Janku made a motion directing staff to proceed with the preliminary design to determine the feasibility and costs associated with this sewer district and to provide a report

to Council. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

(C) Naming Recommendation for the City’s New Regional Park.

Mr. Watkins commented that the Parks and Recreation Commission had spent a fair amount of time considering and discussing this and had come up with two names. They were recommending the 140 acre Philip’s tract be named the A. Perry Philips Park. He noted, as part of the development agreement, they had agreed to name part of it after Mr. Philips. They were recommending the 340 acre Crane property purchased last year be named the Gans Creek Recreation Area. The property was purchased at market value and had no naming covenants associated with it.

Mr. Hood noted they had provided a detailed report for Council and if they were comfortable with the recommendations, staff should be instructed to bring back a resolution naming the properties. If the Council wanted to discuss it in more detail, they could provide a more detailed presentation at a work session.

Mr. Janku stated he liked the idea of including “lake” in the name so it was A. Perry Philips Lake Park or Philips Lake. He noted a criterion was that the name be associated with some characteristic of the site and thought the lake was a central feature. He suggested they bring forward a resolution and discuss whether to change it at that time. He did not think they needed a work session.

Mr. Wade stated he thought the Parks and Recreation Commission had done a superb job of analysis and suggested they accept their recommendations. He preferred not to have the word “lake” in it because it reminded him of the destruction of one of the best birding lakes in the Mid-Missouri area since it was being redefined for humane use rather than for wildlife.

Mr. Wade made a motion directing staff to prepare a resolution officially naming the properties as recommended. The motion was seconded by Ms. Nauser.

Ms. Nauser commented that she thought adding “lake” would make it too long of a name. She stated she also liked some of the other suggestions of naming some recreation areas or amenities for individuals that were key to the area.

The motion made by Mr. Wade and seconded by Ms. Nauser directing staff to prepare a resolution officially naming the properties as recommended was approved unanimously by voice vote.

(D) Unpaved Streets.

Mr. Watkins noted the Council had asked for a listing of the 8.6 miles of unpaved streets within the City and stated those were truly gravel roads.

Mr. Wade asked if it was the City’s intent to pave them and if so, he wondered what the process was for prioritizing the streets. He noted there were a lot in the central City. Mr. Watkins replied the City’s process was that they would maintain streets in the condition the homeowners brought them up to. If they paid for them to be blacktop or chip seal, the City would maintain them at that level. If they paid to have them improved with curb and gutter, the City would maintain them at that level. He stated he was not aware of any request to

improve any of the roads on this list. Mr. Skala understood these were maintained in terms of replacing the gravel. Mr. Watkins stated that was correct. He noted that from a maintenance perspective, it might be easier to put a little chip and seal on them occasionally, but there had not been any requests for that. He pointed out the City would tax bill any improvement.

Ms. Hoppe explained the issue was raised by residents on Moon Valley, which was east of Old 63, because they were asking when the City would do something with the gravel road since it was very dusty. Because the City maintained the road as it came into the City, she thought they might want to discuss a need for a change in policy.

Mr. Wade asked if the City did any dust abatement. Mr. Watkins replied he did not think so. Mr. Wade suggested they think about dust abatement. Mr. Watkins thought the goal over the years was to move toward getting people to have hard surfaces.

Ms. Hoppe asked if this could be added to the work session list. Mr. Watkins replied it could. Mr. Janku thought it could be brought up as a budget item as well. Ms. Hoppe understood the property owners could request it be chip and sealed and be billed for the cost. Mr. Watkins stated that was correct and noted they would maintain it in that condition.

Mayor Hindman asked if there was a dollar limit. Mr. Watkins replied they did with the old street maintenance, but that had been done away with. He explained they used to charge people \$2.00 per linear foot to maintain a chip and seal road. It was done away with because it cost them more in paperwork than it brought in.

Mr. Janku commented that if one did not put down a good surface, it would break up causing maintenance to be higher. Mr. Watkins agreed they needed an excellent base.

Mayor Hindman stated he did not see Ashland Gravel Road between Old Highway 63 and the bridge on the list. He felt if it was not unpaved, it had the worst pavement.

(E) Public Library Banners.

Mr. Watkins explained they received a request from the Public Library to allow them to put banners on the light poles near and around the library. There was a process prescribed in the sign ordinance. If Council wanted to move forward, they could send it to the Planning and Zoning Commission for consideration.

Mayor Hindman made a motion directing the Planning and Zoning Commission to consider the sign ordinance amendments requested by the Public Library. The motion was seconded by Mr. Wade.

Mr. Janku stated he hoped they had clear provisions so they were well maintained or removed when they were not being maintained because many groups were doing this now.

Mr. Skala understood they could not impose their aesthetic sense on the banners, but did not think they wanted any abuse with regard to advertising.

The motion made by Mayor Hindman and seconded by Mr. Wade directing the Planning and Zoning Commission to consider the sign ordinance amendments requested by the Public Library was approved unanimously by voice vote.

(F) Street Closure Request – Special Olympics.

Mr. Janku made the motion to approve the street closures as requested. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

(G) Dwelling at 2911 Old Highway 63.

Mr. Watkins noted this was an informational report requested by the Council.

Ms. Hoppe understood staff was working with the Historic Preservation Commission to come up with recommendations for the Commission to review the demolition of historic buildings. Mr. Teddy replied that was correct. He explained there was a draft demolition permit review policy which came from the Planning and Zoning Commission hearing on the Historic Preservation Commission powers and duties ordinance. Originally, there was a power and duty of the Historic Preservation Commission to review all demolition permits. At the Planning and Zoning Commission hearing, they agreed to take that out of the recommendation that went to the Council, but understood it would come back to the Commission. They were taking it to a work session this week. It had gone through the Historic Preservation Commission. It would go through the Planning and Zoning Commission and then on to the Council.

Ms. Hoppe understood they were pursuing some options with the property owners in terms of preserving the Annie Fisher house. Mr. Teddy stated there had been a Commissioner or two that had contacted the owner to inform him of the building's possible historic significance and to discuss other options the owner might not have considered. He thought the Commissioners understood that at this point the owner had zoning and a plan that had been approved for reuse of the site. Part of the purpose of having the demolition permit review policy was to allow the Commission to offer friendly advice or educate a property owner of the significance their building might have. Ms. Hoppe understood they were looking at possible options other than demolition. Mr. Teddy stated it was understood there was not landmark or historic district protection on this particular building.

Ms. Hoppe understood they did not know of the historic significance when it came before the Council. Mr. Teddy stated that was correct. He explained they learned the story of Annie Fisher a little bit too late. During the review of the zoning application, they visited the site and took photographs of the house, which they provided to the Commissioners in case they wanted to weigh in at the public hearing. He thought in their research, they did not come across the story of Ms. Fisher until it was too late.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mayor Hindman commented that he was not present when the taser issue had been discussed, but had reviewed the minutes. He stated he was impressed by the presentations earlier and noted it was obvious the taser could be misused and undoubtedly was misused from time to time, but thought that could be said for everything that was available to the police. He thought Mr. Berg had brought up some good points about the rules under which the police needed to operate. He understood from reading the minutes, there were some rules that applied to their use. Since they were going to every patrol officer, the risk was increased, so he thought it might be a good idea to have a careful review of the rules under

which the police operated to ensure they were good, tight and appropriate. He noted they might already be appropriate, but since Mr. Berg pointed out a couple of things he thought were not covered by the rules, he was suggesting they look at the situation.

Mr. Skala explained he visited his daughter who had graduated from the police academy in Columbus, Ohio last month and had spoken with her and some other officers regarding the issue. He commented that this had potential abuse written all over it. He thought it could be looked at as police abuse by those who abused the police as well as bad decisions made by police and imposed on others. He stated that what was seen was an emotional representation of some awful incidents. He wanted information from staff with regard to policy. He noted the website for the International Association of the Chiefs of Police contained pages of taser related issues to include rules of different cities and how they were used. Some were very well thought out and he suggested that be part of the report. He noted the X26 taser was now available in colors with leopard spots and stripes. He understood people were having parties and selling them to the public as an item for self-protection. Before they talked about the police misusing these weapons, they needed to consider the fact that average civilians with no training were able to purchase and use them. He thought it was important to defend the Police Department in terms of protecting them from the kinds of injuries that could occur without a properly used weapon of this sort that was non-lethal. He also thought they needed to ensure policies were in place so the abuse was minimized, if not eliminated. He stated he also wanted to know the amount and kind of training available. He understood vendors of the product provided training, some departments required eight hours of training and others encouraged their officers to feel the effects of the taser. He noted his daughter experienced it and indicated it was an awful five seconds. He did not believe they could compel people to do that, but did think they could encourage it. He thought they might need to go a little further and find out more about the policy of the Police Department in terms of diversity training, professional development training, etc. He believed that would be useful to him in presenting the Police Department in its best light to his constituents.

Mr. Skala made a motion directing staff to provide reports in terms of taser policies – rules and how they were to be used for Columbia and other communities; taser training – the kind of training available and the amount required; and training policies of the Columbia Police Department in general to include diversity training, professional development training, etc. The motion was seconded by Mr. Wade.

Ms. Nauser commented that while the taser presentations were compelling, they did not provide enough information as they had no knowledge of who the individuals were or any of the circumstances surrounding the incidents. In addition, they did not know if those officers were cleared of any misconduct. They were left with a vision of abuse without knowing the outcome. She stated she noticed that every one of those people were asked to comply with an officer's request and failed to comply. They did not know if they had outstanding warrants, etc. She thought they should be cautious of video clips that had been compiled to prove a point without knowing the final outcome of the incidents. She agreed they needed to look into training and know the policy as that was sound government leadership, but noted she was hesitant for them, as politicians, to start making suggestions

regarding policy for the Police Department. She pointed out policy did not stop abuse because if that was the case, laws would stop criminals. She agreed having a set policy was good so people knew what was expected, but developing policy would not necessarily stop the abuse. She commented that it seemed as though people were saying this would be abused, but they had no indication of abuse of the taser at this time. She agreed they should look into training, etc., but she also thought they should take a step back and not base decisions on a video they saw without knowing the outcomes and circumstances.

Ms. Hoppe explained that when this originally came up, she had asked for additional information because she was aware of the 350 deaths in the United States and Canada. The information she received indicated the Police Department was keeping track of when they were used and how they were used. She was pleased to know that and understood there had been no complaints. She also understood they had some training and policy on use. She commented that since it could result in death for some susceptible people, she thought it was important to have a good policy in place, so they did not give a death sentence to someone who had failed to comply with a minor infraction or order. She believed it was a good idea for the Police Department to develop a policy and for the Council to know what that policy was and how it compared with other communities. She thought it was important for the public to know as well so they would have confidence in how it was being used. If there was a stringent policy in place and stringent training, there would not be abuse in the system.

Mr. Skala stated he agreed with Ms. Nauser in that they did not know the circumstances with regard to the presentation, but thought there was a lot of information available regarding situations of abuse, so it did happen. He noted it happened on both sides. He thought the point of the taser, which was a non-lethal weapon, was to reduce the amount of injury to both sides. In some ways, it was a more humane way of dealing with situations than using lethal force of beating someone for submission. He thought the best way to approach this was to get the most information possible. They were not necessarily trying to tell the professionals what to do. He thought they should get as much information as possible so ideas could be evaluated and they could provide recommendations and guidelines.

Ms. Nauser stated she concurred with the gathering information and learning more about the issue. She only wanted to be cautious in how they moved forward with that information. She did not want to constrain the police officers that were protecting them and dealing with criminals who also had tasers and lethal weapons at their disposal.

Mayor Hindman understood no one had suggested they not accept the grant, which he thought was based on the theory of there being a place for tasers in the Police Department. He thought they were asking for them to consider the questions that had been raised. He felt they all recognized the need for the police to be properly equipped and noted they worked hard to properly equip the Police Department. He understood they were very interested in maintaining confidence in the Police Department, so they wanted a report so they knew where things stood.

Mr. Janku noted he agreed and pointed out a lot of those questions in terms of training were answered in Chief Boehm's response to Ms. Hussman's inquiries. Mr. Skala agreed

there were some answers, but did not believe it contained sufficient detail. He thought they needed to know the policy and training programs across the board.

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

Mr. Wade understood approval of the CIP was scheduled for the next meeting. He noted he had asked for a report on an item he wanted included in the CIP a few weeks ago with regard to the Stonecrest Neighborhood. They were going to have a neighborhood park within the subdivision, but the donated lot was not appropriate. As a result, Longwell was built as the neighborhood park, but there was no safe way for children or parents pushing strollers to get from the neighborhood to the park because of the situation on Gillespie Bridge Road. He stated he wanted the opportunity to add it to the CIP, but needed staff information first. Mr. Watkins stated he would check on the status of the report. He noted he felt the purpose of the public hearing for the CIP was to see if there were some things out of place or missing. He commented that they had also received comments from the Planning and Zoning Commission. Mr. Wade thought this item was out of place because it was not on it at all, but felt he needed more information in order to suggest it be put on it. Mr. Watkins stated he would ask staff for suggestions on the best way to accomplish that.

Ms. Nauser stated with regard to the conservation easement issue discussed earlier, she wanted a staff report that defined the easements so they knew what the options were. She felt this would be a key component when discussing the natural resources inventory so they needed a policy as to what they would accept and why. She suggested this discussion be held at a work session. She thought they needed to set the criteria or policy, so when these issues came up, they did not have to have these discussions. She suggested they receive a report first and then schedule a work session. She thought the work session could be scheduled in connection with the natural resources inventory.

Ms. Nauser made a motion directing staff to prepare a report defining the different types of easements. The motion was seconded by Mr. Janku.

Mr. Janku commented that something coming up that they did not anticipate and had not dealt with before, such as this, was how public policy was made.

Mr. Wade stated he felt they needed something that helped clarify each of the different easements to include the purpose of each easement because their earlier discussion was due a disagreement over the purpose and what they wanted to see accomplished.

The motion made by Ms. Nauser and seconded by Mr. Janku directing staff to prepare a report defining the different types of easements was approved unanimously by voice vote.

Ms. Hoppe noted the Consent Agenda included donations to Stephens Lake Park. The Cosmopolitan Luncheon Club made a donation for the Reichmann Pavilion and Ed Petersheim donated \$10,000 for a second waterfall that would be put in this summer. She also wanted to thank the Knoll family for the \$50,000 donation for the first waterfall that would also be put in this summer now that the pumps were being installed.

Mr. Janku stated one of his constituents, Bill Clark, pointed out a frustration of his was the school speed zone on Smiley near Lange Middle School. It imposed speed restrictions throughout the day, not only when kids were walking to and from school. This was unlike some other school speed zones within the City. He understood they would be working in that area to put in some speed signs and wanted a report to determine if they could make an adjustment so the speed restriction was only in effect at the time of day the students were normally using the sidewalks.

Mr. Janku made a motion directing staff to provide a report with regard to making an adjustment to the school speed zone on Smiley near Lange Middle School so the speed restriction was only in effect at the time of day the students were normally using the sidewalks. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Janku stated he was contacted about a problem on Clinkscapes, immediately south of I-70 Drive with regard to parking on both sides of the street because it constrained traffic to one direction. He noted there was a continuous line of cars parked for the auto dealership, so they were essentially there 24-7. Across the street was a tractor trailer delivery truck, so cars had to squeeze by. It was particularly bad when cars were making a left turn off of I-70 Drive, which was a high speed artery.

Mr. Janku made a motion directing staff to prepare an ordinance to be introduced to remove parking on one side of Clinkscapes for a distance south of I-70 Drive.

Mayor Hindman suggested an alternative to taking it off of one side of the street all the way up and down. Mr. Janku stated he was only suggesting a short distance south of I-70 Drive because the rest of the street was not a big problem.

The motion made by Mr. Janku directing staff to prepare an ordinance to be introduced to remove parking on one side of Clinkscapes for a distance south of I-70 Drive was seconded by Mr. Wade and approved unanimously by voice vote.

Mr. Janku stated he noticed \$200,000 was returned from the Blue Ridge Street account in the transfer of funds report and noted the trees were never planted as part of the original street project. He understood some of it had been done recently and hoped they could finish that up. He commented that with development agreements, they normally built streets to City standards. The sidewalks and pedways were addressed by being incorporated or being built later with City funds, but streetscaping was not addressed. He wondered what could be done to ensure all development agreements included that item. He did not know if the City needed to pick up that share of the cost or not, but felt they had missed too many streets in the past where that was not incorporated.

Mr. Janku made a motion directing staff to incorporate streetscaping in future development agreements. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku commented that they received a letter from Columbia College regarding a landscaped median on Rangeline and wanted a staff report. Mr. Watkins stated he and Dr. Brouder had discussed something more ambitious in the past and had not yet found a time

when they could both meet. Mr. Janku stated he would leave it up to him for follow up. Mr. Watkins stated he would bring something back to the Council. Mr. Janku noted he thought it would be a great improvement to an entryway into the community. Mr. Watkins stated Dr. Brouder had a unique vision for that street and he tended concur with that vision.

Mayor Hindman made a motion for the Council to adjourn to a closed session on Monday, July 21, 2008, at 5:30 p.m. in the fourth floor conference room of the Daniel Boone Building, to discuss personnel matters and litigation and that the meeting be closed in accordance with Section 610.021(1), (3) and (13) of the Revised Statutes of Missouri.

The motion was seconded by Ms. Nauser and the vote was recorded as follows:
VOTING YES: HINDMAN, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. ABSENT: STURTZ.

Mayor Hindman pointed out a special Council meeting would be held at 6:00 p.m. on Tuesday, July 22, 2008 to discuss the GetAbout Columbia projects. Mr. Janku suggested they be provided a staff report showing the projects to lead it off. Mr. Watkins stated it was a special Council meeting and not a work session. Mr. Wade noted there would be opportunity for public input.

The meeting adjourned at 11:16 p.m.

Respectfully submitted,

Sheela Amin
City Clerk