

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**MAY 5, 2008**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, May 5, 2008, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ and JANKU were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of April 21, 2008 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Skala.

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

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

**SPECIAL ITEMS**

**P.R.I.D.E. Safety Award.**

Mayor Hindman noted Kristina Vellema was the first winner of the City's P.R.I.D.E. (Promoting and Recognizing Individuals Dedicated to Excellence) Safety program, which was awarded to employees who notice safety problems and submit solutions. He explained Ms. Vellema was an Environmental Health Specialist in the Health Department and her suggestion would help citizens safely dispose of used medical syringes reducing needle sticks to solid waste collectors and recycling employees. The City would purchase containers for free distribution at the City/County Health Department and when the container was full, the individual would bring it back to the Health Department for appropriate disposal. The program would be advertised and promoted to local physicians and pharmacists. This would reduce the potential for workers compensation claims, help workers feel more comfortable with handling solid waste, and encourage safe disposal throughout the community. He pointed out they were recognizing Ms. Vellema for this idea and the Health Department would be receiving a monetary award as well. Mayor Hindman recognized Ms. Browning, Mr. Worley, Ms. Perry, and Mr. Hampton as they were also involved in this P.R.I.D.E. Safety program and presented Ms. Vellema the award.

Ms. Browning stated they were proud of Ms. Vellema as this had a good benefit to public health and safety.

**SCHEDULED PUBLIC COMMENT**

**Jeff Stack - Missouri's Death Penalty.**

Jeff Stack, 112 Spring Valley, stated he was speaking on behalf of many Columbians who were urging the Council, as their elected local officials, to pass a resolution supporting a study of Missouri's death penalty with a moratorium on executions while the study took place. So far, 66 people had been executed since 1989, which was the fourth most of any U.S. State, and in the coming months, some of the 50 plus people who were currently living under a death sentence could be given execution dates as well. He believed this was an issue that affected everyone. A lot of red flags had been raised by journalists, academic researchers and government officials with legitimate concerns about the death penalty to include the fact there had been wrongful convictions. He pointed out 129 people across the Country had been wrongly convicted and later exonerated to include three people in Missouri. He commented that the death penalty had too often been reserved disproportionately for African-Americans, impoverished individuals and people who were mentally retarded and ill. For those reasons, they felt a moratorium was essential. He noted 1,300 Columbians had signed a petition urging the Council to support such measure and that he would leave it for the record. He explained there had also been an effort to gather moratorium resolutions from entities throughout the community. Almost 90 had been endorsed by different groups and houses of worship, businesses, etc. In addition, about 300 entities had endorsed such resolutions around the State. He pointed out Columbia would not be unique in considering this kind of resolution as there were 150 city councils and county commissions across the nation that had passed such resolutions. In Missouri, Columbia would be second as St. Louis City was the first. He believed Columbia should be involved because it was an issue that affected them all emotionally. He thought Columbia prided itself as being an enlightened community, so it was troubling to think of people being executed. He noted a gentleman by the name of Roy Roberts was executed, who he believed was wrongly convicted. He commented that the expense was something that needed to be considered as well. They did not know how expensive it was to have the death penalty in Missouri when compared to life without the possibility of parole, which was the other punishment available for first degree murder. He pointed out Kansas found it was 30 percent more expensive to pursue a death sentence and other states had found it to be four or five times more expensive. He stated that was money being siphoned away from needed resources in local communities, such as youth services, crime prevention, community policing, housing, etc. He noted the Public Defender Commission found there would be a \$1.5 million savings for them alone if there was no death penalty. They did not know how expensive it was for the Prosecutor's Office or the Attorney General's Office as they were not forthcoming with this information. He stated he hoped the Council would consider passing such a resolution. He also asked those who were in support of this action to stand and about 10-15 people stood.

## **PUBLIC HEARINGS**

**B82-08 Rezoning property located on the northeast corner of Old Highway 63 and Alfred Street from R-1 to O-P; approving the Landmark Hospital O-P Development Plan; setting forth conditions for approval.**

The bill was given third reading by the Clerk.

Mr. Watkins noted this item was tabled at the last meeting and explained it would rezone property from R-1 to O-P and authorize the construction of a 42 bed, 32,000 square foot long term acute care hospital. At its March 20, 2008 meeting, the Planning and Zoning Commission made two recommendations. One was approval of the rezoning, by a vote of 5-3, subject to the allowed uses and other provisions of the proposed statement of intent. The other was approval of the O-P development plan, by a vote of 6-2, subject to several conditions, which included the appearance of the building being in conformance with the architectural renderings presented, the subject property and land to the east to be used for stormwater management features being platted prior to the issuance of any building permits, the developer, at his cost, extending a water line from East Walnut Street to the subject site, and the section of Alfred Street, adjacent to the subject property, being improved to curb and gutter local residential standards prior to any occupancy permit being granted.

Mr. Teddy stated that during the Planning and Zoning Commission hearing process, the general opinion among the Commissioners was that the use, site plan and economic development benefits were good. As indicated, however, a minority of Commissioners felt it was the right thing in the wrong place, so the debate was generally with regard to the location versus the site plan.

Mr. Skala understood one of the reasons this had been tabled was due a forthcoming traffic study and asked for the differences between the traffic study sited in the staff report and the latest traffic study. Mr. Teddy explained a letter was submitted on behalf of the applicant seeking a waiver from a detailed traffic study and staff granted the waiver. He commented that they did not have any specific requirement in the ordinances indicating an O-P development had to submit a traffic study, but noted they were required on a discretionary basis. Although they did not do a detailed study, they did provide information on sight distance, particularly from the proposed access point on Old 63, and the estimated peak hour trip generation in comparison to a hypothetical R-1 zoned development. The traffic study received by Council during the past week was commissioned by a citizen of the neighborhood and looked at the sight distance conditions off of Alfred, which could be considered one of the access points to the site because there was a driveway on Alfred. They also submitted a different calculation for peak hour site generated trips. While the data was different, staff felt the conclusions were the same in that the facility would not have an adverse impact on the roadway network. He noted that was also the basis for waiving a full traffic study.

Ms. Hoppe understood this area was proposed as a neighborhood district in the Metro 2020 Plan, but the development was not a neighborhood oriented use and asked for an explanation. Mr. Teddy replied the trip generation was similar to a single-family or R-1 development. In addition, it was a residential facility involving a shorter duration. He noted people resided there for a time in order to receive care. He commented that it did not provide a neighborhood service and was not a small convenience store or something else they might see in a neighborhood district.

Mayor Hindman opened the public hearing.

Skip Walther, an attorney with offices at 700 Cherry, stated he was present on behalf of Landmark Hospital and was asking for the Council's endorsement of their O-P rezoning

request. He commented that this was not a short term acute care hospital like Boone Hospital or the University Hospital. It was a facility where people were too sick to go to an intensive care facility, but not well enough to go home. The average length of stay at a long term acute care hospital was 25 days. He noted that it would be an all brick facility and believed it was a very well planned and designed facility. He pointed out the Benton-Stephens Neighborhood Association voted 8-1 to endorse this project and Hildelle Village, which was not a formal neighborhood association recognized by the City of Columbia, voted unanimously to endorse the project. He explained Hildelle Village was in the Benton-Stephens Neighborhood District and included a group of modest but attractive homes. It was immediately west of Old 63 and the 20 homes shared a park in the middle of the neighborhood. He commented that 16 of the 20 single family residences in Hildelle Village supported the proposal. He pointed out the Planning Department had also endorsed the project and indicated "...the proposed O-P zoning, limited to the specific hospital use with its development controls and very low traffic generation, is clearly appropriate for the subject site..." in its staff report. In addition, the Planning and Zoning Commission recommended rezoning this property from R-1 to O-P. They also had a number of surrounding neighbors who had sent letters or signed a petition endorsing the project. He showed a diagram on the overhead indicating those who had expressed support for this project. He commented that people who owned property up and down the Old 63 corridor agreed that this was an appropriate use of the land. He believed this hospital represented their vision for something good on that corridor. He showed another diagram on the overhead and stated that virtually every property that was contiguous to the subject site was in support of this rezoning request. He noted they were adding a water line. The 6-inch water line in place now was not sufficient for the fire flow for their property, so they were agreeing to install an 8-inch water line from Walnut to their site at their expense. The City was upgrading the line to 12-inch and would pay the differential cost between the 8-inch and 12-inch. This meant all of the neighbors would have better water service and the Fire Department would have a stronger flow to deal with a fire. He pointed out their proposal would leave almost 50 percent of the property in green space. It was an environmentally sensitive and sound design. They would have up to 150 highly compensated people working in the neighborhood and he felt it was reasonable to believe some of the people working there would want to live in the Country Club Estates, the Benton-Stephens Neighborhood or Hildelle Village. He thought it would improve the marketability of those properties and enhance their property values. He commented that the Columbia Country Club might benefit by having a walkable business where people could enjoy lunch or dinner. He stated this was infill development and people in the neighborhood could walk to it. He noted this also involved a significant tax revenue issue. He commented that if the property remained R-1 and they built ten homes similar to the three recently built to the north, it would generate \$11,363.40 in property taxes. If Landmark, however, placed a building worth \$6 million on the site, it would produce taxes of \$132,000 per year. He pointed out that the property owner paid \$808 in property taxes this year. He noted 80 percent of the difference, which was \$96,509.28 per year and the equivalent of three entry level teachers, would go to the school district. He believed this was a significant benefit to the community and was the reason Hildelle Village was so enthusiastic in their support.

Ms. Hoppe asked if he had a diagram showing residential versus non-residential support. Mr. Walther replied this map was from the City's website and identified the zoning classification for every piece of property. Ms. Hoppe noted some of the R-1 properties could be owned by people not living there. Mr. Walther stated he did not know which ones were rentals, but felt property owners were very interested in maintaining property values. Ms. Hoppe commented that she was not saying they did not have a legitimate interest. She was just interested in the breakdown. Mr. Walther stated Mr. Layton, the President of Hildelle Village, was present and would probably know the rental versus ownership ratio. He stated he knew a lot of people in Hildelle Village owned their homes and believed they were the most affected property owners because they were directly across the street.

Jay Burchfield, with offices at 302 Campus View Drive, stated he was a development consultant representing the Landmark Hospital Group and noted those in favor of this project supported a well planned, properly vetted, high infill development. He commented that they had support for rezoning Lot 1 from R-1 to O-P for the one specific use of a long term acute care center. In addition, they had support for over six acres of Lot 2 as a substantial buffer between Old 63 and the existing residential to the east. They also had support for an attractive architectural design. He explained a long term acute care center took care of patients with medically complex disorders or those who were too sick to be in a short term acute care center. It was for those who needed an average of 25-30 days of intense care in order to get well and go home. He noted short term acute care centers, like Boone or Columbia Regional, were not equipped to take care of these people and get them home. In addition, 100 percent of the patients in this proposed facility would be a direct transfer from a short term acute care center like Boone or University Hospital. There were no direct admits to this facility. It was amazing to him that this level of care in the health care continuum did not exist due to the incredible focus this community had on healthcare delivery and with its importance to the economic viability of the community. He commented that in the first meeting they had with the Country Club Estates Neighborhood Association, they showed them a picture of a sister facility built, operated and owned by Landmark Hospital in Joplin, Missouri and they suggested it look more residential to fit in with the surrounding area. Therefore, they had a pitched roof, architectural design shingles, dormers, cupolas, etc., beefed up the landscaping and designed parking for the rear of the building. They were proposing all masonry, low profile monument signs with dimensions being smaller than what the ordinance would allow. The screening between the O-P and residential was attractive in design with the brick columns and exceeded the quality and quantity of screening required by the ordinances. In addition, over 51 percent of the site would be green space. He noted they were employing several BMP's as part of the site plan. They had pervious pavement and a vegetative swale to help clean the water at the same time it helped to regulate quantity.

Mr. Skala understood the stormwater mitigation BMP was on the adjacent piece of property, which was jointly owned with the group selling the property to Landmark and asked who was responsible for maintaining the BMP's and how that would be guaranteed to the City. Mr. Burchfield replied Mr. Walther had spoken to the City Counselor regarding this issue and had drafted a stormwater maintenance and management agreement that gave them the legal right to discharge from the property onto the adjacent lot and to maintain it

since they were receiving the benefit. It was a dry basin with a grassy bottom and a mowable slope. It would hold water during storm events, meter out, and be dry a majority of the time. If this was approved, they would enter into the maintenance agreement and would figure out how to appropriately reflect it on the plat. Mr. Skala understood it was a binding agreement that would be stipulated in the plan itself. Mr. Burchfield stated that was correct.

Mr. Wade wondered if the area to the east of where the stormwater basin was could ever be developed. He understood the land with the stormwater basin could never be developed for any purpose. Mr. Burchfield stated that was correct. Mr. Wade understood the property to the left of it to the property line remained as a vacant R-1 zoned property and asked how large that area was. Mr. Burchfield replied about five acres.

Mayor Hindman asked about the landscaping being proposed. Mr. Burchfield replied the landscaping that was submitted as part of the plan was in excess of that required by ordinance. Since then they had received feedback from the neighbors and the community indicating they could not landscape it enough if they wanted it to look residential. They, therefore, came back with a plan with 70 trees being proposed of which 45 were large in nature and the balance being small or ornamental. He noted they had over 500 plantings, which included flowering plants, grasses, shrubs, etc. It would be a nicely landscaped and well maintained facility.

Bob Hutton, 2252 Country Lane, stated he and his neighbors were opposed to this rezoning and the use of the property as an LTAC for many reasons. First, this proposal was for a 24/7 365 day hospital facility that would adjoin or be very close to eleven already built and occupied single-family houses and another ten acres of R-1 zoned land. He did not believe the impact of ambulances, visitors and other traffic such as food delivery and garbage pick up at all hours, the lights being on all night, etc. were truly being considered. He understood some on the Council believed office zoning was appropriate for this site, but he felt this was different from O-P zoning that would allow an 8-5 office building. He asked them to not disregard or downplay the significance of the negative impacts of this facility and what it would do to the neighborhood. He understood the scale was different, but suggested they ask the people living around Boone Hospital if there were neighborhood problems. He noted the community need for such a facility and its economic impact had been strongly touted as a major reason to approve this request, but he did not believe these issues should be a part of the equation. If there was a need and the owners thought they would make a profit off of it, it would be built in Columbia. He stated there were numerous locations where this facility could be built without rezoning land and negatively impacting residential properties. He questioned what need or economic impact had to do with whether or not O-P zoning and a hospital use were proper at this location. The most important question they had to answer was whether the zoning was proper. The rest was not applicable and should not be part of the consideration. He believed it was reasonable to expect this area to develop residentially and noted a realtor mentioned living in this area as being the best kept secret in Columbia. They were close to downtown, Columbia College, Stephens College, Stephens Lake Park, Boone Hospital and the University. It was a great place to provide housing for young families. In addition, new housing in this area would be huge for Benton Elementary School. It was their contention that the owners of the vacant tracts along Old 63, the McAlester Trust, had no

intention of ever developing these properties residentially and that was the primary reason it had not happened in the past. The neighbors firmly believed with a little imagination there were many housing options available for the tracts, such as something similar to New Town in St. Charles or Cherry Hill in Columbia. He thought that would work well and be profitable for the sellers. He stated this was a great residential area and asked them not to threaten them with small houses because it was not a threat. They would gladly accept small houses in lieu of office or commercial. He commented that the vast majority of houses in their Association were modest, middle class homes. Another idea presented was the need for office or commercial in the area to provide jobs for people living nearby. He noted the people in his neighborhood and the Benton-Stephens neighborhood were already employed. They needed housing so people could live close to already established employment centers, such as Columbia College, Stephens College, the downtown, Boone Hospital, MU, etc. He pointed out this also had to do with the future of the remaining tracts. They firmly believed the Trust was giving these buyers a great deal on this tract because Crawford Construction would build the building allowing them to make a profit on it and because if they were able to get this piece rezoned, it could set a precedent for the remaining tracts. He could hear them at a future Council meeting asking how they could be expected to develop the tracts residentially when it adjoined office zoning and a very obtrusive and busy hospital. He understood several of the Council members had indicated they were leaning toward supporting this request but would not support future similar requests and asked them to keep in mind the fact Council membership changed every year. Future Councils would only see the adjoining zoning and not the reasoning for it. In addition, they could not speak for future Councils. He asked the Council to not be misled by the developers when they indicated they had discussed this with the neighborhood. While they had attended several open neighborhood and board meetings, their sole purpose was to inform them of the project and convince them of it being a good thing. When the neighborhood asked for discussion regarding the remaining properties, the answer received was that they had no control over the other properties and could, therefore, not discuss future uses. They did not believe this because, George Crawford, who signed the application for this rezoning, was the same person who signed the application for the requested C-1 zoning of a sister tract just south of the subject tract being discussed tonight in 1990. The McAlester Trust was still the owner of the subject tract and the other 30 acres of vacant land. He noted they might not be nearly as uncomfortable about this request if they had assurances about the remaining vacant land. They feared it was the goal of the ownership to develop all of the Old 63 frontage as office or commercial, which they felt was unacceptable, and that this request was phase one of their plan. He commented that they were not asking for a guarantee but a vision. If this rezoning was approved tonight, there would be no incentive for the owners to discuss the future of the remaining properties with anyone. He questioned why the owners would work with the City and/or the neighborhood if they could successfully piecemeal the rezonings. He also questioned the need for more office/commercial zoning in this area since there was currently office and commercially zoned land north and south of the subject area. A much better use of the land would be for residential purposes. He understood concern had been shown regarding the proliferation of porn shops several blocks north of the subject area and while

they appreciated current efforts to control them, he noted those uses were not permitted in residentially zoned districts. If the Council's intent was to protect them, he recommended they keep it residential. He explained they also had issues with the staff report. The traffic study prepared by the applicant and reviewed and accepted by City staff was misleading. He commented that they had evidence that would be presented later showing the project would generate quite a bit more traffic than the applicant reported. He understood staff did not believe Alfred Street, the primary access to the new facility, was in need of improvement. He commented that he was astounded by this as one of the primary purposes of a planned district was to exact off-site improvements from developers and wondered if there was a better exaction than getting a 20-foot wide unimproved street, which would be the primary access to a hospital, built to City standards. He understood staff felt the stormwater improvements made possible by this development was a reason for approval. He noted that if this property was developed residentially, the developer would also have to deal with stormwater issues and a residential development would generate less stormwater and associated problems than a 32,000 square foot hospital with 103 parking spaces and accompanying driveways. In addition, staff felt getting rid of some unsightly billboards on the subject tract was a reason for approval. He pointed out residential development would also cause these billboards to be removed. He believed the applicants had done an impressive job lining up support for their proposal and noted 90 percent was either McAlester owned property or rental property. He commented that Chamber support was unmatched and that there was an ad in the paper encouraging citizens to contact the Council to let them know they were in support of it. There was also an impressive list of citizens that would come before the Council to support the application. He pointed out all but one did not live in the neighborhood nor did they have their life savings invested in property in this area. He stated this project might be an improvement to some neighborhoods, but they did not believe it was an improvement to their neighborhood. They were respectfully requesting the Council to vote against this rezoning and plan approval. He stated that although any development in this area could be an improvement of sorts to the neighborhood by simply bringing in something new, they should allow it to develop residentially if they really wanted to protect and improve the area. He asked if they honestly believed a 24/7 365 day hospital would improve the residential neighborhood. He understood this was a tough decision and asked, if their vote could go either way, to err on side of the neighborhood.

Jack Miller, 2201 Country Lane, stated that as a business owner in Columbia, he was in full support of companies like Landmark coming to Columbia. It was not only good for the economy, but for healthcare as well. He commented that he was also a proponent of planned growth, which members of this Council had regularly spoken in favor of, and felt for planned growth to succeed, it was in the best interest of the City, property owners and future businesses to look at zoning changes in a larger context when possible. The change in zoning on this property could have dramatic effects on the eventual zoning and development of the adjacent R-1 property. The neighborhood was not naïve in believing this land would remain undeveloped, but felt it was better to consider the proper land use and zoning for the adjoining 30 acres before making changes to this property tonight. Considering the best use for all of the property allowed the City to make better decisions in regard to traffic, street



improvements, utilities, etc. He stated that within the last month, two different traffic studies had been done and had come to different conclusions about the affect of this development in the neighborhood. Neither of these studies had considered the affects of the future development of the adjoining land. He thought it made sense to look at the bigger picture before making these decisions or determining the use of City or private funds on infrastructure. He believed considering the rezoning of this property without a comprehensive infill plan was like shooting in the dark and hoping the rest of the pieces fell in place. He felt the Council had the opportunity to send a message to Landmark indicating they wanted them here and suggested the Council and City work with them to help them find the most appropriate place for their hospital in the long term. He suggested they not be hasty in rezoning this property. He recommended the City conduct a study with public comment to determine the best use for this property, the adjoining 30 acres, the property north of this facility, which was for sale and currently housed Total Environments, and the property further to the north near the corner of Old 63 and the Business Loop where more than six acres of undeveloped land was for sale. Combined there were nearly 50 acres for sale or undeveloped on Old 63 between the Country Club and the Business Loop. Such opportunity demanded a comprehensive plan and strategy. The results of piecing this together over the next several years by different developers would result in more of what they already had on Old Highway 63, which today consisted of unsightly underused commercial and included two porn places, occasional used cars lots and another bar. The bigger plan needed to consider the growth needs of the City and the historic nature of the Country Club area which housed numerous homes noted as historical properties. It also needed to take the Benton-Stephens neighborhood into account, which housed a horse stable not far from this site. Due to the uniqueness of this neighborhood, not any development would do, and therefore, they needed more time to determine the best use for all of the property.

Martha John, 2011 N. Country Club Drive, stated she lived next door, on the east side, to the ten acre tract and agreed wholeheartedly that an LTAC facility was a good thing for the City, but did not agree this was the best or even an appropriate location for it. She noted it was only close for doctors coming from Boone Hospital and was less accessible than many other possible locations for doctors coming from Regional or University Hospital. Though the certificate of need specified this location, it would be easy to change the specific spot as long as it stayed within the service area centered on Columbia. She explained her neighborhood was an old established residential neighborhood and all of the vacant land in the neighborhood had been zoned single-family residential R-1 since zoning began in Columbia. It was what they wanted to see it become. Such residential infill would be welcome, fit well in the neighborhood and be an asset to the City. It was her understanding the land owner had long refused to even consider selling pieces of the land for single family residences. She reiterated they wanted to see all of these vacant tracts developed as single family homes on moderately sized lots as they currently had a variety of housing in both size and character in their neighborhood. Families found it especially attractive because they could walk to Benton School and Stephens Park. Modest new homes would fit well and new families would be very welcome. She did not believe it was appropriate to add this sort of commercial development to this entirely residential neighborhood. The nearest commercial zoning was

the radio station zoned C-P, which was built in a truly residential scale and character. While the LTAC facility was supposed to be residential in appearance and scale, 32,000 square feet was much larger than anything else in the area and parking lot for over 100 cars was far larger than for any home or even any ten homes. The appearance that had been shown was only what would be seen from Old 63. They would see the backside with the retaining wall, air handling units, etc. The residential character of the area would be irreparably damaged by adding a strip of commercial development all along Old 63 around the primary entrances to their neighborhood. She wondered what was wrong with having more homes in such a location and asked the Council to not rezone this property.

James Downey, 2011 N. Country Club Drive, commented that the members of the Planning and Zoning Commission had discussed the pros and cons of this proposed zoning change at its meeting in March and had indicated this was the most difficult zoning issue they had ever faced because the long term acute care hospital seemed like a good addition to Columbia, but the neighbors most involved had raised very good points in opposition to the plan. Several statements were made indicating neighborhood associations were vitally important to the City and literally the glue that held the City together as a community. They stated their involvement with this issue was critical in knowing what mattered to the people of Columbia, but those Commissioners who made those comments voted to reject the neighborhood's concerns by changing a zoning classification which had stood for decades. He noted the Council had the chance to rectify this. He stated they were not in opposition to having a long term acute care hospital in Columbia. They were only saying this was not the proper location for it. He commented that much had been made of the support from the nearby Benton-Stephens Neighborhood Association for this zoning change. It was one of the largest neighborhood associations in Columbia, but as reported in the March 7, 2008 edition of the *Missourian* only 13 members attended the meeting when this issue was discussed and only eight people voted in favor of the rezoning. He asked the Council to compare that to the 48 members of his neighborhood association who met and voted on this matter with 42 against, four in support and two abstaining. He noted they were the ones most directly affected by the proposed zoning change. It was their neighborhood that would be hurt by the encroachment of commercial development on property which had long been zoned residential. It was their neighborhood that would suffer from increased traffic, noise and lights and lose the chance to have new neighbors in new homes. He believed it hurt the City and local government to send the message that zoning could be changed over the objections of the people most concerned in order to benefit a developer. He pointed out they could not constrain a future Council and once the first domino was allowed to fall, the argument would be that it was only logical to allow more commercial development in the neighborhood. He noted they could not make promises to stop that. They could only act now to stop this zoning change.

Susan Sanisquoa stated she was a former healthcare worker, a current emergency provider for Boone County and a substitute teacher. She asked the Council to think about the issues. It was not just a matter of tax money or the future. This would provide 200 needed jobs in the community, but it would also provide 24 hours of lights, noise and activity in a community. Stormwater drainage had long been a problem in the Columbia area and

needed to be looked at extensively. She asked if this was being done by a design build firm and whether the person selling the property was actually building the property. She wondered if there was money in someone's pocket. She wondered what the long term plan was for this area. She commented that they could always use more money so they did not have to increase everyone's private personal property tax, but asked what this would do to the personal property tax of the people living in this area and the resale value of their homes. She stated they needed better curbs and stormwater drainage, which this might provide, but wondered if they needed to take it out of one pocket instead of another. She asked about the alternative locations suggested, who had studied them and the dollar value the City put into developing those plans and studying those locations. She wondered if the architects and neighborhoods had to do those studies extensively themselves. She stated she was in favor of mixed development zoning because it had long been the proper way to develop a city. Small urban areas with mixed housing, mixed commercial, small commercial and light industrial would allow the poor and wealthy to mix in a better community. It allowed for more woven communities with more walking corridors and healthier cities. She recommended the Council table this issue and create a committee to study it extensively.

Ed Metzen, 2256 Country Lane, stated the 5 to 3 Planning and Zoning Commission vote might seem solid, but in hearing the misgivings of the Commissioners who voted in favor of this, they would find the margin of support was tenuous. There was a lot of concern expressed by those who voted for the proposal. He thought they voted in favor of this because they saw the hospital as a nice facility. Everyone who saw a need for that kind of thing would agree it was a good thing for Columbia. He stated the problem was that it was in the wrong place. That kind of hospital building was not consonant with the single-family residential dwellings around it due to the 24/7 lighting it required, the ambulances coming and going, the medical practitioners and large staff coming and going to give care, service vehicles, supply vehicles, the large number of people coming and going to visit the patients, etc. He believed the traffic situation that would be created was much greater than what had been portrayed. He understood someone indicated it might enhance the neighborhood and asked them to think of taking out five acres of houses from any nice residential area in Columbia for a hospital like this and to obtain the thoughts of the remaining neighbors as to whether their neighborhood had been enhanced or denigrated. He thought they could avoid having that happen here by not having anything built in that wrong location. The idea of the domino effect in terms of requests for rezonings along 63 was something that was terrorizing to what was now a nice place for single-family dwellings. He implored the Council to turn down this request and to hold solid with the R-1 zoning for the entire area as it stood now for the benefit of those that lived in the area with an anticipation it would be filled with single-family homes and for those who wanted to buy land and build homes there to become part of a nice neighborhood.

Anita Metzen, 2256 Country Lane, stated her home was built in 1966 and she had lived there for 42 years. She commented that yesterday afternoon she had walked to Stephens Lake Park to join the many individual families that were sharing the pleasure of this treasure in the neighborhood. She thanked the Council of yesterday for the wisdom and vision in creating this wonderful Park rather than being influenced by the Chamber and

businesses of Columbia who wanted the property returned to the tax roles which would have been very shortsighted. Once gone, they would have never recovered the land and lake for the use of the public good. She asked this Council to use a similar wisdom and vision as they considered retaining this area of northeast Columbia as residential, so current and future homes could house families who would benefit from the wonderful resources they now had. She asked them to not change the character of the neighborhood by rezoning for benefit of commercial interests.

Warren Prost, 6 Club Court, stated he was the Vice President and Acting Chair of their neighborhood association and commented that the proponent's justification to rezone this property had focused on the economic and public health benefits of an LTAC for the City. He pointed out the City would realize all of the benefits of an LTAC no matter where the building was built in Columbia. If this rezoning request was denied, the LTAC would still be built in Columbia. He noted this scenario was posed to Mr. Burchfield in the Columbia Business Times and he acknowledged it could happen. He did not believe Landmark would turn its back on Boone Hospital and University Hospital. Landmark wanted and needed to serve these customers. It would simply choose to build the facility at another location in Columbia. He stated there would be no economic or public health loss to the City of Columbia if this rezoning was denied. He pointed out the McAlester Trust submitted this rezoning request and the Trust was the true beneficiary of the rezoning request. The McAlester Trust had never spoken to the neighborhood association. The neighborhood was totally in the dark regarding their plans. In addition, the Council and City were in the dark with regard the McAlester Trust's plans for the development of this site. Since the Trust had chosen not to talk to the neighborhood, the Council or the City, they were left to judge the McAlester Trust plans for their property by their present actions. Their actions, by this rezoning request, communicated a clear message indicating the Trust planned intense redevelopment of the property in a piecemeal rezoning method. He asked the Council to judge the McAlester Trust's intentions by their actions today and to not approve the rezoning request.

Peggy Bohnenkamp, 1907 N. Country Club, stated her back yard bordered the McAlester land that was south of Alfred Street and the proposed rezoning area. It was the first home as one entered Country Club Estates. It was not true that there would be no additional traffic problems in the area if a business such as the one proposed came to the area through rezoning. Based upon her own experiences, both intersections at Alfred Street and Country Club Drive were already dangerous due to the ever increasing traffic on Old 63 between Broadway and Business 70. This stretch of highway was becoming a main thoroughfare for traffic funneling from all directions and from most streets and highways in the area. Most Country Club residents could talk of near or real accidents when pulling out into this traffic. They already saw the need for a traffic light at one or both of these intersections. Traffic on Old 63 could be almost back to back for sections at a time, especially during rush hours. She thought that involved about 6-7 hours intermittently through a day from 6:30 a.m. to 7:00 p.m. A change in staff from Landmark could also impact traffic. She noted that at 12:30 p.m. last Monday, as she drove Old 63 south of her home, she counted 23 cars coming from the east and stopped at the Broadway stoplight waiting to turn to head north on Old 63. This did not take into consideration the other cars going north on Old 63 from the south and

west and those going south on Old 63. She stated this was the norm rather than the exception on weekdays. She panicked when thinking about more cars on Old 63. She explained some of the homeowners in her neighborhood and the Country Club patrons used Alfred Street to enter or exit the subdivision and they might decide to use Country Club Drive if they could not get out of Alfred at certain times. Country Club Drive carried a good amount of traffic now and was in poor condition with the asphalt surface crumbling along the edge of the road into the storm ditch that ran along the McAlester property behind her and in front of her property. She commented that rainwater stood in large pools along this ditch unable to flow to the main culvert at Alfred and Country Club Drive. She hoped the Council would vote in favor of the neighborhood.

Ms. Hoppe asked for clarification regarding the 23 cars. Ms. Boehnenkamp replied they were coming from the direction of Wal-Mart. Ms. Hoppe understood they were turning north onto Old 63. Ms. Boehnenkamp replied yes. She believed it was a very busy street that needed to be looked at.

Dave Bable, 1909 N. Country Club Drive, stated he lived on the corner of Alfred and Country Club and noted he had no argument with this business as he wanted to see it in Columbia. He only thought it could be placed in a far better spot. He pointed out he had submitted to the Council other options of land currently zoned and for sale for a business like this. He noted quite a few options were available on Keene Street. He stated his neighborhood was the best kept secret in Columbia. He commented that he was approached yesterday by a young couple with two daughters who wanted a lot in their area to build a house. From time to time, over the 27 years they had lived there, many people had asked how they could get a residential lot in this area. He had referred them on, but nothing had happened. He noted in 1995, his wife was coming out of Country Club Drive and was in an accident that totaled her car. Although she was not seriously injured, he believed this spoke to the traffic situation discussed. He pointed out a friend, Nancy Burnett, the President of the East Walnut Neighborhood Association, asked him to mention they were also opposed this rezoning. He asked the Council to vote against this rezoning.

Dean Christy, 2211 E. Walnut, stated he had lived there since 1955 and agreed a long term care hospital was much needed, but not in a residential area that already experienced heavy traffic with the lights and environmental impacts. He asked the Council to vote no on this rezoning and to take into consideration that both the Country Club and East Walnut Neighborhood Associations worked very closely together. He noted the Reichmann Pavilion and Stephens had increased traffic on Walnut causing older residents to be afraid to walk for exercise and younger families to allow their children to play outside.

Ms. Hoppe asked where the East Walnut Neighborhood Association was located compared to the Country Club Neighborhood Association. Mr. Christy replied the East Walnut Neighborhood Association voted to oppose this rezoning and stated it encompassed Old 63 east to Hinkson Creek and north to where the Country Club started. Ms. Hoppe understood it was north of Stephens Lake Park and south of the Country Club. Mr. Christy replied yes.

Julie Nolfo, an engineer with Crawford, Bunte, Brammeier, explained she had been retained by Eric Seaman to perform a traffic assessment on the proposed development. She

understood the Council was provided the report and stated she would be happy to answer questions.

Mr. Skala asked if she could sum up the differences she found in comparison to those presented before. Ms. Nolfo replied the two letters were really done with two different purposes. The Allstate letter dated February 19 was more of a comment letter indicating the traffic generation of the proposed long term acute care center was low. They used for a point of reference the ITE, which was a nationwide manual that provided trip generation rates for various uses, and because there was no long term acute care hospital category, they used a nursing home as a point of reference. She explained she was asked to look at it in more depth. She noted they had done several studies for long term acute care facilities in the St. Louis area and had struggled with the same issue. They crafted a trip rate for it based on doctor beds, administrative staff, employees, visitors, etc. because they tended to follow a pattern. They found it would generate 38 trips in the morning peak hour and 35 trips in the afternoon peak hour, which was a low amount of traffic generation for the site. They were also asked to look into some specific issues. Allstate looked at the site distance on Old Highway 63 at the proposed access point. The neighbors, however, were concerned about Alfred as well. They looked at it and found there was fine visibility looking to the west, but in looking to the east, there was some overgrowth and vegetation that blocked and obstructed the view. She noted that could be cut back and maintained for a clear line of sight to the east. They also asked them to review police reports, which they did from January 2003 through December 2007, and there were no collisions reported by at the intersection of Alfred and Old Highway 63 or along Alfred. They also calculated levels of service. She commented that she believed the Allstate letter was trying to say this was a very low traffic generator and that traffic should not be a concern. They were asked to take it to another level, so they had two different objectives.

Ms. Hoppe stated she did not recall their study indicating the total traffic generation for a 24 hour period. Ms. Nolfo explained that when they evaluated traffic, they did not look at it as a 24 hour period because it was somewhat irrelevant in terms of impact. They looked at on an hourly basis, during peak hours when there was the heaviest traffic and the amount of traffic that would be introduced at that time because that was then they would see the most impact. They did not calculate a 24 hour time period.

Edwin Kaiser, 202 Old 63 Highway, stated he and his wife lived in the white house on the corner of Old 63 and East Walnut and commented that if the East Walnut Neighborhood Association met on this issue, they were not notified of a formal meeting, so he did not think anyone could speak for the Association without having had instigated a formal meeting. With regard to the lady that indicated 23 cars westbound on Broadway were waiting for the light at Old 63, he agreed many of those cars did turn to the north but pointed out some were going straight as well. He noted he was in favor of the rezoning. He stated he had read the information the Planning and Zoning Commission had received and not mentioned was the fact that Old 63 from Broadway had three single-family homes of which only two were in R-1 designation. He pointed out they came before the Council many years ago to ask for their property be rezoned from R-1 to O-P. He used the argument of the current zoning on Old 63 because very little of it was R-1, other than the property in prime contention tonight and the

R-1 across the street. Everything else from Broadway to Old 63 was office or commercial. In his opinion, it was unlikely they would build houses on those large pieces of R-1 property and in light of the traffic issues discussed, he did not believe Old 63 was particularly suitable for single-family homes anymore.

Dorothy Stoerker-Peters, 2261 Country Lane, stated it was their neighborhood where the Landmark Company had requested a change in zoning from residential to commercial in order to build a medical facility and they were very opposed to the change. When they bought their homes or the land on which to build their homes, they assumed the neighborhood would remain residential. It was a historic neighborhood owned by A.W. McAlester, the son of Brightberry McAlester, who moved to Columbia with his family in about 1846. He was already a famous builder having been introduced to Columbia in about 1830 when he was commissioned by the Lamme family to build a southern style mansion at Rockbridge. When Brightberry McAlester moved to Columbia, he was one of the principles in the firm of Richardson, McAlester and Keene that built the Courthouse. He went on to build the County Jail in 1856, the University of Missouri President's Mansion in 1865 and the scientific building at the University of Missouri in 1872. Dr. A.W. McAlester was the first surgeon living in Columbia and he and Dr. Frank Nifong were partners. He married Lavinia Lenoir, the daughter of Slater Lenoir, and together they bought a large farm and raised horses on the land which was now part of their neighborhood. Years later, he sold a strip of land to a group of people who built the Columbia Country Club, which had since been designated as one of Columbia's notable historic properties. She explained Dr. A.W. McAlester's son, Berry McAlester, inherited some of the property and developed it for residences in the area known as Country Club South. It was there that Berry McAlester built himself a large stone house and later a Tudor style mansion. The house had also been designated as one of Columbia's notable historic properties. Later architect, Hurst John, bought several tracts of land which again were laid out as residences. The first tract developed was known as Club Court and the final two tracts were known as Fairway Drive and Country Lane. Hurst John designed some of the homes himself. His daughter Martha and her husband, Jim Downey, lived in the beautiful old McAlester farmhouse, which had also been designated one of Columbia's notable historic properties. She pointed out there were many important reasons why they believed the zoning should not be changed. There was great demand for residential property in the neighborhood and very few large tracts of land close to the City suitable for residential development. She believed the historical nature of the neighborhood should be preserved and noted there were many tracts of land in this vicinity on Keene Street and elsewhere that were zoned commercial and available now. She hoped the Council understood why they felt their neighborhood should remain residential and hoped everyone would agree that was the best thing they could do for the City of Columbia.

Red Leighton, 1704 McAlester, stated he was in favor of rezoning property on Alfred Street and Old 63 for the Landmark acute care hospital. He noted he was President of the Hildelle Village area located directly across from where the hospital would be located. He commented that 82 plus percent of the homeowners of Hildelle Village approved of this rezoning. Five homeowners near the existing area also approved the rezoning. The engineers and developers had drawn up a plan for this area which met all of environmental

requirements for City and State approval. The proposed building fit in ideally with the area. The land south of Alfred Street had no bearing on this particular rezoning request. When it came time for the development of that property, a review would come before the City Council. He understood patients transported by ambulance would arrive between 8:00 a.m. and 5:00 p.m. and that sirens would not be used. Patients would come from Columbia and other nearby hospitals. In addition, the employee work schedule would be from 7:00 a.m. to 7:00 p.m., so it would not affect rush hour traffic. At the present time, patients needing acute care had to go to other metropolitan hospitals. He believed the hospital would improve the area as the large advertising signs would be eliminated, it would increase sales tax revenue for Columbia, provide revenue for many businesses and provide for 235 jobs with an annual income of \$9.6 million. He felt a business of this type would be a great asset for Columbia. The design of this hospital was attractive and should be appealing to all Columbians. He stated he had spoken to individuals in all seven wards and about 80 percent of the people approved of the rezoning. The developers would put in paved streets, curbs and gutters and sidewalks on Alfred Street and from the existing sidewalk on Business 63 to Alfred Street. The homes in the Country Club Estates varied from 2/10 of a mile to 6/10 of a mile, so their view of the area would be slim. He believed it was appropriate to develop something of this nature and urged the Council to vote in favor of this proposal.

Eric Seaman, 1906 Alfred Street, stated he lived across Alfred Street from the facility. He understood the water main extension had been promoted as an advantage to the neighborhood, but pointed out they currently had adequate fire flow for domestic needs as prescribed in the American Water Works manual. The proposed water main extension was purely for commercial fire flow and would strategically be built across the remaining undeveloped McAlester land to facilitate future commercial development. He noted Mr. Walther had indicated the Hildelle Neighborhood was the most affected by the development, which was preposterous. This development would affect him and his neighbors daily and nightly with sirens, noise and light. The Council might feel the ownership did not have plans for the rest of the undeveloped property, but when this concept was discussed at their February 10, 2008 Neighborhood Association meeting and the notion of the rest of Old 63 being rezoned commercial was mentioned, Elizabeth Crawford stated "You can count on it." They were clear of their intent to overhaul the neighborhood. Some might feel that commercial or anything lower than a planned office zoning for the remainder of the undeveloped property was unlikely and future development would be of low impact in nature. He pointed the economy was in decline and there were no assurances that huge external forces would not force a future Council to rezone the rest of the McAlester land commercial. The Council did not have discretion to compel the McAlester Trust to work with them on the remainder of the land. Their only choice was to vote no to save the neighborhood.

Russell Still, 2000 S. Country Club Drive, stated that after reading the final report from the process and procedure group, he felt this was the perfect opportunity for the Council to have a commission to engage in a vision-based comprehensive plan for this area as suggested by the committee Mr. Wade facilitated. There were a lot of different ideas on how to use this property without any research and he believed this was the perfect opportunity to



develop a comprehensive vision-based plan for the area. He urged the Council to vote no, so they could start fresh with the whole area by developing a vision-based comprehensive plan.

Jayne Wack, 2257 Country Lane, stated she was a new resident to the neighborhood, but had been trying to get into the neighborhood for almost 20 years. She read a letter from Ms. Barbara Fischer of 2103 N. Country Club Drive who wanted to express her strong opposition to the rezoning of the Crawford property because the possible use for this site would completely change the character of the quiet neighborhood. Ms. Wack stated she also had concerns. She understood Landmark was not buying this property. They would not own this property, so they were leasing it from a local person. She, therefore, wondered about the long term commitment should they have a problem. She wondered what would happen to the property if they needed to leave the area. She understood the property would be zoned for only one purpose and wondered what happened at that point. She noted Landmark could not be held accountable because they were leasing the property. She asked who would be held accountable.

Don Stamper, 2604 N. Stadium, stated he was speaking as the Executive Director of the Central Missouri Development Council (CMDCC) and noted he had grown up on East Walnut. He recalled when Old Highway 63 was the primary transportation corridor into the community from the south where people met Business Loop 70 and went over to Highway 63 and further north to what was now 763. He thought it was interesting that they were not debating whether this proposal met the requirements. He had not heard any debate implying the requirements had not been met or exceeded by this request. He commented that he believed they had developed an attitude in the community of "if one could see it, one owned it". He pointed out land owner had rights and the Council had the responsibility and the right to establish criteria that had to be met on a given use. If it met the criteria, they had the option to approve or not approve it. He stated all them had run on the platform of progress and wanting to move the community forward. He commented that they were not debating the need for the facility. They were only debating the location. While they each had individual responsibilities to the neighborhoods, they had a greater responsibility to the entire community, which needed jobs and economic growth. A question could be raised as to whether or not this could be moved to another site and he thought Landmark would be the expert on that. He noted this was a certificate of need process and that the federal government had drawn a prohibition on these. There were not any more that would be coming down the pike for an extended period of time. Whether it could be moved or relocated was a question that should be asked and validated. He commented that the Council's responsibility was about a global responsibility for the entire community. He agreed neighborhood associations were important and noted this issue was divided as some were in favor and some were against it. He thought it was interesting that they were having another infill debate. They all articulated their desire for density, infill and commerce that would grow within the community, but every time infill came up, there was an enormous debate. He felt this request was entitled to due process, which involved submitting a request that met or exceeded the requirements and receiving its fair day in court. He did not believe this should be based on the preferences of one neighborhood, but on the preferences and status of the entire community.

Denise Phillips, 5 Club Court, stated she wanted to address infill from the standpoint of all of the empty buildings in Columbia right now. There were at least a dozen that more than exceeded the space, zoning and infrastructure needs this facility required. She had been part of the community process many times when looking for vision before planning. Every time they talked about how facilities that moved into neighborhoods needed to serve those neighborhoods in some way. A few people in her neighborhood might work at this facility. Other than that, it did not do anything but take away the beauty and high quality of life of this neighborhood. There were a lot of other things that could be placed in this neighborhood that would truly serve them, such as stores, dentist offices and other 8:00 – 5:00, Monday – Friday offices. She asked the Council to consider making them go elsewhere.

Greg Wack, 2257 Country Lane, stated he believed the LTAC facility would be in Columbia. During their December 5, 2007 meeting with Landmark, Dr. Kapp, one of the principles of Landmark, indicated this site, although it was the number one choice, was not their only choice and that they would be in Columbia. With that in mind, he noted there were other places for this facility which should be examined.

Ron Phillips, 5 Club Court, stated he had been a University faculty member for 28 years as an environmental psychologist with degrees in architecture and psychology and that his background was consensus building in communities. He believed the issue today was about the intangible aspect of living in a community. If they were going to be driven solely by the economics of things, it would be called the quantity of life. People were after quality. It was the intangible part that was so difficult to get. He commented that he moved to this neighborhood four years ago. As an architect, he was very tempted to build his own home, but the one thing they could not do as designers was to build in meaning because they came from external sources. His house was built by Hurst John and was purchased from the original owner, who had the house built in 1956. The meaning of living in a community of that substance had the essence of what the quality of life in Columbia was all about. He questioned how the 6,000-8,000 square foot homes south of town that ate up energy and cost the community a tremendous amount in ecology disruption compared to the quality of life found in a little enclave of people who really cared about where they lived. If they wanted to see economic models where economic development drove everything, they could go to the Lake of the Ozarks. He noted another location was Branson. He commented that he had originally come here to study retirement migration in Branson. When he arrived, it was the fastest growing rural county in Missouri for retirees, but seven years later they could not find retirees there. The infrastructure to build highways from the tax revenues was tremendous, but the problem was that none of that money made it into the banks for mortgages. It wound up in infrastructure. They had sewer lines and could service restaurants that served 60 busloads of people at a time. Economic development drove the whole city and drove the quality of life out. He agreed it was an arguable point, but one he felt was right. He hoped the Council based their decision on maximizing the quality of life versus just the quantity.

Tina Bernskoetter, 300 S. Providence Road, stated she was representing the Chamber of Commerce and noted healthcare was big business in Columbia, so it was no coincidence they would be very interested in this infill development. The main reason they were interested was because it fit beautifully in their strategic plan. They wanted to attract

high tech, high paying jobs to the community and felt this development would do that. On behalf of the 1,700 members of the Chamber, she thanked the Council for their support of this development.

Linda Hutton, 2252 Country Lane, stated she was in opposition of the request brought before the Council by George Crawford and asked those in the audience who were also in opposition to stand. Approximately 30-40 people stood. She commented that through this ordeal she had fallen in love with her neighborhood all over again. She pointed out that in the 23 years she had lived in the neighborhood, George Crawford had refused to sell land to several families that she had personally known to have written and called without any response. Several years ago, Ray Schroeder spoke before the Council and stated someone with creative vision and an overall master plan for the area could berm, landscape, and build homes on the 30 acres that had not been developed. She commented that the Crawford's had presented themselves to the Council and the Chamber as developers who had repeatedly met with them. Although that was true, their questions went unanswered. Elizabeth Crawford indicated she and her brother owned the property, but they did not. Their father owned the property. Elizabeth and Mark Crawford also refused to answer questions of the Planning and Zoning Commission when asked if someone from the Trust could talk to them about the land. They were not a part of the Trust, so they refused to talk to them about the other 30 acres. If the Council voted in favor of this request tonight, they would remove any chance the neighbors had to learn if there was a land use plan for the rest of the property. She believed a "no" vote might actually bring the Trustees to the table. She understood the Crawford's reported that the Benton-Stephens neighborhood supported this zoning, but on April 27, 2008, in less than one hour, they gathered 27 signatures of members of the Benton-Stephens Neighborhood that were in opposition. She noted that Mr. Walther mentioned the Hildelle Neighborhood and pointed out it was out of proportion to the whole area. She explained Naomi Powell, a leader in the community, had sent a letter of support to the Council because she understood the hospital was a nursing home and because Elizabeth Crawford was a former student she greatly admired and wanted to please. Ms. Powell was currently living at the apartments at the Maplewood Home. She was not a neighbor, but was symbolic of over 95 percent of the letters before the Council this evening. With regard to the map shown, 80 percent included Boone, Stephens and landlords that had apartment buildings.

Larry Moore, 2604 N. Stadium, stated he was Chair-Elect of the Chamber of Commerce and on the REDI Board of Directors and noted the economic piece of this was important to him. He pointed out the new Bluff Creek area with beautiful homes had an entrance near a facility very similar to this. He commented that he was a proponent for rezoning for the Red Roof Inn when the entire Parkade Neighborhood Association out of fear had convinced themselves it would destroy the value of Parkade and they would not be able to sell their homes causing their life savings to be lost. The facility was built and it had no effect. With regard to this situation, if the facility was done as nicely as it appeared it would, it would not have a negative effect on the property values in the area. He understood someone indicated they would have to look at the back side of the facility and noted the Council could deal with the back side of it since it was an O-P plan, if they felt it was important. They could

discuss how the roof top units looked, how the dumpsters were screened, etc. He thought there was a middle ground that would allow this to be approved without hurting property values.

Scott Bess, 812 Fairway Drive, stated he had lived in the neighbor for 57 years and was concerned and confused because the proponents had spent all fifteen minutes extolling the virtues of a facility that anyone in the room would agree was a great thing. It was well thought out and well designed. They all wanted it. In looking at the big picture, Keene Street and other areas made a better medical corridor than Old 63 South. He noted the Benton-Stephens support had gone every which way. Their first response was that they would vote with them, but then there was a meeting where they voted another way. Now there was a petition indicating they had gone another direction. He believed the neighborhood that was affected was the Old Country Club Neighborhood as they were the ones looking at the back of it. He stated it was not about the facility. The only beneficial thing they had been told was that something worse could be put there, which did not sound like a sales presentation to him.

Annie Pope, 204 Peachway, stated she was representing the Home Builders Association and that they were in support of the proposal. There was a lot of talk tonight indicating economic development and the preservation of the character of the neighborhood were in terrible conflict with one another. In looking at this project, it did not appear it would destroy the quality of life of the neighborhood. She felt this project was an excellent compromise between the need of preserving the character of the neighborhood while still providing some economic development to the community.

Lisa Vianello, 1005 Wayne Road, stated she owned property at 1721 Amelia Street and had lived in the Hildelle Neighborhood for 13 years. She noted her experience with the people developing this property was that they had been very forthcoming. A notice went out about the Benton-Stephens Neighborhood meeting, so they knew it would be discussed. There were several people present to include a representative of the Country Club Estates who spoke against it. Their group chose to vote in favor of it at the time. She stated she was the Treasurer for the Hildelle Association and thought there might be concern, so she took the initiative to mail all of the documentation, including some of the negative articles, to all of the members of Hildelle. The vast majority were owner occupied and in favor of the development. They felt it would be an asset to the 63 corridor and would add value to their properties.

Carol Van Gorp stated she was the CEO of the Columbia Board of Realtors and noted she was sympathetic with the neighborhood in their desire to keep the character of their neighborhood, but agreed with Ms. Pope in that this did not seem like a destroyer of character. She pointed out they were talking about 120 jobs, which meant 120 families having a livelihood. At the Chamber retreat, they focused on economic development, so this was something she thought they needed to think about before turning it down.

Larry Schuster stated he would like to trade places with the Country Club Estates Neighborhood Association because they had the opportunity for a first class project in their neighborhood. He commented that he had O-P zoning in his neighborhood and the project never materialized. They conceded that an office use would not develop there. They had

even looked at purchasing the property since they were an advocate of purchasing property themselves if they did not like what was there. He stated they supported C-P, but would have much rather had something like this in their back yard. Despite what they thought, office was an excellent buffer. He pointed out R-1 was a holding category and had been that way for 50 years. In addition, there could be smaller homes and rental homes at the location. He noted a Council Member had been recalled because he voted in favor of something because it was the law. He stated this was a land use issue and there was nothing keeping the owner from having permits pulled for minimum sized rental homes with four bedrooms meeting all of the codes. He did not believe that would be a good buffer and felt it would be poor planning. He thought they needed to recognize that sometimes the domino effect was not a bad thing. He felt O-P might be better than R-1 at that location. Opposition to a zoning request was always characterized as a great project in the wrong location. They had yet to approve an infill project the neighbors had not complained about. They needed to bridge the gap and he believed this was an excellent opportunity to prove it could work.

Gary Duncan of Frameworks, Gifts and Interiors at 901 Old 63 North stated he lived on the south side of town but went up and down Old 63 daily. His only interest was whether this was an asset to that area and he firmly believed it was an asset for the area. He hoped the Council would vote in favor of it.

Mr. Skala asked Mr. Burchfield to discuss the site selection process. Mr. Burchfield explained there were certain criteria they looked at in determining an appropriate site, such as size, location, price and proximity to ancillary services. A particular demand with regard to an LTAC was for ancillary services. They started looking near the short term acute care centers as those were the obvious locations. There was not any land around University Hospital. He explained he contacted his friends in the brokerage community for their help and received feedback on sites. The sites at Columbia Regional and Keene were too small, under contract if they were available and of appropriate site, or priced too high. He noted they looked at land along Grindstone Parkway and land along the Business Loop and down Old Highway 63. He pointed out Total Environments, the landscaping business, was not available at the time. Other sites were available and zoned for a commercial use, but came with a commercial price tag. They looked at over 20 sites all around the community. This site met the criteria for location, proximity to ancillary services, size and price. It fit within the approved budget by the Missouri Health Facilities Review Committee. Mr. Skala understood there was discussion at the Planning and Zoning Commission meeting regarding a 4.5 acre commercial property on the I-70 Outer Drive around the corner from Regional Hospital which might have been under contract or not available and asked if its status had changed. Mr. Burchfield replied he did not know. He explained at the time of their site search, which was August-October of 2007, that site was under contract and engineers were working on plans.

Ms. Hoppe understood Total Environment was not for sale when they were looking for sites and asked if they had gone back to reassess it now that it was available. Mr. Burchfield replied that during the process of their vast communication with the neighborhood associations, it was brought to their attention that the site might be available. They immediately had the engineers attempt to lay out their building, etc. on the site and it was too small. Ms. Hoppe understood they were not saying there was no other site in Columbia that

was suitable, but were just saying this was the best site for their criteria. Mr. Burchfield stated yes. He explained at the time they had to make a decision as to where to go, this was the best option. He noted sites became available and not available everyday. There could be other sites, but they did not have the luxury to follow up as they were six months into this process. He pointed out there was a moratorium now and although there was a process to obtain extensions and move locations, those took administrative and public policy procedures. In addition, nothing was guaranteed. The business plan that had been put forth and the efforts to date had focused on this site.

Mr. Sturtz noted there had been a number of concerns about the back side of the building and the impact of light, dumpsters, etc. and asked if he would discuss mitigation efforts. Mr. Burchfield replied from the beginning, they planned for four sided architecture. The materials they saw from the front would be the same materials they would see from the rear. As exhibited by the landscaping plan, the patient drop off and employee entrance was landscaped just as heavily as the front entrance that was clearly visible from the public right-of-way. He explained the existing vegetation on the site was extensive and they were preserving much of the existing tree growth and vegetation on the east property line as well as on the northern portion of the site. All five of the owner occupied single-family residences that would view the rear of the building wrote a letter of support after seeing the elevations, renderings and plans. There was really not a back or front of the building architecturally.

Ms. Nauser asked if the lights would be comparable to what was at Walgreen's on Forum. Mr. Burchfield replied they were a commercial light that met the City's ordinance. Ms. Nauser stated she was trying to make a reference because they did not have any light spill over. Mr. Burchfield noted one of the only comments from the Police Department was that there be adequate lighting. He stated it would be done per code.

Mayor Hindman asked for clarification regarding the use of ambulances. Mr. Burchfield replied LTAC's around the nation, and particularly Landmark Hospital, had an established protocol with ambulances. There would be no lights or sirens at any time. Most of the medical transport was a transfer from a short term acute care center and a non-emergency type transportation. In addition, this was a hospital, so they would have eight certified life support nurses on staff. They also had a contract for a physician to be on call within a twenty minute response time. This facility dealt with its codes on site, so there was not a need to call an ambulance to come for an emergency setting.

Mr. Wade noted there was a clear concern with regard to noise and asked if the air handling equipment would be moved to the ground due to the pitched roofs. Mr. Burchfield replied it was still on the roof. Mr. Wade asked if their designs required some of the state of the art noise baffling. Mr. Burchfield replied they could require that, but he was not sure what "state of the art noise baffling" was. He explained the design of the pitch would enhance noise mitigation because they were effectively in a pocket with pitched roof and gabling that came up around it. He stated they would be happy to entertain "state of the art technology" but he was not an HVAC expert. Mr. Wade stated his experience was with Hy-Vee where the air handling equipment created noise levels for neighbors that exceeded the City's maximum noise level. He explained there were simple technologies that were not expensive, but construction tended not to include them unless they were required.

Mr. Skala stated the plan specified 20-foot poles, which fit in the requirements of the recently revised lighting ordinance and understood they were semi-cutoff fixtures. He asked if they would be willing to entertain something more restrictive. The lights at Walgreen's as referred to by Ms. Nauser were 20-foot poles with full cutoff fixtures. He thought it might have less amps as well. He asked if they would be willing to consider reducing the pole height and the intrusiveness of the lights. Mr. Burchfield replied yes.

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

Mr. Skala commented that he thought it was clear there were a lot of positives in terms of the plan itself. In addition, the need was well demonstrated, there were economic benefits, it was single use O-P and an infill development, and there were water mitigation and street improvements. The overall issue had to do with precedent and the developer rightly indicated he was not in control of the precedent. In addition, it was arguable as to whether or not this would be a good or bad precedent. He explained he was initially leaning in favor of this development when strictly looking at land use without considering anything else, but changed his mind. He stated zoning was established in 1929 and was put in place for the protection of the people developing the property and the people who lived around the property that was being developed. In speaking to people, he assured them he would not encourage a more intense use and suspected the other property would remain as R-1, but realized he could not make those assurances as he could not guarantee a future Council would not change their mind about commercial or office development. The only way for him to ensure this zoning protected everybody was to not allow this zoning change to take place. He noted one argument was that this property never developed as R-1 zoning, but pointed out it was never offered for sale. He recalled a situation at Green Meadows when he was on the Planning and Zoning Commission where the neighbors did not want a more intense development. They only wanted R-1 and prevailed. He commented that he was not sure it would not have been a better idea to develop more intensely, but he did not live there. He stated he hesitated in making decisions for people with regard to where they lived. He noted another example was The Links development near his home and pointed out the Council did not ask his neighborhood association if they wanted the land rezoned and now they had 832 apartments a quarter mile away. He believed it was incumbent on him to ask these people how they felt. He stated he would vote not to support this because it was the only way for him to maintain his connection with the people who lived there and because it was an auspicious argument to suggest that Landmark would not find another piece of property to develop this in Columbia. He agreed it was needed and that it would provide good jobs. He just did not think they needed it where they wanted to put it.

Ms. Hoppe stated there was no doubt that this would be a great thing to have in Columbia and noted the plans were exemplary. If its location was on Keene Street or some other spot that was not surrounded by residential, they would not be having this long hearing and discussion. She reiterated there was no doubt this was a good thing and believed the real question was if this was the place to put it. She thought they needed to look at the larger picture. Living in the area, she had always envisioned and expected businesses to be more on the north side of Old 63 and residential as it came closer to Stephens Lake Park. She stated this was a wonderful neighborhood and a great residential area. She noted the

Columbia Country Club was a great anchor for this whole area and Stephens Lake Park was a great asset for residential development as kids could walk to it. She thought they needed to look at the big picture of what should be there. She commented that south of Old 63 was all residential with some multi-family homes and some single-family homes, so she believed it was a viable area for residential. She stated they had commercial and office all around the area on Broadway. She did not believe just because it was a minor arterial meant it should automatically be commercial or office. There were lots of areas in other parts of town with minor arterials where some parts were commercial and office and others were totally residential. She believed it made sense to have this area as residential as it was a great place for people to live and it had a great mixture. The Columbia Country Club abutted two lower income areas on the north and south. The Metro 2020 Plan stated this should be neighborhood, but this was clearly not a neighborhood function. The building had a neighborhood appearance, but not a neighborhood function, so they would be in violation of the 2020 Plan by changing it to this use. She stated she believed the precedent issue was also really important. North of this, they wanted storage units, but were able to put in residential. The areas to the north and east of this was residential and the area to the south had multi-family and single-family residential. She reiterated that she believed residential was the appropriate designation. She thought the owners of the property would use this rezoning as a precedent to develop it further, so she felt this was a dangerous precedent. She did not believe this was the best use of the land because the best use of the land was residential so they could enjoy the park nearby. She commented that someone asked her if anyone had looked at Crosscreek for this type of development. This person had been opposed to the dealership, but thought this was a great development for Crosscreek.

Mr. Wade stated he thought this was a precedent that needed to be set and believed it was inappropriate for residential. He noted the zoning had been there since 1929. They had a classic issue of infill within the context of the changing dynamics of a community over the last 50-70 years. Old 63 was an arterial street. With regard to land use issues, he asked himself three questions. He stated he did not agree that land owners had an inherent right to zoning other than what was already on the property. He believed the issue of rezoning involved whether changes had occurred that would make a different use more appropriate. With regard to appropriateness, one question was whether it was appropriate for that location. He believed it was because that area was no longer the edge of the City. It was now the boundary of the central City. He thought they had an opportunity to convert the land use to a far more appropriate and intensive use regardless of the reasons of the past that left the land undeveloped. He felt this was an extension of the Boone Hospital complex. It was no longer a single building. It was an entire campus of medical services and medical businesses. He did not believe housing was appropriate at that location on an arterial street. With regard to the impact of the location in the immediate area, he explained they had residential all over town far closer to more intrusive kinds of office developments that had lost no property value. Due to the buffering and distance between this location and the Country Club, he could not accept the argument indicating the neighborhood was on its way to total decline. With regard to the appropriateness of this to the community at-large, he felt more intense development on the arteries as part of the central employment areas was



appropriate. The problem with infill was that change occurred. In his opinion, this was probably a rezoning that should have taken place ten years ago. He believed this was the right thing at the right place and reiterated that he did not think it was a great place for residential because it was on Old 63. He pointed out he believed Lot 2 was appropriate at R-1 and he would oppose any attempt to increase the density of that. With regard to the south side of Alfred, he would argue that also needed to be office, however, that divide would need to come north of Mr. Seaman's house. There was a gully with a light tree barrier running there and he did not think it should go any farther back than that. This would allow quality office opportunities with plenty of opportunity for barriers. He was not sure of what would be appropriate for the remainder of that residential, but he did not want to see apartment buildings. If he could, he would put O-P restricted to medical service businesses on the frontage of Old 63. He thought it was inappropriate to have retail and would fight against that as hard as he could. He pointed out Mr. Seaman asked him how long he could stay on the Council to fight against those changes. He did not know, but as long as he was on the Council, those were the kinds of changes he would support and oppose. He agreed there was a lot of history, but did not believe that was the relevant issue. He felt this was a change that needed to occur.

Mr. Sturtz stated he had heard concerns with regard to the domino effect on future rezonings since the Trust had not been forthcoming with plans for future lots. He understood there were also concerns about traffic in the neighborhood and agreed it could be difficult to come from Walnut Street to the main thoroughfare. He also agreed with the need for a comprehensive sub-area plan for the whole corridor and wished that was in place, so they all knew where the area would be going. He believed this was an area on a minor arterial with amazing potential. He felt it was underutilized all of the way from Business Loop to the hospital and was ripe for redevelopment and infill. He noted it was a great area for everything as it was close in and near the best park in the City. He believed O-P was good zoning for this. It provided a good buffer between the residential neighborhood and the hospital and the commercial area to the north. He felt it was a good infill project as well. If each developer that came before the Council was as proactive, careful and sensitive to the area as this one, he thought he would be in good shape over the next three years. He thought this was part of a good plan to make the area a little higher in density and would promote the idea of mixed use in the future. He stated he would vote in favor of the rezoning.

Mayor Hindman stated he favored the rezoning, but noted the presentations made by the neighbors were well done as they caused him to have second thoughts. He commented that he went back to the idea that they were trying to promote quality infill, mixed use development, which involved change. With change, one could argue they were setting a precedent or that it would lead to undesirable change. He believed infill development was based on the idea they would bring services closer to the center of the City, which would probably increase density and involve neighborhoods that would not like the idea of the change taking place. With regard to this, it was a single use rezoning request, so they knew what they would get. It was also on an arterial street that used to be a highway. He was amazed it had not developed like Business Loop 70 as it was the main north/south highway through Columbia. It was only because the land owners had held onto the land all of these

years. He reiterated it was an arterial street and noted it was a development that would provide a high quality service that should be as close to the center of the community as possible. It would be a place for people who needed extended care with a lot of employees and people wanting to visit the patients. He thought it was an ideal infill development. In his opinion, the further out it was, the less service it would be providing to the community. He stated if they really wanted infill, mixed use development, he thought they should start with this project because he believed it would be good for the community. He also felt it would likely be good for the nearby residential area. He commented that in a way it was someone's residence for a temporary period of time in a fairly dense residential area. It was not like Boone or Regional Hospital. He thought it was highly compatible with residential areas. He noted that if they were going to have mixed use, they would have to have uses other than residential. He reiterated that he thought it would be beneficial to the community and would set a quality example for any other development in the area.

Mr. Janku stated he appreciated the level of debate tonight as it was excellent. He understood the neighbors' concern about the precedent setting aspect of this development and the potential for the domino effect. He thought Mr. Sturtz's suggestion of a sub-area plan was good and recommended they consider it for this area. Although they could debate the role of the Trust in this process, they had implicitly indicated this type of development was consistent with R-1 zoning since it left much of its adjacent R-1 zoning to the east and the south, so he did not think they could make the point that this type of development was inconsistent with R-1 zoning. He believed any future development in this area should have some, if not a majority, of the property remaining as R-1. In looking at the map, this could be considered an extension of development from the Business Loop southward. By putting in a quality development at this location, he thought there was more likelihood for someone purchasing the C-3 open zoned site to the north to consider the potential for a high level development by investing significantly in the area. If this site remained vacant, it would be unclear as to what would happen to it, so he thought they might get something less desirable. He believed this would be an anchor for the area to the south of the Business Loop to help maintain a quality of development. He agreed the real issue was the appropriateness of the site as a land use decision and he believed it was appropriate. He understood some were suggesting a different location within the community and felt that if Jefferson City knew about this opportunity, they would try to get it to located there. He noted that a rezoning was necessary on Leslie Lane when the Phoenix Program decided they needed a new facility in this community to provide services to their clients, who were people with alcohol and drug problems. The Phoenix Program explained what they wanted to do to the neighborhood. While the neighborhood had questions, they did not oppose the rezoning and that site was being constructed today. He believed at some point they were going to have to be accepting of some of the risk in order to have community benefits from any type of facility with some drawbacks but major benefits.

Ms. Nauser stated she tried looking at this as strictly a land use issue and in doing so, she felt a designated one use O-P zoning was appropriate. The development was on an arterial road near a major intersection into the community and from that perspective, it fit her criteria regarding where these types of places should be located. When looking at the

influence of this development in the neighborhood, it appeared as though most of the neighborhood was well away from the development. The portion of the property that would remain residential would provide additional buffering to many of the people on Club Court and Country Club Drive, so a limited number of people would be affected. She noted that of the property owners in the general vicinity of the development, half were for it and half were against it. When coupling the land use decision with the economic benefit they were working so hard to bring into the community, she could not see why this would not be an appropriate place for this development. With regard to the Green Meadows development previously discussed, there were several people who now wished they would have had what was originally proposed as opposed to what they had today for varying reasons. She agreed change was difficult and commented that their first reaction with regard to open spaces within the community was to want it to remain the same. She recalled when that area had a horse and pond and noted it was difficult to see the property being turned into a residential neighborhood, but felt it had blended beautifully with the surrounding area as most people were happy with it. She believed that over time, people would grow to accept it. She stated she agreed with Mr. Wade in that these types of developments should be centered on arterials and any property abutting the residential area of the Country Club would need to remain as some form of residential in order to provide a buffer.

Mr. Skala agreed they needed a sub-area corridor plan, but it would be coming after the fact. He also agreed there was no entitlement for rezoning. From a neighborhood perspective, no one should have any reasonable expectation that the undeveloped piece of property would not be developed. If someone wanted it, they would have to buy it, but it would also need to be for sale. He believed people did have a reasonable expectation in terms of property rights that when they buy a piece of property the adjacent zoning would remain intact unless there was a real compelling reason to rezone it. In this case, he did not believe the reason was compelling enough. He did not buy the argument that Jefferson City would lure it away. He noted that it had been suggested that this was an arterial and was capable of supporting denser development, but yet this plan was touted as having a low impact and not producing much traffic at all. He was not sure they could have it both ways. If they were really going to develop it, he thought they should develop it. With regard to the development at Green Meadows, he thought there were probably as many people who were happy it developed as R-1 as those who might have wanted a more intense development. He commented that he came of age politically from neighborhood associations, so he put a lot of stock in them. He hated to tell people in a particular area he knew better than they did when they lived there. He believed the development would relocate somewhere else in the community.

Ms. Hoppe commented that when looking at infill, an arterial road was one factor. She hoped in the future the Council would look at the whole area in deciding the best use for a variety of reasons versus it just being on an arterial. Mayor Hindman stated he did not think anyone was saying it should be there simply because it was on an arterial. Ms. Hoppe did not feel Stephens Lake Park was looked as an asset in terms of the whole area. She thought they needed an overlay plan for the area.

Mr. Skala suggested they reduce the light pole standards by at least making sure they were full cutoff fixtures. He thought that was something they might need to look at down the road in terms of the lighting ordinance. With regard to this proposal, he felt it would go a long way to mitigate some of the light intrusiveness of the development. Mr. Janku understood he wanted 20-foot poles with full cutoff fixtures. Mr. Skala stated that was correct. He understood the standard was 25 feet, but he wanted encourage them to make them 20 feet since it was more in line with a residential area.

Mayor Hindman asked the developer if they had any objection to this proposal. Mr. Walther replied they had no objection to a 20-foot standard with full cutoff.

Mr. Wade stated he supported doing that and noted the value of planned zoning was that when there were extenuating circumstances, they could go beyond the existing ordinance. Mayor Hindman stated he agreed.

Mr. Skala made the motion to amend B82-08 by requiring the light standards to be no taller than twenty feet and to have full cutoff fixtures. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman asked if they wanted to address noise baffling. Mr. Wade replied that since it did not appear to be a standard construction technique, it needed to be required. He thought the air handlers needed to have noise baffling built into it. He explained there were regular construction technologies that could be placed around the air handlers that allowed for them to work efficiently while still keeping most of the noise from going into the surrounding area.

Mr. Wade made a motion to amend B82-08 by requiring the use of state of the art noise baffling on the air handlers. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The vote on B82-08, as amended, was recorded as follows: VOTING YES: WADE, NAUSER, HINDMAN, STURTZ, JANKU. VOTING NO: SKALA, HOPPE. Bill declared enacted, reading as follows:

**B86-08 Authorizing construction of a traffic calming speed hump on Rainbow Trout Drive between Golden Trout Drive and Coho Court; transferring funds.**

Mr. Wade made the motion to table B86-08 to the May 19, 2008 Council meeting. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**B100-08 Rezoning property located on the south side of Locust Street, between Hitt Street and Waugh Street (1110 and 1112 Locust Street) from R-3 to C-P; allowing less stringent yard, parking and screening requirements.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a request to rezone about a 0.3 acre parcel of land from R-3 to C-P in the downtown area. It would bring the zoning more into compliance with a C-2 use while having the plan requirement. The Planning and Zoning Commission recommended approval.

Mr. Teddy stated this was similar in nature to the C-P that was directly across the street. The difference was there were two lots with two existing buildings of four apartments each rather than one building of four apartments and it was a little bigger in parcel size.

Other than that, it mirrored what was recommended and approved by Council last year on the opposite side. He noted it was owned by the same person.

Mr. Wade asked if the height limit of 50 feet was required by C-P zoning. Mr. Teddy replied no and explained it started with the C-P across the street. It was an intermediate height and was requested by the applicant. It was more than a R-3 would allow, but less than what C-2 would allow as it had no height requirement. Mayor Hindman asked how many floors would be allowed. Mr. Teddy replied he thought there could be a maximum of five, but it would most likely be four floors due to the allowances that had to be made these days.

Mayor Hindman opened the public hearing.

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

Mr. Wade stated he did not understand why they would not allow up to six stories in that area and thought they needed to watch that in the future.

B100-08 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B101-08 Amending permitted uses on property in District C-P located on the south side of Cooper Drive North, across from Rockman Lane; approving the Creative Car Audio C-P Development Plan; approving a revised statement of intent.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposal that would allow for a 9,350 square foot retail establishment and a revision to the allowed C-P uses within the statement of intent to add all C-1 uses to the current list. The Planning and Zoning Commission recommended approval of the proposed development plan and revised statement of intent.

Ms. Hoppe asked for clarification on its exact location and the gap in the sidewalk as discussed at the Planning and Zoning Commission meeting. Mr. Teddy replied there was a gap in the sidewalk to the west of the site. He explained the sidewalk had already been installed across this particular lot and described its location on the overhead. He noted the apartments behind it were zoned C-1 and it was one lot removed from the corner of Buttonwood and Cooper. Ms. Hoppe understood it was not in front of the area with no sidewalk. Mr. Teddy stated the gap was on the lot to the west. If there were any gaps, they would be required to fill them as part of the building project.

Mr. Janku understood a gap would normally be filled when the property was developed and thought they had a standard of requiring it be built after a certain period of time.

Mayor Hindman opened the public hearing.

Kevin Murphy, an engineer with A Civil Group, 1123 Wilkes Boulevard, explained Creative Car Audio was based out of Springfield, Missouri and that this would be their fifth store. They specialized in automotive electronics to include navigation, GPS, remote vehicle starters, satellite radios, mobile videos and stereos. One building on the site would be a retail facility with an installation center. The other building would be broken into four 1,100 square foot leasable spaces. When the property was rezoned a number of years ago to C-P, the owner rezoned it for one single use and had since relocated his business and sold the property to Creative Car Audio. This rezoning was needed to allow their proposed uses. With regard to the sidewalk gap, there was a three year performance contract and he

understood this subdivision was past that time frame. He noted there was also a five year statute of limitations and he believed they were past that as well. The current owner of this lot was kind enough to install the sidewalk at the request of Public Works a couple of years ago thinking he would build there. The adjacent lot did not respond.

Mr. Boeckmann pointed out they could still tax bill for the sidewalk. Mayor Hindman thought they had put together a system to catch all of those things.

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

Ms. Hoppe stated she thought this was an appropriate spot for this and had not heard of any concerns.

B101-08 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B112-08     Approving the Water and Light 2008 Renewable Energy Report.**

The bill was given second reading by the Clerk.

Mr. Watkins stated the renewable energy mandate that was passed by Columbia voters in 2004 required Columbia Water and Light to submit a report each year outlining compliance with the ordinance. This report was publicly released on January 28, 2008 and had since been reviewed by the Water and Light Advisory Board and the Environment and Energy Commission. The Council was required to hold a public hearing and vote on approving the report.

Mr. Glascock noted they had everything in place to meet the criteria of the ordinance. One of the issues was that the performance of the wind farm as well as the landfill gas prevented them from making the two percent requirement. He explained everything was in place and once everything was corrected, they would make the five percent by 2012 easily.

Mayor Hindman opened the public hearing.

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

Mr. Skala stated this set Columbia apart in reaching some of its goals and congratulated those who participated in this.

Ms. Hoppe commented that based on the Visioning report and discussion with those who worked on the renewable energy petition, she thought it was very feasible to increase the upper limit to 20 percent with a three percent cap. She noted she would do her best to go in that direction.

B112-08 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

**B113-08     Authorizing construction of water mains serving The Villages at Arbor Pointe, Plat 3 (Phase 1); providing for payment of differential costs.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a differential water cost project where the development required a six inch, but staff believed an eight inch was more appropriate. The cost to the City was \$1,135.

Mayor Hindman opened the public hearing.

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

B113-08 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared adopted, reading as follows:

**OLD BUSINESS**

**B98-08 Authorizing the issuance of Special Obligation Improvement Bonds (Annual Appropriation Obligation), Series 2008B relating to the Downtown Government Center Capital Improvement Project.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this ordinance would fund the reconstruction and expansion of the Downtown Government Center.

Ms. Fleming explained they accepted bids at 11:30 a.m. and were pleased to receive five very favorable bids. They were recommending the bid be awarded to the lowest true interest cost (TIC), which was at 4.3101. She noted the market had improved significantly since March. She commented that the MMD was an index they used for AAA rated GO debt and the ten year debt was at 4.12 on February 29, 2008 and 3.7 on Friday. The market had improved and their spread from the MMD had improved. She commented that the difference in the yields for similar maturities was between 62 basis points and 67 basis points. She pointed out this was below their original projection and was good news.

Ms. Hoppe noticed the bonds would be sold the morning of May 5, 2008 and understood they were approving the issuance of the bonds. She asked if they had previously approved the sale of the bonds. Ms. Fleming replied they passed a resolution authorizing the sale of these bonds at the last Council meeting. She noted they would be closing on the sale on May 15, 2008.

Mr. Janku made the motion to amend B98-08 per the amendment sheet. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B98-08, as amended, was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B99-08 Appropriating bond proceeds for the Downtown Government Center Capital Improvement Project.**

The bill was given second reading by the Clerk.

Mr. Watkins explained they needed authorization to spend the money after accepting the bonds. The authorization was for \$22.1 million. He noted there was a difference and that had to do with bond reserve funds which they were not appropriating.

B99-08 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B102-08 Approving the Final Plat of Crosscreek Center Plat 1 located on the east side of U.S. Highway 63, on both sides of Stadium Boulevard; authorizing a performance contract.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposed final plat. It met all of the subdivision regulation requirements and was in conformance with the preliminary plat approved by Council in November, 2006. It did not change any zoning or allow any particular use. It only dealt with the road right-of-way and other items normally found on a final plat.

Mr. Skala asked if this had any connection with the adjacent properties and the potential for the extension of Maguire. Mr. Watkins replied it was on the plat. He explained the right-of-way that would go through for the Maguire extension was on the plat. He noted there was still property that would need to be acquired.

Ms. Hoppe asked if approving the final plat would require the developer to come in with one plan instead of individual lot plans. Mr. Teddy replied they could do either. He noted they had a couple of applications for individual lot plans already. One was a convenience store/gas station at the southwest corner of Stadium and Maguire. The other was a fast food restaurant on Lot 106. He thought the Council would see those early this summer.

Ms. Hoppe asked if they would have to revise the final plat if they needed to subdivide the more controversial dealership lot into two lots. Mr. Teddy replied it would be a replat and had a process which was the same as for the original final plat. He noted it would come to the Council.

Jim Muench, 2711 Mallard Court, explained he was Chair of the Shepard Boulevard Neighborhood Association and had a couple of concerns. He stated this plat approval represented the first step in a process that was running parallel to the Crosscreek developers recently proposed mediation process. Since the neighborhoods were trying to decide whether to join in the mediation process, the developers' decision to continue on this parallel tract might be counterproductive in the search for a mediated settlement. Another concern was that approval of the final plat would allow the Crosscreek developers to pursue a course in which they might be planning to split up the property into its constituent lots with each receiving its own C-P plan. It appeared as though that was happening since two were already on file. He felt Council approval of such a piecemeal approach would allow for a hodgepodge of development at that important intersection and would appear to fly in the face of the City's recent Visioning efforts. He commented that if they wanted the eastward expansion of Stadium to look like Clark Lane, taking such an approach was a great way to go about it. If the Council, however, was serious about encouraging mediation and planning for the future development on the City's east side, they should ensure the entire property was considered as a whole entity for planning purposes.

Ms. Hoppe asked what discretion they had to table or deny the final plat. The developers were trying to engage the relevant neighborhood associations in discussions, but there was concern regarding whether they were going down a track of individual plans without looking at the whole area as a unit. She felt it would undermine the mediation process from the neighbors' perspective. Mr. Boeckmann replied subdivision plat approval was an administrative act unlike zoning, which was legislative, and allowed them discretion. When a subdivision plat came before the Council and if it met all of the criteria set forth in the



subdivision ordinance, they did not have much choice except to go ahead and approve it. Ms. Hoppe understood they had discretion when they came back with a lot C-P plan, and at that point, they could ask to see the bigger picture. Mr. Boeckmann explained the C-P plan was part of the zoning process so they had more discretion in deciding approval, but if they were to deny it, they would still have to have a good reason.

Mr. Skala understood the platting process was largely ministerial, so they did not have a lot of discretion, but wondered if there was an exception in terms of health and safety. Mr. Boeckmann replied they would need to find something in the subdivision ordinance to base their decision on. Mr. Janku understood that would usually occur at the preliminary plat stage and this was the final plat. Mr. Boeckmann agreed and noted they would have a harder case to argue if they approved the preliminary plat and the final plat was denied. Mr. Wade stated he knew of only one situation and it was a preliminary plat with a question regarding a serious water problem for children walking to school. That was the only one he was aware of that had been rejected.

Mr. Wade noted the zoning on the property remained commercial so the property would be developed as commercial. He pointed out there was inappropriate land clearing and issues in terms of erosion. He understood the developers had paid a price for that in terms of the Corp of Engineers and the remediation that was currently going on. He hoped the neighborhood associations would participate in good faith in any negotiation and mediation efforts that took place. He commented that they could let the past govern their behavior which might not provide any good outcomes. He felt the property was going to develop commercially and the Council still had the responsibility to see it was a quality development. If there was an honest effort with an attempt to create a different structure for dialogue between the neighbors, he hoped the neighbors would enter into it in good faith to try to develop the best possible commercial area they could. Ms. Hoppe commented that she believed the developers should also enter the mediation in good faith to help build trust. She understood the neighbors were concerned that this might not be a serious mediation, so she felt it was important for the developers to make it clear they were very serious about this mediation as well. Mr. Wade stated everyone needed to work at it to make it work. It would not happen if any side decided not to try to make it work.

B102-08 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B110-08 Calling for bids relating to construction of street improvements on Vandiver Drive, from the U.S. Highway 63 interchange to Mexico Gravel Road and construction of the Upper Hinkson Creek Outfall Relief Sewer.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this project was included in the 2005 capitol improvement ballot issue and would construct about 3,300 feet of Vandiver Drive as well as a substantial amount of sewer. A public hearing was held on March 19, 2007 and there were a number of changes made. They added some round-a-bouts and stayed out of the creek. He thought all of the property owners were at least okay if not supportive of the project.

B110-08 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B116-08 Amending Chapter 17 of the City Code as it relates to liability insurance requirements for permits for special use or activities.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a policy matter they had been discussing with the Council since December of 2007. They currently had departmental policy pertaining to liability insurance for particular uses within City parks. Council asked staff to develop an ordinance that would put the policy into a more formal form. This ordinance would establish Council approved guidelines for the type of park special use that would require the provision of liability insurance.

Mr. Janku asked what exposure the City had. He understood it was \$2.4 million. Mr. Boeckmann explained that under the sovereign immunity statute, when they were sued for condition of property, the legislature had established caps of the maximum amounts the City could be held liable. He understood those were indexed and went up every year. For any one incident, the maximum amount the City would be liable for was \$2,418,990, and for any one person in the incident, it was \$362,849. Mr. Janku understood there would still be a gap even with the insurance they were requiring. Mr. Boeckmann replied yes and explained the ordinance set it at a lower amount than the actual cap.

Ms. Hoppe stated the summary indicated requirements varied from community to community but most seemed to require \$1 million in coverage rather than \$2 million and asked for clarification. Mr. Hood replied that when they looked at different cities, they were looking at cities throughout the country. Most communities were around the \$1 million level, but he did not know what their statutes required. The limitation in those states could potentially be \$1 million. He explained they found a few in the \$500,000 level, but most were at the \$1 million level. Ms. Hoppe asked about examples within Missouri. Mr. Hood replied he had spoken with the City of Springfield and they were at \$2 million.

Mayor Hindman asked how long ago the statute was changed to raise the level to \$2 million. Mr. Boeckmann replied he thought it was 6-7 years ago. Mr. Hood thought it was in 1999.

Mr. Skala noted this involved a balance between the liability exposure the City had versus the ability to enable groups to take advantage of what the City had to offer. He stated he favored the \$1 million limit with an individual limit of \$365,000 per person.

Mr. Janku asked if the City self insured the amount above what they required. He wondered how the gap would be paid if they required \$2 million in liability insurance but the judgment was for \$2.4 million. Ms. Fleming replied the City's exposure was for first \$750,000. After that, the excess insurance carrier would cover the costs. She did not recall the amount of total liability because they had to cover in excess of it. She explained this would have the biggest affect on their excess insurance coverage. It could cause their premiums to go up due to increased exposure.

Mr. Janku asked if the Parks and Recreation budget would have to make up the increased cost. Ms. Fleming replied that where they could specifically identify premium coverage, it was charged to the entity that required the additional coverage. Mr. Janku asked how they would pay it if there was a judgment. He wondered if it would come from the parks sales tax or the general fund. Ms. Fleming replied any claim would be charged to the Parks and Recreation budget. She explained they averaged their claims history over five years, so there would not be a huge spike in one year. The Parks and Recreation budget had a couple of funding sources, which included the parks sales tax and the general fund, so it could come from either source. Mr. Janku asked if it would be \$200,000 a year for the next five years if they had to make up \$1 million or if it would be some other number. Ms. Fleming replied it would be different because they did not currently charge departments the full amount to cover their claims. She explained they had significant reserves in this fund which they had been drawing down on. They would need to charge enough to the departments to get that to a break even point. She stated the plan would go out 5-7 more years before they would be at a break even point. This was why they were looking at 12-15 percent increases for the next 5-7 years. She pointed out this was based on their current claims history. If they had larger claims, it would either take longer to get to the break even point or they would need to increase rates. She could not provide an exact amount because they were averaged over multiple years. Mr. Watkins noted in the big picture, if they had a \$750,000 loss the City had to cover, there would be an increase of \$150,000 per year to the Parks and Recreation insurance cost.

Ms. Hoppe stated she had received an e-mail from a balloonist and wanted to know how it would affect balloon events. Mr. Hood explained there were three different activities with hot air balloons. One was identified as tethered rides, where they took young people up a little bit before coming back down. They also had pilots living in and around Columbia who wanted to be able to land or take off in City parks. At this time, all interested in hot air balloons had to have the \$2 million coverage and a parks special use permit to be able to use the parks. The third activity was a major event like the one last summer or the championships from a few years ago. He understood they had been able to obtain \$2 million in insurance for those types of events. It was then a matter of working with them to ensure other issues were resolved such as not landing in the golf courses or during a soccer game. Ms. Fleming noted the festivals were able to get the \$2 million insurance. The Risk Manager made some phone calls today to confirm the maximum general liability coverage individuals flying were able to obtain was \$1 million. From the financial perspective, if the insurance company did not take the risk for over \$1 million, the City became the excess coverage. She wondered why the City would want that risk if the insurance companies did not want it.

Ms. Hoppe understood they could require \$2 million or some other figure for dangerous events, but only \$1 million for individual balloonists landing and asked if other communities had varied rates. Ms. Fleming replied the Council could set whatever policy they wanted, but wondered why the City would want to take on the excess risk if the insurance companies were not willing to do so. Mr. Hood stated he was not aware of other entities setting one rate for one activity and another rate for another activity. If they did it for one type of activity, he thought they would have representatives from other activities asking

for the same thing. Ms. Hoppe explained she was looking at it from the perspective of one individual balloon landing or taking off versus a whole event. Mr. Hood stated he was referring to the categories listed in the ordinance. He thought if they felt hot air ballooning was adequately covered with \$1 million, a person with a bounce house would ask why the same level was not set for him.

Mr. Wade stated he had hoped information regarding the real impact on organizations with special events would have been provided. He wanted to know of the difference they would face in costs. He asked if they had any sense of how it would impact smaller organization and which ones based upon the different festivals held. Mr. Hood replied they did not have that information because they did not know how much it had cost each individual group to get their insurance and did not know what their insurance situation was. Ms. Fleming explained insurance companies had departments that evaluated risks and charged premiums accordingly. It would be like trying to determine what auto insurance would cost for one car versus another. There were a number of factors that went into it. She commented that there were too many variables for them to know what the insurance cost would be. Mr. Hood stated they reviewed between 200-300 parks special use permits annually. In 2007, they reviewed 216 parks special use permits and required insurance coverage for 26 of the 216 events, which was about 12 percent. He explained they were asking for insurance to be provided for the events with the highest exposure and risk. Mr. Wade understood the other 190 events had no insurance requirement. Mr. Hood stated that was correct. He noted many of those were smaller private events that did not involve the public or were using park facilities for the purposes they were designed. He explained a charity wanting to do a 5K walk/run on the MKT trail, who did not want them to close to trail to public use, would not have to provide insurance as the trail was made for walking and running. They would require a special use permit so they could coordinate to ensure it did not conflict with another event.

Mr. Skala stated his involvement was due to a conversation with Mr. Alspaugh and thought they had a discussion regarding the City facilitating or assisting groups in finding the proper insurance at reasonable rates. He asked if that was beyond the City's capabilities. Ms. Fleming replied that could not be done with existing staff.

Bruce Alspaugh, 2815 Skyview Road, stated he was on the Board of Directors of the Mid-Missouri LGBT Coalition, which was a small 501(c)(3) not-for-profit volunteer organization, and for the past several years, they had put on the Gay Pride Festival in Columbia. The next one was scheduled for June 14 at Stephens Lake Park. He explained they strived to have a fun, safe, family friendly event with food, music and resource materials. Because they invited the general public, it triggered the requirement for liability insurance. Over the course of the day, they had almost 900 people last year. As a result, they had to have proof of liability insurance and had to name the City as co-insured. He noted this was on top of any insurance they had to protect themselves from liability. He stated they had other park fees they had to pay in addition to the insurance as well. In 2004, 2005 and 2006, the organization purchased a \$1 million policy at a cost of about \$600. In 2007, they were caught off guard with the \$2 million requirement and did not have much time to shop around, so they paid \$2,200 for the policy. They had since shopped around and found slightly better

rates from some cut rate people, but wondered about their ability to pay the claim and their true reputation. He commented that he did not believe the proposed ordinance addressed the affordability issue. It only codified the pre-existing policy making the \$2 million per occurrence permanent. He explained they were not opposed to buying insurance. He only wanted it to be something they could afford to be able to comply with. He noted they would purchase insurance for themselves even if the City did not require it to protect their non-profit. With a festival running on a budget of about \$5,000, \$2,200 for insurance took a bite out of what could be done. He stated he would be fine with the ordinance if it could be amended to \$1 million. If they wanted to require \$2 million, he suggested it be done for higher risk events involving amusement park rides and the other items mentioned in the ordinance.

Gary Whitby, 2504 Cimarron Drive, stated he was the President of the Heart of Missouri Balloon Club and Director of the Columbia Balloon Corporation and explained they were the ones that put on the Hot Air Balloon Festival last August. He asked the Council to waive hot air balloon typical launch and landing in City parks from the special use permit requirements. He agreed giving tethered rides at fixed locations at City parks should be considered an amusement venue or attraction similar to a bounce house, climbing wall or carnival ride and should be subject to a special use permit. He thought they could work with the Parks and Recreation Department to establish guidelines and regulations regarding the launching and landing of balloons to conform with current City regulations. This would include keeping vehicles on paved roadways and avoiding landing and launching in established sports fields or near organized athletic games in progress. He wanted the City to consider the overall safety record of ballooning. He explained balloons were FAA registered aircrafts and were legally required to conform with FAA regulations which were stringent. All balloons were inspected by certified aircraft mechanics each year or after 100 hours of flight time, whichever was sooner, and the inspection covered everything from the field system to the thread used to sew the fabric together. DOT required inspections every 7-12 years on propane cylinders. Their inspections were required yearly. Pilots were also certified by the FAA and followed strict training rules, including several written tests as well as flight tests. In addition, pilots were required to have a biennial or two year flight review to keep their certificates valid. Most pilots also attended safety seminars, which included informational and educational presentations by the FAA, propane suppliers, insurance underwriters, aircraft manufacturers and meteorologists. Since there were no insurance underwriters in the United States that wrote aviation liability coverage for more than \$1 million, this proposed ordinance would prohibit balloons from launching or landing in City parks. He was concerned this could snowball into additional laws, ordinances, policies or regulations prohibiting balloons from doing the same in other publicly owned properties, which would virtually eliminate ballooning in the community. He noted the Columbia Balloon Corporation with the help of the City of Columbia, business owners, individuals and volunteers generated revenue for the Children's Hospital in excess of ten percent of their total operating budget for the balloon event last year. In addition, every balloonist in the community donated rides for charities here. He pointed out they were not asking for the \$1 million or \$2 million to be waived. For an event like the Columbia Balloon Invitational, they had liability coverage of \$2 million and named the City as an additional insured so they could land in the parks and that policy had cost about

\$7,000. He noted those policies were only available for events that lasted seven days or less. Currently, the maximum for a standard aviation policy was \$1 million, but they were working on finding an underwriter that would do a \$2 million policy in the United States. He asked the Council to allow typical launching and landing, but not the tethered rides as he agreed those could be more hazardous. He explained that since 1963, there had been five accidents in Columbia and Boone County. Two involved personal injuries of a broken ankle and broken wrists. Three involved damage to only the balloon. There have been zero fatalities. Since 1963, in the State of Missouri there had been 19 accidents with only fatality, which was in Greenwood, Missouri in 1991. He stated ballooning was not as dangerous or as risky as people thought.

Ms. Nauser asked if the launching and landing was for individuals. Mr. Whitby replied yes. It was not for an event or race. Ms. Nauser understood an event was something that was scheduled with hundreds of people participating in an exhibition. Mr. Whitby stated that was correct. He explained with regard to a tethered ride, a business might contract with a balloonist to come to a company picnic to provide tethered rides. He thought that was more of an attraction or carnival ride and would attract a lot of attention with a lot of bystanders. Ms. Nauser asked if he had a \$1 million policy for those events. Mr. Whitby replied yes. Ms. Nauser asked for clarification regarding launch and land. Mr. Whitby stated they wanted to be able to launch and land and had insurance in case they hit a light pole or anything else. Ms. Nauser asked for clarification regarding the tethered events. Mr. Whitby replied he thought tethered events should fall under the \$2 million policy.

Tim Graham, 8401 Trails West Drive, stated he was a local hot air balloon pilot and understood the City's aversion to the exposure of more risk. He noted many of the events listed in the bill were different than the typical launching and landing of balloons. A typical launching and landing of balloons took up a lot less time and attracted a lot fewer people than the other things listed. Yesterday was a typical spring evening and they launched five balloons from private property in the southwest part of town. They had about 20 crew members and 20 members of the neighborhood and the entire event lasted 25-30 minutes. He felt that type of event was different than the other types of events listed in the bill. He thought the reason balloonists could only get \$1 million of insurance because there was no market to sell any more since there was no perceived risk that more was needed. If there was a market for \$2 million, he thought it would be available.

James Tucker Smith, 1107 Torrey Pines Drive, stated he had lived in Columbia since January, 1997 and was hired by the Missouri Balloon Corporation to be event coordinator for the U.S. National Hot Air Balloon Championships, which was held at the Boone County Fairgrounds in 1997. He explained that was when he became involved in ballooning. He stated he had gone through the training and was now a commercial pilot and flight instructor for hot air ballooning. He thought the City would do the appropriate thing if they saw the difference between a large event, a commercial event such as a tether ride, and individuals flying balloons. They did not think of it as an event when they were flying on their own. He noted they did not want to interrupt things at the park or cause traffic problems. They tried to be as safe as they could and they were insured. They could just not get the \$2 million insurance to fly as individuals.

Mr. Janku asked if someone launched from a site on the south side of town and had to put down because of wind conditions and happened to land at Cosmo park, if they were subject to the insurance since they did not get a special use permit. He wanted to know what type of events would involve the single use things they were talking about. He asked if they were talking about requiring \$2 million in insurance for someone landing in a City park just because it happened to be the site. Mr. Hood replied they had not allowed balloons to launch or take off in the parks. He understood there had been some landings in emergency situations. At this point, if a balloon landed or took off from a park without a permit and the Park Ranger was there, she would visit with them. Mr. Janku stated he understood that if they scheduled a launch, but not if they just landed. Mr. Hood stated they had talked with the balloonist community several times. He understood there were some issues, but thought they could all be worked out with the exception of the liability issue because they were requiring \$2 million. He explained there had been instances where a balloon had landed in the park and the chase vehicle had driven out across the park to pick up the balloon. He noted he did not think that was not appropriate. If they kept their vehicles on the roads and in the parking lot and chose appropriate places to land, he thought they could work with them to resolve the issues other than the liability issue. Mr. Janku asked if there were a lot of requests to launch a balloon from a park. Mr. Hood replied they anticipated issuing some kind of blanket permit to individuals that wished to use the parks for either a launching or landing.

Ms. Nauser noted they had agreed to provide the \$2 million insurance coverage for rides, so this was a question of whether they wanted to expand it. Mr. Hood explained at this point they had required the insurance for a hot air balloon to be in a park regardless of why it was there. They used to require \$1 million and he did not recall many questions being raised then. When they made the decision to raise it to \$2 million, due to the change in the State legislation, issues began to arise. Ms. Fleming pointed out it was raised at Risk Management's request.

Ms. Hoppe asked if there was an example of an individual balloonist who had caused more than \$1 million in damages in Missouri. Ms. Fleming replied they did not have that information.

Mayor Hindman suggested this be placed on a work session for discussion. Mr. Skala thought that was a good idea as they were trying to require something that did not exist in the marketplace.

Mayor Hindman made a motion to table B116-08 to the June 2, 2008 City Council meeting and to discuss it a work session. The motion was seconded by Mr. Skala.

Mr. Skala understood Mr. Alspaugh's festival was in the middle of June and asked what he would have to comply with. Mr. Janku thought he had insurance for this year. Mr. Alspaugh understood they had to comply with the Parks and Recreation Department policy if there was no action by Council and that policy was set at \$2 million. Their festival was scheduled for June 14, 2008, so they would have take out \$2 million if nothing happened. Mr. Hood explained the Coalition had provided them with a quote for a policy that was \$2 million general aggregate, but only \$1 million per occurrence and that did not meet their

current policy. He understood the quote on that package was \$371, but reiterated it was for \$1 million per occurrence, not \$2 million per occurrence.

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

**B120-08 Amending the FY 2008 Annual Budget and the Classification Plan to add and reorganize positions in the Finance Department.**

The bill was given second reading by the Clerk.

Mr. Watkins noted this was a change in the budget as the budget prescribed specific employee classifications by department and was budget neutral. The object was to beef up the resources of the business license manager and to narrow the span of control of the comptroller.

Mr. Janku asked if that would allow staff to address business license issues and questions. Mr. Watkins replied the current business license manager served a dual role and this would allow her to focus on this.

Ms. Nauser made a motion to amend B120-08 per the amendment sheet. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Ms. Nauser stated she was glad to see the business license administrator would have more time to dedicate to some of the problems, but noted this was not the solution. She agreed it was part of the solution, but still wanted to move forward in looking at an ordinance.

B120-08, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B121-08 Amending the FY 2008 Annual Budget to add engineering positions in the Public Works Department; amending the Classification Plan; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would add three positions to the engineering department for the sanitary sewer and was a result of the sewer ballot issue recently passed. It would allow the City to do more of the design and have better oversight of the construction in-house versus using consultants.

Mr. Skala understood it was a cost saving measure as well. Mr. Watkins stated he believed it was.

B121-08 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B122-08 Amending the FY 2008 Pay Plan to add an Operations and Maintenance Technician Supervisor position in the Water & Light Department; amending the Classification Plan; amending the FY 2008 Annual Budget.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this would add a position at the Power Plant and this person would be responsible for the distributed generating engines around the community and the



generator at the landfill. They received proposals for contracting this service and felt it would be cheaper by creating this position and using existing resources.

B122-08 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B123-08 Amending the FY 2008 Pay Plan and Classification Plan by changing a position in the Planning and Development Department.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was budget neutral as it was changing the name and duties of a position in the Planning and Development Department.

B123-08 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B124-08 Amending the FY 2008 Pay Plan, the Classification Plan and the FY 2008 Annual Budget to add two new positions in the Convention and Visitors Bureau Department.**

The bill was given second reading by the Clerk.

Mr. Watkins noted this added two positions, which would be paid for by the Convention and Visitors Bureau. This was discussed to be added to the budget last year, but they did not have a place to put them. Since REDI moved out of the building, they now have a physical location for them.

Mr. Janku asked if the bed tax was paying for the positions. Mr. Watkins replied yes. Mr. Janku stated mid-course adjustments, such as this and the reallocation of responsibilities, were reasons there were not dramatic changes in the budget in August.

B124-08 was given third reading with the vote recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**CONSENT AGENDA**

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

- B103-08 Approving the Final Plat of McMickle Ridge, Plat No. 1 located on the east side of Reedsport Ridge, approximately 150 feet north of West Broadway; authorizing a performance contract.**
- B104-08 Authorizing an annexation agreement with Estil D. Poff and Susan L. Hawkins-Poff.**
- B105-08 Vacating easements located within The Villas at Old Hawthorne Plat 1.**
- B106-08 Vacating a utility easement located on the east side of Paris Road (State Route B), generally north of East Brown Station Road.**
- B107-08 Vacating a utility easement located along the south side of Lot 1 within Keene Estates Subdivision, Plat No. 7.**

- B108-08 Vacating a permanent sewer easement and temporary construction easement located northeast of the intersection of Stadium Boulevard and College Park Drive.
- B109-08 Amending Chapter 14 of the City Code to set the speed limit along portions of State Route B.
- B111-08 Accepting conveyances for utility, sewer and ingress and egress purposes.
- B114-08 Authorizing a supplemental agreement with the Missouri Department of Transportation and the City of Centralia for the installation of highway-rail crossing signal improvements at Columbia Terminal Railroad's (COLT) intersection with Lakeview Street in Centralia; appropriating funds.
- B115-08 Accepting conveyances for utility purposes.
- B117-08 Accepting an Enforcing Underage Drinking Laws Grant from the Missouri Department of Public Safety; appropriating funds.
- B118-08 Appropriating federal forfeiture funds for the purchase of a replacement vehicle in the narcotics unit within the Police Department.
- B119-08 Appropriating funds for the police training facility.
- R96-08 Authorizing an agreement with the Missouri Department of Health and Senior Services for core public health functions.
- R97-08 Authorizing an agreement with the Missouri Safety Center for overtime enforcement activities relating to hazardous and non-hazardous moving violations and seat belt usage.
- R98-08 Authorizing an agreement with the Show Me State Games for Sports Development Funding under the Tourism Development Program for fundraising events.
- R99-08 Authorizing application to the Missouri Department of Natural Resources for a State Revolving Fund loan under the Missouri Clean Water Law for the Wastewater Treatment Facility Improvement Project and interceptor sewer, relief sewer and sewer extension improvements.
- R100-08 Transferring funds to close out the Fay Street highway-rail crossing project.
- R101-08 Transferring funds for the Wabash walkway project.
- R102-08 Officially recognizing the Bearfield Meadows Neighborhood Association and recognizing it as the official neighborhood organization for the area described in the by-laws of the Association.
- R103-08 Officially recognizing the Bluff Creek Estates Neighborhood Association and recognizing it as the official neighborhood organization for the area described in the by-laws of the Association.

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

**NEW BUSINESS**

**R104-08 Authorizing an agreement with Trabue, Hansen & Hinshaw, Inc. for engineering services relating to the design and final plans of bikeways on portions of Stadium Boulevard, Providence Road, Nifong Boulevard and Forum Boulevard and for minor intersection modifications.**

The resolution was read by the Clerk.

Mr. Watkins explained this contract was for design services for about 14 miles of bikeway along existing streets and minor safety modifications for six priority intersections. He noted the six intersections had not been selected. They were trying to obtain additional feedback from a number of interested parties.

Mr. Janku asked if more bike lane projects would be coming forward. Mr. Lea replied yes. Mr. Janku understood there could be bike lanes independent of the non-motorized grant. He stated he believed item number 19, which involved Sexton, I-70 Drive and the Business Loop should be included. He noted there had been a lot of re-development in the area. He understood people in Parkade used that route to come into town and it allowed people to access Cosmo Park. He reiterated he thought that intersection was important, especially due to the number of new sidewalks in the area.

Mayor Hindman asked if it was one being reviewed under this contract. Mr. Janku replied yes and noted he understood they were only selecting six. Ms. Lea explained it was one of twenty on the list. They were working with the GetAbout Columbia Advisory Committee and the Disabilities Commission to pick six from the list of twenty. She understood Mr. Janku wanted that intersection to be emphasized. Mr. Janku stated that was correct. Mr. Watkins explained the six chosen would be brought back to Council for approval. Mayor Hindman did not believe they wanted everyone to point out the intersections they wanted in their wards. Mr. Wade suggested he amend the ordinance when it came back for approval.

Ms. Nauser stated it was nice to see some projects within the Fifth Ward as there were cyclists there as well.

The vote on R104-08 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R105-08 Extending the Neighborhood Response Team area boundaries.**

The resolution was read by the Clerk.

Mr. Watkins noted this was discussed at a work session in March and Council suggested they talk to the two neighborhood associations involved. Both agreed to support the extension of the boundaries. This involved the Benton-Stephens and East Campus neighborhoods and an extension to West Boulevard on the west.

Mr. Skala stated this was discussed at the same Benton-Stephens Neighborhood meeting as mentioned earlier and was supported by a majority of the people in attendance.

Mike Martin, 206 S. Glenwood, commented that he believed the extension of the boundaries was a great idea, but that the Neighborhood Response Team (NRT) as he knew it in the central City was overworked, understaffed and underfunded. He believed this was one of the central City's best programs. They were charged with code deficiency abatement and dilapidated building removal, which were two of the most intractable problems within the

area. He noted he contacted NRT about a garage demolition on 709 N. Sixth Street and the structure was ordered to be demolished after about a year. The people who tore it down left it, so he cleaned up half of it himself. He also contacted NRT regarding a lightening damaged tree on Washington hanging over property and the street, and ended up asking Ms. Hoppe to look at it. She met with the City Manager and it came down, but it was not something the NRT was able to accommodate. He passed around a series of e-mails, which dated back to January of this year, about a dilapidated garage at 1102 N. Eighth Street and was just now receiving some action. He commented that the dilapidated garage was listed in the NRT code deficiency property report in April, 2007. A year later they were still talking about it. He pointed out Mr. Cantin worked with Protective Inspection, the Police Department and Health Department in trying to get these things done. If they were going to extend the boundaries and the list of properties with deficiencies, he believed they needed more funding and staff. Another issue was that he was only able to see situations from the street versus the inside where they were far worse.

Mr. Janku asked if the NRT was partially funded with CDBG funds. Mr. Watkins replied not any longer. Mr. Janku asked if it was eligible for that funding. Mr. Watkins replied yes, but pointed out there was a cap on the amount that could be spent on administration and since CDBG funding was lowered every year, they moved it out of there.

Mr. Sturtz stated the area on the west was north of where he lived and he did not believe Anderson, Hardin, etc. was a dilapidated area. Mr. Watkins explained they attempted to line it up with police beats. Some of the areas, such as that on the north end of the addition, were a problem. He agreed the entire area was not a problem.

Mayor Hindman thought they should try to fund this by levying all of the costs against the properties. If the property owner did not pay the costs, they should just take the properties and sell them at the Courthouse. He understood it might be an administrative nightmare and thought those cost should be placed against the properties as well. Mr. Skala understood the issue was finding the people responsible for the problem. Mayor Hindman thought they could assess it against the property without having to find the person.

Ms. Hoppe understood some people in the East Campus area were concerned with demolition since there were a lot of historic properties. She asked about the demolition process and if properties older than a certain number of years were referred to the Historic Preservation Commission. Mr. Watkins replied the Historic Preservation Commission was working on a proposal, which would essentially add a line to all demolition permit applications to identify whether it met the criteria for historic preservation. If it met the criteria, they had to determine what would be done and he understood that was the issue now. If it was referred to the Historic Preservation Commission, it could take a month or so before anything could be done. He was not sure if they wanted to wait that long if there was a public safety problem.

Mr. Janku understood if it was City mandated, the Council had to vote on it. Mr. Watkins stated if the City was directing it be taken down and was spending money on it, the Council had to approve it. He explained they had a demolition program involving CDBG money where they reimbursed demolition provided a single-family home was put back on the property.

Ms. Hoppe asked if the neighborhood association was notified of a building being recommended for demolition. Mr. Watkins replied no.

Mr. Wade stated the NRT was a program with a positive public perception. He noted during the work session, they discussed the need to upgrade their ability to do this work. In addition, there were areas outside these boundaries needing this type of service as well. It was a funding issue and he agreed they needed to give serious consideration to how they addressed it.

Mr. Skala understood staff felt this extension was doable within the context of what was now available. Mr. Watkins explained the NRT was a proactive response where they visited properties via the sidewalk or street and they would be able to visit the additional area every year. He noted Mr. Martin's points were well taken in that the hard work began once they found a problem. The NRT was out about two days a week. The remainder of the time was spent on follow-up work.

The vote on R105-08 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R106-08     Establishing Earth Hour as an annual event in the City of Columbia.**

The resolution was read by the Clerk.

Mr. Watkins noted this was requested by Council and pointed out a fair amount of staff time was involved in terms of press conferences, etc.

Mayor Hindman stated he was slightly concerned with this. He did not recall them ever declaring something as an annual event. Ms. Hoppe asked if the alternative was coming back every year. Mayor Hindman replied yes. He agreed it was a worthy item, but did not believe they had the precedent of declaring something to be an annual event. He noted they supported many things annually. Mr. Skala believed they could declare it as an annual event, but was not sure they would be well advised to do so.

Mr. Sturtz asked if Bike, Walk and Wheel Week had been declared an annual event. Mayor Hindman replied no. He explained it occurred annually and the City just supported it.

Mr. Wade felt an argument against it was that by having to do it every year, they created the publicity event to kick it off.

Ms. Hoppe agreed if they came back every year, they would have a public arena. She noted that since she proposed this, she was willing to withdraw the resolution. She commented that although staff time was involved, it was something they should be promoting.

Mayor Hindman noted the resolution was being withdrawn.

**R107-08     Authorizing an agreement with The Curators of the University of Missouri for a water treatment analysis project.**

The resolution was read by the Clerk.

Mr. Glascock explained they received a violation for the total trihalomethanes (TTHM) in the drinking water from DNR. Since they had two consecutive violations, they needed to have a study done before making any changes to the treatment process. Representatives of

the University of Missouri were at the meeting, so they understood what needed to be studied. He noted they had to have the study done by an outside agency.

Mr. Watkins pointed out they were not just waiting for the results of the study. They believed this was occurring because water was sitting in the system longer than it should. As fire hydrants and other areas of the system were being flushed, he believed this would be resolved on a temporary basis.

Mr. Skala asked if this involved the closed and open loop issues previously discussed. Mr. Watkins replied yes. As part of the ballot issue, they wanted to close some of the loops. As they have taken over the old water districts, they have had a lot of feeds that just sit there. The sample with the problem was within the area of old Water District No. 1 on Prathersville Road and about as far as one could get from the Water Plant.

Mr. Wade understood the Water and Light Advisory Board did not endorse the study. Mr. Glascock stated they did not vote on it. Mr. Wade asked why they did not vote on it. Mr. Glascock replied they only had three members. They had a motion, but there was no second to the motion. Mr. Wade asked if they had a quorum. Mr. Glascock replied yes as they had five total members with three in attendance. Mr. Wade asked if there was any discussion as to why there was not a second. Mr. Glascock replied they believed data that could be used already existed.

Mr. Wade understood DNR supported an independent study. Mr. Glascock replied yes. Mr. Watkins explained it was suggested by DNR. Mr. Glascock noted they could not do anything to the treatment process until the study was done.

Ms. Hoppe suggested a shorter study. She was concerned with nothing being done for a year while waiting on the results of the study. Mr. Watkins stated they were not waiting to do things. He believed the solution to the TTHM problem was to get the water to move through the system. They could do that by flushing the line. He agreed it would waste water, but the stale water would come out of the system. Mr. Glascock explained the study would show where the problem was and whether it existed in the entire system or in certain pockets of the City. This would allow them to concentrate on those areas. Mr. Watkins understood it was seasonal, which required the study to take one year. He reiterated they were not waiting a year to try to clean up the problem, but DNR would not approve any changes at the Plant without a data study. He pointed out the February sample was under the limit, but it was not enough to lower the average.

Mr. Wade stated the communication he received indicated the City could do this itself, but DNR did not want it done that way.

Mr. Skala commented that there was some criticism of the contract with regard to the total expense and appropriateness of the testing. He asked if staff had seen some of the criticism. Mr. Watkins replied he had not. He had seen the letter forwarded to him by the Mayor indicating they should not do this and that it should be put off.

Mr. Sturtz understood the same communication indicated the TTHM problem was in the groundwater and asked if they had data from around the country. Mr. Glascock did not believe it had anything to do with whether it was ground or surface water. It had to do with how long it sat in the line. It was part of the chlorination and disinfection process. They could add ammonia to reduce the TTHM, but could not change the process until it was studied. Mr.

Watkins pointed out they were monitoring this as it came out of the Plant and it was not an issue of what was coming out of the Plant. He noted EPA had lowered this level a couple years ago and staff suspected there would be more lowerings, so they wanted to come up with an approach that would get it low and keep it low.

Mr. Janku asked if the study would be accurate if they were changing the circumstances by flushing the lines. Mr. Watkins thought they could measure where they were high in the system.

Ms. Hoppe understood they could flush the lines or add loops, but they could not add a specific chemical. Mr. Watkins stated they needed DNR's approval to change the treatment process and he understood DNR wanted an analysis of the system over a year's period of time.

Mayor Hindman asked how they could continue issuing citations telling the City it needed to be fixed without allowing the City to fix it. Mr. Skala stated he thought they had to ensure the testing being suggested by DNR was appropriate to the problem they had, which was why he was disquieted by the new information suggesting it was not appropriate considering they were spending \$91,000. He understood they were in a bind because they wanted to do it as quickly as possible while also being effective. Mr. Watkins pointed out they were doing what DNR was suggesting. If there were concerns, he thought they should table the issue.

Ms. Hoppe stated she had a copy of a paper report one of the members of the Water and Light Advisory Board shared with the others and one of the concerns was whether this study was looking at the entire picture. She wondered if they should be looking at the wetlands and water wells to determine if something was occurring there where there were more organic compounds. She understood they might not be getting at the long-term source of the problem with this study. Mr. Janku thought they had a monitoring system of the wells set up with USGS, so if it was occurring they would know with the results. He asked when a report was going to be provided to the Council. Mr. Glascock replied he was not certain, but noted they did have a contract for monitoring.

Mr. Wade commented that his basic concerns had been addressed. He suggested they accept staff's recommendation and move forward.

Mayor Hindman understood this was mandated. Mr. Skala thought it was mandated that they do something. Mr. Watkins explained he put this on the agenda at the last minute because he felt they needed to show they were being responsive. He believed this was what DNR wanted. He found it counterintuitive that the problem was with the raw water because when they measured the TTHM level from the water coming out of the Plant, it was substantially lower. It increased as it went out and sat in the lines. It was not in the storage facilities, towers, etc. because the water was constantly being refreshed. He reiterated he wanted to do what the Council wanted because this was a serious issue. Even though he felt the water was safe, he did not think they wanted to continue having this problem.

Ms. Nauser stated this was beyond the purview of her knowledge, so she was agreeable to staff's recommendation. She understood DNR was requiring the study to determine what was causing the problem and agreed with an independent study as public perception was an issue when it came to the water supply.

Mr. Watkins noted they were authorizing him to sign the contract. Before signing it, he would obtain something from DNR in writing. Mr. Skala stated he was comfortable with that. Ms. Hoppe commented that her concern was whether they were putting more organics in the system through the wetlands and whether those were causing a continuation of this problem. She was also concerned the Water and Light Advisory Board was not convinced this was the route to go.

The vote on R107-08 was recorded as follows: VOTING YES: SKALA, WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

## **INTRODUCTION AND FIRST READING**

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

- PR108-08**     **Amending Policy Resolution 47-02A which established the Percent for Art program by removing the liaison member from the Planning and Zoning Commission.**
- B125-08**     **Approving the C-P Development Plan of Academy Village located on the southeast corner of East Green Meadows Road and South Providence Road (State Route 163); authorizing a development agreement.**
- B126-08**     **Approving the Final Plat of Chapel Mills Estates Plat 1 located on the northeast corner of Chapel Hill Road and Mills Drive; authorizing a performance contract.**
- B127-08**     **Approving the Final Plat of Chapel Mills Estates Plat 2, a Replat of Lot 2, Arthur Edwin Gibb Subdivision, located on the west side of Mills Drive, between Tremont Court and Hatton Drive; authorizing a performance contract.**
- B128-08**     **Vacating easements located within Walnut Brook Subdivision Plat 5.**
- B129-08**     **Calling for bids relating to sidewalk construction on portions of Smiley Lane, West Ash Street and Leeway Drive.**
- B130-08**     **Authorizing the acquisition of easements for sidewalk construction on portions of Smiley Lane, West Ash Street and Leeway Drive.**
- B131-08**     **Calling for bids relating to construction of Scott Boulevard, from Rollins Road to Brookview Terrace.**
- B132-08**     **Authorizing the acquisition of easements for construction of Scott Boulevard, from Rollins Road to Brookview Terrace.**
- B133-08**     **Accepting a grant of easement for sewer purposes relating to the Sewer District 154 project.**
- B134-08**     **Amending Chapter 27 of the City Code to establish the Solar One utility program.**
- B135-08**     **Authorizing a photovoltaic energy purchase agreement with Quaker Manufacturing LLC.**
- B136-08**     **Authorizing Change Order No. 1 to the agreement with Garney Companies, Inc. for construction of a 36-inch well field supply main from the McBaine Water Treatment Plant to Star School Road.**



- B137-08 Accepting conveyances for utility purposes.
- B138-08 Authorizing conveyance of an electric line easement to Boone Electric Cooperative to allow for the construction of a baseball field complex on the Atkins tract located north of the Boone County Fairgrounds.
- B139-08 Appropriating funds for the Parks and Recreation Department C.A.R.E. Gallery program.
- B140-08 Authorizing an agreement with Columbia Public Schools to provide a crosswalk guard at Grant Elementary School; appropriating funds.

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Mayor Hindman noted this was provided for informational purposes.

(B) Self Inflicted Injuries in Boone County.

Mr. Watkins stated this was provided per Council request and was informational.

(C) Window Air Conditioner Exchange Program.

Mr. Watkins explained this was the third year the City was proposing this program. The money was in the budget and they anticipated exchanging 100 high efficiency air conditioners. They estimated payback was received within three years.

(D) Street Closure Requests – Richard King; Missouri Theater.

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

(E) Bicycle and Pedestrian Commission – Sidewalk Snow Removal.

Mr. Watkins noted this report was provided by the Bicycle and Pedestrian Commission.

Mayor Hindman understood a specific action was not being requested. Mr. Wade noted they were suggesting the development of a comprehensive plan. He thought they might want to address that some time in the future.

(F) Sewer District Tax Bill Implementation.

Mr. Watkins explained clarification was requested regarding when the new policy on tax billing private common collectors took effect. He understood only one sewer district with work being underway was involved. Staff was recommending it not be tax billed.

Mayor Hindman made a motion to not tax bill. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(G) Old 63/Stadium Intersection.

Mr. Watkins stated this was an informational report.

Ms. Hoppe made a motion directing staff to pursue amending the current design contract with the consultant that was designing the trail route through the intersection at

Stadium and Old 63 to look at the two turns mentioned. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

**(H) Stormwater Storage/Treatment in Natural Ponds.**

Mr. Watkins explained there was a distinction in the stormwater ordinance that did not use natural ponds for stormwater detention. It was okay to use them at man-made lakes such as Hulen Lake, Stephens Lake and Bristol Lake.

Ms. Lea commented that that reason was due to eutrophication, algae blooms, which were more prevalent in man-made lakes than in natural water bodies. They did not want to promote algae blooms or deteriorate any natural body of water.

Mr. Skala asked if this was a function of fertilizers or the shallowness of the pond. Ms. Lea replied it was a function of development around the lake for man-made lakes.

Ms. Nauser thought they should ensure those were not used for detention. She wanted staff to add language in the manual restricting the use of natural ponds and lakes for stormwater management.

Mr. Wade agreed they could add the language, but did not think it was necessary if there were no natural ponds or lakes. Mr. Skala thought there were a few. Ms. Nauser stated there was a natural lake in her neighborhood. She thought there were several neighborhoods with natural lakes.

Mr. Janku suggested this be done by resolution assuming there were natural lakes and ponds.

Mr. Wade asked how one would know if it was natural. Mayor Hindman replied it was natural if it did not have a dam across it.

Ms. Nauser made a motion directing staff to provide legislation requiring the addition of this language to the stormwater manual. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mr. Skala stated he attended a NLC local economic development seminar, which was very informative. He looked forward to reporting to the Council on it. He appreciated being allowed to attend the meeting as it was an excellent meeting.

Mr. Wade made a motion directing staff to provide a report indicating the kind of calls (i.e. fires versus emergency) being received by the fire stations on a station by station basis for the year to date along with historical data on a system basis, if that existed, so they could see the changes in patterns of calls, etc. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Wade made a motion directing staff to provide a report regarding what would be required and if they should consider noise baffling for air handling for commercial rooftop

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

Mr. Wade made a motion directing staff to study the speeds on High Ridge Drive and to provide a report with recommendations regarding traffic calming. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Wade stated he wanted Cunningham removed from the street plan. He noted it was not in the CIP. Mayor Hindman asked if this was the Cunningham that would go through the Russell property. Mr. Wade replied yes.

Mr. Wade made a motion directing staff to provide legislation to consider removing Cunningham from the City's Street Plan and the CATSO Plan. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Wade commented that he wanted to proceed with the implementation of the six items from the Process and Procedures Stakeholders Report. Mr. Janku asked for clarification. Mr. Wade replied there were six items they agreed to move forward on with staff reports or ordinances. Mr. Janku asked if it included the item dealing with the multiple hearings. Mr. Wade replied it would include increasing public capacity to participate, mediation as an option, and eliminating duplicate hearings. Mr. Janku asked what they agreed to with regard to duplicate hearings. Mr. Wade replied a report from staff researching the hearing process from other communities with recommendations of ways to eliminate the duplicate hearings, an ordinance from the Planning and Zoning Commission defining the rules for recommendations from the Planning and Zoning Commission that would go on to the consent agenda, and an ordinance from the Planning and Zoning Commission that would change the rules for commercial planned developments that were then platted into individual lots so the overall plan defined the characteristics, criteria and regulations each lot had to meet. He noted the other items were to establish a six person study team on mediation, implement actions in the notification requirements report, and request a staff report on neighborhood participation/engagement guidelines.

Mr. Wade made a motion to proceed with the six implementation items relating to Process and Procedures as summarized in the April 23, 2008 work session minutes. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Nauser stated she received a request for no parking on Burnham between Providence and Clarkson because the neighborhood was turning into a University parking lot.

Ms. Nauser made a motion directing staff to provide a report with regard to restricting parking on Burnham between Providence and Clarkson. The motion was seconded by Mr. Janku.

Mr. Janku asked if that included contacting the residents. Ms. Nauser replied she could ask for meeting with the residents to determine if they concurred.

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

Ms. Hoppe made a motion directing staff to provide a report indicating what needed to be done to provide notification to a neighborhood association regarding a demolition in their neighborhood. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Hoppe stated she wanted to follow up with regard to the speaker requesting the Council pass a resolution for a Missouri death penalty study and moratorium. She noted there were quite a few former Council Members urging them to move forward and listed them. She explained they provided a draft resolution for them to consider.

Ms. Hoppe made a motion directing staff to draft a resolution for them to consider regarding the Missouri death penalty study and moratorium.

Ms. Nauser thought they had a policy indicating they would stay out of state and federal issues. Mayor Hindman agreed. Mr. Janku explained they tried to not to take positions on issues that did not directly affect municipal government for a variety of reasons.

Ms. Hoppe thought it directly affected local government and she wanted the citizens to be allowed the opportunity to express how this affected the resources available to Columbia in terms of police time and service. She stated justice and racial inequalities were issues concerning how the death penalty was carried out. She commented that the City's police officers spent a lot of time going to trial and re-trials for the death penalty. They needed more resources to fight crime. She reiterated she wanted the public to have the chance to discuss whether this was something that was relevant to the City. She believed they should be encouraging the State to take action on the issue.

Ms. Nauser stated she believed that was the purpose of state legislators and noted everyone in the community could contact their state legislator regarding the laws and applications carried out by the State. She commented that she had a problem with them determining policy or providing a recommendation to State government regarding this issue. She reiterated the citizens should contact their state or federal legislators on those types of issues because they were the ones who were directly responsible for implementing and carrying out the policy on the death penalty.

Mr. Skala commented that he saw it differently and noted he thought it might be instructive to have public discussion because they could always decide to not take a position on it.

Mayor Hindman stated he had always resisted the City taking positions on things being decided by the state legislature or federal government. He explained he was oftentimes in favor of the proposals made, but felt they had their hands full already without devoting a full Council meeting to debate this topic. When done, they would be voting on whether or not to make a recommendation as they would not have any direct impact on the outcome. In his opinion, it had been a successful policy to avoid getting tied up in these types of issues. He pointed out they would also receive more and more petitions with regard to these issues if they started addressing them. He suggested they sponsor a town meeting instead.

Mr. Janku noted that if the Human Rights Commission wanted to have a discussion, they were welcome to do so and it would not require a City position for them to have a forum.

He thought this was within their scope. He commented that he did not practice criminal defense law, but if the City decided there needed to be a moratorium on the death penalty, he wondered if attorneys would ask the judge for a change in venue due to the potential jury pool being prejudiced. If that was the case, he did not believe it would be a good for the defendant. He thought they needed to be careful of influencing things the wrong way.

Mr. Skala thought encouraging a community forum was a good idea. He asked how this was different from the Mayor's Climate Protection Agreement. Mayor Hindman replied it was modified in order to avoid telling the President what to do. Mr. Janku pointed out they tried to keep it local.

Mr. Skala suggested Ms. Hoppe bring this issue up again so they could discuss whether or not they wanted to sponsor a public forum. Ms. Hoppe stated she would.

Mr. Sturtz commented that they had discussed commissioning an Old 63 sub-area plan and asked if they needed to request a report from the Planning and Zoning Commission. Mr. Skala stated that would be the way to do it, but noted a couple Planning and Zoning Commission members asked him to not assign anymore special area plans because they were really involved in the one involving the high school site selection.

Mr. Wade noted he normally preferred to go through the board or commission, but suggested they ask for a preliminary report for a corridor plan for Old 63 between Broadway and the Business Loop. He thought they should ask what would be required to do it and how it might be accomplished.

Mr. Sturtz made a motion directing staff to provide a report indicating what would be required and how they could accomplish the completion of a corridor plan for Old 63. The motion was seconded by Mr. Skala.

Ms. Hoppe suggested an overlay for the area. She wanted more input from the residents. Mr. Wade did not believe input from the residents was a function of whether it was a corridor or an overlay. It was a function of the process. A corridor plan should have input from all stakeholders. Ms. Hoppe asked what he was suggesting. Mr. Wade replied he wanted a brief description of what it would take to get completed and when they thought it would be reasonable to begin doing this. Mayor Hindman understood they wanted an indication from staff as to how to go about doing this and what their ability was with regard to it.

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

Mr. Sturtz stated he had received requests from people between McBaine and West and between Ash and Worley for traffic calming.

Mr. Sturtz made a motion directing staff to provide a report regarding the feasibility of traffic calming between McBaine and West and between Ash and Worley. The motion was seconded by Mr. Janku and unanimously approved by voice vote.

Mr. Sturtz noted they had received an April 17 letter from Frank Cunningham of the Environment and Energy Commission asking for the City Arborist to conduct a preliminary urban forest report and wondered if this was the appropriate time for them to ask for it.

Mayor Hindman asked if he could hold off and explained he would talk to him about it later.

Mr. Janku stated some of his constituents were asking for a traffic calming study on Rain Forest in the area of the Vanderveen Neighborhood pool.

Mr. Janku made a motion directing staff to provide a report regarding a traffic calming study of Rain Forest in the area of the Vanderveen Neighborhood pool. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku noted there was a gap in the sidewalk on Blue Ridge between the round-about and Snow Leopard.

Mr. Janku commented that he brought up the issue of having one or two accesses with regard to the parking structure discussed at the last meeting, but did not include it in the motion. Since that time, he was contacted by someone who wanted an entrance on Fifth Street, so he wanted to ensure the report from the engineer discussed the option and the pros and cons of having it. If it was not going to be put in, he wanted to know why, etc.

Mr. Janku made a motion directing staff to ensure the reasons for and against the entrance on Fifth Street were included in the report provided to Council. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mayor Hindman stated the intersection of Crestland, St. Michael and St. Andrews involved a lot of streets coming together in an odd way and a big pavement area. The net result was that no one stopped at the intersection. The neighbors asked him about the possibility of doing something similar to what they did east of the Regional Hospital where they installed center circles in the intersections, so cars would have to slow down in order to go around it.

Mayor Hindman made a motion directing staff to provide a report indicating whether installing a center circle at the intersection of Crestland, St. Michael and St. Andrews was needed and its feasibility.

Mr. Skala commented that while he was campaigning, he spoke with some of the citizens regarding the smaller traffic circles, which were installed for traffic calming purposes. Some indicated it was self-defeating because they made people drive more recklessly as they sped around the circle. He thought they needed to check on their effectiveness.

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

The meeting adjourned at 1:18 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk