

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**MARCH 3, 2008**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, March 3, 2008, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, SKALA and WADE were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

Ms. Hoppe noted two corrections were needed. On page 22 in the second to last paragraph, a word in the fifth line needed to read “made” instead of “mad”. With regard to page 21, she stated she had mentioned looking at why plastics beyond #1 or #2 were not recycled and asking that it be added to Ms. Nauser’s motion and wanted the record to reflect that.

The minutes of the regular meeting of February 18, 2008, to include the changes identified, were approved unanimously by voice vote on a motion by Ms. Hoppe and a second by Mr. Janku.

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

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

**SPECIAL ITEMS**

**Resolution of Appreciation – Dianne Drainer; Jeff Williams**

Mayor Hindman presented framed resolutions of appreciation to Ms. Drainer and Mr. Williams for taking on the task of the Visioning process, which involved countless meetings and dealing with every issue to include personnel and procedure issues. He noted they did a wonderful job by ensuring input from all parts of the community. He thought they should be extremely proud of the product and process and commented that the Council intended to be guided by the end product, which was the Visioning report. He hoped they were proud of the impact they would have on the community. Mayor Hindman read the resolutions of appreciation and provided them to Ms. Drainer and Mr. Williams.

**SCHEDULED PUBLIC COMMENT**

None.

**PUBLIC HEARINGS**

**B16-08 Rezoning state highway right-of-way located along the east side of U.S. Highway 63, on both sides of Stadium Boulevard (State Route 740) from A-1 to C-P; amending the allowed C-P uses on property located adjacent to the rezoned state**

**highway right-of-way; imposing conditions; approving the C-P development plan of Crosscreek Center C-P; approving less stringent screening requirements.**

The bill was given third reading by the Clerk.

Mr. Watkins explained this item was tabled at the February 4, 2008 Council meeting and that there was supplemental information and additions to the statement of intent since then.

Mr. Teddy noted that since February 4, the applicant had submitted a revised statement of intent. He explained there was a revised description of the new car dealership as an authorized use. It added restrictions indicating it would not be a car dealership that exclusively sold used automobiles, nor would it be used for repossession. There was a description involving after-hour lighting and the PA system would be designed so it was inaudible on residential property. In addition, there was a reduction in the maximum permitted size of the development. The development rights would be reduced from a maximum of 580,000 square feet to 470,000 square feet. There would also be a corresponding height restriction from a maximum of 96 feet for any one building to 70 feet. There was an affirmation of the terms and conditions of the previous C-P ordinance passed in 2006. They would commit to constructing an 8-foot wide pedway on the south side of Stadium Boulevard within the development and to installing landscaping in a raised median on Stadium at the entrance of the development, just east of the ramps at the interchange, subject to MoDOT's approval. There would be a provision for one monument sign per lot on all lots, except Lot 110, which was the automobile sales and service use. The signs would be restricted to a 20 foot maximum height and 128 square foot maximum area. Lot 110 would have two pylon signs with a maximum height range of 30-40 feet and size range of 128-288 square feet depending on where the signs were placed within the lot. He noted a declaration of covenants and restrictions would exist for Lots 101-110. It would specify prohibited and permitted building materials, require coordinated landscaping, require the developer and lot owners to approve plans, and require the trustees of the development to attend annual neighborhood organization meetings and submit any future plan revisions that might require Council approval to them before submission to the City. He pointed out there were also two revised attachments updating the landscape portion of the development plan to show perimeter landscaping throughout the development. It was mainly in the street yard areas along the frontage portions of the lots. There was also a revised landscape plan for Lot 110 that showed additional interior landscaping. He understood the applicant would address the Council with regard to signs, landscaping, and rooftop mechanical equipment.

Mr. Skala noted the Council was handed a new statement of intent from A Civil Group today. It was dated October 15, 2007 and had two revision dates of February 22, 2008 and March 3, 2008. He asked if staff was aware of it. Mr. Teddy replied he was aware of the revision with today's date as he did have a copy. He understood the changes were on page 6. They added a statement indicating the landscaping would be maintained in good condition at all times. There was a further reduction in the size of freestanding signs from a maximum height of 20 feet to 8 feet and a maximum sign display area of 64 square feet instead of 128 square feet. In addition, it indicated all rooftop HVAC units would be designed with sound baffling devices.

Ms. Hoppe noted the first paragraph of the statement of intent indicated 69.3 acres was initially rezoned on September 5, 2006 and wondered why the 2004 rezoning was not included. She understood the 69.3 acres included the land rezoned in 2004. Mr. Teddy explained the majority of the property was zoned C-P in 2004. There was a further amendment and a restatement of the statement of intent in 2006. Ms. Hoppe asked if that acreage should be included. Mr. Teddy replied it was a background statement. Their records indicated it was rezoned in 2004 with a portion added in 2006. Ms. Hoppe questioned whether it was an accurate statement without mentioning the 2004 zoning because most of the acres were rezoned in 2004. Mr. Boeckmann agreed it might not be accurate, but explained it would not have any consequences and would not change the rezoning. Ms. Hoppe asked if it would be a problem to make it accurate. Mr. Boeckmann replied they could change it to make it accurate. Ms. Hoppe understood the developer would have to do that. Mr. Boeckmann replied yes because it was their statement of intent.

Mayor Hindman opened the public hearing.

Bruce Beckett, 111 S. Ninth Street, stated he was an attorney representing Stadium63 Properties, LLC, and commented that he agreed with Ms. Hoppe in that the statement of intent should refer to the 2004 ordinance as well. He noted they would be happy to refer to that as a condition of approval. He stated 42 acres had been zoned in 2004 by ordinance number 018310, so he had no objection to adding reference to it in the letter of intent. He explained the process began in December with an original statement of intent and C-P plan, which they asked Council to approve, along with the rezoning of about five acres of surplus MoDOT right-of-way to C-P so it could be added to the development. He noted they were also asking for the permitted uses to be expanded to allow for a new car dealership with the right to sell used cars in conjunction with the operation of a new car dealership as well as the right to conduct other routine activities a new car dealership would normally engage in. From the time of the initial hearing before the Planning and Zoning Commission in December through today, they had morphed every time they had been in front of the Council, met with neighbors and participated in discussions with staff. He explained that over the life of this proposal, they had clarified the new car dealership would be restricted to Lot 110 and that no strictly used car dealerships or repossession lots would be allowed. If the new car dealership was approved for Lot 110, they would agree to reduce the outdoor lighting on the lot during evening hours. In addition, any public address system used in conjunction with the car dealership would be operated at a level that was inaudible from existing single-family residential neighborhoods. Also, if the car dealership was placed on Lot 110, they would agree to reduce the maximum allowed square footage for the development from 580,000 square feet to 450,000 square feet and maximum building height from 96 feet to 70 feet. They would agree to no transport truck deliveries on Lots 109 and 110 during peak rush hour traffic, which they felt was from 4:30-5:30 p.m. and 7:30-8:30 a.m. They would impose on the owner of Lot 110, as a condition of allowing the car dealership, a new, more intensive landscaping plan, which would also be a part of the statement of intent. They would agree to stripe the 10-foot shoulders of both sides of Stadium for bike lanes as it went through Crosscreek if MoDOT permitted it. They would also agree to landscape the 25-foot wide section of the island on Stadium as it went through Crosscreek with MoDOT approval, which

had been received, so they were committed to perform that landscaping and to assign the task of maintaining that landscaping to one of the lot owners in the development. He commented that they had talked about landscaping the triangular shaped islands at the intersections at Crosscreek that directed traffic to the right or left, but MoDOT would not permit that because landscaping on smaller islands tended to be ruined by salt and cinders during winter months and because it would block sight distance. They would, however, allow colored concrete islands to be installed. He explained they would agree to help lobby MoDOT to provide permission to put a westbound left turn lane at the intersection of Stadium and Audubon to the west of the Highway 63 intersection. He noted they had agreed to pay for a stack of five lights at that intersection to provide the left turn onto northbound Audubon for traffic coming east on Stadium if permitted by MoDOT. They would agree to construct an 8-foot pedway on the south side of Stadium Boulevard as it went through Crosscreek rather than the sidewalk that was originally proposed. They would also agree to reduce the number of freestanding signs on Lots 101–110 from 18 to 11. This allowed one sign for each lot with the exception of Lot 110 as it would be allowed one freestanding sign per building. They would agree to reduce the maximum sign height for freestanding signs on Lots 101-109 from 45 feet to 8 feet and the maximum sign area from 288 square feet to 64 square feet. The freestanding signs on Lot 110 would include two pylon-type signs where the sign structure went all of the way to the ground with no supporting beams or poles being exposed. It would be a completely wrapped sign that went all of the way to the ground. With regard to that lot, there would be one sign per building and the sign would be constructed in conjunction with the construction of the building. They would agree to require all lot owners to install perimeter landscaping in accordance with the Rost landscaping plan and insert in the statement of intent a requirement that all of the landscaping required by other portions of the statement of intent be maintained in good condition at all times. It was no longer just a part of the declaration of covenants. It was now a requirement of the zoning ordinance and enforceable by the City. He stated they would also agree to impose a private declaration of covenants and restrictions on the lot owners. This did a number of things to include a number of things included in the statement of intent. He explained the declaration of covenants allowed the lot owners to enforce the covenants against each other, restricted the type of exterior building materials which could be installed and prohibited certain types of building materials. The covenants would require each lot owner to commit to all other lot owners the maintenance of required landscaping so it was in good condition at all times. It also required any C-P plan changes, which were sufficient enough to require Council approval, to first be submitted to the board of trustees of the subdivision with the board being required to submit such changes to the neighborhood associations in the area for comment before any such changes were submitted to the City for approval. This would encourage discourse between the neighborhoods associations and the developer or lot owner involved. It also required the trustees to attend neighborhood association meetings by invitation, annually, as long as they received adequate advance notice. He pointed out the statement of intent provided this evening was different from the one they received in their packet because there had been further developments. The last two bullet points on page 2 had been added and the second paragraph on page 6 involving landscaping being maintained in good

condition at all times was added. The changes to the maximum height and size of the monument signs and the requirement that rooftop units be equipped with baffling devices had also been added.

Ms. Hoppe understood there was a reduction in lighting at the dealership at night and asked how much it was being reduced. Mr. Beckett replied they did not have a definition with regard to how much of a reduction in light there would be and asked for the Council to take a leap of faith as they were dealing with a reputable car dealer whose practice was to lower lighting on his lots during evening hours.

Ms. Hoppe asked if they had a decibel measurement with regard to the speaker system. Mr. Beckett replied if it could be heard from an existing single-family residential area, it would be a violation of the zoning ordinance and could be handled with a cease and desist order or be prosecuted under City ordinance. Mr. Boeckmann explained the Council recently amended the zoning code to provide that statements of intent were binding and could be prosecuted or enforced civilly. Ms. Hoppe asked if a complaint was sufficient. Mr. Boeckmann replied a complaint did not mean an automatic prosecution. It would have to be investigated first to determine if it could be resolved. Mr. Beckett noted it was his experience with noise violations that the City would contact the property owners and order them to desist from violating the ordinance. If that did not work, they would prosecute. Ms. Hoppe stated she was looking for a scientific measurement. Mr. Beckett explained if it could be heard from the neighborhood, it would be a violation. Mr. Boeckmann noted that would be easier to prove in court versus trying to establish decibel levels.

Ms. Hoppe understood they had received approval from MoDOT for median landscaping on Stadium. Mr. Beckett stated that was correct and explained the 25-foot wide section of the median that ran from the off-ramps on the east side of Highway 63 east to the intersection of Maguire would be landscaped.

Mr. Skala understood the rooftop HVAC units would be sound baffled and asked if that would also provide visual screening of the HVAC units. Mr. Beckett replied no. It would just address noise as that was the complaint from the neighbors. There was no complaint regarding someone seeing a rooftop unit.

Mr. Janku asked for an explanation of the landscaping on the interior of the car lot. Mr. Beckett replied that although car dealerships were exempt from landscaping requirements, they commissioned Mr. Rost to work with the proposed developer of Lot 110 for a practical, useful and attractive landscaping plan that exceeded anything required by ordinance. The plan included shrubs and bushes on the interior islands of the lot, which was relatively risky for a new car dealer because of the expensive inventory and the mess birds might create. Ms. Hoppe asked if the plan was drawn to scale. Mr. Beckett replied he believed it was.

Mayor Hindman asked where the buildings would be located. Mr. Beckett pointed them out on the plan.

Ms. Hoppe asked how many parking spaces were on the dealership lot. Mr. Skala thought it was about 1,201. Mayor Hindman agreed

Jay Gebhardt, an engineer with A Civil Group, stated Kevin Murphy, an employee of A Civil Group thought it was plus or minus 1,200 for vehicle storage display.

Jim Muench, 2711 Mallard Court, stated he was Chair of the Shepard Neighborhood Association and commented that a friend heard someone on the radio this morning stating the neighborhood association had voted to approve the Crosscreek development and its car lot. He was amazed this misinformation was continuing to be repeated. He reiterated that no motion to approve the development, the plan, or car lot was ever brought forth, seconded or passed by the neighborhood association. He explained there were three motions at the January meeting. The first was to approve of the rezoning of the right-of-way, the second was to change the wording of the amended list of uses to allow for the sale of new motor vehicles only, and the third was to appoint a committee to make appropriate recommendations for negotiation. The overall neighborhood sentiment at that meeting and since was very close to the 2004 agreement. Although he had now heard from two neighbors within the last three months indicating they could live with the car lot, he had to weigh that against the dozens of people who were strongly opposed. The prevailing feeling of the neighborhood toward the development was that while they might be able to live with a new car lot under certain conditions outlined in their statement of request, they had never liked the idea of a car lot at that location, definitely did not want a used car lot and had received no guarantee one would not appear there in the future. He noted the second and third motions provided a subtle message to the developers signaling they were willing to consider the plan if they met their requests and negotiated in good faith, but unfortunately, they had not done so. He explained two weeks ago, he had agreed to meet with the developers if they were willing to negotiate in good faith and since no such invitation came, he understood they were unwilling to do so. He noted their standard operating procedure was to begin making offers without giving enough time for the neighborhood association to respond and pointed out they announced the development just before Christmas, offered to cut the number of signs at 3:00 p.m. on the day of the previous City Council meeting, and provided only four working days to look at the new letter of intent this time around. In addition, they were offering some last minute items at this meeting which the neighborhood had not yet received. He commented that they also offered concessions that sounded good on the surface, but under closer scrutiny turned out to be red herrings. The last example came last week when they offered to replace the dozen pole signs with monument signs by redefining a monument sign to fit their own purposes. He believed a monument sign was one sign per development that was shared by all of the businesses. They, however, believed a monument sign was a little shorter and wider than a pole sign and would have the same number of signs as before. He believed it would still look like a forest of billboards. He noted the developers made an agreement with them, which they wanted to change and had also ignored the Clean Water Act. He believed the developers bullied, threatened, misrepresented the facts and presented proposals that could only be described as deceitful. If they really wanted the neighborhood's input, they could have been honest from the beginning by telling them about their plans in October. He stated the neighbors wanted a good development for this land and did not believe this was it. The neighbors wanted something that had a unifying architectural aesthetic that did not look like the hodgepodge of fast food restaurants and gas stations seen on Clark Lane or the procession of car lots along Vandiver Drive. They felt the current plan looked like Clark Lane on the north side of Stadium and Vandiver Drive on the south side of

Stadium. In trying economic times, he felt it was easy to fall prey to the argument that any development was a good one. He believed the Council needed to look to the future by demanding a development that showcased this key intersection so the future Stadium extension would continue in a tasteful manner. He asked them to send the developers back to the drawing board to come up with something better.

Ms. Nauser asked if the letter dated January 7, 2008 include in the packet was his. Mr. Muench replied he believed it was if it was a memo to the Planning and Zoning Commission. Ms. Nauser understood it referenced the January 2, 2008 neighborhood association meeting and indicated it stated "...The association members present decided that the association would not take an official stand against the rezoning of the MoDOT right-of-way transaction nor would it stand against placement of a new car lot at this site. However, there is strong opposition towards the notion of a used car lot or repossession lot at the site, now or in the future. Reflecting that position the association voted to request that the list of approved uses be amended to allow only new motor vehicle sales and services..." Mr. Muench pointed out it stated new motor vehicle sales and services. Ms. Nauser noted all they were discussing was new motor vehicles sales with the option to have used cars ancillary to the sale of new cars. She asked how anyone had misrepresented new car dealerships because they had approved and voted to allow and not oppose new motor vehicle sales. Mr. Muench explained they wanted to negotiate with the developers and noted that motion was quickly followed by a motion to set up a committee to prepare requests for the developer. Ms. Nauser commented that she believed at least 80 percent of their requests had been satisfied with concessions. Mr. Muench stated he disagreed. Ms. Nauser understood they would not oppose new motor vehicle sales and services at that site. Mr. Muench stated the motion indicated they would change the wording of the amended list of uses to allow new motor vehicle sales and services and it was explicitly stated at the meeting they would allow no used car sales. In addition, it was done with the express understanding they would set up a committee to discuss and present requests, which they had done. Ms. Nauser commented that this process had been very unpleasant for everyone involved, but felt it was disingenuous to say they had not worked together due to the number of concessions made. She agreed they might not have gotten everything they wanted. Mr. Muench stated he had not heard anything from the developers since the last meeting, so he did not know how that could be construed as working with him.

Ms. Hoppe understood the association voted to indicate an all new car dealership would be okay. If it also involved used cars, it was not approved and negotiation would need to be done with regard to other items. Mr. Muench explained the second motion was to change the wording of the amended list of uses to allow new motor vehicle sales and service. He believed that was made clear and noted the developers, who were in attendance, pointed out they could not run a new car dealership without selling some used cars. While some of the neighbors agreed, it was never amended.

Ms. Hoppe asked if he could list the items the neighbors wanted, but had not received in terms of concessions. Mr. Muench replied the biggest item was the idea of having an architecturally unified aesthetic at that location. They wanted something that looked good. Ms. Hoppe asked for clarification on how that had not been met. Mr. Muench replied at this

point, all of the businesses could do what they wanted according to their franchises, so that meant it would be a hodgepodge. They wanted a unified architecture, such as the Broadway Shops, Broadway Bluffs and the Arby's next to the Hy-Vee development. Ms. Hoppe asked why they were not satisfied with having it in the covenants and conditions. Mr. Muench replied because they were only enforceable by the businesses within the development itself and those businesses could change those at any time without approval from the neighbors. They preferred it to be written in the ordinance so they were held to it. Ms. Hoppe understood they wanted the architectural standards as part of the statement of intent. Mr. Muench stated that was correct.

Ms. Nauser asked if he had ever been to a new car dealership he did not like. Mr. Muench replied he was concerned that if they allowed one, there would be more as Stadium extended eastward.

Gregg Suhler stated he was President of the Shepard Hills Improvement Association, which was also known as the Timberhill Road Neighborhood Association, and noted they discussed the statement of intent dated February 22 at their February 27 meeting. After considerable discussion, they voted on the statement of intent and ended up with a tie vote. He commented that the tie did not hinge on the automobile dealership. The neighbors were more concerned with what would happen with the development after the developers were gone and the buildings were constructed. In 2004, commitments were made with regard to architectural appearance, but disappeared, so it was still an on-going concern, which they wanted addressed. He noted he could not say how the vote would be with the March 3, 2008 statement of intent and explained their initial vote was 9-2 against the development and the vote with regard to the February 22 statement of intent was a 5-5 tie. If separate votes had been taken, he believed the automobile dealership would have been approved as a use. He pointed out that those who showed up at their request included Ms. Hoppe, the developer, John States, the attorney, Bruce Beckett, and the engineer, Jay Gebhardt and all were helpful. He noted there were on-going issues and from his neighborhood's perspective, they found cooperation and a two-way street.

Ms. Hoppe commented that she recalled most everyone having major concerns with the development and understood there were votes from people that did not attend and asked for an explanation. Mr. Suhler replied they encouraged proxies, so someone attending the meeting could carry proxy for a neighbor as it worked well for them. He noted they discouraged instructed proxies because it would not incorporate new information. He recalled the concerns involved architectural themes, materials and consistency. Ms. Hoppe asked how many of the five who voted against it were at the meeting. Mr. Suhler replied three. With regard to the five that voted in favor of it, there were three present and two proxies. He stated there were three live and present voting in favor of it and three live and present voting against it. Ms. Hoppe commented that she recalled hearing a lot of concerns about the architecture. Mr. Schuler agreed it had been a concern of theirs for four years and counting.

Mr. Skala asked if his neighborhood association was involved in the original agreement that resulted in the ordinance with use restrictions that were put in place. Mr. Suhler replied yes. He stated his neighborhood association and the Shepard Boulevard



Neighborhood Association were the two that were most involved. He noted his neighborhood association took an especially active role, as they retained an attorney for the process. Mr. Skala asked if there was more participation at that time. Mr. Suhler replied yes. He pointed they were only fourteen households and, in the midst of winter, they did not always show up in full force.

Ms. Nauser asked when talking about architectural control, if they wanted uniformity in the way the buildings look as far as architecture or continuity in building materials, such as stone and brick, so there was a common theme. Mr. Suhler replied he recalled people wanting continuity and a similarity of themes and facades. Ms. Nauser noted Break Time at Vawter School and Scott used brick as part of their standard design to make it more of a home-like architecture so it blended in with the neighborhood and asked if that was something they were striving for. Mr. Suhler replied he thought some part of this was with the eye of the beholder. In their case, some were satisfied with what had been committed to and others were not. In addition, there were others that did not have an opinion with regard to it.

Vicki Curby, 1201 S. Rustic Road, commented that the Council had heard from neighbors to the west and north and she wanted to share comments from those that lived to the east of the development. She provided the Council with photos taken yesterday showing what they saw from their side. She stated she attended the meeting with Mr. Kearns and the neighbors in 2004. As described previously, they were told of an upscale development that would take advantage of the beautiful topography of the land with buildings with continuity of design and pitched roofs. She noted that made it into the ordinance that year. In the development agreement of November 2006, there were retail, office and multi-family units. She pointed out the gross square footage had increased with each request for change and was being held hostage tonight with approval of the car dealership. She commented that they specifically disapproved of car dealerships in the original request for the development. She noted this proposal defined permitted uses as retail or wholesale sales and services, to include convenience stores, banks, automobile dealerships, restaurants, and offices. The proposed tenants of the lot were not what the neighbors had in mind from the early meetings. She believed the exception for franchises negated the agreement for the pitched roofs on fast food restaurants, gas station, car dealerships and drugstores since those were all part of national businesses. The original agreement prohibited car washes except at a service station. This plan called for one or more car wash bays associated with the car dealership. Additionally, there would be indoor and outdoor storage and display of new and used motor vehicles on 12 acres involving 2,001 car parking spaces. It would also include a body, frame and paint shop and the storage and dispensing of fuels and lubricants used for motor vehicles. This was the very reason they excluded car dealerships from the approved uses in 2004 and 2006. At the only meeting the developers called, which was in December 2007, Mr. Kearns responded to concerns about architectural integrity and the way the development would look and thought common facades were on the building. Mr. Beckett corrected him by noting that was not in the statement of intent. She noted the neighbors had consistently asked for the development to have an upscale look with similar facades. Specifics were requested, which was why they asked for pitched roofs and similar materials. She commented that there was quite a list of materials that could be used in the covenants and

restrictions and there was no continuity between the buildings. She believed the revised statement of intent was a smoke screen so it would appear as though the developers had been working with the neighbors. She agreed they had been working with Mr. Suhler, but had not met with the Shepard Neighborhood Association or those living on the east side of the development. With regards to the lights of the development being directed downward, if the poles were restricted to 20 feet in height, there would be more of them and all of those lights would be reflecting down on the eastern neighbors adding to the night glow that already existed. She commented that the statement of intent did not restrict sales after midnight or truck deliveries between 10:00 p.m. and 6:00 a.m. For the last three years, they had listened to the beeping, blasting and scraping of the earth moving equipment trucks during the night. She understood the noise from the car dealership would be directed inward so neighbors in Shepard and Timberhill could not hear it, but noted the people on the east side would be able to hear it. Since the wind blew from the west, they were concerned the trash from the four fast food restaurants would end up on their properties. She felt the proposed monument signs were laughable because they were thinking of 2-3 foot signs, not 8-foot signs. She agreed with Mr. Muench in that the plan disturbed the continuity for what was on Stadium now, which included rock cliffs and scenic views. She believed approving this plan would open this important corridor as an entrance to the City for unsightly commercial uses. She understood the Columbia Character portion of the Visioning Report read "...Columbia protects and encourages the expression of its historic and natural character, uniting the community with sustainable, healthy planning and design, beautifying the streets and the lives of citizens..." and that one of the goals under Community Appearance read "...Columbians will preserve its existing character and enhance the City's natural and manmade aesthetics...." She commented that the purpose of a C-P plan was to enable innovation and flexibility in design and to promote environmentally sound and efficient use of land. The major objectives were to allow certain commercial uses in locations where the broad range of commercial uses might be inappropriate, to encourage development of a scale and character that was harmonious with the surrounding areas and to minimize adverse effects. She urged the Council to defeat the car dealership, the variances and the entire plan because she did not feel they were appropriate or harmonious with the surrounding environment.

Mayor Hindman asked where the pictures were taken from. Ms. Curby stated they were taken from her neighbor's property on the east side. She stated she would have to cross the creek to get there from her property. Mayor Hindman asked if she was on the west side of the creek. Ms. Curby replied she was on the east side of the creek. Mayor Hindman asked if she had a picture of what could be seen from her house. Ms. Curby replied no. She noted she could see where the trees had been taken out from her house and pointed out the noise from 63 was about three times higher since they removed the hill. Mayor Hindman asked if she could point to her house on the overhead. Ms. Curby pointed out the location on the overhead and commented that her house was down low, but there were neighbors that were at the same level as the development. Mayor Hindman asked where they were located. Ms. Curby pointed to the location on the overhead. Mayor Hindman asked where the creek was located. Ms. Curby replied there were two creeks that went by the property, the south

and north forks. Mayor Hindman asked if they cleared on the east side of the creek. Ms. Curby replied no and reiterated that the pictures were taken next to the development. Ms. Hoppe understood it was near the north fork.

Ms. Curby stated her next door neighbor, Gay Bumgarner, of 1315 Rustic Road could not be present, but had a statement, which read “Let’s pretend the entire City of Columbia was one beautiful building. One day developers came to the management of this building and said they wanted to place a car agency, gas station, and car wash in front of the beautiful building. We would let them do this if we might make a bit of money and if we didn’t do it, something uglier would be considered to be placed there. Then this group tried to involve us in the small details of this construction, thus making us forget we could say no. Under no circumstances do we want this distracting group in front of our beautiful building.”

Brian Treece, 2301 Bluff Pointe, stated he lived in the East Pointe Neighborhood, which was directly to the west of Highway 63, and believed that as long as the revised statement of intent included the exemption of franchised building prototypes, the rest of the architectural standards would be gutted. He noted he was on the architectural review committee for the East Pointe Property Owners Association and when Miller Labs proposed a building with C-P zoning, they met with the CEO of Miller Labs. They told him of their expectations and he told them about his plans and presented bricks samples, cast stone, shingle styles, etc. He pointed out the same thing occurred with Pro Dental with their CEO asking them what they wanted and if they wanted to demure the lighting and/or the signage. He was willing to sit down and negotiate for an attractive development that complimented SEMCO Engineering, MFA Oil, and MFA Corporate Headquarters. He explained Stadium was a pretty drive when driving toward the west toward I-70 with its rock bluffs and believed the intersection of Providence and Stadium was a matchbook intersection. They wanted the same thing for east Stadium. They wanted something that would mirror MFA Oil, Pro Dental and Miller Labs. As indicated by Mr. Janku, an attractive franchise which did not gut architectural standards could be built. He referred to the Arby’s near HyVee at West Broadway and noted it had a monument sign made of brick and cast stone. In addition, the Culver’s at Broadway Bluffs was not a typical franchise prototype. He understood someone had asked what it was they objected to with regard to the architectural standards. He stated he, personally, objected to the colored or painted concrete block because he did not believe it was an acceptable architectural standard. He felt architectural structural steel was an industrial finish that was not appropriate in the domestic form architecture they sought for this type of development. He commented that the hardiplank siding might be good for a Long John Silver’s, but was not good in this type of development. He did not believe tilt-up or precast concrete was an appropriate commercial form of exterior finish for this type of development. He stated the covenants and restrictions did not address EIFS, which was a stucco-like exterior insulated finish system. He noted that if they allowed a franchise exemption, it would not matter if seven of the nine buildings were red brick with a pitched roofs because once one or more of the franchise buildings were constructed, it would deteriorate the entire development. He understood the rooftop HVAC units were baffled for noise and agreed with Mr. Skala with regard to the question of screening because the elevation was such that it would be seen from 63.

Nancy Harter, 201 S. Glenwood Avenue, noted the Council had asked neighborhood associations to participate and be a player when there were zoning and development issues in their community and to come before the Council to discuss how they felt after working with the developers. She felt a major problem was that the playing field was not level, especially with those developing Crosscreek. She commented that Gay Bumgarner had indicated she had walked the property with the developer and Mayor Hindman and that she had discussed with them the fact that some of the terrain was not buildable. Several weeks later the developer, without communicating what they were doing and probably fearing what the Planning and Zoning Commission would do, took out a land disturbance permit and leveled the land. As a result, Ms. Bumgarner asked the Council to review and study land disturbance permits and they felt this needed to be done sooner than later. She stated that was when this town found out neighborhood associations were powerless and the field was not level. She believed it got worse from there. The neighborhood associations asked that there be no car lots. In addition, they wanted architectural design standards. At first there was to be a hotel, but the economy tanked and no hotel came forth to be built. Now everything the neighbors did not want was being proposed. She understood Ms. Nauser indicated the developers had done everything asked of them during discussion of this topic in the February 4, 2008 Council meeting. She noted the neighborhood associations had also done everything asked of them and had been battered down. She asked the Council to vote against the car lot and stated she believed it was time to revisit neighborhood associations in Columbia as their guidelines were last written in 1977.

Marion Mace-Dickerson, 3651 S. Ben Williams Road, asked the Council to vote against the car dealership because she believed it was in the wrong location. She noted dealerships tended to cluster together and if they approved one, she felt they could have a string of dealerships along the eastern corridor and did not believe that was the image they wanted to convey for a gateway into the City. She commented that in looking at the minutes from the last Council meeting, she found no definitive provision for a public entity to regularly monitor this development to make certain the pollution controls under the stormwater ordinance would continue to be met. She felt this as a major loophole. She noted there was reference to tanks that needed to be cleaned every six months, but nothing indicating who would do that and who would make sure it was done. She believed a better plan than a car dealership would be to utilize this beautiful area for people to enjoy. She stated Columbia was blessed with some beautiful creeks, bluffs, and sycamore trees. Rather than putting in a car lot at that location, she suggested an upscale restaurant overlooking the creek, similar to Les Bourgeois. She was not talking about a fast food place where people would throw trash into the creek, but an upscale place where people could sit outside and enjoy the beauty of nature and the creek. Instead of giving the five acres of land owned by MoDOT to the developers, she believed the City should take those five acres to create something beautiful and significant there. She thought this could be the signature entrance into the City, similar to the Arch in St. Louis. She commented that they could not expect developers and neighbors to work together if agreements made in good faith were not kept. If the motor company was approved, it would send a message to the neighbors indicating it was futile for the neighbors to try working with developers. It would also send the message to developers

indicating they could promise anything to the neighbors because they could later get the Council to go along with whatever they wanted. She felt this would result in a lot of bad will and Council meetings going into all hours of the night. She believed this was a broken process that needed to be fixed. She also believed the Council needed to address the practice of developers clear cutting and leveling land, while letting it sit for a year or more until a use was found for the land. Not only was this horribly ugly, it encouraged erosion and stormwater run-off problems. A much better plan would be to wait until a specific use was found for the land and then prepare the site. She asked the Council to address this in the near future and provided a copy of her statement to the Council.

Leroy Sharp, 3103 Timberhill Trail, commented that he did not recall a motion at the most recent neighborhood association meeting, so he did not believe it could be considered as a formal stand by their association. The 9-1 vote at a previous meeting was addressing a motion, but the 5-5 vote at the most recent meeting was addressing consensus. He stated that on any given day he could say he loved Columbia, but questioned where Columbia was located. He believed Columbia was a piece-meal City and wondered where the City was going as it was growing. He asked them, as City leaders and planners, to help give them a City they could locate and identify versus a spot here and there connected by rivers and streams. He commented that they might have good responsible developers, but sometimes they tended to be motivated for the moment. He asked the Council to halt the practice of issuing land disturbance permits to those whose plans reached out three years and to force developers to conform to long range planning. He wanted a Columbia where they could take friends to see one spot versus driving them to many spots. He did not believe they wanted the sight of 1,000 cars sitting on this site saying hello to University Campus and Boone Hospital Center visitors. He asked the Council to stop allowing the tail to wag the dog.

Ms. Hoppe understood he was at the Timberhill Neighborhood Association meeting and asked him to clarify as to why he did not believe a vote had been taken. Mr. Sharp replied the meeting was not conducted using Robert's Rules of Order. They did not have quorum and did not take minutes. Therefore, he believed it was only a 5-5 consensus statement. He commented that they did not have ten people in attendance and some voted by proxy. Ms. Hoppe asked if he was in agreement that three people voted in favor of it and three people voted against it at the meeting. Mr. Sharp replied he did not know.

Katie Kane, 909 Timberhill, stated some of them had tried to get information from other communities that had architectural controls for their developments. She tried to obtain information from Collierville, Tennessee as they had a strict and good policy where developers had to jump through a lot of hoops, but was worth it as the developments blended into the community. She noted she had the architectural design standards for Lenexa, Kansas and provided a copy to the Clerk.

John Clark, 403 N. Ninth Street, commended the neighborhood associations involved and stated the neighborhood associations, for a long time, had been the only responsible, progressive forces in improving rezoning proposals and development plans, but there was a limit to what they could do. They could make a bad proposal a little better, but could not correct the fact the underlying land use approved by Council or being asked to be approved by Council was not appropriate. He thought it was time for the Council to address these

issues. He referred to an article in the *Missourian* on Sunday and stated it was time for Columbia to move directly into comprehensive planning and to go slow with all of the other things they did. Neither the Council nor the Planning and Zoning Commission had any developed standards by which to consider whether any of this was useful or not. He believed the gist of the Visioning process was to ask the Council to do comprehensive planning. He asked the Council to reject each of the applicant's requests or to send the entire issue back to the Planning and Zoning Commission to consider appropriate land use. He noted the Planning and Zoning Commission could get more included in the statement of intent from the developer. He commented that if they participated in the comprehensive planning process, which could take 2-3 years, they would benefit for generations. If they did not, they would pay the price as they had for not having done this for the last 10-15 years. He asked the Council to immediately direct staff to help them with real comprehensive planning.

Daniel Jordan, 2700 Cardinal Drive, stated he did not believe there was really anything new here. At the last meeting, the Council had given the developers a chance, but they provided more of the same. He thought it was bad enough to provide the neighbors last minute proposals with no time for review, but even worse to do it to Council. He did not believe other developers had problems putting together proposals that met the meaning of planned commercial. Any commitment to aesthetic standards and architectural integrity was too much for this developer, although it was not a problem for other developers in the area. He gave as examples the Pro Dental and Miller buildings and what the Waid's would do with Stratford Chase. He felt this development would be a series of unrelated boxes and did not understand how it would improve the City. He believed it sent a poor message to those who tried to maintain their properties. If there was any hope this developer wanted to do something appropriate, it would have been done months ago. He hoped the Council would defeat this proposal and commented that they did not need to worry about the intersection being developed in a commercial manner because there were plenty of commercial developers.

Dave Angle, 2245 Bluff Boulevard, stated he moved to Columbia in June of 2007 and believed it was noticeable the only favorable comments heard about the development were from the developer. He understood the development plan submitted in 2004 was acceptable to the neighborhood. They now had changes being introduced that were in violation of promises and covenants made to the neighbors. He understood the Planning and Zoning Commission rejected the development plan and there was enumerable, unanimous rejection of the plan from those who would be most impacted by it. In addition, there were tangible and palatable examples of proper development for this intersection on all sides other than where these developers were proposing to develop. They also had a developer who scraped the land in violation of environmental law and had not yet done one thing to remediate that violation. As a result, he believed it was surprising they could even consider approving this plan. He commented that he moved to Columbia in part because of its reputation as a progressive, thoughtful community and he did not believe approving this plan would be progressive or thoughtful. He stated he thought it was ironic that at a time when the State legislature was considering the impact of visual pollution, a community such as Columbia

would consider putting up more lights and billboards as it appeared to be a backwards approach.

Sutu Forte, 627 Bluff Dale, stated she lived down the street from Shepard Neighborhood and commented that she felt this development was another indication of Columbia's addiction to oil, cars, fast food, gas stations, etc. She noted a big effort being made by the City to promote GetAbout Columbia by getting out of cars and using legs and bicycles. She stated this new proposal was just watered down as it would still destroy the community. She did not believe Columbia needed more cars or fast food locations. She asked them to be more creative in modes of transportation and places to eat. She wanted places that were beautiful, unique and artistic.

Sid Sullivan, 2980 Maple Bluff Drive, commented that the Council had brought upon itself the method of deciding new development and had decided to take into consideration neighborhood associations in terms of planning. He stated he had found, at times, the Council saying the neighborhood had spoken, but that they also needed to look at the economy. If playing by the rules the Council set for itself, they brought about these long Council hearings. He thought it was disingenuous to say they heard all they needed to hear with regard to the neighborhood associations and believed they should be playing by the rules they established for themselves.

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

Mr. Skala stated he continued to oppose the rezoning request, the amended use and the C-P plan. In terms of process and procedure, he thought the most important aspect of the proposal was the prior use agreement with the neighborhood associations. He believed prior agreements had to be honored so as not to undermine the negotiation process. If changes were sought, the agreement needed to be renegotiated by the stakeholders and not just with the staff and Council. He noted that when the Broadway Wal-Mart was being negotiated, Mr. Janku became a champion for some of the neighborhood associations in terms of what they were trying to accomplish and he saw this as being similar. He commented that he also agreed with Mayor Hindman, who suggested the hotel might be a preferred use for the property when this was discussed at the last meeting. He stated another process and procedure issue involved substantive changes. A new statement of intent was submitted on February 22 and another one with a few more changes was received today. Multiple changes had been offered since the Planning and Zoning Commission had reviewed the issue. Since all of these changes, taken together, seemed to be significant, he recommended the application be remanded to the Planning and Zoning Commission for subsequent review and recommendation. Another issue involved the separation of issues. He agreed Planning and Zoning issues could be discussed together, but believed they should require a separate vote. He felt it was particularly important in this case because the rezoning applicant for the 5.09 acres was MoDOT and was different than the C-P plan applicant. With regard to staff recommendations, he did not believe they should be offered or interpreted as advocacy. He thought they should be considered as an expert opinion regarding application details as they related to City ordinances. He thought the Planning and Zoning Commission recommendation was different and if a unanimous and/or majority recommendation was overturned, it should be publicly addressed by the Council. He

explained they needed to support good advice and reject bad advice in public. He commented that there used to be some deference to ward representation and noted both he and Ms. Hoppe represented the two wards included in this site and had voiced their opposition to this proposal on a number of occasions. He pointed out his mail and subsequent constituent contact had run at least 4-1 against this proposal. With regard to rezoning the 5.09 acres of MoDOT right-of-way, he believed it should remain agriculturally zoned and dedicated as green landscape buffer given the extent to which the existing approximate 70 acre tract had been cleared. This meant it needed to be reclaimed and replanted and he felt that should be required. He stated the use amendment involved auto dealerships in sensitive watersheds. The marketing of auto dealerships encouraged clustering, additional display floodlighting and 24-hour security lighting, and often introduced other nuisance issues, such as the public address system spillover and deliveries in the middle of the night. In addition, serious environmental issues, such as accidental hazardous material leakage and temperature related stormwater run-off due to the extensive impervious surface necessary to accommodate a 1,200 car parking lot, had not been adequately addressed, which was why the allowable hotel/restaurant option was preferable for the site. He commented that careful consideration of the entrance corridor was second only in importance to the commitment to the neighborhood constituents and their negotiated agreements and believed they could prevent the dire development consequences of another Clark Lane at this arterial intersection, which was even more prominent as an entrance corridor than Clark Lane. He noted one of the first businesses to locate near the Clark Lane and Highway 63 interchange was A-1 Transmission Repair and thought they could do better. He pointed out the Council had recently received a final Vision Report and of the many topics relevant to economic development was the chapter on Community Character, which stated "...Columbia will preserve its existing character and enhance the City's natural and manmade aesthetics." Several accompanying strategies included billboard regulations and the development of a gateway/entry plan. Another Visioning topic relevant to economic development was Planning and Managing Growth with the goal reading "...We envision a community with an open, transparent, inclusive, planning process that values and manages growth, that protects the environment and the city character, and that is beneficial and equitable to all." Two of the strategies listed included taking an inventory of natural and cultural resources and implementing a growth management plan that incorporated form-based zoning. He noted they were underway with the implementation of some of these strategies and in the midst of discussing the others. He commented that this C-P proposal, its history, and its requested use amendment did not appear to comfortably fit within the context of those discussions and believed they could do better. With regard to the plan, he noted the stubbed street alignment of Stadium Boulevard might preclude the flexibility necessary to implement the final recommendations of the CATSO and MoDOT EIS groups with regard to the eastern alignment of Stadium and wondered why they would want to limit their options at this point. He stated, with regard to the environmentally sensitive area, the agreement to provide 100 foot buffers on either side of Grindstone Creek had been abrogated and steeply sloped backfill beyond the property line did not constitute a legitimate riparian buffer. He asked who would be responsible for the maintenance and longevity of the



approved best management practices (BMP's) and how it would be guaranteed. With regard to the covenants, the City could not enforce the covenants and the applicant could not guarantee they would apply into perpetuity. He provided the covenant problems associated with the CenterState bankruptcy as an example. He stated he did not believe the replanting of 2,500 perimeter trees and shrubs adequately compensated for the clearance of thousands of existing trees preceding the submission of the commercial rezoning request. He pointed out the 25 percent tree preservation ordinance set aside necessary for the issuance of the land disturbance permit placed those preserved trees directly in the path of the proposed Lemone and Maguire bridges and extension project if that project received final Council approval. He noted pole signs on the dealership property had not been excluded as two 40-foot tall and 7-foot wide pylon signs were proposed and understood there had been some accommodation to that issue. As was the case with advertising, quality building materials coupled with complementarity was preferable to the current franchise habits involving eye catching overstatements. He believed an understatement was more desirable and effective than an overstatement and referred to the generally positive comments regarding the Broadway Shops commercial development. When it came to sustainable economic development, he noted more was not necessarily better. He felt better was better and stated they could and had to do better. He pointed out the purpose of planned commercial zoning per the zoning ordinance was to enable innovation and flexibility in design and to promote environmentally sound and efficient use of the land. He referred to a quote by a former Orange County Commissioner and the current Urban Planning Chair of the University of Central Florida in the March 2007 National Geographic Magazine article entitled *The Theme-Parking, Megachurching, Franchising, Exurbaning, McMansioning of America* reading "We have allowed Florida to be turned into a strip mall; this is our great tragedy...but just because we have ruined 90 percent of everything doesn't mean we can't do wonderful things with the remaining 10 percent." He felt Columbia could and had to do better.

Ms. Hoppe stated she believed there were many reasons to defeat this proposal and noted Mr. Skala had mentioned several. One reason was due to the substantial changes coming at different times to include the changes provided tonight. She pointed out the Planning and Zoning Commission had not had an opportunity to see those changes and felt they were trying to negotiate as a Council, which undermined the neighborhood participation agreement process. If the developers wanted to make changes, she believed they needed to negotiate in good faith with the neighbors to determine if they could come up with something that was a win/win for all involved. She stated she had not seen that in this situation. She understood the Shepard Neighborhood Association had been willing to meet with the developers with a mediator since the last Council meeting, but the developers were unwilling to do so. At the Timberhill Neighborhood Association meeting, the developers were proposing 20-foot monument signs. She assumed they did not believe the Council would be agreeable, so they proposed another change indicating 8-foot signs, which was still not what the neighborhood wanted to see. She commented that she was shocked when attending a meeting that an elderly resident who had asked a pointed question had been told to shut up because the people representing the developer would pack up their things and go to the Council to get what they wanted. She felt that showed they were not negotiating in good

faith. Three neighborhood associations indicated they had negotiated and this was not what they agreed upon or approved. She noted one of those associations had a 5-5 vote, but that was still not approval. In terms of gateways, she stated she and several other members of the Council had attended public meetings with regard to good appearances at a variety of entryways and the entryway of Stadium and 63 was identified by the public as an important spot for Columbia in general. It was the location where people would get off of 63 to come to the University. She commented that five or six entryways were identified and this was one. She felt if they were going to spend money for a consultant and to spruce up the existing entryways, they should do it right when designing a new entryway, so architectural standards were very important. She did not believe the covenants and conditions were sufficient as it included a variety of material of which many were not acceptable to the neighborhood. In addition, there could not be third party or City enforcement. She noted there were no percentages for using the material, there was no uniformity with regard to the materials, there was not a requirement for pitched roofs, and there was an exemption for franchises. She questioned if they wanted to see a sea of cars at the exit and noted there were also stormwater issues. She commented that they recently received a report indicating the problems and challenges with regard to stormwater controls and enforcement. She stated the Visioning process indicated the community was concerned with beauty and the architectural appearance of the community, which was discussed by Mr. Skala. They wanted sustainable, healthy planning and design and a beautification of the streets. The neighbors indicated they wanted something similar to the Broadway Shops and smaller monument signs. She believed that once the deal was made, it could only be changed by going back to the neighbors. If they did not agree, they were stuck with the deal. She did not think they could just make their case to the Council. She felt that was wrong in that it undermined the process.

Ms. Crayton stated this was confusing for both sides. Part of the confusion was due to two neighborhood associations saying different things. In addition, the developers were providing information today. She felt no one was taking the time to sit down and talk to one another. She understood they spoke with some of the people, but did not talk to all of them. She believed if they were negotiating something of this magnitude they needed to talk to everyone. She stated she received e-mails from people in favor of it and against it, and therefore, could not get a clear picture. She hoped for changes in the C-P process to make these types of situations more clear. She commented that at the present time she could not vote in favor of it, as proposed.

Ms. Nauser agreed this process was broken. The neighbors and developers did not trust each other and negotiations were conducted with hard feelings. At the Council meeting, they had seven people with seven different ideas interjecting seven different opinions on the plans. In addition, they were not consistent with what they asked for with each development. She believed that was the purpose of the ordinances. She did not believe they should be micro-managing plans. If portions of plans were inadequate, it was because they had not properly addressed those issues. She provided the lighting ordinance as an example. She commented that ultimately land use decisions rested on the shoulders of the Council and its seven members. She did not blame anyone for wanting to see if they could make a change

because situations changed. She agreed the process in getting here could have been better. She noted they were provided a processes and procedures presentation last year and believed if they could implement some of it, they could alleviate some of the animosity people had toward each other. She thought it was interesting that Stadium was the only gateway into the community. When the dealership at Providence and I-70 was redeveloping property there, she did not hear one complaint regarding an auto dealership at an entryway into the community. Providence was just as important as Stadium because it led to the downtown and University. She believed Gans Road was the premier entryway into the community as it would be next to their 300 hundred acre park. She stated suggestions from people attending a meeting with the consultant did not mean it was the formally adopted gateway into the community. She commented that she wanted it to look nice as well, but there was no architectural control ordinance and to apply architectural controls because it was their whim today was not fair unless they were consistent and required it everywhere else. She reiterated she agreed the process was broken, but felt the issue they had to discuss today was land use and whether a car dealership was an appropriate use for that commercial property. All of the other underlying ordinances had been complied with. She noted they were recently given a stormwater utility presentation by a consultant who commended them for the new stormwater ordinance and indicated that if it was implemented properly they might not have to move to the next phase when they reached 100,000 point. She commented that she was comfortable in saying the ordinances had been met. With regard to the land use decision, she believed the intersection with a highway was an appropriate location for a car dealership. She noted that if they did not stop having contentious meetings, they might find it extremely difficult to attract new businesses in the future. She did not believe people would want to go through a long and laborious process to get a piece of property rezoned. She felt it was an injustice to everything coming afterward to spend this much time and effort on one issue.

Mr. Janku commented that they had spent many hours on the Philips tract and after all of the debate, discussion and amendments, he believed it turned out well. He understood spending a lot of time on these items was painful, but believed it helped them get it right.

Mr. Janku asked for clarification regarding what the developer would have to do in terms of stormwater in the future. He noted they were not approving the stormwater plan this evening. Mr. Glascock replied there were two components to the stormwater ordinance and they would have to comply with both. One dealt with volume and the other dealt with water quality. One was detention based, which involved compliance with the 100-year run-off. With regard to water quality, water run-off after development had to be the same as water run-off before development. He pointed out they were talking about post-development run-off, not construction run-off. In addition, the developer would have to meet all of the conditions in the ordinance.

Mr. Janku understood they had an ordinance, a new statement of intent, and a comment indicating a correction was needed to the new statement of intent and asked how this needed to be handled procedurally. Mr. Boeckmann replied he understood Mr. Skala mentioned sending it back to the Planning and Zoning Commission, so that was the first issue they needed to address. If they decided to do that, the Planning and Zoning

Commission could hash out the other issues. If it did not go back to the Planning and Zoning Commission, they needed to make some amendments to include using the statement of intent dated today and updating the ordinance to change the sign height and area requirements. Mr. Janku understood they would have to make amendments to the body of the ordinance. Mr. Boeckmann stated that was correct and noted it was so it would be consistent with the statement of intent.

Ms. Nauser asked who was responsible for the maintenance, upkeep and repair of the facilities with regard to stormwater once the facility was in place and the development was complete and whether the quality was checked over time. Mr. Glascock replied it depended on the facility. They would recommend the City maintain regional detention basin facilities. If the facility was strictly for one lot, it would probably be the developer or the owner of the lot maintaining it. He pointed out that if the developers maintained it themselves, they would not have to pay the development charge associated with the permit. Ms. Nauser asked if there would be a reporting requirement with regard to their maintenance schedules and records. She wondered if it was part of the ordinance to periodically check it. Mr. Glascock replied it was part of the City's policy to check them annually. If they received complaints, they would check them sooner.

Ms. Hoppe asked if they had sufficient staff for the coming year to do that. Mr. Glascock replied the report provided the other night indicated they did not. Mr. Glascock reiterated they tried to get to them annually since it was part of the accreditation process through APWA.

Mr. Wade commented that his position had not changed and that he would vote against the proposal. He agreed this was a land use question and believed this was an inappropriate use of that land. If allowed, they would lose the opportunity for the kind of high intensity commercial development called for at that location and a prime commercial site would be wasted on a disingenuous and uncreative project, which would bring a few national franchise businesses. It would not use the site at the level and value it should and that was the main reason he was in opposition to the development. He noted there had been a lot of discussion about the importance of honoring agreements. He agreed changes could be made, but both parties needed to agree to the changes. He noted some had advocated for this site due to economic development. He agreed this community needed major economic development efforts, but thought they needed to be clear with regard to what they were talking about. Economic development was expanding the economic base or getting more value out of resources already here. He felt this project would have very little economic development impact. It would have little impact in bringing new money into the community and economic base. It would tend to redistribute money already here. He believed the real impact would probably be negative because it would move business from locally owned small businesses to national franchises. He also felt this was a project that was not good from a development community's perspective. It had been a poor project from the beginning. He understood his vote of no would probably be claimed as anti-development or anti-growth, but believed the real anti-development position would be to support this project as it reflected negatively on the entire development community and would make it more difficult for Columbia's good developers who wanted to do quality projects appropriate for the community

and site. He noted something was dramatically wrong with the way the City approached zoning. On August 21, 2006, the Planning and Zoning Commission forwarded to the Council a report by a stakeholders group on the planning and zoning processes and procedures, which began by saying the system was broken and the problem started with the Council. It recommended a series of changes to restructure the process. With the current process, every proposal was treated like a new experience. No one knew the rules or what was expected. In addition, everything was negotiated at the Council level. He stated he did not believe he was elected to micro-design projects. The legislative body of City government had the responsibility to develop policy, to define rules for everyone, to provide direction for the future of what the City wanted to become and to ensure what was done was to the public benefit and welfare, while protecting public safety. He felt this project exemplified increased contentiousness and community antagonism. In addition, trust was being destroyed. He commented that when individual members of the Council attempted to negotiate deals, the trust in the process was undercut. Also, when the Council redesigned projects, the democratic process of transparent evaluation was undercut because the content of the project was created without an opportunity for full public knowledge. This included times when the Council received new materials a few minutes before the Council meeting. He noted the current process resulted in Columbia being one of the most expensive communities for projects to be evaluated and either approved or rejected. The observation had been made to him that Columbia was now a town where only large, wealthy developers could do projects because it was so expensive to get approval. There was also a cost to the public and City and the sum of the cost from the three parties was huge with very little value added to the project or community. He felt if they voted on this project and then just moved on, they would be missing the point. He hoped the outcome of this project would be the realization that they needed to change how they, as a Council, did business.

Mayor Hindman commented that he believed they had a developer with a proposal and that there had been negotiation with the neighborhood associations. He noted that if they had specific standards, there would be no need for neighborhood negotiations. He also wondered what the specific standards would be for this intersection. With all of its faults, he felt there was some argument for trying to negotiate the best one could for a particular development. He stated it was difficult to know in many cases who they were negotiating with and who was representing who at these meetings. He noted Ms. Nauser referred to a letter that indicated a quorum was present according to association by-laws. Only ten association members and 35 people were present out of over 400 households. The members decided the association would not take an official stand against the rezoning of MoDOT right-of-way, nor would it stand against the placement of a new car lot on the site. As a result, it appeared as though the association was not opposed to a new car dealership. They had a speaker who indicated they were talking about the sale of only new cars. As far as he knew, there was no such thing as a new car dealer that did not sell quality trade-ins. He understood they were in opposition to a business that was strictly a used car lot or a repossession car lot. He also understood they voted to request the list of approved uses be amended to allow only new motor vehicle sales and service and he took that to be a new car dealership. In light of this, he questioned how they knew what they had with regard to

agreements with neighborhood associations. He stated the neighborhood association then formed a committee that made certain requests of what they wanted. He noted he was referring to the Shepard Boulevard Neighborhood Association, which was the association across the intersection where there was a major barrier, high highway noise, etc. He agreed that if they were directly affected, they were in a special situation, but beyond that, they were the same as the rest of the community. With regard to whether they were directly affected, he did not know. He understood they were asking the City to request from MoDOT a left-turn arrow from eastbound Stadium onto Audubon, which had been done. They also asked the City to request the speed limit on Highway 63 be lowered to 60 mph and he thought that was a good idea. They wanted to ensure the setback on Stadium allowed for adequate right-of-way for future widening and wanted the development to be made bike and pedestrian friendly. He understood the setback issue had been met and the developers had agreed to an 8-foot pedway and would have pedestrian access to their stores. They asked that no used car dealerships or repossession lots be allowed and he felt that requirement had been met since it was a new car dealership. They wanted landscaping on the island on Stadium and that was being done. They wanted the buildings to have architectural integrity to include similar materials on facades and pitched roofs on all buildings. He agreed that item had not been met. They asked that trees be restored along the edge of the entire development on the east side of Highway 63 and he thought that was being taken care of with the help of the Army Corps of Engineers. They wanted landscaping to be made visible on the developed lots versus just on the down slopes along the sides of the creek branches. He understood that was being done. They asked for native plants to be restored along creeks to prevent erosion, which was the mitigation required. They wanted adequate City staff to monitor for compliance with regard to the stormwater ordinance. This was something the developer could not do as it was the responsibility of the Council and they were discussing the issue. They wanted the business owners to be required to maintain records of inspections and maintenance. He understood that was a Council responsibility and they were working on it. They wanted to ensure stormwater quality and quantity was at the level prior to land disturbance. He thought that was a requirement of the stormwater ordinance. They did not want pole signs and there would be none. They wanted only wall signs and small monument signs at the entrances of the development. He understood the developer had agreed to 8-foot high monument signs. They did not want any outside public address systems. He thought they had effectively agreed to that since it would be a violation if heard at one of the homes. They did not want deliveries between 9:00 p.m. and 7:00 a.m. He understood they partly complied with that request by not having deliveries during peak hours. They requested that no businesses be open past midnight, which was not agreed to by the developer. They asked that the businesses take measures to prevent light pollution. He thought 8-foot poles with cut-off light fixtures would accommodate it. They also asked that the car dealership reduce lighting during off hours and he understood that would be done. If he was correct, they had agreed to a new car dealership providing that these items be negotiated. He noted most them had been done. The biggest issue remaining was architectural integrity. He pointed out they had not adopted any kind of rule with respect to architectural integrity and noted he had asked for an architectural review commission in the past. He agreed the

developer had made a lot of mistakes and had done some things that were very unpopular to include the mass clearing of the property with the idea of expanding the number of acres that would be available for development. He pointed out he had heard only negative comments from people with regard to that situation. He noted a different neighborhood association had a 5-5 vote. As a result, he did not believe the neighborhood associations were truly against this. In addition, he was not sure further negotiation could occur. He understood they wanted architectural integrity, but without any rules he wondered how it could be worked out. He also understood the argument indicating a car dealership might lead to further dealerships along the strip, but noted it was a car dealership owned by a local person and would be the largest dealership of its type in Missouri. In addition, one of the fast food restaurants would be locally owned. He pointed out he had always complained about car dealerships because they were big and unattractive parking lots with no landscaping. In this case, they had a local dealer who was willing to provide landscaping so it would look different than any other car dealership. If they turned this down, they did not know what they might get and the dealership might go to a location, just outside the City limits. He believed they needed to be careful with regard to what they thought they would end up with. He commented that architectural integrity was a good thing, but pointed out a LEED building might not fit the architectural integrity wanted. Although the three fast food places on Conley Lane were not the same buildings, he thought they were attractive and beautifully landscaped.

Ms. Hoppe stated there were several examples, such as the Wal-Marts at Grindstone and Broadway, where serious developers worked out architectural standards with the community. She commented that this was a big issue for the residents and those who had spoken were representative of the neighborhood. She noted she had only heard from a handful of people who were supportive of the development. She believed the developers could seriously work with the neighbors if they wanted this.

Mr. Skala stated he believed architectural design was a very important factor, but not the only one. In fact, it was not on the top of his list. The issue on top of his list involved honoring the commitments and process that went on behind the negotiations and eventually resulted in an ordinance the Council passed.

Mr. Skala made a motion to remand this application to the Planning and Zoning Commission in view of all of the changes for their review and recommendation. He pointed out that if they followed through with this motion, it would be incumbent on them to develop guidelines for negotiations. The motion was seconded by Ms. Crayton.

Mr. Janku asked what the procedure would be if they remanded this to the Planning and Zoning Commission. He wondered how they would handle it. Mr. Boeckmann replied he believed staff would provide a report with all of the appropriate paperwork for them to review and make recommendation to the Council. He noted the developers would be free to start negotiating with the neighborhood associations if they chose to do so. Mr. Janku asked if there would be a time frame. Mr. Boeckmann replied he would recommend it be a public hearing when sent back to the Council. He noted there were two options. They could draft a new ordinance or keep the same bill number, while amending it with regard to any changes prior to holding the public hearing.

Ms. Nauser understood the Planning and Zoning Commission had already denied this land use and wondered what action they would take. Mr. Boeckmann replied he thought the Planning and Zoning Commission would look at the current version of the proposal and provide their recommendations to the Council.

Mr. Janku asked if there would be another advertised public hearing at the Planning and Zoning Commission level. Mr. Boeckmann replied he did not believe that was required, but thought it would be a good idea.

Mr. Janku stated he agreed the system was broken and that they might need to formalize some things. He pointed out it was the Council's authority and responsibility to react to comments and make changes, if appropriate. With regard to this issue, he believed it was an appropriate location for a new car dealership with the type of landscaping this plan would incorporate. He understood why some did not like the appearance of some of the car lots in the community, but noted this developer had made changes to make this one more attractive. He believed the changes to the sign had made a significant difference. He agreed a 45-foot sign across the highway from Shepard Boulevard would be unsightly for someone sitting on their back porch, but an 8-foot sign would not cause that problem. In addition, he believed the sound restrictions on the dealership would minimize the impact on the adjoining neighborhoods. He commented that they could all have different visions regarding the type of commercial development that should be there, but did not believe they could force the market. The developer of CenterState had a great dream and fought hard for it, but could not make it work. He also wished they had a different mix of tenants at this location, but did not believe they could force the market. With respect to architectural integrity, he agreed they could have franchised stores with some degree of architectural standard and provided the Walgreens at Forum and Nifong as an example. It matched the typical Walgreens style while also matching the surrounding development. He believed there were ways they could accomplish things.

Ms. Hoppe understood they were discussing sending this back to the Planning and Zoning Commission and stated she believed the cleanest way of doing that was by turning down this proposal because it would then have to go back to the Planning and Zoning Commission. In addition, they would then not have to worry about any unusual procedures.

Mr. Skala asked if there was a clause that suggested if an application was turned down, there was a time frame during which that application could not be refiled. Mr. Teddy replied there was for the rezoning part of it and noted the Council could make an exception. He stated the time limit was one year.

Mr. Wade pointed out this developer was not developing commercial space. This was a real estate project for flipping parcels to any buyer. They were taking a piece of land, dividing it into lots and selling them to anyone who had an allowed use. The way to get the type of architectural integrity wanted was if the project was actually developed as a single, commercial, mixed-use project. He stated he agreed with Ms. Hoppe with regard to voting it up or down. He noted this project had ten lots and was the prime undeveloped commercial site at a major intersection in Columbia. He did not believe this was the kind of commercial intensity they wanted at that intersection. He thought it might be their own lack of planning and creativity that created the issue with regard to car dealerships. Escondido, Florida was a



rapidly growing city not much different in size than Columbia and it did not have car dealerships at major intersections. They identified commercial areas and had buffered commercial on both sides. By concentrating quality projects and quality companies, everyone benefited. He reiterated he thought they were lacking with regard to their own vision. He thought they needed to make a decision. If it was yes, the developer would move on and if it was no, the developer would go back to the drawing board.

Mr. Skala stated he had no objection with regard to turning this down. The reason he suggested remanding it to the Planning and Zoning Commission was due to the substantive changes and more information, such as how this related to the Visioning Report. He reiterated he believed it was incumbent on them to provide guidelines if it was remanded. He commented that he wanted the Planning and Zoning Commission to provide another recommendation based upon the current information.

Ms. Nauser stated she agreed with Mr. Wade in that they should vote this up or down. She did not know if the Planning and Zoning Commission would be able to provide them any additional information. She commented that the land use decision rested solely on the Council and that she had taken into consideration the recommendation of the Planning and Zoning Commission and the testimonies of the people that had spoken. She pointed out the lack of growth management planning was something they were starting to work on and noted Mr. Wade was working on a proposal. In addition, there had been some joint City and County planning meetings. She commented that the Stadium corridor would likely not be in place for another ten years and thought this could also be a new area for planning as they moved forward. She did not, however, believe they should hold up this issue to solve that problem.

The motion made by Mr. Skala and seconded by Ms. Crayton to remand this issue to the Planning and Zoning Commission was defeated by voice vote with only Ms. Crayton, Mr. Janku and Mr. Skala voting in favor of it.

Mr. Janku stated they needed to ensure they were voting on the right ordinance with the amendments in place in case it passed.

Mr. Boeckmann noted on the fourth page of the amendment sheet in the packet, the last sentence of Subsection 7 under Section 4 needed to be amended to read “The maximum height of the sign regardless of setbacks shall be 8 feet tall and have a maximum sign area of 64 square feet.”

Mayor Hindman made the motion to amend the amendment sheet associated with B16-08 by changing the last sentence of Subsection 7 under Section 4 so it would read “The maximum height of the sign regardless of setbacks shall be 8 feet tall and have a maximum sign area of 64 square feet.” The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Boeckmann pointed out the plan Council would be approving in Section 5 of the ordinance was the plan dated December 10, 2007 and changes would need to be made to that plan in order for consistency with the latest statement of intent. He suggested they add “as it shall be revised to conform to the statement of intent and the conditions set forth in this ordinance” after “dated December 10, 2007.”

Mr. Janku made the motion to amend B16-08 by changing Section 5 by adding “as it shall be revised to conform to the statement of intent and the conditions set forth in this ordinance” after “dated December 10, 2007.” The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Boeckmann stated another change needed was to replace the statement of intent included as Exhibit A with the statement of intent distributed tonight with the revised date of March 3, 2008.

Mayor Hindman made the motion to amend B16-08 by replacing the statement of intent included as Exhibit A with the statement of intent distributed tonight with the revised date of March 3, 2008. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Janku asked if they needed to reference the earlier ordinance. Ms. Hoppe stated the developer indicated they would change the statement of intent by adding the 2004 rezoning. Mr. Boeckmann suggested they agree to substitute an amended statement of intent that would be filed by the developer’s attorney making that one change.

Mayor Hindman made the motion to allow the substitution of an amended statement of intent to be filed by the developer’s attorney noting the 2004 rezoning of 42 acres. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Boeckmann noted they also needed to vote on the amended amendment sheet. Mr. Wade asked for clarification. Mr. Boeckmann explained they made one change to the amendment sheet, but had not adopted all of the other changes on the amendment sheet.

Mr. Skala made the motion to amend B16-08 per the amended amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Wade stated he wanted to vote on the application by MoDOT for rezoning as a separate item. Mr. Boeckmann was not sure how that could be done since it was all part of one ordinance. Mr. Skala explained they wanted the separation because the applicant for the rezoning was different than the applicant for the other issues. Mr. Janku asked if they could offer an amendment to delete it from the ordinance. Mr. Boeckmann replied they could, but it would not address what they wanted to do because they wanted to vote yes or no. Since it was all part of one application and included in one ordinance, he did not know how they could split it into two ordinances. Ms. Nausser asked if it was something they needed to address on future applications. Mr. Boeckmann understood there was also an issue with voting separately on a rezoning and a plan because the current zoning ordinance allowed it. The Council would have to mandate it be done in two ordinances. Mr. Wade understood he had to vote on all of the issues with one vote even though that was not what he wanted.

The vote on B16-08, as amended, was recorded as follows: VOTING YES: NAUSER, HINDMAN, JANKU. VOTING NO: HOPPE, CRAYTON, SKALA, WADE. Bill declared defeated.

**B40-08 Voluntary annexation of City-owned property located on the south side of Gans Road, along Gans Creek Road; establishing permanent R-1 zoning.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was the voluntary annexation and zoning of about 320 acres of City-owned property to the south of the current City limits. The Planning and Zoning Commission recommended approval of R-1 as the permanent zoning.

Mayor Hindman opened the public hearing.

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

B40-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B41-08 Voluntary annexation of City-owned property located on the west side of Creasy Springs Road, north of West Prairie View Drive; establishing permanent R-1 zoning.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a voluntary annexation and zoning of about 2.5 acres of City-owned property in the northeast part of the community. The City purchased the property as corridor preservation for a future improvement to Creasy Springs Road. The Planning and Zoning Commission recommended approval of R-1 as permanent zoning.

Mayor Hindman opened the public hearing.

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

B41-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B42-08 Rezoning property located on the west side of Old 63, approximately 1,200 feet northwest of the intersection of Bearfield Road and Old 63, from R-3 to C-3.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposed rezoning of a small tract of R-3 zoned land in south Columbia. The subject property was in an area that was developed primarily with apartment complexes and some commercial uses on C-3 zoned land to the north. The Planning and Zoning Commission recommended approval of the proposed rezoning.

Mr. Teddy noted the reason for requesting the rezoning was to allow for an expansion of the self-storage business on the tract to the north. He pointed out an application had been filed for the March 11, 2008 Board of Adjustment meeting with regard to the height of the buildings.

Mayor Hindman commented that he was a believer in planned commercial and asked if the size of the tract and it being adjacent to the storage units made that seem out of place. Mr. Teddy replied it was that and the fact this was contiguous to an existing C-3 district. Several tracts running north of the subject property were zoned C-3. With the inclusion of the subject tract, it made about 18 acres of C-3 zoned property. Staff felt Old 63 was a completed roadway with curb and gutter, a three lane cross section with a continuous left turn lane and sidewalks. There was no particular need for infrastructure in the area. Surrounding land use was R-3 on three sides and C-3 to the north, so those factors along with the small size of the tract helped.

Mayor Hindman opened the public hearing.

Kevin Murphy, A Civil Group, 1123 Wilkes Boulevard, stated his clients, Mel and Charlotte Smarr, owned storage facilities to the north and believed the 1.84 acres could be aptly zoned C-3. He provided a handout which showed the type of facility they intended to build. He explained this property fell off sharply to the west and there was a large amount of Oak and Hickory forest on the western portion of the tract. The two existing residences on the tract would be raised. With regard to the climax forest, he pointed to a drawing to show the area that would be preserved. The variances they were requesting from the Board of Adjustment were due to the topography. The buildings would be walkout type buildings and the maximum height allowed for self storage facility was 14 feet. They were proposing a two-story 25-foot maximum height and would provide screening from the back and the side. The roof lines would not be any taller than the adjacent existing buildings and would be less in height than the three-story structures to the south. It would also be less in height than the large house that already sat on the property.

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

B42-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

## **OLD BUSINESS**

### **B39-08 Authorizing the issuance of Special Obligation Electric Utility Improvement Bonds, Series 2006C.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was the balance of the \$60 million of bonds to be issued based upon voter approval in August, 2006 for the electric utility. These were typically divided into pieces and sold only as cash was needed in order to avoid paying additional interest. At its previous meeting, the Council authorized the City to go for bids. The bid would be awarded tonight.

Ms. Fleming stated these bonds were bid over the internet at 10:30 a.m. today. Four bids were received and the winning bid was UBS Securities with a rate of 5.443. She noted they believed they received fair bids. The rates were a little higher than anticipated due to market conditions. Interest rates were almost a percentage point higher than they were one year and a half ago. Staff was recommending they move forward as it did not look like the market would turn around any time soon and funding was needed. If the opportunity arose, they could refinance.

Mayor Hindman made the motion to amend B39-08 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B39-08, as amended, was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

### **B48-08 Authorizing Change Order No. 1 to the contract with Emery Sapp & Sons, Inc. for reconstruction of Hope Place from West Boulevard to Hardin Street, including construction of a sidewalk adjacent to the back of the curb on the north side of Hope Street; approving the Engineer's Final Report.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was final approval of the project, which was primarily a CDBG funded project with the exception of some water utility funds being used to replace the water line. He pointed out staff had originally proposed \$15,000 in tax bills and had since talked to Council about not issuing tax bills for CDBG projects only. If Council was hesitant with the change in policy, they should defeat this and staff would then bring it back with the appropriate tax bill legislation.

Mr. Skala understood they would wind up in the same place. Mr. Watkins replied that was correct except \$15,000 would come from tax bills as opposed to CIP street funds.

B48-08 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

### CONSENT AGENDA

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

- B43-08**     Approving the Old Hawthorne Golf Club Maintenance Facility PUD development plan located on the west side of Old Hawthorne Drive West, approximately 1,800 feet north of State Route WW.
- B44-08**     Approving the Final Plat of Naydyhor Heights located on the north side of Brighton Street, between Ripley Street and William Street; authorizing a performance contract; granting variances to the Subdivision Regulations.
- B45-08**     Vacating an underground electric utility easement located generally south of Business Loop 70 West and east of Hunt Avenue.
- B46-08**     Authorizing service agreements with the Columbia Public School District, Mark Fenton and the Pednet Coalition, Inc. relating to the Safe Routes to School Grant funded by the Missouri Highways and Transportation Commission; appropriating funds.
- B47-08**     Authorizing a first amended and restated cost participation agreement with the Missouri Highways and Transportation Commission for the Gans Road Interchange construction project.
- B49-08**     Appropriating funds for fiber optic capital improvement projects.
- B50-08**     Accepting conveyances for utility purposes.
- R38-08**     Setting a public hearing: construction of the Clear Creek Pump Station and Force Main Improvement Project.
- R39-08**     Setting a public hearing: construction of a four court tennis complex at Cosmo-Bethel Park.
- R40-08**     Setting a public hearing: consider the FY 2007 Consolidated Annual Performance Report.
- R41-08**     Authorizing an Adopt A Spot agreement with Tiger Turf.
- R42-08**     Authorizing an agreement with the Missouri Department of Health and Senior Services for the HIV prevention project.

- R43-08 Authorizing acceptance of the North American Rescue Grant to be used by the Police Department as part of the TIGERMED program.
- R44-08 Authorizing an agreement with The Curators of the University of Missouri relating to the mutual use of an interoperable radio communication system.
- R45-08 Authorizing Amendment #1 to the agreement with Jeffrey L. Bruce & Company, LLC for professional landscape architectural services relating to the City Hall Plaza and Streetscape Project.

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

**NEW BUSINESS**

- R46-08 Authorizing the City Manager to file a request with the Missouri Department of Transportation to change the status of the Columbia Terminal Railroad's (COLT's) highway-rail crossing at U.S. 63.

The resolution was read by the Clerk.

Mr. Glascock noted the accident rate at this location had almost doubled within the last five years. Traffic had increased from about 10,000 in 2001 to 22,000 in 2006.

Mr. Watkins pointed out this was an interim solution. The permanent solution was the overpass and with a best case scenario that was three years away. While staff continued to pursue federal and state funding, they did not have any money in hand. He thought they would by the time it was designed.

Mayor Hindman asked why they did not fix the crossing as it was rough. Mr. Glascock replied it had not been touched since it was put in and noted they had a project planned to fix it. Mr. Watkins pointed out the cost of that project was several hundred thousand dollars. Mr. Glascock thought they could lessen the cost by doing it in conjunction with MoDOT's project. Mr. Watkins stated they wanted to fix that as part of the sign project. Mayor Hindman understood it would be fixed as part of this project. Mr. Glascock stated they were going to work toward that.

Mr. Skala understood there was discussion about the purchase of a used bridge, but that did not work out. Mr. Watkins stated it was more expensive to disassemble an old bridge and then reassemble it here.

Ms. Nauser asked about the possibility of acceleration and deceleration lanes for trucks that had to pull over even after it was made exempt. Mr. Glascock suggested the representative of MoDOT respond to that question.

Rod Massman, the MoDOT Railroads Administrator, explained a lot of different issues were studied with regard to this crossing. The deceleration lanes were an option, but a very expensive option. It was also felt that even if those lanes could be constructed, they would not be able to catch all of the vehicles that were supposed to use it, so they would still have some of the same problem. The other issue was if those were installed, the cost of the bridge would increase because a longer bridge would be needed to span those lanes as well, so that option was abandoned. They were now proposing the exemption which would not

require vehicles to stop there any longer. He pointed out there were a few companies that would still require their employees to stop at those types of crossings even though they were exempt. He thought it would be about five percent of the population. He noted MoDOT would also install vehicle detection equipment on both sides of the crossing to detect slow or stopped vehicles. In addition, they would install a blank message board sign about 1,000 feet from each side of the crossing, which would flash “watch for slow or stopped vehicle ahead” or something similar if there was a slow or stopped vehicle. Currently, there were static “watch for stopped vehicles” signs located there and flashing yellow lights would be added to the top of those signs. On the approach from Route B going northward, there would be a flashing sign there as well. All of these things were intended to get a motorist’s attention and the number of stopping vehicles would be dramatically reduced. He pointed out that MoDOT believed the best solution was a bridge. They were also viewing this as an interim solution. He stated MoDOT was asking for support of the exemption since the bridge was several years away.

Mr. Skala asked if there was any utility in trying to reduce the speed limit within a certain distance of the crossing. Mr. Massman replied that had been discussed with MoDOT traffic engineers. He understood the normal speed on Highway 63 was 74.5 miles per hour and past studies indicated only 20-30 percent of the population would obey the new speed limit. By reducing the speed limit, they could create a bigger problem by having different speeds of vehicles in the same area for a short time period. He understood it could increase the possibility of accidents. He noted it was looked into along with other things.

Ms. Hoppe asked if the reduction of the speed limit was looked at only in that area. Mr. Massman replied yes. Ms. Hoppe stated she was interested in reducing the speed limit on Highway 63 within City limits due to potential development at Crosscreek. She commented that the report indicated a reduction in vehicle speed was always a safety improvement, so she assumed a longer stretch of 60 miles per hour would not create such a problem. Mr. Massman stated he was not a traffic engineer, but could put the City in touch with the appropriate people at MoDOT. He understood the reduction of speed needed to be done in a long defined area to have an effect.

Mayor Hindman stated he agreed with a 60 mile per hour speed limit within City limits. He noted they had it on Interstate 70 and thought Highway 63 would be getting enough exits and traffic for it to be considered. He commented that he also thought rumble strips were a good idea as it would alert a distracted driver. Mr. Massman stated that was one idea they had not reviewed. He understood MoDOT had increased its use of rumble strips and that they could look into it for this location.

Gene Gruender explained he had come up with the idea and had to convince the State to take this seriously. He noted he even found a provider for them. He stated he hoped the Council would vote in favor of it and noted he drove back and forth over it everyday. Mr. Skala thanked him for his persistence. Mr. Gruender commented that he had spoken with COLT Railroad staff with regard to the crossing and understood they had to build side roads around it in order to fix it. He suggested they speak with railroad companies to obtain input on how to fix a railroad crossing as it could reduce the estimated cost. He noted the bouncing of trailers there was a danger as he knew of someone whose trailer had overturn.

Tom Cobb of Midland Oil Company stated they were based in Jefferson City, Missouri and noted he had made it a personal goal to get this crossing exempted. He explained one of their trucks was involved in the accident which caused a fatality this past October. With vehicles traveling over 70 miles per hour, he could not believe they were requiring semis and school buses to stop in the middle of that type of traffic. He commented that with the Magellan Pipeline System a few miles south of the crossing and a major ethanol plant in Macon, there was a lot of hazmat traffic going through this area. He pointed out rumble strips would not be necessary if this location was exempted. He believed the best thing to do was to exempt trucks from having to stop at this crossing. He agreed they should be required to stop if it was a major railroad crossing with trains going back and forth on a regular basis. He understood the COLT rarely moved across Highway 63. He thought it was only a couple times a day and noted there were more cars and trucks moving up and down versus trains going across. He asked the Council to place an exemption on this crossing. He was afraid a school bus might be involved in an accident in the future if this was not done.

Melvin Schebaum stated he worked for MFA Oil at Ray Young Drive and wanted to thank the Council for the comments made during discussion on a previous item regarding their office building and some of the Breaktime stores in town. He explained he supervised the transportation fleet for MFA Oil, which ran 20-25 trucks out of Columbia, and agreed with Mr. Cobb as one of the main concerns of their drivers was the railroad crossing on Highway 63. They always question whether they really need to stop because they always have to look in their rearview mirror to see who might be coming up behind them. Although they had not been in accident at that location yet, they had had many close calls. He appreciated the work of staff in putting a proposal together and stated he hoped the Council would support it.

Mayor Hindman stated he wanted to add that they look into rumble strips and changing the speed limit to 60 miles per hour within City limits. Mr. Boeckmann commented that he was not sure the resolution needed to be amended as it authorized the City Manager to request the exemption.

Mr. Watkins pointed out the Railroad Advisory Board recommended approval of the exemption.

Mr. Janku suggested they vote on the resolution and then approve the motion regarding the rumble strips and speed limit.

Mr. Massman pointed out he could not guarantee they would get the rumble strips. Mayor Hindman stated he understood.

Mr. Wade asked why they would want the rumble strips if they had the exemption. Mayor Hindman replied not everyone would recognize the exemption. Mr. Skala noted a train could also be going across causing vehicles to be stopped regardless of the exemption.

The vote on R46-08 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

Mayor Hindman made a motion directing the City Manager to propose rumble strips and a 60 mile per hour speed limit within the City limits on Highway 63 to MoDOT. The motion was seconded by Mr. Janku.



Mr. Wade noted California used discs that had the same effect as rumble strips, but did not shake and jar the car as much.

Mayor Hindman revised his motion and stated his motion was now to direct the City Manager to propose a pavement alerting system which would alert an unassuming seated driver and a 60 mile per hour speed limit within the City limits on Highway 63 to MoDOT. The revised motion was seconded by Mr. Janku and approved unanimously by voice vote.

## **INTRODUCTION AND FIRST READING**

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

- PR47-08     Establishing policy and guidelines for Tax Increment Financing.**
- PR48-08     Establishing a policy for sewer extensions funded by the Sewer Utility.**
- B51-08       Approving the O-P development plan of The Blum Law Firm; approving less stringent yard, parking and screening requirements.**
- B52-08       Approving the C-P Development Plan of Wellness Center Old Hawthorne Golf Club; approving less stringent screening requirements.**
- B53-08       Amending Chapter 22 of the City Code as it relates to public improvements and sewer extensions.**
- B54-08       Amending Chapter 22 of the City Code as it relates to private common collector sewers.**
- B55-08       Authorizing construction of Brown School Road from approximately 250 feet west of Highway 763/Rangeline Street to Providence Road; calling for bids through the Purchasing Division.**
- B56-08       Authorizing construction of Providence Road from its current terminus north of Vandiver Drive to Blue Ridge Road; calling for bids through the Purchasing Division.**
- B57-08       Authorizing acquisition of easements relating to construction of the Harvard Drive storm water management project.**
- B58-08       Authorizing acquisition of easements relating to construction of a roundabout at the intersection of Fairview Road and Worley Street.**
- B59-08       Accepting conveyances for drainage, utility and sewer purposes.**
- B60-08       Authorizing an amendment to the interconnection and water sales agreement with Public Water Supply District No. 9 of Boone County, Missouri as it relates to water rates.**
- B61-08       Accepting conveyances for utility purposes.**
- B62-08       Authorizing construction of a four court tennis complex at Cosmo-Bethel Park; calling for bids through the Purchasing Division.**
- B63-08       Amending Chapter 2 of the City Code to establish a Tax Increment Financing Commission and to adopt procedures and policies for requests for redevelopment proposals.**
- B64-08       Amending Chapter 2 of the City Code to establish a Downtown Columbia Leadership Council.**

- B65-08**      **Amending Chapter 10 of the City Code to establish a Public Communications Resource Advisory Committee.**
- B66-08**      **Appropriating funds for street maintenance.**
- B67-08**      **Authorizing an agreement with Thumper Productions, LLC for the 2008 Roots N’ Blues and BBQ Festival; appropriating funds.**

**REPORTS AND PETITIONS**

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

Mayor Hindman noted this report was advisory.

**(B)    Athena Night Club.**

Mayor Hindman noted this report was advisory.

Ms. Nauser stated she was concerned as she felt 216 calls in four years to include non-self initiated calls was excessive. She understood they were still waiting for the owners of Athena to respond and did not notice a deadline for response indicating when the City would continue with revoking their liquor license and wondered if that was an option. Chief Boehm noted that letter was sent by the Business License Office. He understood they were working with Athena with regard to deadlines. He also understood the issue was on hold due to the fact they had shut down that part of the establishment and had indicated they were permanently closing it. The Business License Office was talking to management in order to clarify if it was permanent. If it was, they would have to make a revision to the kind of liquor license they wanted.

Ms. Nauser noted it did not appear they were responding in a prompt manner. She suggested they require an answer by a certain date and terminate the liquor license if a response was not received by that date. Mr. Watkins explained they had to go through a process which included review by the State. Chief Boehm commented that they were aware the City was serious about the issue and that their license was in jeopardy. If they chose to continue the business, they had to meet a number of provisions.

Ms. Nauser stated this was troubling to her because she was not sure this issue would have come to light if it was not for a few misguided basketball players. It started in 2004 and by 2006 they had 121 calls. She felt the Police Department should not have to deal with one place that many times. She thought they needed to be tougher with these establishments. She noted she had an article with regard to another establishment in town with 20 calls of violent crimes since August. Some businesses in that plaza had to change their hours due to the fear of violence at their establishments and others had to close because it was negatively affecting their business operations. She commented that there was a custard place where young families and elderly people went in the evenings during the summer and stated she was afraid there would be spillover if they did not stop this. She understood City officials were notified on Monday, but she had not heard anything until the Tribune article was published on Friday. She thought they needed to show people they were not going to tolerate this type of behavior in the community for economic development and public perceptions of safety.

Mr. Skala commented that this was reminiscent of the former Paradise Lounge which took a long time to resolve. Chief Boehm agreed there were similarities. At Paradise Lounge, they had more peace disturbance complaints and less violent activity. It seemed as though they always had one or two problems bars. They were trying to determine which bars they were consistently having issues with. He pointed out they had an officer who tracked every call for every bar and kept the Business License Office informed. He explained they wanted to lessen the number of calls for service when possible, but understood a person's livelihood was serious, which was why the Business License Office needed a lot of information before taking steps. He agreed it did take time to make a case, but noted they were working closely with the Business License Office.

Ms. Nauser stated she did not believe this was a reflection on the Police Department. She thought they needed to do something different, which was why she asked for a report on what other communities were doing to deal with these types of establishments. She did not think other communities allowed establishments to have this many calls for service without taking more serious steps in the beginning. She believed if their message was strong, people would be more willing to comply on their own. Without any weight behind their message, people would continue to play the system.

Ms. Hoppe stated that when this issue came up she also asked for a report of the calls for service to other similar establishments for comparison purposes. She hoped that report would be coming forward as well. She commented that Ms. Nauser had a good point with regard to acting more quickly.

Mr. Wade understood Athena's provisional liquor license expired on October 31, 2007 and thought that meant if they served liquor on November 1, 2007, they were in violation of the law. Chief Boehm stated he understood they could appeal and that process would automatically put things on hold and allow them to continue to operate until the appeal process was complete. He assumed that was the case in this situation.

Mr. Wade asked if there was a difference between the liquor license and business license. Chief Boehm replied yes. Mr. Wade asked if there was a difference in the procedures of the two. Mr. Boeckmann replied yes.

Mr. Wade noted Athena did not request a meeting with the Police Department until November 6, 2007 and asked if they were serving liquor from October 31 through November 6. Mr. Boeckmann replied he did not know. Mr. Wade asked how long an appeal took. Mr. Boeckmann replied it should not be too long. Mr. Wade understood a letter indicating their license was suspended as of January 18 had not been sent until January 8, 2008. He thought that was a long time in allowing them to continue having an operating liquor license with the history of problems they had. Mr. Boeckmann explained the City could not revoke their license for "x" number of calls for service because some of those calls for services occurred at other businesses. In addition, it was hard to prove the person that did the shooting got drunk at Athena. Being outraged and proving a bar owner was at fault were two separate issues. Mr. Wade asked if a liquor license was a right or privilege. Mr. Boeckmann replied there was a difference and noted it was easier to not renew a liquor license than to revoke a liquor license. They could not revoke it even though it was a right without due

process. Mr. Wade asked if they had more capability in dealing with these problem sites. Ms. Nauser stated she was hopeful the information requested would address that issue.

Ms. Crayton commented that she was not defending violence at bars, but pointed out she was at an establishment several years ago when a report indicated an incident had happened at that establishment even though it had not. It happened in a City parking lot next to the establishment hours after it had closed. She questioned closing establishments due to the number of calls for service without having the details. She thought in many instances it was the same person versus the establishment.

**(C) Gravel Parking Lot at 506 & 508 Williams Street.**

Ms. Hoppe understood this report was informational and noted the affected parties were working on a potentially better solution and she did not want to interfere with it by doing something with this report at this time.

**(D) Megabus Operations out of the Wabash Station.**

Mr. Watkins stated this was an informational item.

**(E) Recycling at Apartment Buildings.**

Mr. Watkins noted this report discussed recycling at apartment buildings.

Mayor Hindman stated he was contacted by a lady who lived in an apartment building and indicated she asked the City for blue bags and was told she could not have them since there was a dumpster at the apartment building. Mr. Watkins asked for an address. Mayor Hindman replied he had asked her to e-mail him and would forward that when he received it.

Mr. Janku asked if they had smaller dumpsters so they could be accommodated in more locations as he felt size was a challenge in placing them at apartment buildings. Ms. Lea replied the containers at apartment complexes were 14 cubic yards. The ones at the recycling drop off sites at grocery stores were 25 -30 cubic yards. She pointed out they were smaller so if they had to take a parking space, they would only be taking one parking space.

**(F) Use of Decorative Fencing Adjacent to Bridge Sidewalks on City CIP Projects.**

Mr. Watkins stated this was prompted by comments at interested party meetings and would potentially change the fencing used on bridges. The question was whether they wanted to spend additional money for more decorative fencing. For Providence Road, they thought the additional cost would be about \$60,000.

Mr. Janku stated he would be in favor of it as it was consistent with what was happening in most communities in prominent locations now. He commented that he was perplexed with the fencing at the Garth Bridge as the chain link was black, but the poles were silver, so it defeated the purpose. He understood black poles were available.

Mr. Wade noted he was not sure it was decorative and wondered why they would pay twice as more for a steel-bar fence. He wondered if there was another option as he did not consider it attractive. Ms. Lea replied the more elaborate fencing would cost more.

Mr. Skala agreed with Mr. Janku in that they should be attractive enough to be the same color. He thought minimizing the impact was probably just as good, if not better than spending \$60,000.

Ms. Hoppe stated she did like the idea of the black poles and black fencing along with the lower cost.

Mr. Janku commented that he just wanted to ensure it was consistent. If this was the standard, it needed to be the standard for everything. He stated they needed to think about all of the bridges that were going to be built. He noted there would be a lot of overpasses in prominent locations and wondered if the developer would pay the extra costs for more decorative fencing. He wanted them to be consistent throughout the community.

Ms. Nauser asked if there were only two options. Mr. Wade thought they needed to pay attention to the attractiveness of the fencing.

Mr. Glascock asked if they were okay with the extra \$60,000 funding level. If they were, they would bring other options forward. If they wanted to stay with chain link fence, they could do that as well in a different color.

Mayor Hindman thought they should be provided options. Mr. Glascock asked if there was a certain level to which they wanted to go. Mr. Janku stated he wanted to see all black poles and suggested they use the \$60,000 as a cap as that was pushing it with regard to cost. Mr. Glascock stated they would provide some options.

**(G) Recycling Plastics.**

Mr. Watkins explained this was in response to a Council request concerning the potential for recycling plastic grocery bags.

Ms. Nauser understood trucks sometimes had nothing in their trailers after making deliveries and wondered if that would be a way to transport those grocery bags. Ms. Lea replied they first had to get it through the City's material recovery facility and they were not set up for it. She noted there was an expense involved in adding an extra storage place and the extra portion line for the pick off before it was even at that point. She commented that they did not feel the return was worth the expense.

Ms. Nauser asked if they could educate the public of the option of taking them to stores. Ms. Lea replied they could do that.

Mr. Wade stated recycling in the manufacturing process was the same step as the mining of raw material. It was the first step and the step at which the material had the lowest value. He wondered if they could think in terms of remanufacturing versus recycling. The gathering of bags would be the first step in remanufacturing and there would be other steps afterwards to end up with a finished product. He asked if they could think about cost-effectively proceeding with one next step or a second next step that would add value and change the problem of the high cost of transportation. He was not sure how it would work, but thought they were limiting themselves in thinking about recycling in terms of only mining raw material.

Mr. Skala thought they were limited to some degree by sheer volume. Mr. Watkins agreed. Mr. Wade asked if there was any micro-processing that would be cost-effective as

part of the entire remanufacturing process. Mr. Watkins did not think there would be anything that was cost-effective.

Ms. Hoppe asked if Civic Recycling recycled plastic bags. Ms. Lea replied she did not believe they did.

**(H) Disabilities Commission Resolution Report – Quinton’s Access.**

Mr. Watkins stated this was communication by the Disabilities Commission to the Council indicating they did not feel the Building Construction Codes Commission took the appropriate action.

Ms. Buckler explained they attended the appeal process when it was originally required to have access and Protective Inspection provided information as requested. She thought the real issue for the Disabilities Commission was the difference between the building code the City adopted, which was ADA compliant, and ADAAG standards, which was the gold accessibility standard of the world and not something the City had adopted. They felt strongly that Quinton’s needed to provide full-service access.

Mr. Janku noted the memo indicated a total building permit had not yet been issued and staff still had concerns regarding the architect’s interpretation. He asked why any issues could not be resolved prior to issuing a building permit. Mr. Watkins replied they generally tried to work with people remodeling buildings by issuing a demolition permit early on. In addition, there might be other pieces of building process they could move ahead with. He noted it was always at the building owner’s request. In this situation, they thought they had the issue of access worked out some time ago. He pointed out the City’s interpretation was different than their architect’s interpretation. The way the building code system was set up was with an appeal process for any administrative decision made by staff. The owners had gone through the appeals process and the Building Construction Codes Commission agreed with staff’s interpretation. The Disabilities Commission then reviewed the interpretation and decided they wanted something else and were bringing it to Council’s attention.

Mayor Hindman understood this project had been approved so they could not do anything even if they wanted. Ms. Buckler agreed it had gone through the process. Mayor Hindman understood the owners had the right to operate the construction project according to the decision. If the Council was to adopt the ADAAG standards now, it would not affect this project.

Mr. Skala asked for the difference with regard to access between the code the City had adopted and the gold standard. Ms. Buckler replied ADAAG was designed specifically with ADA accessibility in mind, so it required an optimal access for every doorway, restroom facility, entrance, etc. She noted it was a standard some cities, but not very many, had adopted. The City of Columbia operated under a building code, which was compliant with the ADA. She pointed out one issue was that the Disabilities Commission wanted the City to enforce items under the ADA and the City was not able to do that. The U.S. Department of Justice was the entity that enforced the ADA. The City could only enforce its building code and Columbia did not operate under ADAAG.

Mayor Hindman stated he would be interested in knowing what cities had adopted it and what their experience had been like. Mr. Janku thought they should know the differences

between the City's adopted code and ADAAG as well because they might want to address specific provisions without adopting the entire ADAAG.

Mr. Janku asked if there was a private right of action under the ADA. Ms. Buckler replied yes.

Ms. Nauser understood the owners were only required to expend 20 percent of the total project costs since this was an alteration and not new construction. Ms. Buckler replied they could not require them to exceed that amount.

Ms. Buckler explained the Disabilities Commission was provided information from Protective Inspection throughout the process and they participated in the appeal hearing.

Ms. Lea stated Protective Inspection was trying to work with Quinton's in an effort to come up with a solution so the project could move forward. They met the building code requirements with a LU/LA elevator, which was a limited use and limited access elevator. If there was another renovation project, there would be another 20 percent they would be required to meet, so it might then become a full-size elevator. At this time, they were only required to install the LU/LA, which was a smaller elevator.

Mr. Wade understood Quinton's had met the City's regulations and that was an operations issue. The policy issue was the difference in the two sets of standards. He did not believe they should be involved in the Quinton's issue as the policies and procedures in place had been followed. He thought it would be of interest to receive a report detailing the difference between the two and the experiences of communities which had adopted the higher standard.

Mayor Hindman made a motion directing staff to provide a report detailing the difference between the City of Columbia's existing building codes and the ADAAG standards and the experiences of the communities which had adopted ADAAG. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

**(I) Procedures for Leasing to Students.**

Mayor Hindman noted this report was informational.

**(J) Street Closure Request – Palm Sunday Celebration.**

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

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mr. Skala understood the responsible parties with regard to the three EIS alignment options were CATSO and MoDOT. He understood the EIS project was MoDOT's project. Mr. Watkins stated that was correct. Mr. Skala understood those providing recommendations to the City were those two entities. Mr. Watkins stated it was really MoDOT. CATSO was just one of the planning entities which had as much influence as the Council, Commission or individuals. At some point, it would have to be placed on the CATSO Plan. He noted they would discuss the EIS and its status when they talked about long-range road planning at the

work session. Mr. Skala understood any questions at this point would need to be directed to MoDOT. Mr. Watkins stated they would need to be directed to the consultant.

Ms. Hoppe commented that when the plans were narrowed from nine to five, she asked if they had considered the cost and impact to the natural environment and they indicated they had not. She noted they indicated they had narrowed it down to four because CATSO had determined Stadium had to be extended, and therefore, she believed CATSO had some authority. Mr. Watkins explained it had been on the CATSO Plan for a long time, but had only been identified as a wide corridor. Mr. Janku understood they always assumed what was on a City plan would be implemented. Mr. Watkins stated the EIS was required to obtain federal funding. If the City wanted to build it itself, they would not go through the process. Ms. Hoppe felt it was a catch-22 because they were originally considering nine plans and removed five automatically because of the CATSO Plan even though it had not been studied or analyzed. Mr. Watkins explained the CATSO Plan had one alignment, but it was not the only alignment the EIS was considering. Mr. Skala asked if that was the source of the wide swath on some of the drawings. Mr. Watkins replied yes.

Ms. Nauser provided a handout of her suggested changes for Council meeting procedures for possible discussion at a work session or at the Council retreat.

Ms. Nauser stated due to the economy she had been thinking about future budget implications and wondered what the long range operation and maintenance costs of the additional of amenities with the GetAbout Columbia grant, etc. would be. She thought it would be helpful to have that information as a notation on the agenda. Ms. Hoppe understood she wanted the fiscal impact. Mr. Watkins asked if she wanted the fiscal impact on everything as that would require more staff.

Ms. Nauser was not sure. She commented that she was concerned with how they would accommodate maintenance and operation of amenities in the future. She thought with tighter budget times, they would need to take this into consideration when approving such projects. Mr. Watkins asked if she was just concerned with capital improvements. Ms. Nauser replied she was thinking of items such as parks, sporting facilities, etc. She was not thinking of road infrastructure. Ms. Hoppe stated when she first came on the Council, she asked for cost information in terms of development with regard to schools, police service, fire stations, etc. and that information was difficult to determine. Ms. Nauser agreed it was difficult to obtain. She stated she was just trying to get a handle on future budget implications and thought staff might be able recommend a good place to start if they, as a Council, wanted to do this. She understood it would take staff time and effort and thought they could provide that information as well. Mr. Watkins stated he had to know the parameters of what was wanted. Ms. Nauser explained her concern was the budget if the economy did not get better. She noted the GetAbout Columbia grant was creating a lot of capital projects and she wondered if they could budget for it in the future. She stated they had been going at a certain pace and this was providing a lot of infrastructure in a short period of time. She wondered if they had the money to take care of these projects in the future and if they did not, she thought they needed to look into how they would address that issue. Mayor Hindman asked how they would know if they would have the future capacity. Mr. Janku agreed, as they



made decisions, they needed to take budget issues into account and believed it should be considered when accepting a grant, building a street, etc. Ms. Hoppe stated she did not believe it should be limited to parks and trails. She commented that new roads had maintenance issues and additional costs were associated with annexations.

Mr. Skala noted these issues were germane to growth management planning with resource allocation and targeted growth. Ms. Nauser agreed this issue could be discussed then.

Ms. Hoppe asked if there were pedestrian walk signs scheduled for University and College. Mr. Watkins stated he was not sure and would check on it.

Ms. Hoppe explained at the previous meeting she made a motion encouraging residents and businesses to participate in International Earth Hour on March 29, 2008 from 8:00 – 9:00 p.m. She wanted to expand this by having the City proclaim 8:00 – 9:00 p.m. on March 29, 2008 Earth Hour. She commented that the group also wanted the Mayor and Council to extend an invitation to surrounding towns to join in participation of Earth Hour and to challenge all other U.S. cities to observe Earth Hour.

Ms. Hoppe made a motion for the City to proclaim 8:00 – 9:00 p.m. on March 29, 2008 Earth Hour, to extend an invitation to surrounding towns to join in participation of Earth Hour, and to challenge other U.S. cities to observe Earth Hour. The motion was seconded by Mr. Skala and was approved unanimously by voice vote.

Ms. Hoppe stated this group also wanted the City to help publicize it by using City Source or doing a press release in order to get the information out. Mr. Watkins stated the deadline for City Source had passed.

Ms. Hoppe made a motion directing staff to issue a press release in order to get the information out. Mayor Hindman stated he would do a proclamation and suggested they tie the press release to it. Ms. Hoppe was agreeable.

Mr. Janku understood the City's Homeownership Assistance Program was limited in terms of its dollar amount and geographic area and thought staff and the Community Development Commission should consider expanding the geographic area and dollar amount. He pointed out he was not stating it had to be expanded City-wide as he understood there might be reasons it should not be expanded.

Mr. Janku made a motion directing staff and the Community Development Commission to discuss the possibility of expanding the City's Homeownership Assistance Program in terms of its dollar amount and geographic area and to provide a report with recommendations. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Janku thought the City had historically assisted landlords through a rental rehabilitation program that either involved grants or a repayment system and helped with upgrading the housing stock. He understood they had not been getting much of a response with regard to the program lately. Mr. Watkins stated that was corrected. Mr. Janku suggested they look into a grant program with regard to energy efficiency improvements on a

trial basis using HOME or CDBG funding. He thought some progressive landlords might want to take advantage of such a program.

Mr. Janku made a motion directing staff and the Community Development Commission to review the possibility of establishing an energy efficiency improvement grant program with the use of HOME or CDBG funds on a trial basis as the budget was developed for the upcoming year and to provide a report with recommendations. The motion was seconded by Mr. Skala.

Mayor Hindman asked if this would be limited to the CDBG area. Mr. Janku replied he would let staff and the Community Development Commission determine that. Mr. Watkins explained the receipt of CDBG funds was dependent upon meeting income eligibility requirements or being within an area.

Mr. Janku understood the City had a rehabilitation program for homeowners that was not limited to CDBG areas, but had priorities in terms of income and disabilities. Mr. Watkins thought it was limited to the CDBG area or by income. Mr. Janku agreed it was an income eligible program.

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

Mr. Janku commented that they received an excellent presentation with regard to the Community Services Commission which included an idea of a community issues management system. He noted they made some tough decisions during the budget process and saved some of the Council contingency funds. He stated he would personally be willing use some of that money to assist with that project, if needed. Mr. Watkins understood staff was looking for grant funding and stated if match funds were needed they would come to Council. Mr. Wade stated he concurred with Mr. Janku.

Mayor Hindman wondered where they were with regard to the land disturbance ordinance. He referred to the development at Stadium and 63 and understood they tried to reduce the contours to make it easier to develop. If they had retained the contours, the development would have been limited and would have fit in better. They were also able to make more acreage developable with land clearance. This provided an incentive for that kind of activity. He understood the Environment and Energy Commission was reviewing the issue and thought they might want to limit the extra amount of developable land one could achieve. He pointed out part of the problem was that this was done purely on speculation.

Mr. Skala stated that when he was on the Environment and Energy Commission, they had a work session with regard to steep slope legislation. Part of the problem was that earth moving equipment had gotten much larger, so instead of trying to fit a development in a particular location, it was easier to move the dirt. By pushing the dirt to the edge of the developable area, the buffer area was no longer a riparian area. It was backfill, so they would wind up without an adequate buffer. He understood the Environment and Energy Commission and staff were working on the issue.

Mr. Wade stated he understood several members of the Environment and Energy Commission were working on this issue and thought it would be helpful for them to meet with Council for a few minutes so they could explain where they were and so the Council could

communicate its expectations. Mayor Hindman agreed that was a good idea. Mr. Wade wanted to ensure the Council met with them early in the process and that they understood this was one of the items that needed to be discussed.

The meeting adjourned at 12:19 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk