

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**AUGUST 21, 2006**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, August 21, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE and HINDMAN were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF MINUTES**

Ms. Hoppe made the motion to amend the August 7, 2006 minutes by changing the word “Creed” to “Creek” on the last page and by adding her comment in regard to how when she biked to the Missouri Credit Union, she would have to lock her bike to the tree due to the lack of bike racks. She felt the deficiency needed to be emphasized. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The minutes, as amended, of the regular meeting of August 7, 2006 were approved unanimously by voice vote on a motion by Mr. Hutton and a second by Ms. Crayton.

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

Mayor Hindman noted R185-06 would be added to the agenda under New Business. The agenda, as amended to include R185-06 and the Consent Agenda, was approved unanimously by voice vote on a motion by Mayor Hindman and a second by Mr. Hutton.

Upon his request, Mr. Hutton made a motion that Mr. Janku be allowed to abstain from participating in the discussion and vote on Report B under the Reports section. Mr. Janku noted on the Disclosure of Interest form that his wife was employed by the Wilson’s Fitness Center. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

**SPECIAL ITEMS**

None.

**SCHEDULED PUBLIC COMMENT**

**Richard Parker – Electric Generating Capacity.**

Richard Parker, 215 W. Sexton Road, provided a handout and stated he had been interested in energy issues since starting an environmental studies program at Southern Illinois University in the 1970’s. He noted the City could save \$58 million by constructing a 70 MW power plant instead of the currently proposed 108 MW power plant and felt a 70 MW power plant would meet the City’s needs through 2021. Dr. Parker agreed the City had a growing population which liked more electronic gadgets and had a need for more power. He referred to charts in the handout and noted Black & Veatch indicated the City would save \$40 million over the period of time, but never indicated the City did not need such a large power

plant as a result. That \$40 million savings pushed the growth factor back three years. Black & Veatch did not give the City credit for that or for renewable energy. He asked the Council to review the documentation provided.

**Dick Malon – Retiree Insurance.**

Dick Malon, 3801 Ivanhoe Boulevard, stated he was a retired City of Columbia employee and was speaking on behalf of almost 300 retired City employees who paid for and received health insurance benefits under the City's health insurance program. He noted the Governmental Accounting Standards Board (GASB) had implemented accounting rule changes regarding health insurance benefits for retirees and included in the proposed budget was a 20 percent premium increase for retirees this year. The budget highlights for the employee benefit fund on page 425 indicated the impact of OPEB/GASB 45 on retiree health plan participation had been evaluated in an actuarial study, the City would implement the first year of a five year plan to reduce and eliminate this new liability and the appropriate medical plan changes and options would be implemented. He felt the Finance Department had proposed a series of extraordinary rate increases for retirees only to be implemented with this budget. Over a seven year period, these increases would raise the annual premium from \$7,800 per year to over \$26,000 per year for a retiree and spouse under the age of 65 and from \$3,255 to over \$21,000 per year for those over 65 whose primary coverage was Medicare. As a result, most retirees would have to find another job or go uninsured. He pointed out there was no requirement for changes to be implemented this fiscal year other than the normal premium increases that face the entire group. Since no action was required until FY 2007-2008, he felt there was time to study a variety of possible alternatives for solutions that both the City and retirees could live with. He noted a small group of retirees had volunteered to work with City staff and representatives of the various employee groups to better understand the situation and to explore the wide variety of options. They were requesting the Council direct staff to remove the recommended 20 percent premium increase for retirees from the budget and to replace that with a single rate increase applicable to both active and retired employees as one group. In addition, they were requesting the Council direct the City Manager and staff to work with the retirees and employee representatives to develop recommendations for implementing GASB 43 and 45 in time for discussion at the Council Retreat in 2007. He asked the group of retirees in support to stand. Approximately 50 individuals stood. He noted they had sent a letter and hoped the Council would review it.

Mayor Hindman stated the Council had received their letter and expected staff would work with them.

**PUBLIC HEARINGS**

**B319-06 Setting property tax rates for 2006.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was required annually in order to set the property tax rate for the City of Columbia. They were proposing no tax increase be included within the upcoming budget and that the rate stay at 41 cents.

Mayor Hindman opened the public hearing.

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

Mr. Janku made the motion to amend B319-06 per the amendment sheet. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

The vote on B319-06, as amended, was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B320-06 Setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2006.**

The bill was given second reading by the Clerk.

Mr. Watkins explained the Council had to annually set the property tax rate for the additional tax imposed by the Special Business District. He noted there was a slight increase in the State Auditor's certified amount. The new rate would be 48.34 cents. The current rate was 47.81 cents.

Mayor Hindman opened the public hearing.

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

Mr. Janku made the motion to amend B320-06 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on B320-06, as amended, was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B321-06 Adopting the FY 2007 Budget for the Special Business District.**

The bill was given second reading by the Clerk.

Mr. Watkins stated, by law, the Special Business District's annual budget was to be approved by the City Council. He noted since it was a separate entity, it was not included in the City Manager's proposed budget. He suggested the Council treat it like the City Manager's budget by holding it over and continuing to have public hearings toward an adoption later in September.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman continued the public hearing to the September 5, 2006 Council meeting.

**B322-06 Adopting the FY 2007 Budget.**

The bill was given second reading by the Clerk.

Mr. Watkins stated the FY 2007 annual budget, which started October 1 and was proposed by the City Manager, had been submitted to the City Council as required by the City Charter. Public hearings would be held tonight, September 5, 2006 and September 18, 2006 with the proposed passage of the budget at the September 18, 2006 Council meeting. This allowed for several opportunities for public input on the many items covered within the budget. In addition to the public hearings, the Council held three detailed budget review sessions with various departments the week of August 14, 2006. He noted that following the

public hearings, final adjustments could be made by the Council prior to passage of the budget on September 18, 2006.

Karla Haak, 406 Melbourne, stated she was the Vice Chair of the Community Services Advisory Commission and noted that each year the Commission gathered information from agencies and citizens representing social services in the City of Columbia and Boone County. Their process included presentations, panel discussions, and information from City staff, Commissioners and the public. This year 37 agencies submitted proposals for a total of 56 program services. Of these, the Commission recommended funding for 33 agencies and 50 programs for fiscal year 2007. They recommended first time funding for two programs, increased funding for 19 programs, level funding for 25 programs, decreased funding for three programs, and no funding for three agencies, which were currently funded. The Commission did not recommend funding for Boys and Girls Town of Missouri because they felt the program was financially stable and because City funding represented a very small fraction of the budget for this state-wide organization. They also did not recommend funding for the Health Education Services through RAIN because these services were being provided by the City/County Health Department. In addition, they found funding specific to these services was available to RAIN through other sources. The Commission was concerned with the financial integrity of the Services for Independent Living, and therefore, recommended funding for their transportation program be eliminated. The agency's own financial audit outlined the issues. She pointed out their decision making process was difficult because, in their view, all of these programs provided needed services to the citizens of Columbia. She noted the Commission voted unanimously for the final recommendations before the Council tonight.

David Johnston, 2701 Chambray Road, stated he was the Chair of the Community Development Commission and they had received 24 projects for FY 2007. He noted the difference between their recommendations and the City Manager's recommendations was not great and pointed out the cut from approximately \$1.2 million to \$850,000 was causing a hardship. They agreed on recommended funding for 20 of the 24 projects. In regard to NRT demolition, the Commission recommended \$30,000 and the City Manager recommended \$40,000. The Commission felt \$30,000 was adequate. Mr. Johnston noted NRT demolition and code enforcement focused on residential areas. The Commission wanted the Council, in the future, to address commercial establishments as well. They felt any property should not be allowed to sit vacant for years because it encouraged crime and hurt the overall neighborhood. In regard to the Hunt Avenue Phase I project, the City Manager recommended \$159,000 and the Commission recommended \$75,000. The Commission agreed there was a need for this project to go forward, but felt funds would not be available for the completion of the project in FY 2007, so they recommended the funds necessary to start the project. He noted that even with the City Manager's recommendation, there would not be full funding of the project. Another difference was with the Worley Sidewalk Phase II project. The Commission recommended \$75,000. He noted this was the sidewalk that went from Clinkscales to Bernadette where there was commercial property and public housing. The Commission understood why the City Manager cut funding for this and recommended the Council look at tax billing. In regard to the Central Missouri Community Action -

Headstart Facility, the Commission's recommendation was for \$7,000 in demolition and \$36,000 in accessibility. The City Manager rolled that into one amount of \$43,000. Mr. Johnston noted there was also a difference with respect to the elevator in the Missouri Theatre. The Commission wanted additional funds to go to that facility because the Missouri Theatre was used by the City for different events such as First Night, and they believed there was a need for accessibility to that facility. He asked the Council look at the core requirements with respect to Community Development Block Grants and noted the Commission felt it was to create affordable housing for people in need and to preserve lower income areas. They believed their recommendations fulfilled those needs.

Mayor Hindman opened the public hearing.

Lorenzo Lawson, 2301 Shamrock Drive, stated he was the Executive Director of the Youth Empowerment Program (YEP), which was conceived through a series of town hall meetings. It was during a time when there was a lot of upheaval with the youth in the community. They realized by incarcerating the youth for their crimes, they just committed more crimes and took more drugs when they got out of jail, so they decided to do something to combat this. Through a survey, they determined one solution was to help youth find gainful employment and YEP was created to do just that. During first summer, they placed 42 youths into gainful employment. They also realized it needed to be a year round program and not just a summer program. In the summer of 2005, they received over 200 applications from young people, but were only able to serve about 10 percent. They were asking the City for funding to hire a staff person to assist in recruiting businesses, obtaining referrals, placing the youth in jobs and managing their cases. He noted they were not a national organization, but a City organization and were depending on the City to help them turn youth into positive taxpaying citizens. They were requesting \$55,000 to stay afloat until they were able to obtain more grant money. The Commission recommended approximately \$15,000. He asked the City to increase their funding so they could add someone to the program and survive another year. He asked everyone in support of YEP to stand and about 20 people stood.

Anthony McCarr, 1801 W. Worley, Apartment 21E, stated he could not find a job until Reverend Lawson showed him where he needed to go in life. Since then he went back to school and was now in college. Prior to then, he was staying out late and getting into trouble.

Dominic Hunter, 2205 Pendleton, explained prior to being in YEP, he was out doing stupid things. He stated he dropped out of school, went back and got kicked out. He was now in college and had a job at the center.

Jerry Taylor, 801 Happy Hollow, employed by MFA Oil, stated he became acquainted with Mr. Lawson and the YEP due to both of them serving on the Board of Directors for United Way in Columbia. He explained in order to become a tax-free organization, Reverend Lawson had to create a Board of Directors. He and others like Hank Waters agreed to serve on that Board because they believe in the program. He felt this organization reached a segment of the community that needed to be reached and he did not see any other endeavors that were getting that job done. He asked that the Council to reconsider the funding cuts for this organization because he believed it was on the right path.

April Vaughn, 325 E. Clearview Drive, stated she had been working with Advent since she was 17. She explained they helped her find a job, were preparing her for college and were helping her interact with others throughout the community.

Tron Jordheim, 2301 Walther Court, stated the City had a unique opportunity because the problem associated with its young people was tiny in comparison to other cities. He felt it was manageable and doable. He thought a program like this addressed it correctly from a community involvement perspective. He noted he managed a call center called Phone Smart and as an employer, it was essential to have young people entering the workforce prepared to work. He felt a small call center could prosper if they focused on quality and developing the local workforce. He noted they had hired two young people through YEP, who were both very well prepared, and that they would hire other youth through YEP. He encouraged the Council to tack a zero onto their original request and to give this program the money it needed to move forward and serve the 100 kids on their waiting list.

Jeff Williams, 401 Pyrenees, stated he was the Board Chairperson for the Boone County Community Partnership and noted he endorsed this program because it served the youth with the greatest need. He felt programs of this nature that increased opportunity and access for youngsters were very much needed. He thought there was a tendency to forget about the pockets of poverty in the community and felt they needed to take a proactive stand toward addressing the needs of those citizens. He thought this was a wonderful opportunity to work together to address these ills.

Rick Sommer, 3013 Shoreside Drive, stated he was a Board Member of the Community Partnership and had overseen a number of programs, including the YEP. He was impressed with Mr. Lawson's ability to work with those in need. He was hopeful the Council would reconsider the funding request for YEP to enable them to continue. He thought it was an effective use of City dollars to address a difficult problem.

Kim Crawson, 4411 Rice Road, introduced her son, Renado, and stated she was looking forward to her son's participation in the program.

Pam Forbes, 707 Donnelly, stated she met Mr. Lawson last summer and believed his program could and would bless this community if it was funded in a generous way.

Phil Steinhaus, CEO for the Columbia Housing Authority, thanked the Community Services Advisory Commission, Community Development Commission, and the staff for their great work. They had funded several programs that were very important to the Columbia Housing Authority and the clients it served. He provided a handout and noted they appreciated the Community Development Commission's recommendation of \$10,000 to support their Money Smart Home Ownership Program. This program helped qualify people for other City dollars through its Home Ownership Program and helped direct participants to their Family Self Sufficiency Program. He also thanked them for the HOME funding for their tenant based rental assistance program that provided up to 17 housing choice vouchers and targeted special populations they were not able to serve with their Section 8 funding. These special populations were people coming out of prison, substance abuse treatment facilities or mental health services facilities. He also thanked the Council and the Community Services Advisory Commission for their support of the Moving Ahead Program, which was an after school tutoring program in the Blind Boone Center. He noted they lost Title V and Title II

funding for this program due to federal cuts and the \$30,000 recommendation would allow them to continue that program.

Elizabeth Holden, 602 Altai Drive, stated she was a member of the Community Development Commission and expressed her support for the recommendations from the Community Development Commission as submitted for review and approval. She also wanted to let the Council know this year's review process was extremely difficult in large part due to the quality of applications received by some organizations and the lack of quality applications received from the City. She noted she and others on the Commission had conveyed their feelings about the applications for several years now. As an example, she noted one of the applications received from the City was one paragraph while the application required to be submitted for review was very lengthy. She encouraged a review of the application process and for City departments to uphold the same standards they required of non-profit organizations when they applied for the same funding.

Mindy Mulkey, Executive Director of RAIN, 4250 E. Broadway, Suite 1055, stated she appreciated the work of the Commissions and understood how difficult the decisions had been. In regard to the recommendation of the Community Services Advisory Commission, she noted they were disappointed they were not funded. She felt the prevention of STD and HIV needed to remain a priority and noted Boone County had the highest rate of HIV/STD in the region. Last year, RAIN served over 4,000 people through educational programs. Without their program, those people might not have received services. She pointed out, through surveys of their program, up to 30 percent demonstrated increased knowledge and up to 60 percent of persons indicated they would consider using more prevention techniques in their future behavior. She felt health education and disease prevention was an important social service and was complimentary to the health services provided by the Columbia/Boone County Health Department. In regard to their application to the Community Development Commission, she stated they appreciated the recommendation to fund their Waterbrook Place project. It would be new construction at Worley and Garth and they anticipated the project benefiting their clients and the community.

David White, 107 Knollwood Court, Executive Director of the Missouri Theatre and the Missouri Symphony Society, explained on August 1, 2007, construction would begin on the historic restoration to transform the Missouri Theatre into Mid-Missouri's new Center for the Arts. Twelve non-profit arts organizations, led by the Missouri Symphony Orchestra and the Columbia Art League, would be making the Missouri Theatre Center for the Arts their performance home venue and six art education programs for young people would continue to thrive in the Center for the Arts. An average of 20 days and nights per month of events, which would generate a potential income growth of an additional \$3.5 million per year for downtown, was anticipated. He thanked the Community Development Commission for supporting the new ADA accessible elevator and asked that the Council consider providing an additional \$50,000 for the cultural well being of the community for generations to come.

Christy Welliver, 184 W. Green Meadows, explained she wanted to see the Theatre developed so she could see the upstairs and the balcony that she had not been able to see since she was a child. She stated she was looking forward to it being accessible.

Mike Martin, 206 South Glenwood, stated he believed the Missouri Theatre was a gem and the more support the community gave it, the better it and the community would become. He did not think anything was better than seeing one's child conduct the orchestra for a few minutes. He encouraged the Council's further support in renovating the Theatre.

Anne Marie Pickard, 2001 Hatton Court, stated she had been a citizen of Columbia for 45 years and felt this community was a wonderful place, not only to raise a family, but to partake in the interesting and cultural things that had come to Columbia. She noted a society was known for its culture if one looked at history and asked the Council to support the Theatre.

Bill Easley, 705 Cook, agreed they needed culture, but asked the Council not to take it from the poor people. He felt they should obtain the money from ticket admissions. He did not want any more taxes or to see the poor people to do without. He reiterated the project should be funded through admissions and donations.

There being no further comment, Mayor Hindman continued the public hearing to the September 5, 2006 Council meeting.

**(A) Renovation of the Daniel Boone Building, demolition of Annex and Gates/Rader Buildings and construction of an addition to the Daniel Boone Building.**

Item A was read by the Clerk.

Mr. Watkins explained this was a public hearing on whether to move forward on the concept of renovating this building and adding office space as a way of meeting the City's future requirements for downtown office space. He stated this project had been going on for about 10 years and felt it was time to decide what way to go. If the Council decided to move forward, staff would bring back a contract for an architect to move forward with plans and specifications. Before they bid the plans, they would come back with an explanation of the plans and what they were proposing to do.

Mr. St. Romaine explained a space needs analysis had been done in 1993 and in 2000 the Building and Finance Committee was formed in 2000 by the Mayor to look at the numbers and to work with the consultant on City space needs and issues in updating the 1993 study. In 2001, the Committee recommended the hiring Chiodini Associates to develop a Master Plan for current and future office facilities, to refine the space needs analysis done in 1993 and 2000, to develop an implementation plan and to implement the plan. The Master Plan, which was completed in 2002, indicated that by the year 2020, the City would be running at a 63 percent deficit if it kept on its current track and recommended an evaluation of downtown City buildings. Chiodini looked at several buildings including the Howard Building, which was recently renovated, and the Gentry Building, which was currently under renovation. Demolition was recommended for the Annex and Gates buildings due to their condition, quality and size. They also recommended the streetscape highlight and identify the downtown government complex and that the City work with the Avenue of the Columns Committee that was looking at a plan for expanding and beautifying the area. In addition, they recommended the re-use and renovation of the Daniel Boone Building. Mr. St. Romaine noted other sites were looked at, but it was decided the current location was the best site for expansion. It would provide employees with safe, decent working conditions, improve service



delivery to the citizens and include an accessible Council Chambers on the ground floor. In order to meet current space needs deficits, the City had been leasing buildings in the downtown area when they became available. He pointed out from now to the year 2025, the City could spend approximately \$11.5 million in leased space. He explained construction costs continued to rise as they waited to make a decision on the project. The 2002 construction cost estimate was \$12.8 million and by December 2005, it had increased 38 percent to \$17.7 million. Six months later it increased another 5 percent to \$18.6 million. The work would be done in three phases with the first phase being the renovation of the lobby for use by the Utility Customer Services and Treasury Management Operations, the second phase being the demolition of the Gates and Annex buildings and the construction of the addition on the east side and the third phase being the renovation of the existing building. He noted the Howard, Gentry, and part of the Sanford-Kimpton buildings had been funded by certificates of participation (COPs), special obligation bonds and a transfer from the general fund. Special obligation bonds and COPs did not require voter approval. The debt would be paid off in approximately 20 years by charging the City departments rent. The City would be paying rent to itself versus a third party. He explained there were four alternatives which included doing nothing, building a new facility at another location, renovating the existing building and continuing to leasing office space, and building an addition and renovating the existing building. The reasons to move ahead included the responsibility the City had to provide employees safe, decent working conditions, both studies independently concluding the proposed plan of expansion and renovation was the most cost-effective means to meet the City space needs through the year 2020 and the consolidation of City operations.

Mayor Hindman opened the public hearing.

Stacy Applebee, 2811 Mexico Gravel Road, stated she was the Chair of Grass Roots Organizing (GRO) and was speaking on behalf of the organization, coalition members and concerned citizens of Columbia. She understood the Council was convening to consider spending \$22 million to renovate this building, demolish two buildings and build a 5 story City Hall next door. They believed this issue should go to a vote of the people. She stated GRO and the coalition of the Ridgeway Neighborhood Association and Women's International League of Peace and Freedom did not have a position in regard to people voting yes or no, but felt the public should be empowered to make the decision. She presented a petition with 1,167 signatures that read "As a Columbia taxpayer, I insist the public be allowed to vote on whether to use \$22 million of our money for the proposed building improvements and the expansion of City Hall. I do not believe this issue should be decided only by the seven members of the City Council."

Linda Green, 206 Anderson Avenue, stated she represented the local chapter of the Women's International League for Peace and Freedom and explained this group had endorsed having a public vote on the proposed \$22 million City Hall building project. She stated she had talked to many people and felt she spoke for thousands of Columbians. She thought the Council needed the public's input, confidence and good will for this and future projects. By holding a public vote, she felt the Council would acknowledge they were working for them, listening to them and adjusting to their ideas and needs. She stated they wanted to be shown their public money was being spent wisely. She felt it was their City government

and building, the Council was their elected officials and it involved their taxpayer money, so they wanted to be assured their input would count by having a public vote. They wanted the City government building to be a symbol of democracy, good will, public involvement and trust in the people. She felt the citizens would make a wise choice, if they were fully informed and a part of the process. She thought the Council should set another public hearing because the public needed a thorough explanation of the proposal and because the Council needed time to obtain public input and build the public's understanding, cooperation and good will. Without a vote, she felt the people would be disenfranchised and the process would be devalued. She asked the Council to set another public hearing and a public vote.

Pam Forbes, 707 Donnelly, stated she felt GRO's position had been distorted and clarified their position was not to say yes or no, but to say to the Council that the citizens of Columbia would like to have this choice put before them.

Mary Hussman, 5306 Rice Road, stated she felt the question tonight was "what about the rest of us." She asked those in attendance supporting a vote by the public to stand. About 30 people stood.

Troy Comley, 1201 E. Ash, noted he was not present to say how he would vote, but wanted to know how long it would take and when it would be done.

Catherine Parke, 413 Thilly Avenue, urged the Council to withhold its vote on this issue tonight. She felt this building would significantly mark the character of the downtown area and noted last spring, Columbia initiated a visioning process to encourage a collaborative approach to all that Columbia did in development. She thought this would be a rare and strategic opportunity to use that visioning process for the citizens and Council to work together on this project.

Bill Easley, 705 Cook, stated he felt the Council would be acting as dictators if they did not listen to the people.

Mike Holden, 602 Altai Drive, asked the Council to think back to 2002 when the United States General Service Administration began the process to dispose of the old federal building at 608 Cherry Street. According to the Columbia Daily Tribune article by Justin Willett, the Council disregarded the federal building as a potential site for the then, under consideration, City/County Health Department. The General Service Administration awarded the building to the Youzeum and the proposed Health Sciences Museum. The article mentioned Mr. Beck, who was then City Manager, was already floating the idea of an \$11.9 million City Hall addition. It further identified Councilman John as "suggesting the City study whether the federal building might meet the City's mid-range office space needs." Mr. Holden stated this suggestion was dismissed by Mr. Beck because the federal building "wouldn't be big enough." He agreed the City was in a better place because the federal building was in the hands of the Youzeum, but he also felt this showed how the City took an idea, specifically to build a new City Hall location right next to the old one, and refused to hear alternative views. He thought it was distressing that the City was unwilling to fully and further examine other building locations within the City. He felt the report by staff to justify the needs of the new City Hall building was self-serving. He noted sites, such as the former Osco Drug building, the former Grindstone Brewery building, two vacant buildings on the old Stephens College campus, the Riley building and the Mazzio's Pizza building, in downtown area he felt

could accommodate the space needs for the City in the foreseeable future. He felt that instead of taking a building out of available inventory and using it for City services, the City was only considering building a new City Hall through the expansion project. He thought what was most distressing to the average citizen was that the Council was ready to build a gleaming five-story building dwarfing the current buildings downtown while thousands of square feet of available space went unused. He asked what the point of having a beautiful new City Hall building in a downtown of vacant buildings and unused space was and thought the City should properly consider alternatives to building a new City Hall before spending tax dollars.

Pat Kelley, 1007 Grand Avenue, stated she was the Vice President of the Ridgeway Neighborhood Association and they unanimously voted to support asking for a vote on the new City Hall. She noted it was not because they opposed the new City Hall and pointed out they had been complaining for years that there were not enough City Inspectors to meet the needs. It was because they felt if there was a vote, they could influence some of the priorities. In addition, they felt \$22 million was a lot of money and the citizens should have an impact. She commented that a City Hall was symbolic and asked if they wanted it to be symbolic of a democratic process, where many people were included, or if they want it to be something that was decided without the people of the City involved.

Elaine Hartley, 1308 Bass Avenue, stated she had been in Columbia for about 12 years and had become more and more concerned about the apparent lack of a democratic process in the decision making done by the City. She felt to build this building without a vote of the people was a terrible precedent. She noted it would be paid with taxpayer dollars whether or not taxes were raised and felt that was taxation without representation.

Mike Martin, 206 S. Glenwood Avenue, stated he thought the Council did listen and that the City re-used a lot of buildings in the downtown area and this, an old hotel, was a good example. He also thought the highest moral ground one could reach in this Country was to request a vote. He stated when a person requested a jury, they were requesting a vote and that was their legal right. In this case, there was no legal right for voters to demand or request a vote, but there was a moral precedent for it. He noted there was an immigrant in Chicago, who had taken refuge in a church, and the government did not want to bring her out because she had ascended to a higher moral ground by going in the church and asking for sanctuary. He felt the people in the community asking for a vote were trying to ascend to that same moral high ground and hoped the Council would consider that in their deliberations.

Dan Terrell, 105 Rothwell Drive, commented that he did not understand the logic of spending \$22 million when \$8 million would cover the need for rent. He thought the City needed to consider limiting its growth if it could not accommodate the staff to handle the growth. In another city, he saw project expand from a new lunch room for the employees into a \$70 million building where they forgot to add more parking. He felt the City needed better planning. He understood the Police Department building was also not owned by the City and suggested better planning to meet maintenance and growth needs.

Diane Maxwell, 510 Laurel Drive, stated her perception was that her vote did not count and the Council could do what they wanted regardless of how the public felt, which was why she signed the petition. She felt if this presentation was shown to the general public, they

would be supportive. She noted the voters had been supportive with Stephens Park, the ARC and the Library. She pointed out the City Manager's editorial in Sunday's Tribune stated "in my opinion the community sorely needs to consider where and how to house City employees over the next 20 years." She assumed, by community, he meant all of them. She also noted it stated that "if after public hearings, the community agrees on a solution and new taxes are not needed, why wait." She commented that she did not know how they would know if the community agreed, if they did not take it to a vote.

Karl Skala, 5201 Gasconade Drive, stated he felt the issue was in regard to how to move forward. He agreed it was necessary to have space and thought it would be useful to have energy efficient space. He noted that when he made his editorial, he invited comments. He appreciated Mr. Watkins' response and noted they had discussed the difference between special obligation bonds and general obligation bonds and whether or not this would be more expensive to finance in regard to interest rates without a vote. He felt the issue was not whether they could move to fund the new space renovations, because he believed they could. It was whether they should. He thought the ARC and Stephens Lake projects benefited from public input and felt the same thing was possible with this proposal. Regardless of whether the Council decided to hold a public vote or not, he encouraged them to ensure the public was included in the process.

Eugene Elkin, 3406 Range Line Street, stated he came to Columbia in 1988 to help bring Habitat for Humanity to the community. He noted Columbia was promoted worldwide as a place to come and live and asked the Council to step up, take action and realize the public needed to vote.

Karen Cupp, 117 Fourth Avenue, noted that she believed in the vote and also believed it was exercised when the Council was elected. She stated they had already given their vote of confidence that the Council had the ability and wisdom to make good choices with their money. She commented that she had watched and believed they were making wise decisions and had planned ahead. She did not think they needed to ask for a vote of the people. She noted she had full confidence in the plan and in them making good decisions. She did not think everyone who believed that would come down to speak and thought there were a lot more people who believed as she did than they might have heard here tonight.

Roy Hartley, 1308 Bass Avenue, felt there was sense of alienation and powerlessness to affect local government in Columbia. With this being one of the most expensive municipal projects to come along in many years, he thought it was only reasonable to put it to a vote. He suspected it would be approved. He felt the Council needed to provide the citizens the opportunity to participate in this kind of decision.

Don Stamper, 2502 Hollyhock Drive, explained he was speaking on behalf of the Central Missouri Development Council, who endorsed the plan for the addition and renovation of this facility. He noted the Council was elected and given the fiduciary responsibility to operate the City within the budget constraints provided by the citizens. Votes on expenditures were more traditionally held toward tax increases or those issues involving increasing taxes in order to accomplish a goal or activity. In this circumstance, they had identified a way to build and renovate this building without having to go to the people for a vote to increase taxes. He felt that was a very strong position on their behalf, which did not

come without a great deal of effort. He understood from his involvement of the issue over the last 15 years that it did not start yesterday because they were talking about it in 1994 when the County moved out of the building and into the Roger Wilson Government Center, which was also built without a tax increase. It was built by bonding and paying the bonds back. He thought the people testifying against the potential expansion and renovation did not understand the working conditions that existed. He noted the HVAC systems were antiquated being 40-50 years old. He felt the space needs study was the type of work the Council was supposed to do. He noted they did not call for a vote on the \$200 million budget, which would be adopted in a few weeks, because the public assigned the Council the fiduciary responsibility to do that. He pointed out an election would cost \$30,000-\$40,000 and felt that money could be put to good use for other priorities in the community. He stated they endorsed the work they had done and the work of the committee and thought Columbia, Missouri needed to show up on the map in a way that had a presence. That presence was sometimes expressed through the image and appearance of City facilities and how people felt when they came to the community. He asked if they realized that if something happened, they might not be able to get everyone out in a safe way. He thought this was an opportunity to make it better.

Carrie Gartner, Executive Director of the Columbia Special Business District, 11 South Tenth, stated the Board of the Columbia Special Business District voted unanimously to support this construction project. She pointed out this idea was brought to the Board three years ago, so they understood it had been a very thoughtful and well researched process. The Board decided to support this project due to the tremendous lack of space in the current City building, the belief that a central location for City services was important and the belief the accessibility issues and the poor condition of the current buildings needed to be addressed. She felt it was shameful for a City, like Columbia, who cared some much about people in other ways, to have City offices that were not accessible by all citizens. The Board was impressed with the green space that was planned and that it took into account the Broadway streetscape and the Avenue of the Columns project. They were also impressed with the fact that it was a great adaptation of a historic building. She noted the private property owners on Broadway were investing quite a bit of their own money in taking down canopies and fixing facades. They were always encouraging District property owners to do that and were pleased the City was taking a lead on that as well.

Elizabeth Holden, 602 Altai Drive, commented that she had not heard a lot of for or against, but was hearing frustration from people that did not feel as though they had adequate participation in the decision making process. She asked the Council to not to vote on the issue tonight, but to allow the participation to occur. She felt just because they had the right to take a vote did not mean it was the right thing to do at this time. She noted, as a member of the Community Development Commission, one of the consistent themes she was hearing was that the public did not feel they had adequate participation in the decisions made by the City. She urged the Council to allow for the opportunity for people to voice their opinions regarding this project.

Bob Roper, 720 E. Broadway, noted he had been the Chair of the Public Buildings Committee since its inception and felt the need was obvious. He commented that individuals

were working in appalling conditions and that he was concerned with the safety of the building. He thought this was becoming a critical issue. Mr. Roper believed they had a good plan to solve the issue. He noted the Committee had worked very hard during many public meetings, which were all posted. He felt this provided a comprehensive solution that consolidated various functions and departments in an operational efficiency situation. It would create quality buildings, much like the County Government Center. In addition, the solution would be good for 15-20 years. He noted he believed Columbia was a top 20 City, but did not believe the current City public buildings were in the top 20. He felt the design of the new building was a perfect fit for the Avenue of the Columns project and the streetscape portion would be terrific with the rest of downtown. Mr. Roper stated he thought the decision needed to be made by the Council because the citizens adopted a charter form of government, which made the City a representative form of government. The citizens were asked to vote for bond issues and special tax levies, but they elected the Council to make almost all of the other decisions. He thought decisions on public buildings and space for employees was a case of delegated executive management authority from the voters to the Council. He pointed out if this was put to a vote and failed, the City would have endured the cost and delay of the election, but the same problem still existed. He did not feel it was fair for the employees or visitors to wait much longer.

Ruth Tofle, 1805 Cliff Drive, stated she had been a member of the Building Committee for 13 years and noted that City employees had demonstrated efforts to keep up with problems over time. It was evident, however, that the rapid decline required more than a temporary patchwork of half measures to deal with serious water and HVAC problems, overcrowding and barriers to accessibility. She provided a handout and noted, after touring the building, the corridors were too tight for wheelchairs because of filing cabinets placed end to end, multiple work stations were jammed together in windowless storage areas, overcrowding existed so that management personnel did not have acoustical privacy, buckets were being strategically placed in offices to collect ceiling drips from rain, floor plan configurations were being determined by places where wet plaster collapsed from ceilings, copy machines were not working because of high humidity, plaster was cracking and buckling on walls, patches of plaster were trying to keep up with the mold and mildew, noisy air conditioners were demanding higher decibels in speech to communicate, personnel along the perimeter of buildings were wearing fleece and wool jackets on 100 degree summer days while personnel on the same floor suffered from heat, the elevator was too small to accommodate an ambulance stretcher so injured people were tilted on those stretchers down five floors of stairs, there was non-compliant egress in basement work places, and the Cultural Affairs Office required a steep climb of stairs without an elevator. In addition to health, safety and welfare concerns, these problems presented a neglected and shabby image. She thought the image needed to reflect the important work performed by City leaders. She felt the City was deserving of the building proposal being presented and she fully endorsed the proposal.

Kee Groshong, 201 W. Boulevard South, stated he had been a member of the City's Public Buildings Committee since its inception. He stated they had been working on this project for a long time and had toured the buildings several times. He had reviewed the

space needs analysis and thought it was conservative at best. He believed they would find the needs would be more by 2021. In addition, he had reviewed the architect's proposal for remedy and did not find it to be elaborate in any way. It fulfilled the need and would be a fine anchor for the west end of Broadway. He felt the financing plan was well thought out and did not require a tax increase. He thought there was one fault with the project and that was that it had gone on for way too long. They had let the project cost increase and the space needs increase. He felt this would only get worse, if they did not address this issue. He did not believe this was an issue like the ARC because he felt that was an elective, which was nice to have. He thought they did need to have space for the employees. He did not think the employees were not as productive as they could be due to the conditions. He stated he hoped the Council would support this by voting in favor of it. He noted the public would have a chance to vote by voting on the Council's re-election.

Bob Gerding, 101 S. Fifth Street, stated he felt the City had studied this at length. He noted the cost of waiting in regard to construction was \$5 million so far and the cost of leasing space was an expense that went on forever. He calculated the lease cost in today's dollars being \$6.5 million. He stated if they did not make a decision, they would still be making a decision by default. They would continue to lease space and renovate the building at a cost of \$11-\$12 million. He thought they had the authority to do this. He noted this did not involve a tax increase or general obligation bonds and it did not require a vote. He stated the primary complaint he had heard was that this was too much money without a public vote. If that was the case, he wondered where they would draw the line and what the magic number was. He asked the Council to do their job and go forward with the project.

Tom Weller, 603 Hunt Avenue, stated he thought this issue should go before the vote of the people because the people wanted to participate and because he felt a person that had a multitude of counselors was wise. He also thought this would show the Council was willing to listen.

Bo Fraser, 1601 Stonehaven Road, explained in his career he had been involved in several building and expansion projects and from that experience he understood it was a very complex and involved process. He did not believe it was possible to educate the general public in an adequate way to address the kind of complexities the Council, the Building Committee and the other consultants had been through. He was confident that the Council was in the best position to make those decisions for the citizens. He noted the Council was in a position of leadership. He felt the Council was in the best position to know what to do because they were close to the issue, knew the issue and were in a position to make the right decision. He wondered if they had the courage to do what they knew was right. If they passed this issue on to the voters because they did not have the courage to make the decision, he thought they would be shirking their responsibility. He stated they trusted the Council and the City Administration to make the right decision.

Dave Griggs, 6420 Highway VV, stated he shared an office in this building in 1989-1990 and at that time they had also discussed renovating this building and improving the space needs for the City and County. He felt it was obvious from the studies the City had many grossly inadequate facilities and thought some might even be in violation of building codes. He believed the buildings were inefficient in utilities and in serving the public. By

continuing as they were, they were still spending the dollars they were talking about spending. They could pay themselves and have nice, adequate facilities that promoted good City government and service to the community or they could remain as they were with City offices scattered all over town and being grossly inefficient. He stated he believed the citizens had elected the Council to study this matter and urged the Council to go ahead vote on this situation.

Ben Galloway, 501 S. Glenwood, thought the Council was similar to a Board of a public company that had been elected by its stockholders. He noted he had spent his professional career managing investments and could not recall one time when an issue like this came up for the vote of the stockholders of the company. He stated the Council was empowered to make that decision and felt the people of Columbia had voted to put them in the position to make that decision. He thought they should take their authority and make a good decision for the employees and the community.

John Clark, 403 N. Ninth Street, noted he was an accountant and attorney and stated he had attended the Council Retreat as well as several presentations and was impressed. He commented that at the Council Retreat, Chief Markgraf was convinced the building was a fire trap that could not be fixed since it had up-vents that could not be dealt with. He thought the Council needed to adequately document that. He felt this was a question whether the old building could be fixed. Some said yes and some said no. He noted the solutions would last 20 years and hoped they were not thinking the City would need more space in 20 years. He felt that if it took \$35 million to do this job and they were going for a cheaper solution because they did not want to go to a vote, he encouraged the Council to use their authority and responsibility and go for the vote because this was too big and important to do cheaply. If the hotel building could not be fixed, he thought they should look at the alternative of demolishing it, even if it would force the City to go to the vote of the people. He commented that he believed in a representative democracy based on a reasonable ratio of wards to representatives. He felt if the Council was 10 wards and 11 voters or 12 wards and 13 voters, the people who were arguing about distrust and not being included would not have a leg to stand on. He thought the City needed to expand the number of wards.

Norbert Schumann, 205 E. El Cortez, stated he was in favor of the project because he felt the public had been informed. He thought if people paid attention to the paper and had been around a while, there had been a good deal of information. He stated appreciated the staff and the people working on this project. He agreed they probably should have taken the old building down and put up a new one up. He noted he had worked for the government through his career and found that long-term planning was not something the public allowed government to do. He also understood some people did not want to tear down a historic building. This plan served both of those needs. He stated he appreciated the Council for what they had done.

Ray Beck, 201 Sappington, stated he was in support of the report submitted to the Council by its citizen's Committee to renovate and expand City Hall at Eighth and Broadway. The meetings held by the Committee, along with all of the reports, had been made available and communicated to the residents on a regular basis since at least 2002. The need for additional space had been documented. He noted this alternative was cost-effective and



could be implemented without a pledge of increased taxes to repay obligation bonds that would require a vote of the people. He pointed out that in the 46 years he had worked for the City, he did not know of any ballot issue they had that did not increase taxes or a utility rate. The financial plan currently being used to renovate the Howard and Gentry buildings would be continued for this proposal. It provided for each user of the building to pay a prorated portion of the cost of the space used by that utility or general government operation. He felt this was an opportunity to combine office spaces for the convenience of residents and for the efficiency of City operations. He noted historically City Hall was the Howard Building, which was built in 1932, and the space study in the early 1960's suggested building a new City Hall in the Flat Branch area. Soon thereafter, the Daniel Boone Hotel became vacant and in need of renovation in the downtown area, so the City and County jointly purchased the building and renovated it into office spaces. Later both the City and the County projected the need for more office space and in 1985 they consolidated as many City offices in one building or close proximity for efficiency. Since that time the City had purchased the remaining five properties in the Daniel Boone Building block and the County's interest in the Daniel Boone Building. He noted the alternatives had been studied by consultants and the Council. He pointed out the cost of construction was increasing rapidly and urged the Council to move forward with the project as soon as possible.

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

Mayor Hindman asked staff to address this issue raised regarding whether they had looked at other building sites. Mr. St. Romaine replied two other sites were looked at and Mr. Chiodini, who did the evaluation of the sites, was here to address that issue.

Lou Chiodini of Chiodini Associates explained two other sites were looked at. One was the federal building, which after inspecting the building prior to 2002, they found as having inadequate space. The City would still have had to have other space in addition to that building or would have had to maintain space in the Daniel Boone Building as well as the federal building. He stated they looked at the Armory again in 2004 and the reasons for not recommending that site were because they would need an additional City garage and would have to build the same amount of space as they had here in addition to the addition that was being planned at this point, so the total cost increase would be about \$8.5 million. He noted they could sell this site and that would reduce the \$8.5 million to some degree. He noted there was also an extensive slope to that site, so the building would have additional floors on the north side. In addition, it was not in a location that would emphasize or generate additional symbolism for the downtown area or add to the excitement of rebuilding the downtown historic area.

Mayor Hindman stated he was very much in favor of going forward with this. He felt it was their duty as they had been elected to make the policy decisions of the City. He did not think they could decide they did not want to vote. They were expected to vote and if someone did not want to vote, they had to demonstrate a conflict or provide a special reason. He noted there were statutory exceptions, such as taxes or general obligation bonds, where they were putting the City's credit at risk. Other than that, as a representative democracy, they were expected to make these decisions. He felt it would be easy to let the voters decide, but that was not the way it was supposed to be. They were supposed to make these

decisions and there were good reasons for that. He noted a situation like this was very complex and explained they had studied reports from two space study professionals, had their own space study citizens group, had looked at the recommendations of various sites and had looked at the economics of the situation. He note when taking it to the popular vote, it would be yes or no and those issues were not so easy to work with. He felt that was why they had a representative democracy. It was a way to get business done within a democratic system. In addition, they had received evidence this building was not safe and the working conditions were not acceptable. He did not believe it was right for the Council to turn over people's safety and working conditions and the City's efficiency to a vote when the Council had the responsibility to vote. He asked what would happen if they voted to keep these unsafe working conditions. In regard to the ARC and Stephens Lake, those required a tax, which was why it was put to a vote. In this case, a tax was not required. He was not sure why there was a request that this be put to the vote of the people. The best explanation he had heard was that it involved about \$22 million. He noted they had a budget of about \$350 million annually and the Council was expected to make those decisions. The \$22 million would be a capital expenditure that would go on for at least 20 years. He pointed out they would spend more City money if they did not do this rather than if they did. By the year 2020, the City would be spending about \$12 million in rent, which was going to a third party. In addition, they would have to renovate this building, which would cost at least \$6 million. Also, they would be operating on a much less efficient basis in regard to City operations and that would be cumbersome to people who were seeking City services. He believed if they did nothing, they would be spending more than if they made this right decision. Not only would they spend more, but when they were at the year 2020, the \$12 million would be gone and they would not own those buildings. They would only own this building. The thought that they would be spending \$22 million on this project and would not spend it otherwise was not correct. He believed it was a clear cut case and thought they should vote to go forward with it.

Mr. Janku stated he would join the Mayor Hindman in supporting this and agreed with the comment that this was not the ARC or Stephens Park. Those required either a tax extension or a tax increase. This building was the core of the City in regard to the services it provided to its citizens. He felt it was important to make the difficult decision to move forward tonight. He thought it was the fiscally responsible thing to do for the future of the community. He noted it would take some money from the general fund and City departments to fund. He agreed it might be easy and popular for them to spend that money over the next 20 years for other things rather than building this facility, but asked what they would have as a City in 20 years. The studies showed they would be spending \$1.3 million in rental income at that point rather than having a building paid off. He felt the future City Council, when discussing the budget in September 2025, would have \$1.3 million that could not be spent on City services because it was being paid toward rent. He reiterated that he thought the fiscally responsible thing to do was to make the tough decision tonight so future generations of Columbians would have better City services. He also thought it was better for the downtown because they would be investing a significant amount of money in downtown. It would keep the City employees, people who did business with the City, and visitors to City Hall for meetings and

events coming downtown. He pointed out, often times, those people also supported the rest of the downtown business district by also visiting stores and restaurants. He noted the Health Department facility, which was originally intended to be part of the downtown complex, was moved out to Worley and West Boulevard. It was a great multi-million dollar facility, which no one demanded a vote on, and had joint City/County cooperation, but a number of City employees were moved out of downtown. Some have questioned why City Hall could not randomly be moved to other locations. He commented that those properties were owned by other individuals that might not be willing sellers. He thought one of the best things about this proposal was that it would take the City out of the market for rental space. It made that rental space available for private business. In regard to the Police Department, Mr. Janku noted the main headquarters was in a City owned building, but space was being rented across the street for other officers. They hoped to move them into one facility, so they could operate more efficiently. He stated he was here in 1995 when this issue was put to a vote with a tax extension and the public turned that down. He did not believe the public was saying they did not want a quality facility for the community, but interpreted that as a charge to find a way to do it without increasing taxes. He intended to support the motion.

Mr. Hutton wondered how much money had been spent on rent and other problems with this building since 1995, when the issue failed, that could have been spent for City services. He stated he was a strong supporter of this proposal and that he had served on the citizens committee in 2000-2001 until he was re-elected to the Council, so he understood the need. From his perspective, the need had been proven, but he thought it would be difficult to explain to the citizens because there was a lot of apathy with people not being interested unless it affected them directly. He felt for people to say there had not been the opportunity for public participation or that there had not been communication was simply wrong because there had been multiple meetings and multiple stories in the newspaper. This had been going on for years and if someone did not know, they were not been paying attention. He believed it was their moral responsibility to get this done. He wondered what they would do if they decided to let the people vote on the issue and could not communicate the need, so it did not pass, even without a tax increase. He asked if they would wait another ten to fifteen years and try again. In the meantime, they would be spending \$12 million or whatever the number was for leases that could have already paid for a majority of the project. He pointed out that if they put it to a vote right now, by the time the vote happened, even if it passed, the project would cost \$1 million more just due to inflation during that time period. He stated he felt it was time to step up to the plate.

Ms. Crayton commented that she supported building a new City Hall. She stated she wished Chief Markgraf had come to speak about the danger in the building. She noted earlier this year, they had a scare when the alarm went off and she did not think they would have been able to get out of the building. In regard to the employees, she stated if she was an employee working in this building with that much danger, she would not come in. They did not realize they were putting employees in dangerous situations. She did not think there was enough money that could be paid to their families if something happened. In addition to the rent the City had to pay, she noted the City also had to pay the utilities for those buildings not owned. She noted the citizens did not live in four or five houses and pay rent in four or five

houses. She explained the Detective Unit was across the street in the County building and stated she thought they all needed to be under one roof so they could work together. She felt if OSHA were to come today, they would shut the building down. She questioned how many people could get downstairs if they were in an emergency situation right now. She stated these were not conditions City employees should be put under no matter what they were being paid.

Ms. Nauser stated she concurred with everything that had been said. She believed they had a fiduciary responsibility to the employees and the community to go forth with a new building. She noted the comment was made about purchasing other property, but noted they had to have a willing seller. In addition, if they purchased a building already in existence, they would have to retrofit it to current standards, just as they did when they leased property. She thought they had an obligation to do it now. If they kept putting it off, the cost would not get any less and the need would not be any less. She fully supported moving forward.

Ms. Hoppe commented that as the newest Council Member, when the issue came up, she approached it skeptically. She stated she believed very strongly in citizen participation and people having a voice in their government with a feeling that they were participating. She approached it as thinking it involved a lot of money and might be something that should have a public vote. She stated she was convinced it was an investment for the City. It was unequivocal that this building needed to be renovated and that would cost \$6 million. She noted it was a bunch of little pieces that added up to a big piece. She felt the City was wasting money in terms of rent and that would only increase in the future. The issue of renting versus owning and looking down the road made this a real investment. She agreed there were real needs in the community that she did not believe had been met, such as that mentioned by the Youth Empowerment Group and the retirees facing increases, but she did not think this project was taking away from those needs. She thought it was something that would, in the long run, put the City in a better economic position. She noted they were already spending money for rent and would continue. In terms of energy efficiency, she hoped this building would be a much more energy efficient than the buildings they were paying rent for, so they would be saving money in the long run. She pointed out there was no tax increase. In terms of Stephen's Lake, it was not as though they were renting park space all over the City. That was something where they needed a tax funding source. For those and other reasons, she noted she was surprisingly convinced that this was a good investment and a vote was not required. She understood people thinking big spending should be voted on, but stated they did a lot of similar things in groups that added up to a lot more than the \$20 million that people did not have a direct vote on. She hoped, with the visioning process, people would feel more empowered by having input on a whole variety of things they felt left out on. She felt this particular project was a nuts and bolts thing that was not optional, so she was in favor of it.

Mr. Loveless stated he wanted to follow along with Mr. Galloway's analogy of the City Council being the Board of Directors of the public corporation called the City of Columbia. The City had outgrown its headquarters and anytime the Board of Directors recognized a firm had outgrown its headquarters, they looked for ways to solve the space problem through due diligence. He noted the Council felt obligated, as a community, to preserve this historic

building, which was important to the culture of the City. They had found a way to solve this problem without cutting services and he did not believe the majority of their citizens expected the Council to throw this decision back to them. They elected the Council, as the Board of Directors, to make this decision. He agreed that there had been ample opportunities to contribute during this process. It had not been done in secret. The plan had been out in front of people for years. He noted it was not a done deal and it would be months before the final plans came forth. He pointed out there was plenty of opportunity for people to contribute and urged them to write to their Council Members or to call the City Manager on his direct line to tell them what they would like to see in this building, streetscape or whatever. He supported this project and was glad the Council seemed to be showing the will to move ahead.

Mr. Loveless made the motion to direct staff to move ahead with plans for the addition and renovation of the Daniel Boone Building. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

**B298-06 Rezoning property located on the southwest corner of North Garth Avenue and West Sexton Road from R-2 and C-1 to C-P; approving the Covenant CDC Garth & Sexton Project C-P Development Plan; approving a reduced number of parking spaces; allowing less stringent yard and screening requirements.**

The bill was given second reading by the Clerk.

Mr. Watkins explained the proposed C-P development plan would allow for a mixture of commercial and residential uses including seven apartment units and approximately 19,000 square feet of business mercantile uses. The development of the C-P plan, as shown, would require the rezoning of three R-2 lots on the west side of the subject tract. In addition, there were six variance requests. The Planning & Zoning Commission voted 6-1 to recommend disapproval of the proposed rezoning. Mr. Teddy noted last week there was a request from the applicant to table this item until the September 5<sup>th</sup> meeting and tonight they distributed a letter amending that request. They were now requesting it be tabled to September 18, 2006 Council meeting.

Ms. Crayton stated she had received several calls on this project and many were requesting a “town hall” style meeting to allow the people in that neighborhood to better understand what was happening. She noted the area was zoned business whether this went in or not. She thought there was a lack of communication and felt a meeting would help. She explained they were trying to find a date where Oak Towers or the Union Hall was available for the meeting.

Mayor Hindman made a motion to table B298-06 to the September 18, 2006 Council meeting. The motion was seconded by Mr. Hutton.

Mayor Hindman opened the public hearing.

Mark Asher, 208 Lynn Street, stated he lived about a block and one half from where this would be developed and he was against it because he was afraid the volume of traffic could not be met with the size of the roads presently there. He was also concerned the crime rate, alcoholism and drug use would increase. He understood a grocery store would be built there and they typically sold alcohol. Currently people had to go up the street to Break Time, but with one on the corner, it would cause more loitering and provide an opportunity to hide

behind the store to perform illegal activities. He was also worried about the sound level from the big trucks.

Bill Turpin, 700 N. Garth, Apt. 221, stated he agreed with Mr. Asher and added that if there was going to be a community style meeting, he strongly suggested it be held at a neutral location like the Oak Towers meeting room. He noted the Union Hall was owned by the people that wanted to do the work.

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

The motion, made by Mayor Hindman and seconded by Mr. Hutton to table B298-06 to the September 18, 2006 Council meeting, was approved unanimously by voice vote.

**B299-06 Rezoning property located between Paris Road (State Route B) and Alpine Drive, south of U.S. Highway 63 from M-C to C-P; setting forth conditions of approval.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would allow for commercial development with some restrictions on the allowed uses on State Route B, south of U.S. Highway 63. The Planning & Zoning Commission recommended approval of the proposed rezoning, subject to the conditions that the allowed C-P uses be clarified, the eastern tree preservation area, as indicated on the April conceptual plan, be included on any C-P plan submitted to provide a buffer between the proposed C-P development and residential property and a traffic impact study be done for the entire C-P zoned site at the time the first C-P development plan was submitted. Two individuals from the residential neighborhoods to the east of the subject site expressed concern over the proposal and a valid protest petition had been received.

Mr. Janku asked if the curb cut on Route B was where the two M-C pieces came in. Mr. Teddy replied he thought one was completely off of the tract and the other was at about middle of the M-C zoned property.

Mayor Hindman stated he could not find the notice when he was out there today and asked if it was posted. Mr. Teddy replied he thought a sign was posted and noted if the residents did not see a sign, they needed to bring that to their attention. He commented that it could have been removed.

Mayor Hindman opened the public hearing.

Phebe LaMar, an attorney with Smith-Lewis, 111 South Ninth, stated she was representing Paris Road Plaza, LLC, the owner and developer of this property. She noted it was the piece in white on the aerial map. She provided handouts and pointed out the tree preservation areas were in green and were part of the buffer for this piece of property. The other handout provided was a list of intended uses. Since the time they submitted the list in the Council packet, they had spoken to some of the neighboring property owners who had expressed concerns about a few of the proposed uses. Due to their request, they were agreeing to exclude the uses of automobile repair shops, billiard halls, kennels and pet stores. The revised list handed out was a list of allowed uses identical to the one received previously except that it excluded those four uses. She noted that for most of the property being rezoned, it was a downzoning from M-C to C-P. The property currently zoned M-C could, without the opportunity of a response by the neighbors, be used for such things as an automobile repair shop, a manufacturing plant, an assembly plant or a freight terminal. While

it was contended at the Planning & Zoning Commission meeting, its uses would be more conducive to the neighborhood than the C-P uses, it was possible these could be 24-hour uses, which was one of the objections raised by the some of the neighboring property owners to the C-P rezoning request. She pointed out the list of allowed uses actually excluded 76 of the possible uses that could have been made of this property under regular C-P zoning if all of the uses were allowed. They were not trying to include everything. They were trying to put together a development that would be friendly to the neighboring property owners and practical and helpful to the people who lived around this area and who traveled this corridor. She noted this would be the nearest restaurant, assuming a restaurant went in there, to Quaker or Square D. The closest restaurant now was the Catfish House. She pointed out this would also be a place where they could get gas. It was at the intersection of Highway 63 and Paris Road, a major intersection in Columbia, and one of the uses that made sense was a convenience store. The only way to make a convenience store work was to have it 24 hours. As a result, the proposed c-store would be moved over to where it would be behind the tree preservation area to provide additional buffering. It would also be behind the A-frames, just north of the tree preservation area. She noted they were trying to build a high quality development, similar to the one by Hy-Vee. One good thing about this location was that there was a natural buffer area between this and any residential housing located nearby. There was approximately 280 feet of tree cover located between any development and the closest house. She noted a big chunk was located on the neighboring property owner's land, but pointed out an additional 30 feet of trees were located on their property. This resulted in an approximate 30 percent of green space buffer, which was 10 percent greater than the 20 percent currently required on the M-C zoned properties. It was 15 percent greater than that required on C-P zoned property. She noted objections made by neighboring property owners included the sale of alcohol on the property. She stated two of the uses that made sense were a restaurant and a convenience store and those two uses generally allowed for alcohol sales. At the Planning & Zoning Commission meeting, it was mentioned that this might increase the number of trespassers going onto the neighboring property. She stated they were willing to put up a fence at the property line. This would prevent or detour people from trespassing. Another concern raised was that it would allow for 24-hour uses. She noted they attempted to address this to some degree by moving the proposed c-store. In addition, there was an additional buffer zone with the trees and the multi-family housing located there. She pointed out this was not a comparison of what the property was currently and what it would be with the development. It was a comparison between what the property would be if it was developed M-C and what it would be if developed as C-P as proposed. She reiterated that M-C zoning allowed for 24-hour uses in ways that were more intrusive than putting a convenience store or something similar on the property.

Ms. Hoppe stated she had a letter from the Civil Group dated June 13, 2006 and revised July 28, 2006 which listed 31 intended uses. Ms. LaMar replied it was missing pages. The list provided this evening was identical to the list they should have received in the Council packet with the exception of the four uses taken off the list. Mr. Boeckmann asked what the four uses were. Ms. LaMar replied automobile repair shops, billiard halls,

kennels and pet stores. Ms. Hoppe asked about these additional exceptions. Ms. LaMar replied that was a result of conversations with the neighboring property owners.

Mr. Janku asked if Planning & Zoning Commission was scheduled to hear a plan on this property next week. Ms. LaMar replied no. Mr. Janku asked how they were planning to tie down the convenience store to that portion. Ms. LaMar replied it would be included on the C-P plans and the plat. It would not necessarily be tied into it tonight.

Mayor Hindman asked what kind of grading would be done at that location.

Jay Gebhardt, a civil engineer for A Civil Group, 1010 Fay Street, explained, using the overhead, that they would be doing a little cut on the north side and a little fill on the south side. Mayor Hindman understood they would be leveling it out. Mr. Gebhardt replied yes except for the 30 percent they agreed not to touch. Mayor Hindman understood that was all in the back. Mr. Gebhardt replied it was to provide a buffer in addition to the screening required when C-P abutted R-1 and the fence was a way to achieve the screening. Mr. Janku understood the property developed on tract I would be a lot lower than it currently was. Mr. Gebhardt replied yes.

Mayor Hindman commented that he was receiving a lot of complaints regarding the land disturbance currently going on. He noted locations at the end of Stadium and on Chapel Hill where they cleared and leveled forested areas as examples. The community was disturbed by this. In reading the previous minutes, he understood the person that was going to put in the health club chose the site for its natural beauty and because it was not overly developed. They were looking to have a different type of club with a 15,000 square foot facility. He asked what the size of their building would be. Ms. LaMar replied approximately 35,000 total square feet. Mayor Hindman noted the club was to have an outdoor walking/running trail going through the trees and this was given approval with that representation. He understood they would clean out all of the trees in the front. Mr. Gebhardt replied yes, in the front, but noted it would not be all of them. Mayor Hindman understood they had to leave the trees in the back. He noted in review of the contours, it looked as though there would be a lot of earth moved to level it out. He explained this was the kind of thing that was causing a lot of community concern. Mr. Gebhardt pointed out he did not have anything to do with Stadium. He noted the City currently had ordinances stating they had to preserve 25 percent of the trees. They had agreed to preserve 30 percent because they were asking the City to rezone it to C-P. He explained he could apply for a land disturbance permit today and knock down 25 percent of the trees on the M-C without any input from the City. He noted they had not done that before coming to ask for the rezoning because they were trying to do this the right way. They were telling the Council up front that 65-70 percent of the trees were going to come down. He stated the trees would only stay if the property did not develop and because of the location at Route B and U.S. 63, it would develop. He commented that they were fortunate to have Mr. Rader doing this development because he built nice developments. He thought the Hy-Vee shopping area was a very nice compliment for the Route B corridor and better than the industrial zoning currently there. He understood there was a C-P with very limited uses. There were promises made by another owner, who had since sold the property and was no longer involved. He could not answer to the promises made by the previous owner. He stated they could only



say if this was approved, they would save a buffer in the back, would work with the neighbors to trying to increase the buffer if possible, would put up a fence to try to keep trespassers off of the neighboring properties, and would come back to the Council with a C-P plan that showed the promises. He felt the idea that this ground could be developed without taking any of the trees down was unreasonable. Mayor Hindman stated he understood under today's ordinances the trees could come down. He also understood Mr. Gebhardt was saying they were not responsible for the promises of the prior owner, but explained that might have been a major cause in the previous Council granting the C-P zoning. Mr. Gebhardt commented, as a devil's advocate, that they should be careful in regard to what they ask for because if they denied zoning for these reasons, they would get more Stadiums until they filled that loop hole. They would tear the trees down before asking for zoning. He noted he had not spoken directly with the neighbors, but thought the alcohol sales and the 24-hour operation were the main issues. They could not currently do that in the C-P, but they could do it on the M-C. He explained they were trying to strike a balance and felt it was unfortunate they could not come with the neighborhood's support. They felt they had done everything they could. They were working to increase the buffer in the back. He understood it might be unfair for them to take advantage of the deep residential lots. He thought these were good uses for this location and if there was a particular use that bothered someone, they could discuss it, but pointed out they needed the alcohol sales to have a restaurant. In addition, Break Time had expressed an interest in building a convenience store at this location and they needed the alcohol sales and 24-hour operation for them.

Mr. Janku noted one use included car washes, coin or standard, and he was concerned with 24-hour car washes that could operate without supervision and employees on site. Ms. LaMar replied they did not have a problem in getting rid of that use if they wanted. Mr. Gebhardt stated the reason it was there was because sometimes the Break Time's liked to have a car wash. Mr. Janku noted if it was like the one at Forum where it was tied into the store, it was okay because it obviously operated only when the store was open, but if it was stand-alone he felt that could be a problem. Ms. LaMar replied they could insert a provision that a car wash would not be one of the uses unless it was in conjunction with a convenience store or something similar. Mr. Janku explained having voted for Stadium, a planned project, what was disconcerting to him was that all of that could happen without a plan approval because he thought they could control the site through the plan, but the site had been changed without any prior plan approval. That was the similarity here. Mr. Gebhardt pointed out the Council controlled the tree removal with the zoning, not with the land disturbance. If they zoned it commercial, industrial, or residential, they would kill the trees. If they did not want that, they needed to zone it agricultural to preserve the trees. He noted it could take 10-15 years, but when the site was ready to be developed under that zoning, the trees would be lost. Ms. LaMar noted one of the advantages to the way this ordinance was written was that it included the tree preservation areas in the ordinance itself, so those trees had to stay. Mr. Gebhardt clarified it was the 30 percent, not the 25 required by the land disturbance. Mayor Hindman understood it would be leveled off and this would be above a lot of those trees in the back. Ms. LaMar replied it would be lower. Mr. Gebhardt explained they would be closer to the level of Route B and the homes would be above them looking more over their roofs.

Mr. Hutton asked if they could provide approximate dimensions of the buffer such as the short line on the triangle above tract 2 and the long line of the triangle on tract 3. Mr. Gebhardt replied the whole length was about 450 feet. He noted staff included the drawing made in April that showed the tree preservation. In reality, when they brought the plan back, they would leave some trees in the gap area. He commented that there was currently a turn around for Alpine Drive, a private street. They would probably rip that out, fence it off and plant some trees where there were no trees now. He stated to answer the question, it was about 300 feet. Mr. Hutton asked what it was north and south. Mr. Gebhardt replied about 120-150 feet. Mr. Hutton understood the short side was about 30 feet or so. Mr. Gebhardt replied about 40 and added that it could be changed. The reason it was shown this way was because staff included a condition it be per his drawing at the concept review. Mr. Hutton asked how far off the tree line they anticipated the c-store. Mr. Gebhardt replied the c-store would be about 60 feet off of the tree line. Mr. Hutton asked if it would have parking or traffic in the back or if everything would be in the front. Mr. Gebhardt replied typically with c-stores everything was in front. They did not want entrances in the back for safety reasons and security. The area in tract I was being reserved for the shopping center itself. They were looking at 2-3 buildings instead of one big building like Hy-Vee. He noted there was also interest in a bank and a restaurant.

Jay Arbuckle, 3112 Hill Haven Lane, stated he was speaking on behalf of himself and his grandmother, Ruth Arbuckle, who was one of the parties to the protest petition. He noted they were concerned with the number of uses being proposed by the developer they felt were not compatible with residential uses, especially in such close proximity to their homes. The developer's attorney noted their concerns were primarily with hours of operation and alcohol sales. He stated their overall concern was quality of life and safety. The site was next to an interstate and very busy intersection. It was surrounded by a thin strip of woods and was essentially their back yards. He noted the 280 feet buffer was their yards and only about 30 feet was within the proposed development. He took issue with them including their residential yards in the potential buffer zone. He stated their major concern was that if there was a high volume, 24-hour type c-store with alcohol sales, it would have a negative impact on the neighborhood. He noted the Citco in the Gerbes Shopping Center as a perfect example and stated on Friday or Saturday nights, there was shouting, honking, loitering and inebriated people walking in and out. That was not the kind of thing they wanted in their back yard. When he expressed these concerns to the developer, he mentioned crime and the developer admitted crime at convenience stores, especially along interstates, was growing. His worst nightmare was a robbery gone bad with gunmen running in their yards. He was also concerned with noise, lights and the possibility of vagrants. He noted they mentioned building a fence, but felt those often became hiding places where vagrants and other people who wanted to drink went to get out of the light. He pointed out that would be in their yards. In 2000, when the northern section was rezoned to C-P, the neighbors negotiated with the developer to settle on uses that were compatible with residential uses, which was tightly restricted. He understood the developer's attorney stated they could put in a freight business. In reality, that northern site was currently C-P with very restricted zoning and they were requesting it remain that way. In addition, if the southern site was rezoned to C-P, they

were requesting it maintain those restrictive uses also. The developer commented that market forces dictated that if this development was to be successful, they needed 24-hour stores and alcohol sales, however, he felt planning and zoning was in place to protect citizens from unplanned, market driven development that was incompatible with residential uses. If this development was not successful with those kinds of incompatible uses, he felt it should be placed somewhere else. He requested the rezoning be denied until they could sit down with the developer and figure out something that could work for all of them.

Betty Schuster, 3109 Hill Haven Lane, stated her home and a second lot were directly adjacent to the property under consideration. It was on the east side and just over 5 acres. They had lived there since 1993 and when they moved there, they understood development would occur. The M-C zoning did not seem particularly offensive and the purchase of the additional lot was their attempt to buffer and protect their home. She explained 250 of the 280 feet was their lot. She stated the developer's proposal was not entirely opposed, but since his proposal was fundamentally a wide open C-3 development she had cause for concern. The previously agreed to C-P plan was negotiated in good faith for a particular use and the tight restrictions reflected that. Since the developer wanted to include free-standing liquor stores, 24-hour retail services, night clubs, bars and cocktail lounges, they could not support the proposal. If he were willing to curtail those uses, they would not be opposed. She explained they did not oppose alcohol sales in conjunction with normal restaurant activities. When the convenience store and the importance of having everything in the front for safety was discussed, she noted in the back was her yard.

Larry Schuster, 3109 Hill Haven Lane, noted a lot of rezoning requests come to Council with a contract on the land contingent upon the rezoning being gained and acceptable to the buyer. In this case, Mr. Rader purchased this land on the gamble he could get the rezoning he wanted. If he had done his homework or if he had talked to the neighbors face to face, he thought some of these things probably could have been worked out. He stated Mr. Rader had come by his office during the day a couple of times with a list and asked what he had thought. There was not an opportunity to sit down and work it out. He noted one of the things that disturbed him was the last minute changes. He did not think that was fair to the process. He agreed it was nice that they took out the kennels and pet stores, but that had not been mentioned to them. The fence had not been mentioned either. He stated that normally, the City would never abut commercial zoning to R-1. They would always look for multi-family, office or a tiered zoning to step it out. He thought a good example was the CenterState property. It was a large enough property that the developer, at the urging of the neighbors, included office zoning along Woody Lane and 63, which provided a nice buffer. He understood there was not enough land here to provide that kind of zoning. He pointed out they requested O-P zoning when the athletic club went in and the only reason they went along with C-P at that time was because it would not fit in due to the beverage sales he wanted associated with it. That was why it was tightly restricted. The promises Mayor Hindman mentioned were not promises of the developer. Those were zoning items attached to the land and were negotiated uses that would be allowed in that zoning in exchange for doing some things they normally would not be able to do in those areas. He stated the Council would normally never consider C-3 zoning abutting R-1 zoning and that

was essentially what they had there. They did not mind a restaurant with alcohol sales or a c-store with alcohol sales, but they did mind a c-store that was 24-hours a day. They also minded the developer putting their safety in front and the neighbor's safety in back. In regard to the fences, he commented that fences were only as good as one's neighbor.

Mr. Janku noted Ms. Schuster provided a list of uses such as liquor sales when she spoke and asked for clarification. Mr. Schuster explained they agreed with most of it. He listed alcohol sales and alcohol sales package or restaurant and commented they were a little ambiguous, which was why they requested more detailed language. He listed a cocktail lounge, which was the same as a night club. It was not attached to anything other than the sale of alcohol. He stated he was unsure what markets meant. He thought those were the uses and noted he thought they were being pretty generous. He stated he thought it was the responsibility of each of them, as developers and business people, to do their homework and just because the developer wanted these uses to make his project successful did not mean he should get them. He commented that he took offense to the attorney implying they gave them this and questioning what the problem was because they were not in a position to give anything. It was the Council who made those decisions. These were land use and zoning issues and not something received from the developer. He noted they would like to cooperate and added that they would not mind having an Everett's or Shakespeare's in the back yard. He thought they were being flexible and reasonable.

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

Mr. Janku asked in terms of the location of the c-store, which was indicated to be on the southern part of the tract, if the Council controlled that with the plan or if they needed something in the ordinance for a future owner coming in and saying he wanted to put it on the north side. Mr. Boeckmann replied it could be controlled by the plan, but if it was an issue, it could be added as a condition in Section 3 of the ordinance.

Mr. Hutton asked for the list of uses in M-C zoning. Mr. Teddy read the list. Mr. Hutton asked if alcohol was not accepted in the restaurants. Mr. Teddy replied it simply stated restaurants. They would assume alcohol sales would be allowed. Mr. Hutton asked if the hours of operation were listed. Mr. Teddy replied there were not any particular controls on operating hours for any of the listed uses.

Mayor Hindman noted this was substantially different than what was originally agreed to by the neighbors in order to get a zoning change, if the history, as he understood, was correct. Rather than allowing this request to take place, he was in favor of continuing it or denying it. He stated he was not satisfied with a developer coming down and representing certain things would happen in order to get a zoning change and with those things not happening, the next person coming along and wanting something entirely different. Ms. Nauser felt that would mean that every C-P development they approved could never change its uses. Mayor Hindman stated he did not want to say that, but felt when representations were made to allow the zoning to take place, they needed to be slow in allowing that to change.

Ms. Nauser asked if the biggest objection was to the hours of operation of the convenience store itself. Ms. LaMar replied she believed it was and noted they would not object to an amendment that would restrict the 24-hour convenience store to not be on tract I,

which was the portion of the property that was currently zoned C-P. Ms. Nauser asked about a time restraint such as midnight as they did with another one recently. Ms. LaMar replied the problem with a midnight cutoff was that there were a number of restaurants that had bars that stayed open later than midnight. She stated they did not necessarily want 24-hour in that area, but something that restricted restaurants would limit the ability of the developer to develop this property. Mr. Hutton asked if Ms. Nauser was talking about a restaurant or c-store. Ms. Nauser understood most restaurants were not open 24-hours. She was thinking their biggest objection was the 24-hour c-store. Ms. LaMar commented that many of the fast food restaurants, like McDonald's, were staying open later and that would in effect be restricting fast food restaurants to some degree. She noted she was not here in 2000 when the original zoning was passed and she realized there were negotiations at that time with an intent to put in an athletic club that apparently never went in. She thought it might have been because it was financially infeasible. She stated they were not asking for anything they did not need, nor were they wanting to limit themselves in a way they would have to come back to ask for more uses.

Ms. Hoppe stated it appeared as though the Planning & Zoning Commissioners approved it while asking them to go back to the neighbors to try to iron out the differences. Ms. LaMar replied they did and added she was not sure further negotiations would be productive. Ms. Hoppe asked if they met a couple times. Ms. LaMar replied the developer was there at least twice. Ms. Hoppe asked how long the meetings were. Mr. Schuster replied they were unannounced and about 20 minutes. Ms. LaMar stated they could try to negotiate, but they were looking to put a convenience store on the southern portion of this property, which was a 24-hour use and something the neighboring property owners were opposed to. Mr. Schuster stated they did not mind the c-store or a restaurant and noted the Division of Alcohol limited bars to close at 1:00 a.m. If the restaurant and c-store closed at 1:00 a.m., he thought that would be reasonable. He noted nightclubs, cocktail lounges and 24-hour c-stores were big issues. He pointed out the Casey's directly across the street closed at 11:00 p.m. every night. That was their corporate policy and they were one of the most successful c-store chains in the nation. If they could not do it within those parameters he did not think that was the location for a 24-hour c-store. He reiterated this was an unusual situation where it was backed up to R-1 zoning.

Mr. Janku suggested they table this issue because he felt this might be able to be worked out. Mr. Janku made a motion to table B299-06 to the September 18, 2006 Council meeting. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**B300-06 Rezoning property located on the west side of Parker Street, approximately 250 feet north of the intersection of Northland Drive and Parker Street from A-1 to R-1.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would rezone five lots on the west side of Parker Street from A-1 to R-1 and that the Planning & Zoning Commission recommended approval. Mr. Teddy stated the lots in question fronted Parker Street, which was an improved street.

Mayor Hindman opened the public hearing.

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

The vote on B300-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B301-06 Approving the C-P Development Plan of Premier Bank – Bethel Banking Center located on the northeast corner of Nifong Boulevard and Bethel Street; approving a revised statement of intent.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would allow for a 17,449 square foot bank and office facility at the corner of Nifong and Bethel. It would also amend the statement of intent to increase the building size and height. The Planning & Zoning Commission voted unanimously to recommend approval of the proposed development plan and statement of intent. Mr. Teddy noted all the technical issues had been worked out.

Mayor Hindman opened the public hearing.

Bill Marshall, Marshall Engineering and Surveying, 300 St. James, stated he was available to answer any questions.

Steve Smith, Premier Bank, 15 South Fifth Street, commented that he appreciated the cooperation of the City through this process. He explained they were a company that had outgrown their main facility and was in need of more office space. That was the reason for the change in the statement of intent. They were electing to move their main office to this site. That was why the size became larger and the height became bigger. In addition, they had planned to have a basement, but got below the water table, so they needed to go up.

Ms. Hoppe asked how one got from the sidewalk to the building. Mr. Smith replied there were sidewalks tied into the parking. The sidewalk on Nifong was along the street and they were told to do that. They had planned to put it on the inside, but complied with the City's request. Mayor Hindman asked if that was a Council request. Mr. Janku replied yes and explained it was because it would have required people to walk into the bank area instead of staying on the street. He noted they went to a lot of trouble and expense to make a continuous sidewalk along Nifong that everyone was pleased with at the time. Ms. Hoppe noticed they had the pedestrian bridge over the stream from the south, but it was not clear as to how a pedestrian or bicyclist would get to the facility. She asked if they walk through the grass to get to the front. Mr. Smith noted the creek/branch was already there, so they would have to come from either side, from Bethel, Santiago or along Diego. They would not be able to come unless they forged the creek on the south side of the property. Ms. Hoppe asked if there was a walkway. Mr. Smith replied there would be a sidewalk around all four sides, but the one along Nifong would be south across the branch. He did not expect anyone to be able to access the building from that side. Ms. Hoppe understood they would then have to go in where the cars went. Mr. Smith replied yes. Ms. Hoppe clarified that they would just use the car passageway and that there was no pedestrian walk. Mr. Smith replied there would be walks incorporated, but they would have to walk through the parking area.

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

Mr. Janku explained when this rezoning was originally discussed, it was important that they build the sidewalk on the south along the street because of the school children in the

area. He noted they might have wanted to do what Ms. Hoppe was suggesting, but that was the Council's decision at the time. Mr. Loveless thought Ms. Hoppe was asking if it would be too expensive or inconvenient to put a short spur from this sidewalk into the southeast corner of the development to get into their parking lot rather than making a bicyclist go up to Diego or Santiago and then around to the north side of the building to come into the same entrance as the automobiles. If one was on the west side on Bethel Street riding a bike, he would have to go all the way around to the north side of the lot and come in the same driveway as the cars did. Mr. Marshall noted there was a ditch along Nifong that would be inside the sidewalk since the City asked for the sidewalk against Nifong. In order to put a sidewalk across there, they would have to put a tube or something like that in there to handle the stormwater that came off of Nifong since there was no curb. It drained over into the ditch. He originally proposed the sidewalk on the inside of the ditch, so they would not have to have a bridge on the side of the culvert to get across. That was the reason there was not a sidewalk from Nifong to the building. Mr. Loveless asked about the west side. Mr. Marshall replied that was the drive-thru section.

The vote on B301-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B302-06 Approving the PUD Development Plan of Bay Hills Condos located on the northwest and southwest corners of the intersection of Grace Lane and Pebble Beach Drive; allowing a reduction in the perimeter setback.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would allow for the construction of 4 eight-family structures, 2 four-family structures and 1 three-family structure for a total of 43 dwelling units. The applicants were also requesting a variance from the 25 foot perimeter setback requirement around PUD property. The Planning & Zoning Commission recommended approval of the proposed development plan, revised statement of intent and variance request. Mr. Teddy noted the variance was on the south property line where there were there were two building corners. One was slightly inside the 25 feet and the other was encroaching to a greater extent. With a 12 ½ minimum setback at the building corner, most of the building was out of that 25 foot setback.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering Consultants, 2608 N. Stadium Boulevard, stated he had a he was available to answer questions.

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

The vote on B302-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(B) Voluntary annexation of property located 750 feet southwest of North Stadium Boulevard/State Route E.**

Item B was read by the Clerk.

Mr. Watkins explained this was a required public hearing on a voluntary annexation located west of the present City of limits in the northwest part of the City. The applicant was requesting R-1 zoning, which was equivalent to the existing County zoning. The Planning & Zoning Commission recommended approval. Mr. Teddy noted Perche Creek flowed through the site. In addition, on the Major Roadway Plan, the extension of Scott Boulevard had a conceptual alignment that went through this property. They would be examining those issues as part of the preliminary plat that was currently pending.

Mayor Hindman understood it was also on the Major Trail Plan. Mr. Teddy replied it was and added the Perche Creek Trail was an acquisition target. The Parks and Recreation Department was reviewing the preliminary plat. Mayor Hindman asked if the trail would be included in the plat. Mr. Teddy replied he could not say whether there would be an actual proposal to build a trail segment there, but there was an indication in what had been reviewed to date that there would be a reservation of open space. Staff needed to further discuss the reservation of a green space trail easement in that location. The topography was complex with a steep bluff on the east bank of Perche Creek and a broad floodplain on the west side. There was a small area of land on this tract enclosed by a meandering creek, so there would need to be some decisions made as to the best location for a trail. Mr. Janku asked if they could have a report on the status of those discussions and evaluations at the next meeting. Mr. Teddy replied yes and added he thought it would be best to look at this with some of the detail of the lay of the land, the extent of the creek and the layout of the subdivision itself. Mr. Janku reiterated that he would like a report on this issue for when they voted on the annexation and rezoning. Mr. Teddy replied they would provide it and noted the Parks and Recreation Department had only made preliminary comments on the plat. They would have to communicate their thoughts to the applicant and have more discussion.

Mayor Hindman opened the public hearing.

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

**(C) Voluntary annexation of property located on the north side of State Route K, along both sides of Scott Boulevard, extended.**

Item C was read by the Clerk.

Mayor Hindman explained this item had been withdrawn by the applicant.

**OLD BUSINESS**

**B307-06 Authorizing Amendment No. 3 to the agreement with Burns & McDonnell Engineering Company, Inc. for engineering services relating to the design of Scott Boulevard between Rollins Road and Brookview Terrace.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was an amendment to a current engineering agreement with Burns & McDonnell in regard to the final design and construction documents for Scott Boulevard from Rollins Road to Brookview Terrace. The amount of the amendment was slightly under \$500,000. He thought it was important to remember, as they moved forward on the design, they were essentially designing a MoDOT road, which was a road the City did not own. Their conversations with MoDOT indicated they were amenable to working with the City. His recommendation was they move forward because if they waited for MoDOT, they



might be waiting a very long time. Mr. Glascock noted the total not to exceed amount was just over \$1 million and that was indicative of about 10 percent of what the total cost of the project would be once constructed.

Mr. Janku thought Mr. Glascock suggested at the budget hearing they would have a public hearing sometime after the design work was done. Mr. Glascock replied it would not be after it was done, but well into it so they could start purchasing right-of-way. They would hold it right before the right-of-way purchase would begin. Mr. Janku asked when it would be in terms of timing because he wondered if they should do something a little earlier like they did with Range Line where they received input and let people know things were happening, so they did not try to re-design it at the last minute if things came up. Mr. Glascock stated he hoped to have some type of public hearing by April or May.

The vote on B307-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B308-06 Confirming the contract with Dome Corp of North America for construction of a salt storage facility on the east end of Big Bear Boulevard; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was an ordinance confirming a contract with Dome Corporation for the salt storage facility that was included on the last November ballot issue. Only one bid was received and it was for about \$125,000 more than they originally expected. After discussing it, they were recommending going ahead with the project at the higher cost. Funds would come from the ¼ cent sales tax and the general fund. Mr. Glascock noted there were two types of domes that could be built. One was similar to the one MoDOT had at Route 63 and I-70 and the other was a hexagon type that he showed the Council at the budget hearing. They chose this one because they thought it was more cost-effective, even though it was a little lower in height.

Mr. Janku noticed the price increase was due to the asphalt and asked if concrete would be cheaper. Mr. Glascock replied he did not think it would be on that much material. He also pointed out salt was very hard on concrete.

Mayor Hindman made the motion to amend B308-06 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The vote on B308-06, as amended, was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B310-06 Confirming the contract with Emery Sapp & Sons, Inc. for reconstruction of Hope Place from West Boulevard to Hardin Street, including construction of a sidewalk adjacent to the back of the curb on the north side of Hope Street.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this would confirm a contract in the amount of \$168,408.50 for the reconstruction of Hope Place. Seven bids were received and the low bid was from Emery

Sapp & Sons. Payment for this improvement would be made from annual street project funds, Community Development Block Grant funds and tax bills.

Mr. Loveless asked when the estimate of \$150,000 was given to the Council. Mr. Glascock replied it was a couple of years ago. Mr. Loveless understood they had seen a 12 percent increase in cost in two years. Mr. Glascock explained they had Hope and Hardin together as a CDBG project and the Commission felt they should be split up, so they did not use all of the funds that year. They provided the estimate at that time. Mr. Hutton noted they had not received a bid in the last six months that was below the original estimate. Mr. Loveless stated 3-4 years ago, they were always below the estimate. Mr. Glascock replied they were working to correct this situation.

The vote on B310-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B312-06 Authorizing the acquisition of property located at 411 N. Fifth Street for park purposes.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a request to authorize the purchase of a lot at 411 N. Fifth Street for the amount of \$8,000 in lieu of foreclosure cost. The City also had a CDBG Housing Rehab loan in the amount of \$14,844.63 against the property, which they would recommend the Council forgive provided they could clean the property up and dedicate it as part of Douglas Park. It was currently a vacant property. He noted funds would come from the 2006 budget appropriation for neighborhood park acquisitions and the park sales tax.

Mr. Janku understood this was part of the Parks Master Plan, but asked how this would enhance the park. He wondered if a better alternative would be to acquire the lot and have someone build a new structure on it. Using the overhead, Mr. Hood explained this was the second of the first two lots from the north and if they were able to acquire those two lots, they planned to add a second picnic shelter facility to the park, which the neighborhood had requested. If the additional three lots became available and they were able to acquire them, they would be able to adjust the size of the ball field. It currently had a very short outfield with a lot of the balls going into the back yards of those houses.

Ms. Nauser asked if it was cost-effective to buy houses at market value to tear down. Mr. Hood stated they felt that if the City wanted to expand the size of the park, this was the only opportunity. He pointed out they were not interested in aggressively pursuing the acquisition of those lots. The thought was that as they came on the market, the City should make an attempt to acquire them. In this case, since it was a foreclosure, the City had an opportunity to acquire it at a very reasonable price. Mr. Janku thought if for some reason it was decided it would not be used as a part of the park, they could sell it for redevelopment.

The vote on B312-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B313-06 Authorizing an agreement with Ameresco Jefferson City LLC for the purchase of electricity from a landfill gas plant located in Jefferson City, MO.**

The bill was given second reading by the Clerk.

Mr. Watkins stated the Water and Light Department had worked out an agreement with Ameresco starting no later than January 2008 with the expected power output being a little over 3 MW. It would provide the City with approximately 2 percent of its electric energy in 2008. This was green energy and helped the City meet its requirements. The contract stipulated a \$52.50 per MW hour fee, which was, currently, substantially above what they were paying at market, but it was also fixed for 20 years. They believed within a few years, this would be well within the market cost for power.

Shelley Cohen, a representative of Ameresco, thanked the Council on behalf of Ameresco and noted she had been in the landfill gas field for 10 years. She commended the Water and Light Department for their competitive bidding process. She explained Ameresco had a portfolio of ten operational projects, many of which were in communities like Columbia. She stated they were excited to be working in partnership with Columbia and felt this 3.1 MW project was visionary and would help the City realize its vision of using renewable energy.

Mr. Janku asked if they were trying to build more sites in central Missouri. Ms. Cowen replied not currently and added that they did bid on the Springfield site, but were not chosen. She stated she would be attending the meeting tomorrow regarding the competitive bid for the Columbia site and pointed out they were hoping to bid on that. She noted they had 10 operational projects and another 7 projects currently under development throughout the Country.

The vote on B313-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B316-06 Amending Chapter 14 of the City Code to add a section relating to automated traffic control systems (red light cameras); authorizing a request for proposals process for the installation, operation and administration of a red light camera system.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this bill accomplished two things. It established rules and procedures for the prosecution of violations in Municipal Court involving red light cameras. It also authorized the City Manager to request proposals for red light camera systems, which would be brought back to Council for review.

John Schultz, 1301 W. Colchester Road, stated he was the Chairman of the Boone County Libertarian Party and wondered if it was a rebuttal defense to claim someone else was driving the vehicle. He thought the maximum of 60 days to mail the notice to the registered owner of the vehicle was a little long. He recommended a 30 day maximum for the notice being mailed. He also wondered if a violation would be triggered only if one entered an intersection on red or if a ticket would be triggered by entering on a yellow with the light turning red. Mayor Hindman replied he thought it was only on red. Mr. Schultz questioned if the City was looking to purchase their own equipment from a vendor or would if they would be outsourcing the operation and licensing of those tickets to an outside corporation. Mr. Watkins replied that was still under consideration. Mr. Schultz noted he made a request to

the Columbia Police Department for data showing the number of accidents over the past five years that could be attributed to running red lights approximately two weeks ago and had not yet received a response. Mr. Watkins stated he would make sure Mr. Shultz received the information. Mr. Schultz asked when the City started looking at intersections to be targeted for red light cameras, if they would also look at traffic improvements, such as a longer yellow light.

Mr. Janku asked if they knew if the 60 days was standard by ordinance. Mr. Boeckmann replied he did not know, but noted it was included in the ordinances of Springfield and Arnold. Ms. Hoppe asked if 60 days was appropriate with Columbia having such a large student population. She thought if these were sent after they left town, they might not be paid. Mayor Hindman commented that 60 days was the maximum. Mr. Boeckmann stated he did not believe it would take anywhere near that long and pointed out the ticket would go to the registered owner.

Ms. Hoppe referred to the definition of owner, which was located on page 1 of the ordinance, and asked if one was renting a car, if they could not be ticketed. The ordinance indicated one had to own the car for six months. Mr. Janku clarified the six months was tied to the lease. Ms. Hoppe asked how this would work if someone was driving a rental car. Mr. Boeckmann replied if it was a rental car, the owner would be the company. Ms. Hoppe understood the rental company would notify them of who was driving the car on that day. Mr. Hutton asked if they would not be prosecuted. Mr. Boeckmann replied it would be the registered owner of the motor vehicle, which was the company, but the company would likely send in an affidavit stating that the company or an employee was not driving the vehicle. They might or might not tell them who was driving the vehicle. Mr. Hutton thought they would provide that information. Mr. Janku referred to paragraph 5, which read “the prosecutor may initiate prosecution against a person clearly identified in the evidence as the operator,” and felt that included evidence furnished by the rental car company.

Ms. Nauser commented that she had problems with this. She stated she had not seen any crash statistics that substantiated why the City needed red light cameras. She did not like bringing a bill forward without providing the statistical data. She was also concerned because the ordinance did not address the reasons for running red lights. She believed people ran red lights for various reasons, whether they were speeding or not paying attention. The biggest problem she had with this issue was with the presumed guilt of the owner of the car. That seemed to be contrary to the entire system, where one was supposed to be not guilty until proven so. Here they were sending out an issue implying one was guilty by virtue of owning the car. The owner had to show proof. She felt that would be a big burden, especially on businesses that had fleets of vehicles. She noted the company she worked for had delivery vehicles and they would have to continually monitor who was in that car. They would not be able to let just any employee run an errand in one. They would need complete logs in order to offer a valid rebuttal. She pointed out that she did not like the idea of saying they were doing this for people’s safety, when there were no crash statistics to prove it was an issue. She felt they attached the emotional word of safety and were then making the decision on the emotional aspect versus supporting data.

Mayor Hindman stated he did not feel there was a presumption of guilt. He thought there was a presumption that the owner was responsible for the car. If a person wanted to deny they were driving the car or wanted to claim extenuating circumstances, they could do that. The burden would then be on the prosecution to show that person ran the red light. Ms. Nauser commented that if she let one of her children drive her vehicle, she would have to remember the exact date they were driving it in order to form a valid rebuttal. She did not think she could just state she was not driving it. Mayor Hindman stated it would be up to the prosecutor to decide whether or not to prosecute when someone denied they were driving the vehicle. Ms. Nauser thought everyone's excuse would be that they were not in the vehicle on that day if more documentation was not required. Mr. Boeckmann stated if one submitted an affidavit they were not the driver, they would have rebutted the presumption. Mr. Hutton noted that did not mean they would be found innocent. Mr. Boeckmann thought it pretty much did because there would not be any evidence of who was driving. Mr. Hutton asked if all one had to do was rebut it. Mayor Hindman thought if the prosecutor wanted to take that person to court and make him testify to that under oaths he could. Mr. Loveless asked if that same defense would work for parking tickets. Mr. Boeckmann replied parking tickets were a little different because the owner was deemed responsible for the vehicle.

Ms. Nauser noted a statement saying "the validity of that presumption had not been determined by the Missouri Appellate Courts" and asked if there was a status on that ruling. Mr. Boeckmann explained there was a similar presumption for school bus violations where a school bus had a stop sign out and one ran past it. Ms. Nauser asked if there was a current case pending. Mr. Boeckmann replied he was not aware of one.

The vote on B316-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NAUSER. Bill declared enacted, reading as follows:

**B317-06 Amending Chapter 2 of the City Code as it relates to conflicts of interest rules for several city commissions.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this ordinance would replace the limitations on commission membership with a provision requiring commission members to abstain on voting on matters related to an agency if the member served on the agency's board of directors or was employed by the agency. This pertained to the Human Rights Commission, the Office of Cultural Affairs and the Office of Community Services.

Mr. Janku stated he thought the present system had worked and he was uncertain why they were changing it. They had good boards and commissions with good people applying. There was an unfortunate situation recently where someone's position changed after they were appointed to the board, which caused a problem. He did not see the need to make a change because he felt it helped enhance the validity and credibility of the process. He thought it was difficult even when someone recused themselves.

Mayor Hindman stated he did not agree. He thought there needed to be a real conflict and he thought a real conflict was a financial conflict. After that, it was like a juror. One made his own decision as to whether or not the position would have an impact. If one was an

employee of the University and was dealing with University issues, he did not think that was a problem. He noted it was a volunteer system where they pulled people from all walks of life. If there was a personal financial gain by making a decision, that was a statutory definition of a conflict. After that, he did not believe there was a conflict, except to the extent a person would say, it would taint his ability to make a decision. If a person felt that, they should abstain from voting on that particular issue.

Ms. Hoppe commented that if someone was so conflicted they could not vote, they probably should not be involved in the discussion and should be prohibited from talking to or trying to influence fellow commissioners about the vote. If they did pass this, she would go further and propose they leave the room while the discussion was going on, so people were free to discuss it.

Mr. Hutton stated he was not sure it was just an issue of dealing with one's own company's request. He thought they could affect other people's request as well. He noted informal conversations could occur regarding how a commission member's agency requested money and would not receive it if that money was provided to someone else. He agreed with Mr. Janku and did not think this was a good idea. He understood the concept of getting good people to serve on the commissions and how difficult that was sometimes, but felt the conflict of someone working for an agency requesting funds from the commission they were involved with was different than any conflict he had experienced on the Council.

Mayor Hindman pointed out they dealt with the University, Stephens College and Columbia College in approving plans and etc. Mr. Hutton replied they did, but noted they did not deal in issues where if some other person were to get a grant, a Council Member would lose his. The way it worked with CDBG and Community Services was that there was a pot of money that was divided up and if one received it all, another would not receive any. He thought someone just being there would place the other commissioners in a difficult situation. Mayor Hindman referred to a jury and noted when picking a jury a person was still eligible by knowing something about the case if they said it would not influence them. Mr. Hutton thought this was different. Mayor Hindman did not believe it was. He thought the decision was whether or not it would be an influence. He felt by having a volunteer system, they had to expect people to come in with the possibility of a conflict and with them behaving responsibly in respect to it. If it was a financial conflict of their own, they should then not serve. Ms. Hoppe commented that she thought it was also about being fair and impartial and having public confidence that the people making the decisions were doing so without any personal or monetary interest. She noted everyone wanted to feel like they had a fair shot. She agreed even the best people were not unbiased with a close connection to an agency.

The vote on B317-06 was recorded as follows: VOTING YES: LOVELESS, HINDMAN. VOTING NO: CRAYTON, JANKU, HUTTON, NAUSER, HOPPE. Bill declared defeated.

## **CONSENT AGENDA**

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

- B303-06 Approving the Final Plat of Old Hawthorne, Plat No. 1 located on the north side of State Route WW, east of Cedar Grove Road; authorizing performance contracts.
- B304-06 Approving the Final Plat of The Villages at Arbor Pointe Plat 1 located on the west side of Brown Station Road, north of Waco Road, extended; authorizing a performance contract.
- B305-06 Vacating drainage and sanitary sewer easements located within Madison Park Plat 1.
- B306-06 Authorizing a parking improvement agreement with the Unit Owners Association of the Columbia/Boone County Health Department Condominium; calling for bids through the purchasing division.
- B309-06 Confirming the contract with Sircal Contracting, Inc. for refurbishment and expansion of the Columbia Transit Wabash Station facility.
- B311-06 Accepting conveyances for drainage, sewer, utility, sidewalk, street, temporary construction and access rights.
- B314-06 Accepting conveyance; authorizing payment of differential costs for water main serving Forest Ridge, Plat 3; approving the Engineer's Final Report.
- B315-06 Accepting conveyance; authorizing payment of differential costs for water main serving Heritage Woods, Plat 1; approving the Engineer's Final Report.
- B318-06 Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- R176-06 Setting a public hearing: rehabilitation of the general aviation apron and Taxiway A4 at Columbia Regional Airport.
- R177-06 Setting a public hearing: special assessments against property specially benefited by public improvements made to Forum Boulevard from Dunbar Drive to Old Plank Road.
- R178-06 Setting a public hearing: special assessments against property specially benefited by public improvements made to Sanitary Sewer District No. 141 (Green Valley Drive).
- R179-06 Setting a public hearing: construction of a 36-inch well field supply main from the McBaine Water Treatment Plant to Star School Road.
- R180-06 Setting a public hearing: construction of water main serving the Second Baptist Church of Columbia.
- R181-06 Setting a public hearing: construction of water main serving Dakota Ridge, Plat 2.
- R182-06 Setting a public hearing: construction of a fenced dog park in the Garth Nature Area.
- R183-06 Setting a public hearing: construction of a new restroom building at Fairview Park.
- R184-06 Authorizing an adopt a spot agreement with Eastgate of Columbia.

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

**NEW BUSINESS**

**R185-06 Approving a project for The Tapestry Group, Inc. and the issuance of bonds therefor by the Industrial Development Authority of Boone County, Missouri.**

The resolution was read by the Clerk.

Mr. Watkins explained this was a resolution requested by The Tapestry Group, who had been induced by the Industrial Development Authority of Boone County to issue bonds not to exceed \$8 million. The County’s requirement indicated that prior to the County IDA issuing bonds for a project within the City of Columbia, the Council had to approve the issuance of those bonds.

Mr. Janku stated this was placed on the agenda at the last minute and with the newspaper article in tonight’s paper raising a lot of questions and the close vote by the recommending authority, he wanted more information before voting.

Mr. Janku made a motion to table R185-06 to the September 5, 2006 Council meeting. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**INTRODUCTION AND FIRST READING**

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

- B323-06 Voluntary annexation of property located 750 feet southwest of North Stadium Boulevard/State Route E; establishing permanent R-1 zoning.**
- B324-06 Rezoning property located on the east side of West Sexton Road (713 West Sexton Road) and on the west side of Jackson Street (610 Jackson Street), south of Business Loop 70 West, from R-2 to C-P.**
- B325-06 Rezoning property located on the southeast corner of the intersection of U.S. Highway 63 and Stadium Boulevard/State Route 740 from A-1 to C-P; imposing conditions; approving a revised list of C-P uses.**
- B326-06 Rezoning property generally located in the northeast corner of a larger tract located on the north side of State Route WW and east of Cedar Grove from R-1 to PUD-4.2.**
- B327-06 Rezoning property located on the west side of Santiago Drive, south of Granada Boulevard from R-3 to PUD-20.7; approving the Bethel Ridge PUD development plan; allowing a reduction in the required perimeter setback; approving less stringent screening requirements.**
- B328-06 Approving the Lot 1 Katy Place Heights Subdivision Plat 3 C-P Development Plan located near the southeast corner of Forum Boulevard and Forum Katy Parkway; approving less stringent screening requirements.**
- B329-06 Approving the Callaway Bank Lot 101 Eastport Plat 1-A-1 C-P Development Plan located on the southwest corner of Port Way and Bull Run Drive.**
- B330-06 Approving the Final Plat of Winchester Subdivision, Plat 1 located generally south of Mills Drive and Hatton Drive and north of Chapel Hill Road; authorizing a performance contract; authorizing a development agreement.**
- B331-06 Vacating street right-of-way for Mills Drive, between Hatton Drive and Tremont Court.**



- B332-06 Approving the Final Plat of Bradbury Estates located at the current terminus of Beacon Falls Drive; authorizing a performance contract.
- B333-06 Approving the Final Plat of Springdale Estates Plat 10 located on the southeast corner of Oakland Gravel Road and Thornberry Drive; authorizing a performance contract.
- B334-06 Approving the Final Plat of Wellington Villas Plat 2 located generally north of Mexico Gravel Road and west of Wellington Drive; authorizing a performance contract.
- B335-06 Approving the Final Plat of Lake Woodrail – Plat 14 located on the southwest side of Shoreside Drive, northeast of the intersection of Forum Boulevard and Woodrail Avenue; authorizing a performance contract.
- B336-06 Vacating utility easements located within Broadway Bluffs Subdivision.
- B337-06 Vacating utility easements located within Norco Subdivision.
- B338-06 Vacating a drainage easement located within Lake of the Woods Center Subdivision.
- B339-06 Authorizing rehabilitation of the general aviation apron and Taxiway A4 at Columbia Regional Airport; calling for bids.
- B340-06 Approving the Engineer’s Final Report; levying special assessments for construction of Forum Boulevard from Dunbar Drive to Old Plank Road; appropriating funds.
- B341-06 Approving the Engineer’s Final Report; levying special assessments for the Sewer District No. 141 (Green Valley Drive) project; appropriating funds.
- B342-06 Authorizing a contract for the purchase of property located at 1413 Stone Street; appropriating funds.
- B343-06 Authorizing Amendment No. 1 to the agreement with Allstate Consultants, P.C. for design services relating to the extension of Vandiver Drive from the U.S. 63 interchange to Mexico Gravel Road, design of the Upper Hinkson Creek Outfall Relief Sewer and the FEMA Floodplain Map Revision.
- B344-06 Authorizing Amendment No. 1 to the development agreement with LOTE Development, Inc. relating to reconstruction of Ballenger Lane at the intersection of Aztec Boulevard (Route PP Safety Project).
- B345-06 Confirming the contract with Kevin Rackers Excavating for construction of the West Boulevard/Marygene Street storm drainage improvement project.
- B346-06 Authorizing a right of use permit with Premier Development Properties, LLC to allow construction, improvement, operation and maintenance of landscaping, an irrigation system, signage and lighting in an island within Stone Mountain Parkway and Andretti Circle rights-of-way and electrical conduits and water service lines within portions of Stone Mountain Parkway and Andretti Circle rights-of-way.
- B347-06 Authorizing a right of use permit with Ashton Development Group, LLC to allow construction, improvement, operation and maintenance of landscaping, an irrigation system, signage and lighting in an island within Canyon Ridge Drive right-of-way and electrical conduits and water service lines within a portion of Canyon Ridge Drive right-of-way.
- B348-06 Authorizing conveyance of a gas pipeline easement to Union Electric Company (AmerenUE).

- B349-06 Authorizing construction of a 36-inch well field supply main from the McBaine Water Treatment Plant to Star School Road; calling for bids.
- B350-06 Authorizing construction of water main serving Second Baptist Church of Columbia; providing for payment of differential costs.
- B351-06 Authorizing construction of water main serving Dakota Ridge, Plat 2; providing for payment of differential costs.
- B352-06 Calling for bids for construction of the Hillsdale Pump Station and 24-inch discharge main under I-70.
- B353-06 Appropriating bond funds.
- B354-06 Accepting conveyances for utility purposes.
- B355-06 Authorizing construction of a fenced dog park in the Garth Nature Area; calling for bids through the Purchasing Division.
- B356-06 Authorizing construction of a new restroom building at Fairview Park; calling for bids through the Purchasing Division.
- B357-06 Authorizing an engineering services agreement with HNTB Corporation for the design of the Hinkson Creek Trail between Grindstone Nature Area and Stephens Lake Park.
- B358-06 Authorizing an agreement with the Missouri Safety Center to conduct DWI enforcement activities; appropriating funds.
- B359-06 Authorizing a tower agreement with Celco Partnership d/b/a Verizon Wireless for the lease of City property located at 1313 Lakeview Street (Grissum Building).
- B360-06 Amending Chapters 13 and 22 of the City Code relating to sanitary sewer utility rates.
- B361-06 Amending Chapter 22 of the City Code relating to solid waste utility rates.
- B362-06 Amending Chapter 11 of the City Code relating to public health service fees and food establishment inspection fees.
- B363-06 Amending Chapter 17 of the City Code relating to parks and recreation fees.
- B364-06 Amending Chapter 27 of the City Code relating to water connection fees.
- B365-06 Amending Chapter 27 of the City Code relating to water rates.
- B366-06 Amending Chapter 27 of the City Code relating to electric rates.

**REPORTS AND PETITIONS**

**(A) Intra-departmental transfer of funds.**

Report accepted.

**(B) Wilson’s Fitness Center driveway at Forum Boulevard.**

Mr. Glascock explained they were asked to look at a possible left turn lane into the Wilson’s Fitness Center. He noted they made comments when the minor C-P revision came in about the possible need for that and was assured they would not need it. They still claimed it was not needed. With no response, he assumed they were okay with the right in/right out. He understood from Mr. Wilson that he was not okay with the right in/right out.

Mr. Glascock noted if they used City funds, he thought that was what should happen. If they had to move the driveway, it would cost about \$100,000.

Ms. Nauser stated she had received a phone call from Mr. Wilson expressing the fact he did not particularly care for the right in/right out. She thought that was a drastic fix as well and wondered if they could come up with a warning sign, similar to a flashing light, that would tell people to slow down and would catch people's attention that there was traffic entering and exiting. She thought that they could see if that worked as a lower cost solution for the interim. Mayor Hindman understood a left turn lane would still be allowed. Ms. Nauser replied that was correct. She thought the biggest thing was that people were driving fast through the area and might be surprised by people making the turn. As a result, she wanted some type of warning or caution sign indicating traffic was entering and the need for being cautious. Mr. Glascock stated they would normally put up an intersection sign, like a "T" sign, before the driveway. Mayor Hindman thought maybe Wilson's should put up a flashing yellow light. Ms. Nauser stated she thought the right in/right out at this time, since it was new, might be a drastic change or impediment.

Mayor Hindman suggested looking at making the overall speed on Forum 35 mph. He noted it currently varied between 35 mph and 45 mph. He stated he would ask for a report at the end of the meeting.

Ms. Nauser made a motion that staff place a warning sign near the Wilson's Total Fitness location. The motion was seconded by Mayor Hindman and approved by voice vote with Mr. Janku abstaining.

**(C) Proposal to develop additional baseball fields.**

Mr. Watkins explained this report outlined staff recommendations for the possible development of new baseball fields on the Atkins tract. He noted this was property donated by Mr. Atkins to the City and County. If Council wanted to move forward with the concept of putting baseball fields on the Atkins tract, particularly to have them playable by next fall, he suggested the Council direct staff to hold a public hearing on the project.

Mr. Janku stated he agreed with scheduling the public hearing and was looking forward to the Atkins tract being developed. He was concerned, however, about so much money being committed because there were no other funds for youth fields. He hoped they could come up with a financing plan that would reserve a little money since they had five years before it could be renewed.

Mr. Janku made a motion directing staff to schedule a public hearing for the development of additional baseball fields on the Atkins tract. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

**BOARD OF ADJUSTMENT**

Clithero, Philip, 4208 South Wappel Drive, Ward 4

**COMMUNITY SERVICES ADVISORY COMMISSION**

Feltman, Sharon, 1136 St. Christopher Street, Ward 4

**BOARD OF HEALTH**

Szewczyk, Michael, 1404 Highlands Court, Ward 5

**HISTORIC PRESERVATION COMMISSION**

Clark, Michael, 806 W. Ash Street, Ward 1

Galloway, Jonathan, 505 Lyon Street, #201, Ward 1

**HUMAN RIGHTS COMMISSION**

Paredes, Oona, 104 Heather Lane, Ward 4

**MAYOR'S COMMITTEE ON PHYSICAL FITNESS**

Allen, Summer, 3950 E. Deer Park Road, County

Karrick, Melanie, 2825 N. Lake of the Woods Road, County

**PARKS AND RECREATION COMMISSION**

Devine, Daniel, 710 Ridgeway, Ward 1

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Ms. Crayton stated she received a letter from the St. Frances House noting the limbs of a tree in the neighboring yard were over their roof. It appeared to be rotting and was beginning to fall on the roof. She stated it was reported three years ago, but the City did not make the owner take it down. It was now coming down on their roof and could cause damage. She asked if there was a way to require the neighbor remove the part of the tree that was over the St. Frances House. Mr. Janku asked if it was near the power lines. Ms. Crayton replied yes. Mr. Watkins asked if Ms. Jacobs had spoken to the owner. Ms. Crayton replied Ms. Jacobs had indicated she tried to talk to the owner, but was not successful. Mayor Hindman stated he did not think the City should get in the middle of a difference between two property owners.

Mr. Janku commented they had received a couple letters from the Environment and Energy Commission and asked staff to acknowledge receipt of them. In addition, he recommended asking for a report on the possibilities of their suggestion of funding a weatherization program with future CDBG funds or other funds. Mayor Hindman stated he thought they were getting a report on weatherization. Mr. Janku noted he was asking for a response to this request.

Mr. Janku made a motion for staff to respond to the Environment and Energy Commission regarding their funding suggestion of a weatherization program and to provide a report to Council regarding the options available based on their suggestion. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

Mr. Janku noted the Environment and Energy Commission also provided something regarding energy efficiency and conservation. He asked staff to let them know those discussions would happen when the new building codes came forward and that they should be alert and prepared to discuss it at that time.

Mr. Loveless commented that a resident called him about multiple unrelated people living in a residence at Thilly and Stewart. He asked staff to let him know what options the City had for confirming that and taking action because it was an ordinance violation.

Mr. Loveless stated another constituent provided him with pictures of a serious car accident due to the eastbound speed being carried on Chapel Hill from the crest of the hill down to Grant. He made a motion directing staff to provide a report regarding the traffic calming options available on that stretch of the road. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Hoppe noted the gentleman that spoke for the Community Development Commission asked them to look into the demolition of commercial property. Mr. Janku thought he suggested they look at enforcement actions. Ms. Hoppe made a motion for a report, including staff recommendations, possibilities and options on the issue he brought up regarding commercial property. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

The meeting adjourned at 12:53 a.m.

Respectfully submitted,

Sheela Amin

City Clerk