

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**SEPTEMBER 18, 2006**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, September 18, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON and JANKU were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF MINUTES**

Due to receiving them late, the Council did not have time to review the minutes of the regular meeting of September 5, 2006, and therefore, those minutes were held over to the October 2, 2006 Council meeting for approval.

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

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

**SPECIAL ITEMS**

None.

**SCHEDULED PUBLIC COMMENT**

**Marlon Jordan – Citizen Complaint/Police Department.**

Marlon Jordan, 11 E. Ash, stated he was a concerned first ward citizen and a survivor of police violence in Columbia, who wanted to bring awareness to the historical indifference and/or recklessness of his police complaints based on race. He noted he was unlawfully stopped on April 19, 2002 by a local police officer while he tried to avoid some water puddles along the street. He stated that when he got out of his car to inquire as to the reason for the stop and/or detainment, the officer had his gun drawn and shouted several different orders to include lying flat down in the rain and mud. He commented that he was maced and beaten. He stated he was subsequently and maliciously prosecuted by the Boone County Court and Jury. He submitted several copies of his complaints and one had been answered promptly while the other two had gone without any response. On December 10, 2003, the University Medical Center contacted the Columbia Police due to blunt trauma to his head from being struck with a 2 inch steel pole while at home. He noted no arrest had resulted in this reported assault and the case was quickly closed. He stated was living a life of high anxiety and post traumatic stress disorder. He believed all citizens deserved accountability from their public officials and officers and that a civilian review board would arrest those who used criminal thinking patterns and/or tactics to avoid accountability for their errors and mistakes in judgment. He felt his unanswered complaints should not be decided only by the Police

Department's Internal Affairs. He thought the citizens and the FBI should be involved. He felt the Columbia Police wanted to retain a form of government that was contrary to the Western District Court ruling and that a civilian review board would help aid the State Attorney General in understanding the dynamics used by the police to avoid accountability. He believed the Columbia Police Department and the City of Columbia had deprived him of his civil and human rights by ignoring the May 18, 2005 Western District Court ruling that the police refrain from forbidding anyone from expressive clothing, hats and buttons because they expressed a viewpoint disfavored by others. He stated deterrents had helped him to be a better person and he hoped the City would heed to the laws handed down by the higher courts to stop the abuse of authority. He felt the silent treatment received on his two complaints suggested that rules of conduct were matters of policy preference that were invoked, modified and/or ignored whenever there were consequences that were inconvenient or undesirable.

**David Tyson Smith – Proposed Civilian Review Board for Police Department.**

David Tyson Smith, 3808 Panther Drive, stated he was proposing a civilian review board for which he had an example ordinance. He felt this would improve community relations between the Columbia Police Department and its citizens by creating fair and just hearings. He stated he was raised here and that there were a lot of good, quality and hard working officers in the City, but he also thought there was a small problem in regard to the review process. He explained, with the current process, if a citizen had a complaint, the normal course of action would be to go to the Police Station and file a complaint. From that point, the department reviewed the complaint internally and issued a report a few weeks later. He felt the problem with that was that it was a closed review process, confined to the Police Department and the records were not public. He noted at the top of the organizational chart for the City were its citizens followed by the City Council and various departments, including the Police Department, at the bottom. He stated the problem with the closed review system was that the model was reversed with the Police Department at the top and the citizens at the bottom. He stated a civilian review board worked by establishing an independent board and when a complaint was received, the board would review the complaint with the officers without undermining their authority. They would investigate the issue and call witnesses and the records would be public. He felt it promoted a fair system. In the United States, there were 125 boards of various types around the Country that engaged in this type of process. He stated it was designed to improve community relations and close the gap between the Police Department and its citizens. It provided more trust, accountability and transparency. He noted the civilian review board was not an indictment against the Columbia Police Department. It would only provide an open forum for a fair and just hearing. He noted this was brought forward due to a group of citizens, who over the last 6-8 months had been meeting and felt there had been some unresolved issues. He stated he had collected about 100 signatures in the past few days from citizen groups around town that had been meeting separately and presented that to the Council. He asked the people in the audience in support of the proposed ordinance to stand. Approximately 35 people stood. He also provided the Council a proposed ordinance for review.

**PUBLIC HEARINGS**

- B321-06**     Adopting the FY 2007 Budget for the Special Business District.
- 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.
- B383-06**     Establishing new group insurance premiums for employee and retiree/COBRA health and dental care plans.
- B384-06**     Amending the Classification Plan and adopting the FY 2007 Pay Plan.
- B385-06**     Amending Chapter 19 of the City Code as it relates to personnel policies, procedures, rules and regulations.
- B386-06**     Amending Chapter 27 of the City Code as it relates to electric connection fees.
- B322-06**     Adopting the FY 2007 Budget.

The bills were read by the Clerk.

Mr. Watkins explained they had a number of public work sessions and public hearings on the budget and had come up with a proposed amendment sheet, which was reviewed at the public pre-Council meeting.

Ms. Fleming stated the first page of the amendment sheet showed the allocation of Council reserve fund. This included \$20,000 for the Youth Empowerment Program, \$5,000 for dental care pain relief, \$8,000 to cover part of the cost of the change in the amount of premiums charged to retirees and \$500 for adopt-a-spot bulb funding. There were also a number of administrative issues initiated by staff that needed to be addressed. She noted the budget was introduced before the ballot issue passed and changes were necessary to reflect the required one percent rate increase. In addition, since the budget was introduced to Council, there was an amendment to a contract with the University for transit services. Other items included were funding for traffic safety radar signs at Ridgeway Elementary School and transfers needed for the public employee benefit fund to cover the reduction in revenues for decreasing the retirees' premiums. She explained they reviewed the sales tax projections and decided it would be prudent to increase those by an eighth of a cent. She noted there were also some changes to the CIP. There was a new project known as the Route K Bridge over the Hinkson Creek, an increase in downtown sidewalk funding and timing changes for the Brown School Road and Scott Boulevard projects. Further CIP changes included moving the Louisville Drive project to 2007 and changing funding sources for the Highway 763

widening project and putting design money in for the Burnham/Rollins/ Providence intersection improvements. Since the ballot issue passed, there were a number of funding source changes for the Electric CIP and an additional project for the Railroad. She stated another item in the budget document included the allocation of CDBG funding and based on discussions with the Council, the recommendation of the City Manager would be included in the budget.

Ms. Nauser asked for an explanation as to why the Scott Boulevard project had been extended into the future. Mr. Glascock replied an earmark had been received from the federal government, and therefore the way they approached the project changed because they had to follow the NEPA process, which extended the time frame. Mr. Watkins noted they were in the design process. It was a road they had no jurisdiction over, so they were speculating they would get an agreement.

Mr. Janku made a motion to amend B322-06 per the amendment sheet dated September 18, 2006. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Ms. Nauser made a motion to table B360-06 and B386-06 to the October 2, 2006 Council meeting. The motion was seconded by Mr. Janku.

Mr. Watkins explained B360-06 dealt with sanitary sewer rates and state law prescribed notice had to be given for a certain amount of time. They, therefore, needed to hold it for one meeting. B386-06 would set electric connection fees and a set fee per foot for electric extensions. Since he had heard from a number of people last week regarding how it would be applied and how the dollars were figured, he felt they had not communicated it well enough with the people that would be impacted. This would give them an opportunity to get their questions answered. He stated he was in no way suggesting they not approve the connection fee, but he believed it would be wise to delay this for a meeting or two while they explained how the fees were arrived at, where they would be used and how they would be applied.

The motion, made by Ms. Nauser and seconded by Mr. Janku, to table B360-06 and B386-06 to the October 2, 2006 Council meeting was approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

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

Mr. Janku made a motion to amend B383-06 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on B321-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B361-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B362-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B363-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B364-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B365-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B366-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B383-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B384-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B385-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B322-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**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 read by the Clerk.

Mr. Teddy explained this request included two parts. The first was for the rezoning of a 1.7 acre tract, which had a current zoning of C-1 and R-2. The property consisted of a 3,500 square foot Labor Temple Building at the south end of the site along Garth. There were also two existing dwellings and the foundation of another dwelling along the Sexton Road frontage. The rest of the site was vacant. The request was to zone it C-P and the applicant was asking for all customarily allowed C-1 uses to include dwelling units and the addition of bakeries, assembly and lodge halls, bicycle repair shops, electrical repair shops and shops for custom work. In addition, they wanted medical and dental clinics, which were already a C-1 allowed uses, for future development. Sexton Road was a local street, but

performed much like a collector street, and Garth was a collector street. He commented that there was a large amount of residential property within one mile of this site, which indicated a significant population within walking distance or convenient driving distance. Directly across the street to the east was Oak Towers, which had 147 dwelling units and 200 residents. Directly north, along Sexton, was R-2 zoning and single-family detached structures. To the northeast was PUD-30 property owned by Grace Covenant Church, but there were no residences built on that tract. Mr. Janku understood it was restricted and they could not build there. Mr. Teddy replied that was correct and noted it was a zoning classification, not an indication of the future use. He stated there was a small amount of C-1 at the corner of Garth and Lynn, which was not part of the current proposal, and would remain C-1. There was a narrow R-2 tract south of the subject property with one house, a vacant C-P tract on Lynn south of the property, and R-2 to the west.

The second part was the C-P plan, which was a representation of what the applicant proposed to build. It involved the construction of a vertical mixed use building, which would have ground level retail along Garth Avenue with five apartments above it. They planned to have 4,800 square feet of commercial tenant space and five 3-bedroom/2-bath apartments. Also proposed was a horizontal mixed use building, which would consist of a 10,780 square feet grocery store. According to testimony, it was to be an Always Low Price store (ALPS). There were also two handicapped accessible apartments at the west end of the site. The third building on the C-P plan was the existing Labor Temple. It would be converted into small offices and would function as a small business incubator. He noted variances were part of this request and one included a reduction in number of parking spaces required. Per staff's calculation 115 were required. The applicant was seeking a reduction to 100 spaces of which 85 would be for vehicular parking and 15 would be for bicycle parking. Staff felt the parking variance was reasonable since there was mixed use with complimentary peaks involved. There was also a requested reduction in the front yard on Garth from 25 feet to eight feet for the existing Labor Temple Building. It was currently a legal non-conforming building and staff was supportive of this variance as well. The third variance was for the front yard setback on Garth for the vertical mixed use building from 25 feet to zero feet. It actually showed a setback of 8.7 feet, however, the proposed canopy would come out to the front lot line. Mr. Teddy noted staff felt this seemed reasonable in view of the applicant's attempt to provide a building with a strong orientation to the street. The fourth variance was at the rear of the largest building. A 10 foot setback was required for the portion that abutted the R-2 zoned property, but the applicant was requesting five feet to keep a uniform back line on the building. The remainder of the property abutted C-P zoned property, so a variance was not required for that portion. Staff was supportive of the variance because it was a deep lot. The fifth variance involved reducing a front parking lot setback at the Sexton Road frontage on the north end of the site. They were requesting a reduced parking lot setback from the six foot minimum to a range of zero to six feet. He noted it tapered down as one moved west or away from Garth on Sexton. It was, more or less, a function of the shape of the site and the dimensions across the site. Staff felt it was important to have a strong buffer there because of the transition between commercial and residential land use. The planting plan was approved by the City Arborist and did not compromise City standards for landscape in the

front, but there was a dimensional reduction due to this variance. In addition, there would be a waiver of screening for the Labor Temple Building that fit snugly on its site without much opportunity for live landscaping. Staff was supportive of that variance as well.

Mr. Teddy pointed out staff looked at the consistency of the buildings along the street and opportunity for moving the largest building forward on Sexton, so it would be similar in design to the one on Garth and would have more of a downtown character. The applicant stated it would be very difficult to do and staff concurred that they had some reasons for setting it back. He noted there was a very large drainage structure that ran east/west down the middle of that portion of the site that could not be encroached upon because it was a very large underground drainage pipe. The building could be moved all the way to the front, but that would create another problem because it needed to be maintained for a positive drainage and emergency flow route, so it would make designing for the drainage very difficult. He stated he wanted to address that issue since there were two styles of buildings proposed. He pointed out the plan included an underground detention basin in the parking lot and there was a note of the plan that stated there would be no net increase in the runoff rate compared to pre-development conditions. The plan included 10 foot sidewalks on both street frontages, which was a non-standard design, and some street trees along the sidewalks installed in tree grates. There were no roadway improvements other than access cuts. He noted the width of Sexton Road, which was approximately 25 feet, had been an issue. There was public concern regarding the ability for trucks to maneuver in and out of Sexton. Staff suggested some conditions of approval to include limiting hours of operation, so there would not be a 24-hour business, and verifying from the applicant that the maximum size of truck used for deliveries would be able to negotiate the site. The applicant concurred with limiting the hours of operation and provided truck templates for medium sized trucks. He thought there might need to be further testimony on that issue to convince them in regard to being able to take deliveries and maneuver through the site without creating traffic obstructions. The Planning & Zoning Commission did not recommend zoning and since they voted to deny the request for C-P zoning, they did not officially vote on the plan. There was a lot of comment regarding issues on the site plan, but no vote was taken. Lighting would consist of eleven poles with a 20 foot maximum height. They were described as full cut-off, so the light would be directed downward and would not produce an offensive glare. There was no free standing sign and the wall signs would follow C-1 standards.

Mr. Hutton asked if staff supported all six variances. Mr. Teddy replied they did, but qualified the one involving the parking lot setback because it had single family homes across the street and it appeared there could have been an alternative way of designing the parking lot aisles by taking some space out of the small open space feature in front of the accessible apartments. Staff suggested that to the applicant's engineer due to the legal protest filed.

Ms. Hoppe asked how much of the property was in the floodplain. Mr. Teddy replied most of it was in the F-1 overlay district. Mr. Glascock stated he did not have the exact acreage and explained they tried not to put buildings in the floodplain if at all possible. He thought that was why they set the building back away from the street on Sexton. Ms. Hoppe thought she had read it was 75 percent. Mr. Teddy showed the area on the overhead. Mr. Janku noted Oak Towers was built in the floodplain.

Ms. Crayton understood the City had paid someone twice to fix the flooding at the corner. She asked how the City and this development would fix that flooding problem. Mr. Glascock replied there was no fix for it because it was in the floodplain. The street was built in the floodplain and because it was so flat they could not remove the water fast enough. The applicant was building on-site detention in order to store most of the water they were creating for a slower release.

Mr. Janku asked if the peak would be lowered or maintained. Mr. Glascock replied it would be no greater than it was today. Mr. Janku asked if there was any right-of-way being requested or required to be dedicated. He thought there was mention of a possible future improvement to Garth and Sexton. Mr. Teddy replied they had not requested nor been offered right-of-way along either frontage, but during the Planning & Zoning Commission hearings, the Commission was asked if a traffic study might be appropriate and were poised to make that a condition of approval of the site plan. They had asked staff for guidance and the City's Traffic Engineer provided the general parameters and commented that if some additional right-of-way were given off of the tract at the northeast corner, it might be sufficient for a round-a-bout in the future when traffic volumes grew. That was going to be staff's recommended in lieu of a traffic study.

Ms. Crayton asked if widening Garth was part of the 20/20 plan. Mr. Teddy replied he was not aware of a plan to widen the road.

Mayor Hindman asked for clarification regarding the road improvement. Mr. Teddy reiterated that there was no right-of-way being requested by staff or offered by the applicant as part of this plan on either Garth or Sexton. At one point, however, the Planning & Zoning Commission was asking about the kind of traffic study that should be required if they made it a condition of development plan approval. Staff reported to the Commission that either a traffic study could be performed or some additional right-of-way at the northeast corner of Garth and Sexton could be provided. Mr. Janku understood a round-a-bout might be appropriate. Mr. Teddy noted at some point in the future, perhaps 10-15 years out, traffic volumes would build to the point where a round-a-bout would be desirable. Mayor Hindman asked if it was decided a round-a-bout would likely be needed in 10-15 years, why there was no recommendation to require the right-of-way for it. Ms. Hoppe commented that the Planning & Zoning Commission denied the zoning, so they never got any further regarding that issue. Mayor Hindman understood, but noted it had now come to the Council. Mr. Teddy stated if the Council thought there could be a traffic problem, it could be a potential condition. Mayor Hindman asked if they thought that was significant, why it was not in the staff report. Mr. Teddy replied it was discussed with the Planning & Zoning Commission in regard to their request for a traffic study. He pointed out Covenant CDC was concerned about how much that right-of-way might be.

Mayor Hindman opened the public hearing.

Dave Griggs, 6420 Highway VV, stated he was President of Covenant Community Development Corporation, the applicant of this request, and felt this was a great opportunity for the neighborhood, first ward and the City of Columbia. He stated the zoning request was for a planned business district and felt this restrictive zoning was more appropriate than the C-1 zoning that covered most of the site. Most of the site consisted of vacant lots, but there



were also three residential lots with two houses on them as part of this request. He noted this area had a long history of commercial uses and listed some of the past businesses. Today, this area had increased in poverty, was declining in homeownership, had a lack of jobs and opportunity and included troubled youth. He stated there used to be many small businesses in the community that contributed to jobs, provided a sense of community and provided an opportunity for something to do and a chance to earn a living. He noted a long history of grocery stores and stated they had identified 16 grocery stores that had been in this immediate neighborhood. He understood the largest point of contention in the application was the grocery store. He stated they surveyed the community and their number one choice was to have a grocery store. A petition in support of this project was signed by 117 people of which 92 resided in the first ward and 13 lived immediately across the street. He noted the Garth and Sexton plan was a result of over three years of community meetings, surveys of residents, and people going door to door. The plan consisted of three parts. The mixed use building was an opportunity for businesses to grow with spaces of 930-1,800 square feet for rent. It would include the training and mentoring of those businesses to help them grow and to provide jobs and economic opportunity. Above the businesses would be five 3-bedroom apartments and a support program designed to help residents move into home ownership. The second part was the commercial building/grocery store and would feature local ownership. It would be an ALPS. He noted they had addressed restricted hours in their lease agreement and plan and commented that a management team and mentoring team would be in place to help the tenant and to ensure his success. There would also be a business support center in the old Union Hall, which was an incubator for on-site mentoring and support for start-up businesses in the neighborhood. There would be shared support services and equipment, classrooms for training, meeting rooms and an organized program to reinforce the growth of those businesses. He felt this project had the components necessary to develop neighborhood grown business and opportunity. He stated they were attempting to address the concerns of the neighborhood. He pointed out they were not strangers to revamping the community and noted he was involved in the construction of the The Intersection and the ribbon cutting for the trail dedicated in the area. He thanked the Council and urged them for their support.

John Simon, 13 S. Sixth Street, stated he was responsible for the design of the buildings and Matt Kriete of Engineering Surveys and Services could address site related issues. In regard to the truck circulation issue, they looked at the aspects independently and determined they could circulate a 59 foot truck by coming down Sexton into the property, cuing up to the delivery area and pulling out of the property. He noted most of the deliveries would be made by smaller bread-type vehicles that could come in off of Garth, around the multi-use building, cue up at the delivery door and pull back out. He thought they had adequately addressed the circulation aspect associated with the vehicles on the property.

Ms. Hoppe asked for clarification regarding backing up.

Matt Kriete, an engineer with Engineering Surveys and Services, 1113 Fay Street, described it using the overhead.

Mr. Simon stated they had allocated 15 percent of the site for landscaping purposes. The street buffer strip along Sexton was deceiving because they planned to maintain the 6

foot wide planting strip the entire length of the parking lot. It was an anomaly with the street alignment. He reiterated that he thought they could maintain the 6 foot strip all along the length of the parking lot as a buffer for the adjacent property owners. He noted their percentage was skewed by the Labor Temple Building, which was part of this and occupied its entire tract of ground. In regard to storm water, the engineer had done a study on both the floodplain elevation and the storm water runoff.

Mr. Kriete noted they studied the existing condition of the site as it related to the flood routing through the site. They then inserted the full development of the site and re-routed the storm water with the goal of meeting the zoning ordinance for a no rise certification. Ultimately, this would have to be approved by the Public Works Department prior to any construction on this site. He stated they would have on-site detention that would store enough storm water that the peak of the storms would not be any greater than what was there prior to the development of the site.

Mr. Janku understood there were different storm year levels, like a 25-year storm, and asked what level the peak would go up to. Mr. Kriete replied it was usually a two-year storm, a ten-year storm and a twenty-five year storm. Mr. Janku asked if that was the level they would hold the peak down to. Mr. Kriete replied yes.

Ms. Crayton noted the intersection flooded more often than every 25 years and stated something was needed to alleviate the storm water there. Mr. Kriete commented that it was a much larger drainage area than just this lot and it was something that could not be fixed. It could only be managed because it was in the floodplain. Their goal was to make it no worse than it was now. He stated a 25 year storm was one a person would only see four times in their lifetime and was not a very frequent storm. He pointed out the scope of that project was much greater than what could be handled by a project of this magnitude. It was a capacity problem involving the storm sewers in the area and the fact it was in an existing floodplain. By fixing this problem, it would just shift it downstream. Ms. Crayton asked how many basins were on the property. Mr. Kriete replied he thought there were 5-7. Mr. Simon stated the existing storm sewer was a roughly 3 foot by 10 foot wide concrete structure and in order to enhance the drainage from that portion of town to Broadway and Providence where it discharged, the City would have to acquire additional easements and right-of-ways to construct a newer, larger, wider and deeper storm sewer. He reiterated this project would not make the problem any worse.

Mr. Janku understood parking was located behind the buildings and asked if there would be back entrances so people could enter from the parking lot area. Mr. Simon replied on the multi-story building, there were stairs at both ends of the building to give access to the residents. Their balconies and front doors would be on Garth. Below that would be a covered seating area that would support the retail uses. They thought it might consist of cafés and ice cream shops. Mr. Janku asked if people who parked behind the building could enter from the back. Mr. Simon replied they had to go to the ends of the building to go up the staircase to get to the upper floor. Mr. Janku asked about the retail area. Mr. Simon replied delivery doors would be at the rear of the building. The primary public entrance would be in the front. Ms. Crayton asked how people would get to their apartments. Mr. Simon replied they would enter through the ends of the building.

Ms. Hoppe asked if the grocery store was smaller and they removed the two apartment buildings, if they could put the building adjacent to the street. Mr. Simon replied that anything was possible, but pointed out there was a certain size and characterization that the retailers felt to be critical to make the grocery store viable. He stated Hyvee was about 67,000 square feet and Moser's was 40,000 square feet, so this was a small store in comparison. They had to have enough product mix to make it viable for the operator to make a living. He noted the two residential units at the end of the building were intended to satisfy accessibility issues and that they were trying to keep the cost down by avoiding an elevator.

Mayor Hindman understood they were counting this as being a neighborhood friendly setup and he agreed in many ways, but stated he was disappointed in the building setting back with the parking lot in front instead of over to the side. He thought if this was to be a highly pedestrian-friendly neighborhood grocery store, there needed to be clear pedestrian access to it. In looking at the diagram, he noted a great sidewalk along the street and in front of the grocery store building, but did not see a sidewalk going through the parking lot to the street. He felt for the type of business they were trying to establish, it would be a big improvement to have a direct, comfortable pedestrian/bicycle access to the grocery store directly from the street. Mr. Simon concurred and stated one of the difficulties was producing this amount of work at this stage in the project. He stated they were highly developed, but noted they had not done the final documents for construction purposes and were open to some positive input and refinement. Mr. Janku commented that when they approved something with a plan, they expected it to be built according to the plan and noted the design parameters read "the exact location of the footprint of the building may be modified at the time of the building permit, submission or approval as long as the total square footage limitations was not exceeded." He was concerned because someone could come in and build something very different. Mr. Kriete stated they generally had to conform to what they were showing the Council. Often when one brought in a C-P plan, it was nothing more than a box on a piece of paper with the number of square feet, so when it came time for the architect to create the building with nooks, crannies, columns and entryways, it no longer looked like that box. That could be perceived as needing a revision of the plan and this statement was meant to avoid unnecessary revisions when they had met the spirit of what was approved. In this case, Mr. Simon had already gone through this development, so it would be substantially close to what the Council had.

Mr. Kriete understood Ms. Crayton was concerned with the buildings on-site flooding and stated they would be designed to meet City ordinance, which required them to be floodproofed or at least two feet above the peak flood elevation of the 100 year storm. As it sat now, it was two feet above the flood elevation. In regard to the pedestrian access mentioned, he stated they would be willing to do that, but noted they might have to sacrifice one or two vehicular spaces and turn them into bicycle spaces. In regard to landscaping, it did not compromise what was intended by the ordinance and met the spirit of providing a good landscape buffer. In regard to other concerns expressed, he noted the Fire Department had reviewed the plan and recommended approval through the review process prior to it being received by the Planning & Zoning Commission for hearings.

Larry Monroe, 2601 Rose Drive, stated he was a Covenant CDC Board Member and noted they were interested in Columbia's future. He pointed out 46 years had passed and no one in Columbia had given any attention to minority entrepreneurship within the community. They once had it, but urban renewal took it away. The CDC was trying to bring it back into the inner city. He had noticed through his travels that most inner cities were open to decay and were totally forgotten. He hoped this was one issue that would change that mindset. He commented that Columbia had always been a progressive City and he hoped it would continue to be that way. He asked the Council to vote favorably for the project.

Larry Sutton stated he had been living in the first ward for 36 years and hoped to be the owner and operator of the proposed grocery store. He commented that he could talk about what the development would mean for the community, the community support, the convenience, the services and the job opportunities, but felt it boiled down to opportunity. He noted they had a site, an owner/operator and financial support. He stated he had a contract on his desk at home, which allowed him to operate the store for at least 20 years and if he could not fulfill that obligation it could be passed on to whomever, but the contract had a condition which was based on the Council's vote. If they voted yes, it gave him an opportunity to help his community by providing a service the community deserved. If this was not passed tonight, the funding would not be there and there would continue to be an empty lot with problems until something else came in line.

Pat Kelley, 1007 Grand Avenue, Vice President of the Ridgeway Neighborhood Association, read a letter from the President, Rebecca Schedler, which stated she had known the Grace Covenant people for sometime and believed they were trying to help the neighborhood. Unfortunately, they did not plan their Garth/Sexton project proposal with input from all of the neighbors. She had been led to believe the grocery store would be a mom and pop convenience store and could not believe when it described as six times the size of the Labor Hall they were meeting in. She felt that was comparable to the Moser's on the Business Loop and did not belong in a residential neighborhood. She understood semi-trucks would not have a place to pull in to unload and would be unloaded out front. It was not clear how customer traffic would be routed and Sexton was not wide enough to accommodate it. Also, additional retail shops would face residential use. She did not think the plan had all of the bugs worked out and asked the Council to deny the rezoning.

Ms. Kelley noted she, herself, had been to eleven meetings on this issue and did not like the idea that without this particular plan, there would be decay, no opportunity, and no new life in the neighborhood. She stated the City had provided CDBG funds for home rehab, first time home buyers and demolition of old properties that were falling apart and believed they needed to support the people who were engaged in these programs and revitalizing the area as individuals or groups to protect the residential neighborhood. She thought they should be focusing on whether this was appropriate zoning. She noted the Planning & Zoning Commission denied the request because they did not feel it was appropriate zoning. There was too much in too little space. There were seven apartments, five shops, an 11,000 square foot grocery store and a parking lot. She commented that there were six variances because there was not room for the normal buffers. She also did not see this as subscribing to a new urbanism philosophy because the parking lot would not be in front of the grocery

store if that was the case. She understood they would rent three bedroom family apartments, but noted there was no green space or a place for children to play. She did not believe the storm water controls would be adequate and felt they needed to be more forward thinking than concrete and traditional basins. She commented that there was a lot of traffic with City buses and school buses, there was no traffic study and it was across from single family houses. She noted the Neighborhood Association was willing to support using the part that was already commercial and turning that into a planned commercial area, but did not support turning the residential part into a grocery store because they felt there could be a better use.

Karen Cupp, 117 Fourth Avenue, stated she was idealistic, which was why she moved to Fourth Avenue eight years ago, and that she used to be active in the Ridgeway Neighborhood Association, but was no longer a part of that group because she had hope for the neighborhood. She noted if this was suggested in any other part of town, it would not have the same type of scrutiny. She felt this was their Cherry Hill. Everyone thought Cherry Hill was wonderful with its mixed use and being something out of the ordinary. She believed it had been very successful. She did not know about the floodplain, but commented that Oak Towers was placed there. When it flooded, it flooded the intersection and went away fast. She noted there were a lot of intersections that flooded and that had not kept anyone from building at those locations. She also thought the City could handle any storm water problems. In regard to children, she noted the school playground and Optimist playground were there. She felt many of the opposition's comments were not valid and that there were a lot of people who did not attend the meetings. She thought it was a great idea and understood it might not be perfect, but was something that gave them hope.

Angelique Asher, 208 Lynn Street, stated she was against the project and was not a member of the Neighborhood Association. She noted getting the City buses and school buses down Garth and Sexton was a tight squeeze and they were not as big as a delivery truck. She felt having an empty parking lot would also increase crime in the area and that was a concern to her as a parent. She suggested they build a community center offering after school activities for kids if they wanted to help the community. She hoped the Council would vote against it.

Charity Clark, 517 W. Sexton, felt hope was great, but noted if it did not meet all of the standards of the community, it would not work. She stated she would love to support Mr. Sutton and wanted him to have his grocery store, but felt it was too big. She stated she supported the mixed use building and was looking forward to seeing some small locally owned businesses in the area and would support those. She noted she would even support Mr. Sutton if he got his big grocery store, but felt it was not right for them. She thought the details mattered and they would affect the community in long run. In regard to the petition, she understood CDC said they had 117 signatures. She noted she counted 86 and some were duplicates. In addition, it included people who did not have all of the information and had changed their minds and signed another petition against it. She stated the total ended up being 61 instead of 117. She reiterated she thought it needed to be smaller and would support a smaller plan.

Steve Hennes, 205 E. Sexton, asked the people present in support of the proposed rezoning to stand and about 25 people stood. He quoted a prominent businessman who said

the health of an urban core area was a barometer of the overall health of the City. He thought this project was about the City, private entities and citizens making investments in the heart of Columbia and felt it deserved the Council's support. He stated the project would strengthen the neighborhood economy. They were partnering with minority contractors, supporting local entrepreneurs and would link local entrepreneurs to business development resources. He thought this project would actually combat crime. The strategy was to strengthen the neighborhood businesses and create jobs to give people options other than illegal activity. It would stabilize families by stabilizing incomes and would increase home ownership. In addition, people would be living on the site day and night, which acted as a deterrent for crime. He noted, as a resident of the area, the traffic problem was quite something at Ridgeway School a couple of times a day when there were hundreds of people coming and going in vehicles. As neighbors, they supported that traffic because it was traffic that built the neighborhood and community. He felt the traffic this project would generate would also build and support the community. He asked the Council for their support.

Donna Cullimore, 111 W. Sexton, stated she had owned her home since 1990 and provided the Council with a map of the floodplain, which the project was completely encapsulated within. She also provided the Council with a small map showing the people surrounding the development, who were either against it or had serious questions regarding it. She felt idealism had to be married to practicality and there were many practical problems with this proposal. As a homeowner across the street from the proposed grocery store, she was very concerned about flooding. After 1.25 inches of rain, the entire roadway of Garth was covered with water, the sidewalk was two inches deep in water in five foot long sections and the ground was thoroughly soaked. The compressed urban hydrology of putting a parking lot with a basin underneath would not take care of the flooding problem. She noted they indicated they would keep it the same as it already was and would not improve it. She felt the addition of the pavement would make it worse. She stated the addition of that much intense development would add to the trash that went into the Flat Branch area and flood waters. She noted the new storm water manual would require things to be done in a much different way than the way this project was approached. She also noted this would bring a tremendous amount of traffic to an area that was already problematic. Sexton was a reduced size residential street and was not capable of handling all of the extra traffic. She commented that the engineers and architects were not professional truck drivers and she felt they would back up in her driveway.

Dewanna Miller stated she grew up in the area and thought this was a good thing. She stated when she was growing up, her brother worked at Aldi's when it was up the street. She felt this development would give kids an opportunity to have jobs and stop the illegal activities they were involved with. She stated if the Council defeated this, they would take away the opportunity for them to see what they could grow up and become. She felt this would give her kids the hopes and dreams of growing up and being successful. She noted the traffic and flooding had been in the area all of her life and it was not going to change.

Bill Lloyd, 504 Rothwell Drive, stated he did not reside in the neighborhood, but felt as though he lived in the neighborhood because he was a member at Calvary Baptist Church and spent a lot of time in and around the Garth/Sexton intersection. He also served on the

City Loan and Grant Committee, so he had the opportunity to view renovations going on in the residential world of the neighborhood. He commented that when he looked at the request, it made a lot of sense to him. When looking at new development in Columbia, the typical pattern was that the rooftops went up and commercial development followed. In this neighborhood, the rooftops were there. The opportunity for growing teens and adults to find work in a location near their homes was a positive. He stated he was not always in favor of C-P planning, but liked the idea in this location so there were controls to ensure what was placed there made sense, would fit in and would not be a detriment to the community. He asked the Council to approve this.

Sonja Barnes, 601 McBaine, stated she had been in the area for only 3-4 years and was representing her kids. She saw this as concerned citizens coming up with something to help her save her kids from the street. She agreed that one person could not raise a productive child and that it took a concerned community. She saw the flooding issues and the traffic problems, but she also saw a future for her children and a way to raise their self esteem.

Barbara Hickam, 221 W. Sexton Road, stated she had been in the area for 40 years and nothing had been done on the corner. She thought this was probably the best thing that could happen for them, but she was not sure they needed the apartments. She understood they needed something for their children, but in order to have that, they also needed to have hope and admiration for the parents of the children and the community. She thought the traffic, sidewalks and floodplain area also needed to be looked at. She noted the floodplain could be not be changed, but the development could be changed so it was not as large, while still accommodating what they wanted to do and helping the neighbors across the street and in the area.

Vernon Forbes, 1007 Grand Avenue, commented that he had lived there for 20 years and was also an idealist. He stated the value he was trying to preserve, by urging the Council to deny the ill thought out plan, was the hopes and dreams of people getting involved in politics that were shut out of the planning process. He understood the genesis of this idea, the grocery store, came from attending a Christian finance conference on how to build a church and they then solicited Mr. Sutton with an ALPS store in the neighborhood. He questioned their values and felt they were exploitive, opportunistic people coming into their neighborhood.

Tyree Byndom, 6403 Chelan Drive, stated he had been a resident of Columbia for 22 years and when he first moved to town, he lived on Lynn Street. He stated due to his beliefs he was looking at this project as a neutral observer. He looked at the integrity of the corporation and the character of the people to ensure this was not another ploy to exploit the community. He noted that when they talked about traffic, they assumed people had cars and bicycles, but not everyone did. He stated he looked at the concerns from both sides and had read the letter from the Ridgeway Neighborhood Association. The letter noted the issues, but also asked if they had the willingness to listen to the opinions and make changes based on those opinions. Mr. Byndom stated he had sat in on a Board meeting and saw that they went through a process of discussing the concerns. He recalled the place where The Intersection

was now located used to be crack houses. He stated he was not for or against the project, but was making comments as a neutral observer.

John Clark, 403 N. Ninth Street, noted he participated in the discussions regarding the Kilgore rezoning and stated that had not happened here, and therefore, he was asking the Council to reject the application as filed. He commented that no one opposed the good things that could come from the incubator or the mixed use building. It was the rezoning of the R-2 land to C-1 uses that the people were opposed to. He noted the uses had not been restricted similar what Kilgore agreed to and the list for an open C-1 was endless. He felt this was a bad zoning proposal. He did not think a grocery store at that location or a minority owned business was a bad idea, but felt the issue was that the grocery store was too big. This proposal was just under 30,000 square feet of leaseable space and he felt those projects were only meant for intersections of arterial streets. He did not understand why the staff recommended this proposal. He thought the Ridgeway Neighborhood Association and Douglas Park Neighborhood Association supported the mixed use, but were asking for the removal of the request for zoning for the grocery store, which was the R-2 land. He asked the Council to vote against the proposal.

Sharon Pennington, 3415 Nottingham Court, stated that when she moved to Columbia in 1974 she lived in the area being discussed and since that time, there had not been a lot of changes in the area. She lived across the street from Ridgeway School and noted the traffic had never changed. She commented that people had to walk to the stores, if they did not have the necessary transportation. She was concerned for the group of people who lived across from this area that had a greater need than some of the people that lived further out. She stated that although she, currently, lived outside the neighborhood, she supported the neighborhood. She commented that flooding had been a problem since she lived there and it would continue to be a problem until something more was done. She asked the Council to consider all options and to also look at the needs in the community. She wondered if the real issue was the zoning or the fact the businesses were not wanted there.

Raymond Warren, 208 E. Sexton Road, understood the Planning & Zoning Commission had already made their decision on this project. He stated if he was a member of the Commission and the Council approved this, he would be concerned because he felt this was supposed to be a working unit. He thought they had an interest in the City just as the Council did. He noted the project had some good and bad to it. One of the main things was that it would overload the area. He commented that the property behind this project belonged to him and he had been wrestling with it for 14 years. Every conceivable way one could name or dream of had been executed against his project. When talking about who was building what for the sake of the community, he thought they had offered as good of a project. He noted the City was concerned with the size of his land and water runoff. He stated they had suffered in regard to their dream and endeavor. He asked that as the Council made its decision that they be mindful of the fact that people were counting on them to provide a fair judgment to all concerned and to not be persuaded by a surface that looked good, but left questions in their minds regarding whether it would be good for the future.

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



Mr. Janku understood the Board recently held a vote on whether or not to have alcohol sales as part of the grocery store and asked for clarification. Mr. Henness clarified the CDC adopted a policy on alcohol sales for the entire development, including the grocery store, mixed use building, the labor union and businesses that located there, to limit alcohol sales by any CDC client to packaged beer and wine only and to limit displays to less than 2 percent of total floor space. There would be no hard liquor sales. The CDC would also permit businesses selling food to sell alcohol subject to this guideline. If a restaurant was located there, it would only be allowed to sell by the drink inside to seated customers with a meal. The guideline would strictly prohibit stand alone bar facilities and would be consistent with restaurants elsewhere. They classified this as an alcohol safe zone. Mr. Janku wondered what they could legally put in place to track the issue as a zoning matter. Mr. Henness explained that was the reason the CDC adopted the policy. If it was not a part of the zoning, this was the organization's stance on the alcohol issue for this property within their ownership.

Mr. Hutton noted several people that spoke in opposition were mainly opposed to the size of the building and asked if the store was at a minimum size or if it could be smaller. Mr. Sutton replied that if the store was reduced in size, it would be difficult to make it competitive. He stated they were talking about prices below Aldi's and were competing with that type of store. They did not want to be a convenient store and charge convenient store prices. They would be a limited assortment store and would not carry every brand. He noted they needed to put as many items in the store as they could because they did not have a high mark up value. Reducing the size of the store would impact them heavily.

Mr. Hutton asked Mr. Simon if he had done any new c-stores lately. Mr. Simon replied no. Mr. Hutton thought the average c-store was approximately 3,000-4,000 square feet. Mr. Simon agreed due to the soda displays and other items integrated. Mr. Hutton assumed 15-20 percent of the grocery store would be storage space. Mr. Simon noted in this grocery store most everything would be on the shelves, so they would have a very small stock area. Mr. Hutton recalled someone comparing this to the Moser's store and thought the Moser's store was about 40,000-50,000 square feet. Mr. Simon stated he had not measured it himself, but heard it was 45,000 square feet. HyVee was closer to 70,000.

Ms. Hoppe understood the big concern from the Planning & Zoning Commission was that this was too much in a small space and the grocery store was too big for the small space. She asked what other grocery store options were looked at, what type of money were they trying to garner and whether there was any connection in terms of this needing to be a big store to fund the church.

Dana Battison, 7200 E. Highway VV, stated that in regard to the size of the store, they looked at other options, but an Always Low Price Store and Save-A-Lot Store were in the 10,000-12,000 square feet range. If this dropped to 4,000 square feet, which was almost half of the size of the current store, it would move into a convenience store range and they could not stock enough volume to be part of a chain where the prices were low. They did not want a situation where a low income neighborhood was paying high prices for groceries. She explained they did not need another convenience store. They needed a full service grocery store that provided reasonable prices. She noted it would not be a tragedy to reduce the size

a few hundred feet, but Mr. Sutton was hoping to have a service counter for buying stamps and paying utility bills. She felt those were needed services in the community and the counter for that would be about 200 square feet. Having room for that, in addition to what was essential for groceries, was the reason for the size. She noted this had a 28 percent of finished floor space ratio, which was on the high end of normal, but was not out of range.

Mr. Griggs read a part of the CDC's officially adopted policy which stated it "restricts charitable donations by the CDC to non-profit organizations providing community development services to the neighborhood surrounding Garth and Sexton and prohibits charitable contributions of any kind to churches." He noted the reason they did that was to address those financial types of questions. He pointed out the Covenant CDC had no connection to Grace Covenant Church and it was a completely separate organization. If the grocery store wanted to contribute to the church bizarre, that was the grocery stores business, but no monies from this project would be funneled into the church.

Mayor Hindman stated he was concerned about the lighting on the parking lot because it was in the neighborhood with houses immediately across the street. He wanted to be sure they would not put in more lighting than was necessary and would do everything possible to protect the neighborhood from lighting. He understood they would be 20 foot poles and did not know if that was appropriate or not. He thought the poles at the Walgreen's at Nifong and Forum were shorter. Mr. Simon stated they would be conscientious of the issue. Mayor Hindman stated he was also concerned about lighted wall signs for the same reason. He noted discussion about the willingness to give up property for a potential round-a-bout at the intersection and asked for comments. Mr. Simon replied that on the corner of this development, they had slated a small pocket park concept. They had not refined the characterization of what it might be and could potentially compromise the bus stop/pocket park concept to give more right-of-way for a round-a-bout. Mr. Henness stated they could consider the D & H Pharmacy location at West Broadway and West Boulevard as an example of how commercial and residential could coincide. He understood they had shielded lighting and it appeared they had no intrusion of lighting in the surrounding homes. Mr. Kriete noted there was not a lot of right-of-way in the area and they would need to acquire right-of-way from Oak Towers, Grace Covenant Church and the property across the street as well. He thought it would have a significant impact.

Mr. Janku stated he questioned whether they should consider not selling alcohol because it could attract a business that would scare off other businesses. He understood they could self impose whatever restrictions they wanted, but there was no way for the City to enforce it unless it was part of the zoning ordinance. He wanted to ensure the controls would still apply if another owner took over the property. He understood the suggestions made by the applicants were that the square footage of the grocery store devoted to liquor be restricted to 2 percent and that liquor would only be sold by the drink for consumption on the premises for restaurants and suggested they make motion to amend the ordinance to reflect that. He thought it would be helpful to minimize the impact on the adjoining neighborhood and was consistent to what the applicant was trying to do.

Mayor Hindman stated he was very much for this project. He noted the neighborhood had not changed positively in many years with the exception of The Intersection. He thought

there were some weaknesses in the plan, but felt perfection was the enemy of progress. He thought this represented hope in the neighborhood. He stated he visited a similar development in a run down area of New Orleans where a restaurant was set up as a not-for-profit and the young people cooked, waited on tables and learned about food service and business management. The stores were also operated by people in the neighborhood. He felt this was an opportunity to see something like that happen. Right now there was significant decay in the neighborhood. There were houses that needed to be repaired or torn down and were being used for illicit purposes, and there was an empty lot. He stated he had read that it was the empty places where crime developed. He noted they had an opportunity for minority employment and minority entrepreneurship. He agreed it would be nice to have a smaller grocery store, but wondered what would happen if this did not happen because they had already gone a long time without anything happening. He thought if they said no to this, they would go a long time without anything happening again. He heard complaints regarding density and thought they wanted density since that was what got people out on the streets to keep crime from occurring. He asked if they wanted a smaller store with high prices or a larger store, which was smaller than other grocery stores, where the prices were fair. In regard to traffic, he did not see this as being a huge traffic generator. He agreed flooding was an issue, but felt they had to do the best they could regarding that. He stated when he weighed the pluses and minuses, it was a clear cut decision that they should do this.

Ms. Hoppe stated she agreed with a lot of what was said about the area. It should be dense and was a great opportunity for minority employment, but she also wondered, based on the Planning & Zoning Commission meetings, whether this was the place for all of that or if there were other options. She noted it was not in conformance with the Metro 20/20 and although it would be similar to D & H in terms of lighting, that was on two wider arterial roads. She stated the roads at this project were very narrow and felt the intense commercial was too much for this area. She thought there were other options. The neighbors were in favor of the multi-story commercial. She agreed with the Planning & Zoning Commission in that if they needed a grocery store this big to accomplish a purpose, this was not the spot for it. There were other places close to this area where this would fit. The neighbors across the street, who would be impacted by this, thought this would be an ideal place for handicap accessible or senior residential and they would be creating jobs, which was one of the purposes of the development. She felt the storm water was a huge problem and they would have the opportunity to improve it, if it was not so dense. She would give deference to the Planning & Zoning Commission because they had gone through this regarding all of the problems. She wanted the C-1 to be planned or stay C-1 and a different use for the R-2 that was more in conformance with the area it was being put on. She noted they had a lot variances because it was hard to fit all of the on this property. She stated there were nice homes around the area and they did not want to run down the value of those homes. She reiterated that there were other options and that they did not have to put it all there at once without the required traffic controls.

Ms. Crayton commented that the rent on the Business Loop was \$1,500 and they had two African-American businesses on the Business Loop that went under within three months. The rent was high everywhere, so starting a minority owned business in this City was

obsolete. She noted the neighborhood originally had businesses in it, but due to zoning, it was hard for people who would come into the neighborhood to create jobs. She explained she sat down with the neighbors and CDC and was disappointed with both groups. She wondered what would happen if they said no. She suggested they include restrictions to make them accountable for what was put in the neighborhood. She asked for the flooding to be fixed, if it was possible. She wanted to know what would happen if the store went under. If she supported this development, she wanted to see them held accountable. She did not think the restrictions of the Neighborhood Association were wrong, but she also noted that they needed jobs in the area and felt this would provide that. She stated she would support it, but would not support it blindly and wanted to see some of the things requested by the neighborhood.

Ms. Crayton made the motion to amend B298-06 by adding language to Section 1 after the sentence stating “drive-up facilities shall not be allowed” reading “Sales of alcoholic beverages shall be limited to a grocery store and a restaurant. Sale of alcoholic beverages in the grocery store shall be limited to beer and wine; sales space for alcoholic beverages shall be limited to 2 percent of floor area. Sale of alcoholic beverages in the restaurant shall be limited to liquor by the drink for consumption on the premises.” The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Crayton was not sure what they required around the Kilgore property in regard to buffering, but she wanted a berm or something similar because she did not want the parking lot lights shining into the residential homes. She also did not want to hear idling early in the morning. She noted that was a restriction for one of the Wal-Mart stores and wanted the same thing done here. Ms. Crayton asked if they agreed to the maximum size of the truck. She thought they agreed to no bigger than a UPS truck. Mr. Teddy replied the truck templates they saw were a 36 foot bus template and a 40 foot axel to axel truck template. If the delivery trucks were within those size limits, he thought it would work. Ms. Crayton asked where the dumpster would be. Mr. Teddy replied they had to meet City standards on the trash enclosure. Mr. Janku asked where it was on the plan. Mr. Hutton replied it was on the east side of the building between the two buildings. Ms. Hoppe stated it was behind the multi-use building.

Ms. Crayton asked about the sidewalk and where it stopped. Mayor Hindman replied it stopped halfway through the parking lot. Ms. Crayton asked if the two residences on the end had sidewalks. She thought there needed to be sidewalks if disabled people were in the units. Mayor Hindman thought if they let the sidewalk he was referring to go out to the street, there was a big wide sidewalk going from the apartment house that would lead to that sidewalk. Mr. Janku understood she was talking about the west side of the grocery store and asked if they had direct access to the street system without going through the parking lot. Mr. Simon thought that had been described by the Mayor in terms of a potential sidewalk being brought along the west side of the property. Ms. Hoppe stated she thought Ms. Crayton was wondering how they would get from the sidewalk on Sexton to the two accessible apartments on the west side. Mr. Simon replied that they originally thought they would dedicate some parking associated with the apartment use on the west end of the building, but noted they probably needed to think that through. Ms. Crayton stated most of the people she knew in

wheelchairs did not have cars. Mr. Simon pointed out they would have to demonstrate an accessible route through the property to these units as part of their review with Protective Inspection. He noted there were some details that still needed to be worked out.

In regard to the driveway entrances, Ms. Crayton thought the first driveway entrance was fine, but noted the second entrance was at a house. She asked if they could move that entrance. Mr. Loveless thought it would be in front of someone else's house then. Ms. Hoppe asked if it was across from someone's drive-way or in front of a house. Mr. Loveless replied both. Mr. Simon stated that he did not think the trucks would be exiting from that driveway. He thought they might enter from that driveway to cue up properly for the delivery area, so head lights would not be shining in that direction in terms of them exiting. He explained that if they reconfigured the lot for a shift on the driveway entrances, they would compromise additional parking.

Ms. Crayton noted they previously had a problem regarding parking on Lynn Street where people parked in front of driveways. She asked what could be done to avoid that issue. She wanted to ensure their customers stayed on their parking lots. Mr. Simon stated he did not know how they could restrict where people parked other than having a relationship with the police to ticket and tow.

Mayor Hindman stated he was concerned they were in a situation where they were trying to work out details and asked if they could approve the zoning and table the plan or if they approved the plan as it was now, if they could they work these issues out with staff. Mr. Boeckmann replied they could amend the ordinance to take out approval of the plan. Mr. Loveless asked if this was the final step on the plan. Mr. Boeckmann replied this was the C-P development plan approval. Mr. Hutton noted he already talked about making changes to it. Mr. Janku stated they had no guarantee of what the changes would be. Mr. Boeckmann noted any changes made would have to be limited or they would have to come back. Mr. Hutton understood minor changes could be administratively approved. Mr. Boeckmann noted they could table the entire thing. Mr. Janku did not think that was a bad idea. He thought they owed the people involved the time to do it right. Ms. Nauser asked for clarification regarding the changes they were asking for. Mr. Hutton thought the Council would have to give the applicant specific instructions. Mr. Janku stated they could meet with Ms. Crayton and communicate with the other Council Members obtaining their suggestions. Ms. Nauser stated it appeared to her that they were nit-picking. Mr. Hutton stated if he were in the audience, he would want to know what it was they wanted. Mayor Hindman thought they already indicated that. Ms. Nauser understood they already complied to the height of the light poles per the resolution. She asked what it was the Council wanted to know in regard to the lighting. Ms. Crayton suggested they table the issue and stated she would talk to the applicant. Mr. Hutton noted he would not be at the next meeting. Ms. Nauser thought it was remiss of them to think these people, who were putting this kind of money and effort into a development, would just throw it together. Ms. Hoppe noted on the other hand, there were valid concerns and they wanted to make sure it was done right. Mr. Griggs stated they were more than willing to sit down with the Council and/or staff to address any concerns they could address. Since Mr. Hutton would not be at the next meeting, he asked that they go ahead and vote on the zoning. He stated his preference would be that the Council work with staff

and staff provide them with a list of concerns, issues and possible proposals. Mr. Hutton asked if it could come back without going to the Planning & Zoning Commission. Mr. Teddy noted the plan had been through the Planning & Zoning Commission. He wondered whether the ordinance could be separated. Mr. Boeckmann thought it could, but they would have to introduce an ordinance at the next meeting for approval of the development plan, which meant it would not be taken care of for another month. They could do that or just continue the whole thing. Mayor Hindman thought with the protest petition, this was very significant. Mr. Boeckmann noted the protest petition would apply to the plan as well as the zoning. Mr. Griggs stated if it would take a super majority vote on both, he did not see the need in splitting them up. He pledged they would do everything they could to address the concerns of Council.

Mayor Hindman made the motion to table B298-06, as amended, to the October 16, 2006 Council meeting. The motion was seconded by Ms. Crayton.

Mr. Loveless asked what it was the Council wanted them to change. He understood it involved a sidewalk going to the apartment building on the west side from the ten foot sidewalk along Sexton and questions about the light standards. He asked if there was something else. Ms. Crayton stated she was asking for the same type of restrictions they put on the Kilgore property. Mr. Hutton thought she would have to be more specific. Ms. Crayton noted she wanted the trees, sidewalks, lighting, and trash issues to be resolved. She understood it seemed petty, but commented that if they did not do it now, it would not be in the plan. Mayor Hindman noted there were other issues like the apartment building having facilities for people with disabilities and stated the architect admitted there would have to be some rethinking of the accessibility. Mr. Loveless thought a sidewalk going from Sexton to the apartments would resolve that. Ms. Hoppe stated the landscaping on Sexton was another issue. Mr. Hutton understood there was a landscape plan.

The motion, made by Mayor Hindman and seconded by Ms. Crayton, to table B298-06, as amended, to the October 16, 2006 Council meeting was approved, with Mr. Hutton, Mr. Loveless and Ms. Nauser voting no.

**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 read by the Clerk.

Mr. Watkins explained this was a proposal to rezone property located between Paris Road and Alpine Drive. The Planning & Zoning Commission recommended approval subject to some additions. He noted there was a revised list of proposed C-P uses submitted with this proposal. Mr. Teddy stated the amendment sheet distributed to Council represented the product of discussions between the applicant and certain neighbors. There were modifications to the uses and some uses were limited to the south half of the subject property.

Mayor Hindman opened the public hearing.

Jay Gebhardt, a civil engineer with A Civil Group, 1123 Wilkes Boulevard, stated he met with the neighbors and believed they had come to an agreement.

Jay Arbuckle, 3112 Hill Haven Lane, stated they met with Mr. Gebhardt at the Schuster residence and negotiated the issues they had with the development. They proposed confining fast food restaurants and convenience stores to the southern half of the property. The northern half would have no 24-hour services, but there was the possibility of restaurants being open until 1:30 a.m. He noted the applicant had a very specific plan in mind for that tract and they were okay with the plan.

Mayor Hindman asked if this was all shown on the amendment sheet. Mr. Boeckmann replied he assumed it was.

Phebe Lamar, an attorney for the applicant, stated it was.

Larry Schuster, 3109 Hill Haven Lane, stated they had a meeting and he agreed with the statements of the previous speaker.

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

Mr. Hutton made the motion to amend B299-06 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on B299-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B323-06 Voluntary annexation of property located 750 feet southwest of North Stadium Boulevard/State Route E; establishing permanent R-1 zoning.**

The bill was read by the Clerk.

Mr. Watkins explained this was a voluntary annexation of about 30.5 acres in northwest Columbia to R-1 zoning. The Planning & Zoning Commission recommended approval. This item had been tabled due to Council discussion regarding a pedway route through the property that could tie into a future Perche Creek Trail. He thought that item had been worked out with staff. Mr. Teddy noted they provided both a letter from the applicant's engineer addressing the green space trail easement and a sample from the pending preliminary plat showing the topography and lot to be described as a green space trail easement. Mr. Watkins understood the Parks & Recreation Department had also been involved in those discussions.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering Consultants, 2608 N. Stadium Boulevard, thought the questions Council had were addressed by letter, but stated he would be happy to answer any further questions.

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

The vote on B323-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, JANKU. VOTING NO: NO ONE. ABSENT: CRAYTON (Ms. Crayton stepped out during the discussion for B323-06 and did not return until after the official vote was taken.) Bill declared enacted, reading as follows:

**B367-06 Rezoning property located on the east side of State Route B, north of U.S. Highway 63 from M-C to M-P; approving the M-P Development Plan of Route B Commercial Complex.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would rezone approximately three acres on State Route B to allow for the development of an 8,300 square foot convenience store/restaurant with gas pumps and a car wash. The Planning & Zoning Commission recommended approval.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering Consultants, 2608 N. Stadium Boulevard, stated he represented the applicant and felt the uses of the parcel, which was roughly three acres with only two acres of usable space, fit the area and complimented the other industrial uses. He noted they did everything they could to abide by the new lighting standards even though they were not yet in effect.

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

The vote on B367-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B368-06 Approving the Verizon Retail/Office Building Lot 7 & Part of Lot 8 Broadway Bluffs C-P Development Plan located on the north side of Broadway Bluffs Drive, northwest of the intersection of East Broadway and Trimble Road.**

The bill was given second reading by the Clerk.

Mr. Watkins explained the proposed development would consist of a 10,270 square foot combined retail and office space. The Planning & Zoning Commission recommended approval. Mr. Teddy stated there was an amendment sheet due to minute details of the plan being changed. He pointed out there were no changes of consequence to the plan.

Mayor Hindman opened the public hearing.

Jay Lindner of Forum Development Group, 1400 Forum Boulevard, noted this was another development in the Broadway Bluffs area and showed it on the overhead. Site lighting included 20 foot parking lot heights will full spill control. Traffic for this area had been a concern and since this building was mostly office space, the traffic effects were negligible. Although, this parking lot did not require bike facilities, it would include bike facilities as well as pedestrian access from the street. He understood parking was a concern that had come up at the last public hearing. He noted 42 regular parking spots were provided, which he felt was justified for the building. If this were a shopping center, 40 spaces would be required. He showed pictures from the park looking at the retaining wall and noted it was difficult to see for the untrained eye. In addition, they planted ivy along the retaining wall and would continue to plant more in order to provide a nice green cover on the walls year round. He pointed out this site sat lower on the property than some of the others, so it already had a better starting point below some of the trees.

Mr. Loveless noted on the plan, in front of the trash enclosure was the designation of a truck well drain and asked what that was.

Matt Kriete of Engineering Survey and Services explained the drain itself was just to drain storm water and noted it was nothing more than a storm sewer. Mr. Hutton understood it had nothing to do with a truck or a well. Mr. Kriete replied that was correct.

Ms. Hoppe thanked them for the ivy and asked if the boom described in the photos was the top of the building and if the pictures were taken to see if it would clear the trees. Mr. Lindner stated that was correct.



Ms. Hoppe asked if the storm water runoff was first going to an underground detention pond. Mr. Kriete replied there was a storm water detention system on site and the storm water would pass through there. There were some relatively isolated area that would drain past the detention basin, but the detention basin was designed at peak and would not be less than the pre-development flow. Ms. Hoppe asked where it would drain if it did not go into the detention and how much of an area it involved. Mr. Kriete replied there was an area of about 4,000 square feet that drained toward the north and there would be a heavy erosion control fabric placed to reduce any potential for erosion or sediment runoff in the Hinkson Creek. Ms. Hoppe asked if it would be filtered as it ran off. Mr. Kriete replied it would through the grass along the vegetated slope. Ms. Hoppe asked if that was going to Hinkson Creek. Mr. Kriete replied yes, but added that it went through a lot of vegetation. He stated it was a relatively small area and not much bigger than a residential home.

Ms. Hoppe asked if there was any lighting in the back, facing Stephens Park, other than the windows. Mr. Kriete replied there would be no building lights on the north side of the building towards Stephens Park.

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

Mr. Loveless made the motion to amend B368-06 per the amendment sheet. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

The vote on B368-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B376-06 Authorizing renovation of the playground and construction of a new shelter at Cosmo Bethel Park; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize the renovation of a playground and construction of a new shelter at Cosmo/Bethel. The total appropriation was \$225,000 and would come from the park tax. Mr. Hood noted the playground was over 20 years old and most of the equipment did not meet current safety standards, so they felt it was overdue for renovations and thought the shelter would be a positive addition to the park.

Mayor Hindman opened the public hearing.

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

The vote on B376-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(A) Voluntary annexation of property located on the south side of Starke Avenue, east of U.S. Highway 63.**

Item A was read by the Clerk.

Mr. Watkins stated this was a required public hearing on a voluntary annexation. The request was for permanent O-P zoning on property presently zoned Boone County R-S. The Planning & Zoning Commission recommended approval. Mr. Teddy noted the property had City limits on three sides and seemed to be a good candidate for annexation.

Mr. Janku asked if the property to the west that was zoned O-P was developed as duplex property. Mr. Teddy replied he did not think it was.

Mayor Hindman opened the public hearing.

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

**(B) Reconstruction of West Broadway from Garth Avenue to West Boulevard.**

Item B was read by the Clerk.

Mr. Watkins stated this was a required public hearing for a public improvement.

Following a neighborhood presentation earlier this year, the Council directed staff to work with the neighborhood to come up with a general proposal and report, which had been provided to Council. Mr. Glascock explained the proposal was to put in an additional lane, pedways and sidewalks. He noted there had been discussion as to whether three, four or five lanes were needed. The suggested action was a traffic study or no action, if they did not want to move forward. Looking at it from a traffic standpoint, if they went with four lanes with no turning lanes, there would be an increase in rear end accidents because people were not expecting people to stop. If they put in left turn pockets, it would get people out of the way and would allow others to proceed. He noted, from a traffic standpoint, putting a four lane section through the residential area was not a good idea. He thought they either needed a four lane with turn pockets or a three lane with turn pockets. They were also looking at a pedway on the north side and a sidewalk on the south side. Mr. Watkins pointed out part of the proposal was the replacement of a very old water line that was beginning to give the City some problems. In addition, the neighborhood had proposed the undergrounding of electric distribution facilities, which were currently located on the south side of Broadway. There would be a cost share with the neighbors in terms of them providing the secondary and meter changes on the houses. Also, staff would be recommending the rebuilding of the curb on Broadway, which was in poor shape. Staff felt they should go in and do everything at once. He noted the capacity of a street was more at the intersections and turning movements than through lanes and they believed in terms of just capacity, by building some turn pockets, they could substantially improve the traffic flow coming close to a four lane without the problems of accidents. He pointed out there were also a lot of driveways with people backing out onto Broadway, so they did not want high speeds there. Mr. Glascock noted they were looking at a sewer district in this area and if they were going to start the project, they wanted to do it all together. Mr. Watkins stated the idea would be to pull all of these things together as one project and do them at the same time.

Mr. Janku asked if turn pocket meant a continuous center lane. Mr. Glascock replied they were looking at the intersection where two streets lined up across from each other and would put in a left turn pocket there. He noted there were a lot of back streets people could get out on, so they might look at left turns in only and no left outs, if it helped traffic flow. Those were the kinds of things they would look at in a traffic study.

Mr. Janku understood the capacity would be improved up to West Boulevard and asked about the stretch west of West Boulevard that was still two lanes. Mr. Glascock replied it needed to be addressed, but it was more than this project. He suggested they do this

stretch in phase 1 or the Clinkscapes stretch in phase 1, but noted they could not do both at the same time. It would be too costly.

Mayor Hindman opened the public hearing.

Robert Tucker, 716 W. Broadway, asked those in the audience in support of the pednet to please stand and about 45 people stood. He noted they came to the Council in March in order to coordinate these projects, so they could be done effectively where they were cheaper and there was less disruption. He thought the pednet was good project and was being well received. Doing the pedway on the north side with the traffic calming devices, the new sidewalks on the south and undergrounding the utilities would enhance the neighborhood and maintain its integrity. As a business person downtown, he felt the City had a good thriving downtown with lots of activity day or night and from that point of view, he did not believe they needed the 4-5 lanes going into their downtown. He stated he was for moving forward with the pednet project and letting Broadway be a corridor. He asked the City to pursue the study on the idea of the left turn lanes.

Mr. Loveless asked whether he meant left turn lane or left turn pocket. Mr. Tucker stated he was not sure on the difference between the two, but was in favor of the recommendation of west and east bound lanes with three turn pockets. Mr. Loveless understood he was not talking about a continuous three lanes. Mr. Tucker replied no. He did not want a center lane all the way through the corridor.

Karen Miller, 300 W. Broadway, stated she had just moved to the neighborhood a couple years ago and had never been in an area that walked as much, biked as much or had as many dogs. She thought it was wonderful because it had a sense of community. She noted there were no sidewalks on portions of Broadway because they had deteriorated to the point one could not push a stroller on them. She understood the sidewalk plan had been on the books for over ten years. Pednet had adopted Broadway as one of the main arteries for a pednet, so when the federal government gave \$22 million to the City to improve walking, biking, and hiking in the area, they took that as an opportunity to ask the City to work with them. They wanted to be a model for the community by putting a pednet along the north side of Broadway and a wider sidewalk along the south side of Broadway. In visiting with staff, they found there was a 100-year old water main that needed to be replaced and that the City wanted to fix the curbs and gutters and move traffic in pockets for people turning left. She stated the neighbors were willing to come together to donate as much of the right-of-way as possible to make this a reality. She noted it was a huge cost if the City had to buy all of the right-of-way. The neighbors were requesting the utilities be buried and that historic street lights be erected because they felt it would make a huge difference to the look when coming downtown. She felt it would be a continuation of their neighborhood into the downtown business district. The neighbors would need to bury the utilities from the transformer to the box on their house at their own cost and they would work together to find one company that could bid that for all of the neighbors to make it cost effective. She noted the neighborhood had come together as a group in support of this project and encouraged the Council to do what was necessary to help everyone. She commented that she felt it would help the entire community.

Christy Welliver, 184 W. Green Meadows, stated she could not wait for this to happen. She understood all of the benches and street lights would be black rod iron and would look very quaint. She believed they would fill the number of lanes built whether it was two lanes or four lanes and eventually they needed to stop widening the roads. She stated she liked the idea of three with pockets.

Dan Cass, 605 W. Broadway, stated he had lived there since 1991 and was in favor of the pednet project, but not 4-5 lanes on Broadway. He did not think anyone that worked with Pednet had heard anything about 4-5 lanes. He wanted to make sure the Council understood they were not endorsing the idea of turning Broadway into a 4-5 lane trafficway and that they wanted to maintain its integrity as a historic neighborhood.

Fred Parry, 709 W. Broadway, noted the City sponsored the Heritage Festival last weekend and although that was a fun event, it had more to do with community spirit than Columbia's heritage. He stated his home was built in 1920 by the Heidmann family, who hired a German architect to build their dream home out in the country. A couple years ago, the Heidmann girls, who were now in their late 80's, came and visited. He felt Columbia had lost touch with its heritage and history. He displayed photographs of homes that had been bulldozed or burned down in recent years for things like parking garages, University buildings, churches and other improvements. He noted the City had lost some of its best architecture and its connection with the past. He showed a home recently bought and restored by the Tuckers and felt it was a symbol of what was happening on West Broadway. People were buying the older homes and slowly converting the apartment houses back into single family homes and making West Broadway historic and beautiful again. He noted he was very active in the business community and was all about progress and bringing the conveniences and technology needed to make Columbia a better place, but also felt they needed to preserve the past and thought West Broadway was a great example of a historic district in the community that needed be preserved and enhanced. He hoped the Council would take that into consideration when trying to figure out what type of street West Broadway should become.

Jack Walters, 812 W. Broadway, stated he had lived there since 1989 and believed this opportunity was a dream come true with the grant money and the historical nature of the neighborhood being there. He thought they needed to take advantage of the opportunity to enhance the aesthetic nature of West Broadway. He stated he did not want to stand in the way of progress, but felt four lanes on a street like Broadway would be a travesty. He asked the Council to take this great opportunity into consideration.

Norbert Schumann, 205 E. El Cortez, recalled the City having the opportunity 10-12 years ago with the State, since it was a State highway and an arterial street, to make this four lanes, bury the utilities, and improve the curbs, gutters and floodplain, and the Highway Department would have paid a big part of it with a total cost of about \$2 million. In regard to Broadway downtown, he noted the people in the 1800's saw fit to make Broadway four lanes with a turning lane. Now, two of those lanes were used for parking. He agreed the City had a great downtown and a huge shopping center out west and thought the question was whether they would have two towns. He felt Broadway was barely handling the traffic at the moment and asked what it would be like as they grew over the next 10-15 years. He did not

think people would stop coming that way. He thought a thoroughfare like Ward Parkway in Kansas City would be nice. He also thought instead of using Pednet money to build highways, they should use Pednet money to build pednets and sidewalks. He was unsure whether it should be five lanes, but did not think it should be two lanes with bulges. He thought it needed to be at least three lanes with the pednet. Mayor Hindman pointed out the Pilot Program money was not available for building roads and would not be used for that purpose. It could be used to build a pedway, but not to build roads, bury power lines or replace water lines.

Nancy Harter, 201 S. Glenwood, stated she was concerned when she saw the Council agenda included the reconstruction of West Broadway from Garth Avenue to West Boulevard and the neighbors, who might be affected, were not informed of meetings that had been held. In reading the summary sent to the Council by the City Manager and staff, she understood a March 6, 2006 Council meeting report was given by representatives of the neighbors on historic West Broadway. She also understood there was a meeting between Mr. Watkins and the neighbors of historic West Broadway. She noted that she sat on the Process and Procedures Stakeholders Group and one of the things said was that it was very important that the neighbors nearby be notified when things like this happened. None of the neighbors on the side streets had been notified. She heard today that the three streets that had been chosen to have turn lanes were Glenwood, Westwood and Edgewood and she envisioned traffic being put onto the side streets to go to Stewart to get to the City. When she read the report on-line, she understood the recommended actions were to not consider the proposal, complete a traffic study or proceed with the project as proposed. She still did not understand the turning lanes and pockets and asked if they were just to relieve people getting onto their streets and would not to be a conduit over to Stewart to get to the City. Mr. Glascock replied that was correct. Ms. Harter suggested they notify people before coming out with a full paper like this, so they understood what was happening and were part of the process. She thought it was great that they were going to fix up Broadway, but noted she did not want to see a lot of lanes on Broadway.

Fred Schmidt, 1604 Amelia Street, stated he was speaking on behalf of the Board of Directors of Pednet and served as the Policy Coordinator. He noted the Pednet Coalition supported the entire Broadway Corridor Plan, which had not been discussed lately, and they saw the improvement of West Broadway as part of the Pednet Master Plan, which was also a part of the CATSO Plan. They believed this would be an elegant and distinctive entrance to downtown. It would be a beautiful corridor for bicycles and pedestrians and would have benefits for health and quality of life. They believed it would be good for downtown. He noted this was not just a plan for the residents of Broadway. It was a plan for all of Columbia. In addition, in this case, they felt preservation was progress.

John Ott, 212 Bingham Road, stated he had a fondness for historic buildings, historic neighborhoods, the downtown area and the Central City and was conflicted on this particular issue. He agreed the neighborhood needed to be preserved, but also felt they had an issue relating to access to the downtown area. The potential for downtown included plans the University, City, County and developers had or might have for residential uses. He thought they needed to address how they would access downtown effectively 20 years from now. He

pointed out that from every other direction, there were four lanes coming into the downtown area. He noted he was not necessarily suggesting Broadway was the roadway that needed to be four lanes into the downtown area from the west, but was suggesting they pursue a study. He thought it might be worth looking at a study for the west side of Columbia between Providence and Stadium, not only for vehicles, but also for bicycles and pedestrians. He stated there were a lot of good ideas coming from Pednet and other groups of people as it related to the Non-motorized Transportation Committee, but he did not believe they had been able to look at the entire City or even the west part of the City to determine how pedestrians and bicycle traffic would be handled. He thought they were jumping the gun in coming up with a conclusive solution. He agreed this was a real opportunity for the neighborhood and there would be a lot of money spent on a lot of important things, which was wonderful, but thought there needed to be a study that included Stadium to Providence, while looking at Broadway, Ash and Worley. He hoped the study would take into consideration not only what was happening now, but also what might be happening over the next 10-20 years. He was also concerned with this request because it was only taking into consideration a 4-5 block area and did not include things from west of West Boulevard. He thought that was a mistake. He thought there needed to be a master plan for the area.

Lillian Sung, 808 W. Broadway, stated she visited Boston and the Harvard University campus and the person who took her sight seeing noted they had beautiful historic housing. She commented that it was nice, but lacked space and looked crowded. The homes were very close to the street and without the space in front of the houses, she did not think they looked that great. She stated she enjoyed having a house on Broadway and noted the color in the fall was spectacular. She thought if they had to broaden the street and cut down the trees, it would be pitiful. She asked the Council to save the trees.

Mike Keevins, 610 W. Broadway, stated he had been working on this project with Mr. Tucker and Mr. Parry for quite a while and did not believe the people in the audience had heard anything about four or five lanes before tonight. They were supporting the Pednet and a change in the way of life and a way of thinking that supported safe, comfortable and inviting alternative transportation. He thought the use of the MKT Trail was proof the community supported this alternative form. He also thought in the next 10-20 years, there would be a huge change in regard to the way people got around Columbia. He was excited because he looked at this as an opportunity to start something they could continue to grow on that would make the quality of life for all of Columbia's citizens better.

Brian Pape, 7 Aldeah Avenue, stated he was an architect, whose business allowed him to study urban and historic issues. He noted people looked at traffic differently now. The past thought was that more lanes meant more cars and the ability to get around better, but all across the Country there were studies showing that people having a choice of streets moved traffic better than focusing on one wide street. He saw this as an opportunity to experiment or try something a little different than multi-lane roads. He did not believe streets and homes were as attractive at places where it was not narrower. Places across the Country had reverted back to boulevards and narrower streets because they were safer and moved traffic.

Tracy Bocklage, 706 W. Broadway, stated her daughter was a third grader at Grant School, which was chosen as a bike, walk and wheel school, so they walked to school almost

everyday. She believed it encouraged a healthy lifestyle. She stated she and her daughter would not be able to communicate due to noise if it was four lanes. She asked the Council to consider the project.

Louis Wilson, 404 W. Broadway, stated in recent years significant private capital investment in the form of construction dollars had gone into many homes on West Broadway. They were restoring a unique public asset, a collection of homes dating back to the early 1900's. The investment maintained and beautified an architectural resource most cities would be proud of and would seek to preserve. The property improvements on Broadway gave confidence to owners in nearby neighborhoods to make similar investments and improvements to their own homes. This positive economic cycle demonstrated the integrated nature of urban neighborhood rebuilding. For this to continue, the residents of West Broadway and nearby neighborhoods needed to be assured the common Central City neighborhood would remain stable and worthy of private capital investment. This was why they came forward in March with petitions signed by numerous residents. He noted the 4-5 lane proposition he had heard about tonight was not seen as encouraging. He believed a reconstruction project that encouraged people to invest in their homes, helped stabilize nearby neighborhoods and kept intact an important part of Columbia's history was a sound investment by the community with appreciable rewards for the entire City. He asked for the Council's support.

Stacia Reilly, 504 W. Broadway, stated she and her husband supported the historic Broadway project and that her personal goal was to get people moving on a regular basis as part of their daily lifestyles. She noted the Center for Disease Control and Prevention suggested adults should indulge in at least 30 minutes of activity most days of the week and that physical inactivity adversely affected health. Obesity raised an individual's healthcare and medication costs. One of the easiest ways to increase physical activity was by getting out in the neighborhood. She stated that when a community took the initiative to provide the infrastructure and policies that allowed individuals to make the choice to be active, it had a positive impact on both the individual and the community. Providing sidewalks, bike lanes and proper lighting made people feel safe and able to get out and get the activity they needed. With obesity levels continuously rising and physical activity levels continually decreasing, the City could take this opportunity to add to the current infrastructure of the MKT Trail and Bear Creek Trail and provide a network that allowed people to get out in their neighborhoods to walk and run errands by biking, walking and wheeling to their destinations. She noted they owned a small restaurant and tavern in downtown Columbia and as small business owners and operators they had always been supportive to active living measures within the community. They felt that by providing an attractive avenue into downtown that allowed for many modes of transportation would only encourage more people to take advantage of the unique and locally owned businesses in downtown.

Christiane Quinn, 719 W. Broadway, stated she moved to Columbia ten years ago and at that time the City asked if she would be willing to share in the cost in building a new sidewalk. She commented that her sidewalk was now in total despair since there was a bus stop was in front of the property. This year, rather than fixing the sidewalk, the bus stop was moved to the corner. She felt that was a way not to deal with the real issue. She commented

that her son was never able to walk or bike to school in a safe way and asked how many more years they would have to wait. She understood the money was there and was puzzled as to why it was never done. She stated the issue tonight was sidewalk, pedway, bikes and the beautification of the neighborhood and community. It was not about widening the road. She stated her hope was that her daughter would soon be able to walk or ride her bike to school safely.

Debbie Sheals, 406 W. Broadway, stated she was a lifetime Columbia resident and had lived at this location since 1988. She explained historic preservation was more than just fixing up old houses. It was an interesting way the community could encourage the right kind of private investment. It was also a great way to keep the core of the City intact and economically viable. As Columbia grew, it was even more important for the City core to be solid. She stated the portion of West Broadway that ran through this project was one of the largest intact potential historic districts in downtown Columbia. As other historic neighborhoods around the City core struggled to keep their character intact, the Old Southwest was in good shape. She noted the proposed improvement plan, as they understood, would be two lanes with turn pockets. She explained setting was an important part of historic preservation and if one listed a building in the National Registry of Historic Places, there were 7 elements they looked at, which included design, materials, feeling, workmanship, association, location and setting. She commented that College Avenue was a formerly intact historic neighborhood that had suffered from inappropriate road work and they did not want to see that on West Broadway. She felt the plan of two lanes with turn pockets, a pedway and combining all kinds of public infrastructure in one project was exciting.

Thad Yonke, 304 W. Broadway, stated he lived in the section of Broadway that was four lanes, but was still inside this area, so his personal property was not affected by the project. He noted he was concerned with concept of four lanes on Broadway through this section because he did not feel it was the right answer. He pointed out Broadway just had congestion two times a day. If Broadway was four lanes, it would handle more traffic, but at some point it would fail again at the same points it was failing now. The problem with Broadway was the turning movements that slowed the traffic it had now. It handled the capacity and noted that was the nature of having a grid of balanced streets. He felt this opportunity would encourage the multi-modal aspects they normally were not able to put a lot of money into. They could improve the biking, walking and vehicular access by looking at turn pockets. If it was four lanes, the character of the area would be destroyed. He noted this was the main street of Columbia and reiterated that if Broadway was widened, it would destroy its character, traffic speeds would increase and there would be a burden for greater enforcement. He encouraged the Council to have staff look at this proposal because he thought it was a good suggestion.

Deborah Tucker, 716 W. Broadway, explained that when the neighborhood first thought about approaching the City regarding the pedway, they wanted to create a successful project. In the past, people always argued over the width of future sidewalks, bicycle access and 2 lanes versus 4 lanes and these arguments stalled all improvements to Broadway. When they came together, they wanted to create a pedway that met everyone's needs. She understood successful streets were organized as an ecology that created a shared condition



that was pedestrian friendly and incorporated landscaping while allowing the passage of a car. The street was not viewed solely as a conduit for cars, but rather as a network that facilitated the comfortable coexistence of all modes of transportation and this was their vision. She felt Broadway served the whole community as would the pedway with its accessibility to the public library, the MKT Trail, the University and downtown. They wanted to move forward with a plan that was inclusive versus exclusive.

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

Ms. Nauser asked when the pednet grant expired. Mayor Hindman replied it did not expire, but the City needed to file a report by 2010.

Mr. Janku commented that connectivity the north and south needed to be addressed as well. He wondered if the turn pockets would assist in that.

Mr. Loveless made the motion to direct staff to proceed with the project as proposed. The motion was seconded by Ms. Hoppe.

Mayor Hindman stated he supported this and noted people were justifiably concerned about the traffic movement toward downtown. When comparing a four lane with a two lane with pockets and because these were residential streets, the pockets would work fine. The capacity would be great on a two lane with pockets and he was convinced that it would handle the traffic for many years to come.

Mr. Hutton noted a lot of comment recently regarding making Broadway four lanes and although he was not an advocate of that, he thought a study might need to be done in order to adequately address concerns. He understood the motion did not include the study, which was why he brought this up. He wondered if they would be able to adequately answer questions without a study.

Ms. Nauser stated she agreed. She liked the project and thought it had great potential, but felt it stopped short. There would still be another section of Broadway that was unplanned. She wanted an entire Broadway plan, even if it was done in portions. She thought it was important to see how it would all fit in together since there were intersections further down that were difficult to maneuver.

Mr. Janku stated he wanted to show the public this plan would work before spending millions of dollars. Also, there was currently no money for this project and eventually, they might need to include it in a ballot issue. He thought being able to demonstrate to the public that this would work was important and was the purpose of the study.

Mr. Hutton pointed out that if they did the study, they might be precluding the opportunity for 4-5 lanes in the future. Mr. Janku noted they had a much stronger argument if the study showed this proposal would work. Mr. Hutton agreed and stated he did not want to make Broadway 4-5 lanes, but felt they needed to prove to the citizens what was needed.

Ms. Hoppe commented that no one was clamoring for four lanes during the public hearing. The neighbors that lived on West Broadway had come up with a plan where they would be putting in their personal resources to get this done. She felt having this many people agree on something was important. She was concerned that the traffic study might indicate they needed to widen Broadway. Mr. Janku stated a traffic study would explain how to make it work. It would tell them where turn pockets were needed. He felt it would guarantee this would work and establish credibility to the proposal. He noted the trend line

was that there were more people living to the west and those people did not attend the meeting tonight. Ms. Nauser pointed out they sometimes did things that had unintended consequences like pushing traffic to places it should not be and she felt a traffic study would alleviate some of those concerns. She reiterated she was for the project, but wanted to move at a slower pace.

Mr. Janku asked to amend the motion to include a traffic study to facilitate the project to work as intended. Mr. Loveless and Ms. Hoppe stated they would accept the amendment. Mr. Loveless understood the motion to now mean staff would do a traffic study or have a traffic study done in the normal progression of proceeding with the proposed project.

The motion, made by Mr. Loveless, amended by Mr. Janku and seconded by Ms. Hoppe, was approved unanimously by voice vote.

**(C) Reconstruction of Hardin Street from Ash Street to Hope Place and from Broadhead Street to Worley Street, and construction of a sidewalk on the west side of Hardin Street from Hope Place to Broadhead Street.**

Item C was read by the Clerk.

Mr. Watkins explained this was a required public hearing regarding the construction of Hardin Street from Ash Street to Hope Place. Staff was recommending the street be constructed in a 28 foot pavement with a five foot sidewalk at the back of the curb on the west side. The current construction estimate was \$305,000. The funding sources were CDBG, the capital fund balance and the tax billing of adjacent property owners. He noted Hardin Street was in a CDBG eligible area, and according to City policy, streets funded with CDBG sources could have special assessments levied against abutting properties in an amount not to exceed half of the assessment for non-CDBG streets. If the tax bills were levied against all properties, the projected generated income was about \$28,000. If the Council decided to proceed, they need a motion to proceed and to direct the City Clerk to record the notice of impending tax bills.

Mayor Hindman opened the public hearing.

Juanita Spilker, 317 Hardin Street, stated she had lived at this location for twenty years and felt this was a solution in search of a problem. She would lose several feet of her front yard, would not be able to get into her garage for several months, and would have a wider street, which would invite faster traffic. She did not see the benefit of a sidewalk either because she anticipated being forced off of the sidewalk by a bicycle rider. She noted the sidewalk on Worley was four feet, so she did not see why they had to have a five foot sidewalk here. She commented that this was a short and quiet area and asked the Council to consider not making the street 28 feet wide. It was currently 20 feet wide in front of her house.

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

Mr. Janku asked for clarification regarding the street standards in regard to this street. Mr. Glascock replied the new standard was 28 feet for a local street. Mr. Janku asked if that was the case even if it was a shorter street. Mr. Glascock replied an enclave street was 24 feet. He pointed out they would be staying within the existing right-of-way.

Mayor Hindman thought one section would be less than 28 feet. Mr. Loveless thought part of it was less now, but it would all be redesigned to 28 feet. Mayor Hindman read where

the report stated “...the existing road pavement as proposed would be narrowed by approximately three feet from Hope Place to Broadhead Street where the street was already improved with curb and gutter.” Mr. Glascock replied they were narrowing it to 28 feet and putting in a sidewalk.

Mr. Janku understood there were petitions to do this originally. Mr. Glascock replied this had been on the list for some time. They split the project into two. They originally had Hope and Hardin together and the CDBG Commission split it into two projects. Mayor Hindman wondered whether they should talk to the neighbors to see what they wanted. Mr. Glascock pointed out they had an interested parties meetings. Mayor Hindman asked if they wanted this. Mr. Glascock replied it helped with storm water control and those types of things.

Mr. Hutton made the motion for staff to proceed as proposed and for the Clerk to record a notice of impending tax bill. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

**(D) Development of two baseball fields, an irrigation lake and a parking lot on the Atkins property located north of the Boone County Fairgrounds.**

Item D was read by the Clerk.

Mr. Hood explained Council received a report from staff in August that outlined a possible proposal to develop two baseball fields on the Atkins property, which was jointly owned by the City and Boone County. The property was located immediately north of the Boone County Fairgrounds. That report recommended the fields be located on the Atkins property and suggested the fields be designed as part of a larger tournament quality sports complex. The estimated phase 1 cost, which was the cost to just get the fields open to play, was \$1,145,355. Phase 2 costs, which would add amenities such as restrooms, concessions and additional parking was estimated at \$726,444. The staff report outlined a number of possible funding sources, including park sales tax, an existing Land and Water Conservation grant the County and City had for the property and possible contributions by the County and other private entities.

Mr. Loveless asked what the rectangles were on the map. Mr. Hood replied the brown rectangles were warm up areas for the pitchers and batting cages for the batters. Mr. Loveless asked if the large one by letter H would be a batting cage. Mr. Hood replied yes and noted that would come in phase 2.

Mayor Hindman opened the public hearing.

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

Mr. Janku stated he would support this, but did not think they needed to proceed in an expedited manner that would incur additional costs given the fact they had not heard any more on how the Mavericks were moving along with the American Legion.

Mr. Watkins explained the reason for bringing this forward now was because they understood the Council wanted replacement ball fields and if they were to have fields ready by next fall, they needed to complete some of the site work during the winter. He thought one of the options could be to move forward in phases. Mr. Hood stated if they approached it in that matter, phase 1 would involve the necessary earth work, which was a substantial portion

of the project. They were recommending the two fields be designed as part of a five field wagon wheel complex.

Mr. Janku asked when they would know when they needed to act as far as the Mavericks were concerned. He understood if they did not get started on their field in the near future, the urgency would be gone for next fall. Mr. Hood stated the timing was the concern. The goal would be to have a replacement field available and to be in the position to schedule recreational leagues at the time the Mavericks began construction because the American Legion field would be out of play at that time. At this point, the Council had only approved an initial Memorandum of Understanding, so they did not have a time frame. In addition, part of the funding they suggested could be used was funding originally set aside for improvements to the American Legion field, so there was a question regarding whether to move that funding for the Atkins property or not. Mayor Hindman understood if the Mavericks stadium did not happen, they would use the money for the American Legion field. Mr. Hood agreed and noted they had made a commitment to the American Legion to spend money on that field. Mr. Watkins stated they also had \$200,000 of grant money to be used on this project with some urgency to commit to it or not. He asked if they could get another year extension. Mr. Hood replied they had submitted a request for a one year extension because the original grant expired this December. He was reasonably confident they would get the one year extension.

Mr. Janku made the motion directing staff to prepare for Council consideration an ordinance authorizing the project or phases of the project and appropriating those funds, as necessary, and to a draft a proposed use agreement between the City and County outlining roles and responsibilities for the two agencies with regard to the development and operation of the proposed park. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

## **OLD BUSINESS**

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

The resolution was read by the Clerk.

Mr. Watkins explained this would allow the purchase of the Candlelight Lodge as an assisted living facility. The bonds, if approved, were tax exempt and not a pledge of City or County taxing authority or assets. Many years ago, the City had its own IDA and in the 1970-80's, it was decided to combine the two IDA's. The County agreed to take that on with a provision that should a deal be brought forward within the jurisdiction of a municipality, the municipality's board would need to approve it. That was what the Council was being asked to do today.

Dan Simon, an attorney with offices at 203 Executive Building, stated he represented The Tapestry Group, which was a not-for-profit charitable foundation. For that reason, it was constantly audited and monitored by the IRS and they were required to use the bonds for charitable purposes. It had a three person Board of Directors, who had served for nine years and none had received any compensation. The foundation was formed to help relieve government of part of its burdens. They did that in ways such as acquiring government

properties and leasing it back, so the government could avoid the capital expenditures. Its primary focus was in work force housing and affordable housing. He noted one of the things encouraged by the Affordable Housing Task Force was to acquire troubled projects. Once acquired, it had the ability to raise money at a substantially lower interest rate than was available in the private capital market. It allowed them to purchase, rehabilitate and rent these troubled projects to people of moderate income at substantially lower rates than would be the case if they were owned by for-profit entities. He stated The Tapestry Group was being encouraged by people in Washington to become involved in retirement assisted living facilities, which was another critical housing need. He explained there was a strong probability that Candlelight, which had been a fixture in the community for years, would be sold. If it was sold to a for-profit organization or an entity that borrowed at market interest rates, the belief was that the rents would have to be substantially increased to make this facility's cash flow. He noted it currently provided full services to retirees at the lowest fixed cost possible. If The Tapestry Group was able acquire these bonds, it would acquire the facility and guarantee the room rates would be sustained at their present level and increased only by the consumer price index and unavoidable cost increases, such as those imposed by governmental regulations. It would also retain the policy of Candlelight, which was once someone entered Candlelight, even if they ran out of money, they would not leave. They worked with them to qualify them for government assistance, so they could stay. He explained the bonds were authorized by Missouri Statute, Chapter 349. The legislature took bonds that were intended to relieve government of a burden and put them in a statute that dealt with industrial development. He stated these bonds should not be judged by the same criteria as industrial development bonds. The Boone County IDA, which was the only authorized issuer of the bonds in Boone County, had already approved the bonds. Ultimately the County Commission would have to approve or disapprove the issuance of the bonds with the City Council's consent. He noted the City was not being asked to issue the bonds or have a role in the issuance of the bonds. It was only being asked to consent to the issuance of the bonds. If this was not done, the facility would likely fall into other hands and would no longer be available as an affordable assisted living facility. He asked the Council to consent to the approval of the bonds. He pointed out no tax relief was being requested and all property taxes would be paid.

Mr. Janku understood the rates would be kept low and asked how they would guarantee that. Mr. Simon replied it was guaranteed to the IDA and would be written into the bond documents themselves, so if this was not done, the bonds would be in default. Mr. Janku noted that was not indicated in what they were expressing support for. Mr. Simon stated the Council would have trust him in that this was the commitment made to the IDA and County Commission. He understood that commitment would appear in bond documents, but noted he was not a bond lawyer.

Mr. Janku noted his concern was that The Tapestry Group might have good intentions, but since they were purchasing troubled properties, he wanted to know what would happen if they could not make their payments. Mr. Simon explained this project would be owned by a limited liability company that would have one member, which was The Tapestry Group. In addition, it was a requirement of the bond underwriter, who required the bonds to have a

certain coverage ratio in terms of debt service. He noted the bond underwriter commissioned an extensive cash flow analysis to satisfy itself, so it could in good faith sell the bonds to its investors.

Ms. Hoppe stated she appreciated all of the written material because it answered her questions.

The vote on R185-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**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.**

The bills were read by the Clerk.

Mr. Watkins explained this final plat would create 24 R-1 zoned lots. The resolution that approved the preliminary plat included two conditions. The first condition stated the Council could, but was not obligated to pass an ordinance vacating a portion of Mills Drive as indicated on the preliminary plat. The second condition required a development agreement where the property owner agreed to install or fund a diagonal diverter at Hatton Drive and Limerick Lane and medians at Shannon Place and Mills Drive. He noted there were two versions of the development agreement.

Mr. Teddy explained the section of Mills Drive proposed to be vacated ran within the single-family zone of Winchester, which was about 280 feet in length. Mills Drive would remain open between Tremont Court and Chapel Hill and where it merged with Hatton remained a public street.

Scott Bitterman, a traffic studies engineer with Trabue, Hansen and Hinshaw, 1901 Pennsylvania Drive, stated he was speaking on behalf of Solitude Development and noted there was a cut through problem in the neighborhood. He described the area using the overhead and explained the traffic flow in the area during rush hour times. Instead of taking the arterial roadways, people sometimes cut through the neighborhoods. During peak traffic times, half of the traffic in the neighborhood was from cut through traffic trying to avoid the arterial roadways. Vacating a portion of Mills Drive would reduce the amount of cut through traffic through the neighborhood, especially during the a.m. rush hour. He explained that during the a.m. rush hour, traffic backed up on Forum through two signals past Forum Katy Parkway, so if someone was to cut through, they could potentially jump in front of everyone that stayed on the arterials. During the p.m. rush hour, there was a long line of vehicles stopped at a four way stop sign at Chapel Hill and Limerick. The motorists who cut through the neighborhood were able to jump in front of a few vehicles. At the intersection of Mills, Hatton and Shannon, Mills made a curve, so there was a skew at the intersection, which was not very safe. This project would remove a portion of Mills that would clean up the intersection and improve safety. He noted removing a portion of Mills Drive was the first step in attacking the cut through problem in the neighborhood. The second step was through traffic calming and the option before them tonight was a diagonal diverter, which was

developed by City staff and reviewed at several neighborhood meetings. He stated they were prepared to pay for design, construction and installation of the diverter, but they would also support other traffic calming measures, if they wanted to look at those. The diagonal diverter would have two way traffic and be placed at the intersection of Hatton and Limerick. He showed a diagonal diverter on the overhead and indicated that they usually had a bicycle path through the middle. He noted there could be bollards, so emergency vehicles could not get through or it could be mountable so emergency vehicles could go over it. It could also be landscaped. He commented that the diverter would cause a significant amount of delay for someone cutting through and trying to save time. He noted that, nationally, a diagonal diverter would reduce 35 percent of the traffic. The second device was to install some rumble islands. He reiterated they would support other traffic calming measures if they did not like the two discussed.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was representing Solitude Development and they understood closing a public street was a matter of substantial concern. In this case, the street closing would address a problem that had been raised continuously in this area since 1998 in regard to cut through traffic. They did not believe that was the only thing that could be done, but it would help. He noted a lot of the controversy had arisen from the diagonal diverter and how it would divert traffic through a residential neighborhood. He thought the increased travel time would eliminate that over a short period of time, but noted they were not married to that. If they wanted to close the street, approve the plat and not select a traffic calming device at this time, they had a second version of the development agreement stating they would pay the City \$35,000 for traffic calming measures.

Don Spiers stated he had lived in this neighborhood for 15 years and was speaking on behalf of the neighborhood in opposition to several things that were proposed. He asked his neighbors to stand and about 35 people stood. Using the overhead, he showed the area being discussed. He wondered why the closure of Mills Drive between Tremont and Hatton was being considered. When they first met with the developer over a year ago, they were told this was off the table because the City wanted to close the road due to problems and refused to discuss it. He asked why the City wanted to close the road. He described the traffic flow on the overhead if the road were closed. The first possibility of why the City wanted to close Mills Drive was because the City thought the intersection of Mills Drive and Hatton was dangerous. He stated they had been unable to find a statement verifying this. He understood they were presented with information regarding all of the cut throughs occurring there, but they did not see it. They had seen few, if any accidents at the location. He did not think there was a reason for the closure. A second possibility was that the City wanted to give the developer additional land. If true, it sent a terrible message to the residents in that the developer's interest overruled those of the residents. A third possibility was that the City believed there was cut through traffic, it was a problem for the area and the closure of Mills Drive would move that traffic flow from two to one street. It would send traffic to Limerick Lane, which was where most of them resided. He questioned if it was fair to move traffic to a calm area. In regard to the diagonal diverter at Hatton and Limerick Lane, he showed where it would be positioned on the overhead and stated there would be four

lanes of traffic coming to that intersection. He noted they had not been provided any details as to how the diverter would look. He stated there would be a problem for school buses, snow plows, ambulances and garbage trucks trying to maneuver around the diverter. He felt it could cause a problem if it was covered with snow because someone not familiar with the area could come through and plow right into that. He noted it would be a major inconvenience for the people that lived in that area and would send a message of concern to outsiders and potential homeowners that this was a bad traffic neighborhood. He believed the loop was also a continuous blind curve with major accident potential. He commented that they did not even want to try it because it would send traffic through their area and would create another problem. In a survey conducted by the City's Traffic Engineer in December 2005, the item that was most opposed was a diverter at Limerick and Hatton. The next one was the closure of Mills at Shannon. They suggested the closure of Limerick at Chapel Hill, but that had been thrown out. In regard to the development, they were concerned as to how the developers had maintained the construction site to date. They drained the pond last year and had left it that way. They had built one home, which had been for sale since last October, so they were concerned about whether the homes would sell and what the condition of the neighborhood would be like as they constructed the other homes. They also wondered what the quality of the homes would be like. They had a few suggestions in regard to this situation. One was to not allow the development as proposed without further discussion of the issues raised. Another was for the Council to allow the development as proposed without the closure of Mills Drive. They could then look at traffic changes and select a committee of neighbors to meet with City officials to develop a new plan for discussion. The lowest option was to allow development as proposed with the closure of Mills Drive, but with no diverter at Limerick Lane and Hatton. They could then look at the traffic change and select a committee of neighbors to meet with the City. He asked the Council not to make a great neighborhood into one they would want to leave.

Mr. Janku asked if their third option was to let it proceed with the closure, but no diverter. Mr. Spiers replied yes.

Elaine Gray, 1818 Tremont Court, stated she lived on the corner of Tremont Court and Mills Drive and noted she went to the Fire Department's administrative offices and met with two officials who indicated they were against cul-de-sacs, diverters, speed bumps, rumble islands and the closing of any streets because it increased their response time. She asked if they would be at this meeting and was told no because they had already made this statement. She recommended they not close Mills Drive. She noted approximately 20 houses and 15 condos with an average of two vehicles per unit would be coming from the new development into an already established neighborhood. She suggested they open the extension of Tremont Court into the new development at the east end and hooking it onto Mills Drive. That would give the people in the new development another exit instead of coming on to their streets.

Paul Coleman, 1905 Hatton Drive, stated he had resided there for over 13 years and his house was two houses down from the intersection of Hatton and Limerick. He explained most of the neighbors were against the closing of Mills because if it was left open, it split the burden of cut through traffic between the existing Limerick Lane, Hatton and Mills. If it was



decided to vacate Mills as a result of the proposed Winchester development, he was still opposed to the diagonal diverter because it would be almost in his front yard. He noted he bought his home on a loop for the same reason someone would buy one on a cul-de-sac and that was so there was no cut through traffic. He wondered why they would divert cut through traffic into an area that previously did not have any. He did not think it was fair. The diverter would result in excessive speeds around the blind corner. The loop was sloped to the outside, which made it difficult to make the turn at a normal residential speed. He noted his research showed his property value could be reduced by as much as 8 percent because his home would be located close to a traffic calming device. He pointed out they already had five speed bumps. He asked the Council hold off on the diverter, if they did nothing else.

Ahmad Muraywid, 1822 Tremont Court, felt that it was unfair to create a problem in an area where there was not a problem. He stated it was unfair for all of the traffic from the new development to come by his house and for the people on Limerick to suffer with extra traffic when they did not have to before. He noted people cutting through were in a hurry and he did not think the diverter would deter them from going around the loop.

Steve Matthews, 1619 Limerick Lane, stated he and his wife recently moved here from the west coast and his reason for moving was to get away from the urban sprawl and move to a community he felt was better for his career, family and his children's education. When moving here, they looked for a great home in a wonderful neighborhood. They looked at several neighborhoods where they loved the home, but the surrounding streets and intersections caused them to look elsewhere. They were extremely excited to find the home they currently resided in at Limerick and Hatton. Recently, they learned the City wanted to put up a diverter wall to redirect traffic in front of his home. He stated they never would have purchased the home if they had known this potentially might happen for the reasons many had already expressed. He stated they had been here since June and had seen minimal traffic go through. The traffic study that was presented tonight was not something he saw even in rush hour traffic. He found it hard to believe the City had exhausted every effort to find a solution. Putting up a wall would have a negative impact on the neighborhood's safety, curb appeal and property values. As a new resident of Columbia, he urged the City to look at ways to meet their goals without penalizing those that were long time and new residents of an established community.

Mr. Janku understood Mr. Matthews lived on Limerick and Hatton and asked if his driveway opened onto Limerick or Hatton. Mr. Matthews replied Limerick.

Cindy Sheltmire, 1908 Tremont Court, stated she was concerned about the traffic calming issue and the viability of the new development. She agreed the developers were good and well meaning people and the plan on paper looked good, but with the way it had been shaping up, it was a major concern to her and the neighbors. There was one spec-house built and it was still on the market. It had been reduced \$15,000 in price, which was hard to explain in this market. She noted she had sold two houses in the neighborhood since January and both were for at or near full price and at a higher price point. She stated the drained pond was now an eye sore. She was concerned with this house sitting on the market for a year and wondered what would happen when there were 30 houses sitting there. She noted there was a glut of housing currently on the market. Under these circumstances, she

did not feel it was appropriate to instigate further traffic calming issues in this particular neighborhood when she was not sure about the viability of the proposed development.

Ms. Hoppe asked if she had noticed problems with the traffic. Ms. Sheltmire replied people did try to cut through there, but they had 4-5 speed bumps in the area and it tended to slow people down. She thought it would be more of a problem to put a diverter in and make it more cumbersome to go through the neighborhood. She asked if they would want a diverter in front of their house. This would not enhance their property values and she felt it could be detrimental.

Mr. Janku asked how she thought the closure of Mills would impact cut through. Ms. Sheltmire replied she was opposed to that from the beginning, but was told by the developers that if that particular land was not available for lots, the price point would have to go down for the existing housing. She stated she was originally told the price point would average \$300,000. The spec home was at \$259,000 and they did not know where that home would eventually sell. She did not know if the justification for closing Mills Drive was really there. Mr. Janku asked if requiring the diverter would push traffic toward her. Ms. Sheltmire replied absolutely because the only ingress and egress would be through Limerick. She pointed out the development was on the market for \$1.2 million, so they did not know who would be developing it down the line. She suggested they allow through traffic on the northern part of Mills, but that was not considered for some reason.

Jerry Reed, 1900 Hatton Drive, stated he lived on the southwest corner of Hatton and Limerick and would be one of the most affected by the diagonal diverter. He did not want or need the diagonal diverter. Their greatest fear was the reduction of property value with an unsightly diverter. He felt the traffic was currently manageable, partly due to the three permanent speed bumps already in place. He noted one was south of Tremont on Limerick, another was west of West Boulevard Court on Hatton Drive, and the third was on Mills Drive at Mary Lee. He referred to the February 20, 2006 Council meeting and the discussion of the voluntary annexation of property west of Lake of the Woods Road and east of Rice Road where the property owners did not want Rice Road extended through to Lake of the Woods Road because the new subdivision traffic would be pushed over onto an existing subdivision street. He understood Ms. Nauser indicated they needed to look at ways to solve road issues in regards to dumping traffic from one subdivision through another and that Mr. Hutton and Mr. Ash also voiced similar concerns. The Council agreed and voted unanimously to defeat the proposal. He stated if a section of Mills Drive was vacated, they would have a similar problem with traffic from the Winchester subdivision being dumped onto Limerick Lane. The closing of Mills Drive would only benefit the developer and homeowners on the new cul-de-sac streets. If left open, Mills Drive would be a through street for the new subdivision and would not be dumping traffic onto their existing neighborhood streets.

Nancy Springer, 1904 Hatton Drive, stated the Council did not hear from them when Gibbs Pond was drained. She agreed it was not their property, but it was green space. They also did not complain when it was filled with two houses, when a 100 year old farm house was demolished or about the weeds and cement in the pond. She noted they silently suffered a noisy summer of construction on Chapel Hill that included blasting that drastically changed the view from some of their back yards. Tonight, she stated, she was asking that

they leave Mills Drive open and not block them in with traffic constricting devices. She asked them to consider the good of the neighborhood as the measurement and to not sacrifice their piece of mind and their lives any further.

Mr. Hutton asked whose idea it was to close Mills Drive. Mr. Glascock replied it was Public Works because they had received a lot of complaints over the years about the speed on Mills Drive all of the way back to Forum. It was not just about that little piece. Mr. Hutton understood City staff suggested this to the developer. Mr. Glascock replied yes.

Mr. Loveless stated this was the first neighborhood that he was approached by when he was re-elected to the Council. They brought to his attention a historical cut through traffic problem and were up in arms, so he was surprised to hear them say it was no longer a problem because over those years there had been 7-8 speed bumps put in, removed and moved to another spot. There was also an island placed just north of the intersection of Hatton and Chapel Hill that did not work out very well. He noted there had been a number of traffic calming things tried over the years and the ones that seemed to be the most effective were still in place. He understood there were four speed bumps there now. He firmly believed people who were cutting through their neighborhood to save 30-60 seconds at a traffic light would do it once and not again if they had to make the loop around because they were diverted. However, given the neighbors feelings he did not think they should put the diverter in at this time. He understood Mr. Magruder was willing to put money in escrow for traffic calming should it be decided that was the thing to do. He believed vacating Mills Drive would provide more options because they would only have to deal with cut through traffic in one place as opposed to two. He hoped people would quit cutting through. He suggested they put in some temporary jersey barriers to see if it would work. He understood there would be increased traffic for the first couple of weeks, but felt after that people would stop doing that. The down side was that it would be an inconvenience to the neighbors. He felt the question was whether the trade off was worth it and he understood at this time the neighbors did not believe it was. He understood the money would be available for three years if they needed it.

Mr. Simon pointed out there were two versions of the development agreement that accompanied the plat and street closure. One obligated them to put in the diverter and the rumble islands at Shannon and Mills and the other obligated them to put in \$35,000 for the City to use as they saw fit.

Mr. Loveless asked the neighbors if the rumble bars and islands at Shannon and Mills was something they wanted now. He understood the neighbors wanted to wait and see how the traffic was and address it at a later date. He noted he felt the plat as presented with Mills closed was the best way to address the problem.

Ann Klusmeier, 1805 Limerick Lane, stated she lived by Limerick and Chapel Hill and was on the street that would receive all the traffic if Mills was closed. After the second meeting with Mr. Magruder, she asked about the fairness of keeping one street open versus both streets open and his comment was that his homes would be worth more if they were on a cul-de-sac. She noted all of their homes would be worth less in an established neighborhood that already had an island and cul-de-sac. By closing Mills, the developer received two more pieces of property, his homes would be worth more because they were on

a cul-de-sac and the neighbors' homes would depreciate because they were not. Mr. Loveless stated the proposal to close Mills came from the City staff as a way to address the cut through traffic moved on Mills. It was easier for them to deal with the traffic in one spot rather than two. She commented that they moved to a neighborhood they thought would have two streets with cut through and now they were being told it would be moved to one street. Mr. Loveless thought it might be easier to address it, if it was on one since they were looking for a permanent solution. Ms. Klusmeier reiterated they had a situation between an established neighborhood and people who had not moved in.

Ms. Hoppe stated she sensed the neighbors felt that if there was problem on Mills, closing it was a drastic action that would affect them negatively. She asked if at the very least, as a compromise, if they could have an interim closing for 1-3 weeks to see how it affected the neighbors. They would not have done anything permanently detrimental to the neighbors and they and staff could come back and tell them whether or not it was working.

Ms. Nauser stated she thought she was in favor of this until driving in that area today. It brought to mind a couple of other issues in which they had new subdivisions imposing upon older subdivisions in regard to traffic flow and access. For her to be consistent with what she had said in the past, it did not seem right to take the traffic on Mills Drive and divert it from the new area to an established area.

Mr. Loveless stated his objective was to help the neighborhood with their traffic problem and this plan seemed to lead in the right direction, but if the Council felt otherwise, he stated they could do otherwise.

Mayor Hindman stated one suggestion was to experiment, which meant delaying any decision. Another would be to vote it up or down, which involved a vote on closing Mills.

Mr. Janku thought the temporary situation would take more than a couple of weeks because they had to evaluate traffic patterns. They would have to first study existing conditions, then temporarily close it and then let the traffic adjust to do another study to see if there was a change.

Mayor Hindman stated he could see why there was a cut through problem there and instinctively, the idea of closing streets was not appealing to him. Having a system of streets allowed the spreading out of traffic because it provided more choices. If all of the traffic was all going down one street anyway, that could be a different story. He thought it might be worth blocking off Mills because City staff felt the cut through problem was bad enough to suggest doing this. He felt the fairest thing to do might be to experiment with it, although it would cause a delay. Ms. Hoppe asked if they could calculate how that would work with the additional traffic from the development. Mr. Janku thought the engineers could make that calculation. Mr. Hutton did not think they could count that as cut through traffic. Mr. Janku agreed, but it would tell them about the additional traffic. Mr. Hutton agreed there would be additional traffic, but noted these were public streets. Mayor Hindman thought it was possible the speed humps had greatly reduced the current cut through traffic.

Mr. Janku asked if they could approve the plat without the closure. Mr. Boeckmann replied they could not approve the plat without vacating the street.

Ray Magruder, 1821 Hatton Drive, stated he was the developer and asked how long they wanted to delay it. The Public Works Department suggested the proposed idea of

blocking off that road was not a good idea, so it was thrown out about a year ago. He felt this would be holding them hostage, since it had been suggested on several occasions to put up temporary barriers as an experiment, both as a diagonal and the closure of the road. He noted the design of the development had not changed. Both the Council and neighborhood had seen it several times. They were only asking for approval of the final plat. They could hold off on putting in the traffic calming. He reiterated that it had been brought up on several different occasions to put a temporary diagonal diverter as well as temporarily blocking off the portion of Mills requested to be vacated and they were told it was an ideal thing and would take several months due to the responsibility of putting labor out there and collecting the current data and final data.

Ms. Nauser asked since Mills Drive was such a long road if it possible to put stop signs along Mills Drive to make people stop, so it would take longer to alleviate some of the cut through traffic. Mr. Glascock replied that they tried not to use stop signs as traffic calming devices. He stated if they put barricades out there, they had to meet a certain standard and there needed to be signage, so they could run into several thousand of dollars just trying it.

Mr. Loveless thought they tried closing off Mills Drive where people could not make a northbound left hand turn onto Mills Drive from Chapel Hill. He recalled that they put a barrier over the east half of the street and then did the same from the other direction on the other side and asked how that worked. Mr. Magruder stated the barriers put up before were in their conceptual drawing off of the County's website. Mr. Loveless asked if he was dealing with this at that time. Mr. Magruder stated he was not. He noted the neighbors had on-going issues so they assured them in December of 2004 that they would help them with that pre-existing issue. Mr. Loveless stated Mr. Magruder had been very sensitive to the neighbors and there had never been a proposal that suited everyone. He noted the cut through problem continued and he did not know what to do.

Ms. Hoppe stated she felt it was a drastic measure to close the street if the neighbors were not in favor of it. She thought the priority should be that the new development fit in the existing neighborhood and not the other way around. Mr. Magruder understood she was new to the Council and noted this had been going on for a couple of years. This was a snap shop of the people from the neighborhood. He stated he went door to door on two occasions to 122 houses in the neighborhood and in the audience were about 12 households. The people that did not have a concern with it were at home.

Mayor Hindman understood they had approved the preliminary plat. Mr. Boeckmann stated the preliminary plat had a condition that the plat was subject to the Council vacating the street. Mr. Hutton understood that meant they had an out.

Mr. Janku stated he wanted to know what it would take for a temporary closure. Since they did not have a solution, he suggested they ask for more information to make a decision later.

Mr. Janku made a motion to table B330-06 and B331-06 to the October 16, 2006 Council meeting and to direct staff to provide a report at the October 2, 2006 Council meeting regarding the costs and effectiveness of temporarily closing Mills Drive with and without a diverter. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

**B369-06 Approving The Villas at Old Hawthorne PUD Development Plan located generally north of State Route WW and east of Cedar Grove Road.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this proposal was for a residential development consisting of 214 single family attached villas. The development density would be 4.19 dwelling units per acre. The Planning & Zoning Commission recommended approval.

Mr. Teddy stated the supplemental report made a comment on the street name of the loop street that changed direction. The only request for a change was that the one leg of the Diamond Creek Lane be changed to be consistent to current City addressing practices.

Mayor Hindman asked if that required an amendment. Mr. Teddy replied at this point the applicant did not agree to make the change. Mr. Janku asked how they made the change. Mr. Teddy replied their approval would have to be conditioned on the street name changing where indicated in the supplemental report. Mr. Loveless understood that was where it changed direction.

Jay Gebhardt, an engineer with A Civil Group, stated his client, Mr. Stohldrier, did not understand the need for the street name change. The supplemental indicated one way was to continue the addressing grid along the street. He noted the previous subdivision he did for this client had a similar situation and the street continued to have the same name. They thought coming to the middle of a curve and having the street change names made it confusing. His client was asking to do what had been recommended by previous staff and had been done before. Intuitively, it made more sense to continue to leave the street name the same. When driving the street, one was not coming to an intersection where there was an obvious place for the name to change.

Mr. Janku understood the Public Safety people were requesting this. He suggested conditioning approval on that change. If there was a problem with the policy, he thought the policy should be changed. He did not want this to continually come up.

Mr. Janku made the motion to amend B369-06 by conditioning the approval of the plan on making the appropriate change in street name to differentiate the east/west leg of Diamond Creek Lane from the north/south leg. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

The vote on B369-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B372-06 Authorizing acquisition of property to install and operate a refuse compactor in a portion of an alley located between Ninth Street and Tenth Street.**

The bill was given second reading by the Clerk.

Mayor Hindman explained there had been a request to table this item.

Mr. Hutton made a motion to table B372-06 to the October 2, 2006 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

**B380-06 Authorizing an agreement with Chiodini Associates, Inc. for architectural and engineering services for renovations and construction of an addition to the Daniel Boone Building.**

The bill was given second reading by the Clerk.

Mr. Watkins stated following the public hearing, Council directed staff to come back with an architectural and engineering agreement. This was the contract staff was recommending and the base contract amount was \$1,646,087.

The vote on B380-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B381-06 Amending Ordinance No. 018028 in connection with certain Water and Electric System Improvement Revenue Bonds of the City.**

The bill was given second reading by the Clerk.

Mr. Watkins explained that in order to proceed with the bond issue authorized by the voters last August, they needed to make some technical amendments to the 2004 special obligation bond issue.

The vote on B381-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B382-06 Authorizing the issuance of Special Obligation Electric Utility Improvement Bonds, Series 2006C.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this would authorize the issuance of the first phase of the bonds authorized by the voters last August. The City had a bond sale and staff was recommending they proceed with the lowest apparent bid, which was City Group Global Markets.

Mr. Janku made the motion to amend B382-06 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on B382-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**CONSENT AGENDA**

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

**B370-06 Authorizing an annexation agreement with First National Bank and Trust Company as Trustee of the Carl R. Landrum Trust for property located on the north side of Gans Road, east of Rock Quarry Road.**

**B371-06 Approving the Final Plat of Vintage Falls Plat 1-C, a Replat of Lot 7 of Vintage Falls Plat 1-A located at the south terminus of Sable Court**

**B373-06 Confirming the contract with T-N-T Excavating for construction of the C-3 Trunk Sewer Extension, an 80-acre point sanitary sewer serving the University of Missouri South Farm property.**

**B374-06 Confirming the contract with Wisch and Vaughan Construction Company, Inc. (WAVCO) to construct an addition to Fire Station No. 1 located at 201 Orr**

**Street and renovations to Fire Station No. 2 located at 1212 West Worley Street.**

- B375-06 Accepting conveyances for utility purposes.**
- B377-06 Authorizing acceptance of a grant from the Federal Emergency Management Agency - Department of Homeland Security for fire prevention and safety programs; appropriating funds.**
- B378-06 Authorizing an agreement with the Missouri Basketball Coaches Association (MBCA) for the 1st Annual MBCA Coaches Clinic; appropriating funds.**
- B379-06 Transferring funds to close out 1992 General Obligation Bonds; appropriating funds for the public building expansion project.**
- R197-06 Setting a public hearing: amendments to the 2005-2009 Consolidated Plan relating to vacant dilapidated commercial properties, ADA improvements to community facilities and HUD required performance measures.**
- R198-06 Setting a public hearing: construction of water main serving Wellington Villas, Plat 1.**
- R199-06 Setting a public hearing: construction of water main serving Wellington Villas, Plat 2.**
- R200-06 Setting a public hearing: route of the proposed County House Branch Trail.**
- R201-06 Authorizing an adopt a spot agreement with Beverly Forderhase.**
- R202-06 Authorizing an agreement with the Missouri Highways and Transportation Commission for transportation planning grants.**

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

**NEW BUSINESS**

**R203-06 Authorizing a cooperation and funding agreement with the Missouri Department of Natural Resources for implementation of the Missouri Building Operator Certification Program.**

The resolution was read by the Clerk.

Mr. Watkins explained this would authorize the City Manager to enter into an agreement with the Midwest Energy Efficiency Alliance and DNR to conduct a continuing education program with the Missouri Building Operator Certificate Program. This was a commitment to the continuation of conservation activities in the Water & Light Department.

The vote on R203-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R204-06 Authorizing an agreement with ACP-Visioning & Planning, Ltd. for design and facilitation of the community-wide visioning process and Vision Fall Festival.**

The resolution was read by the Clerk.



Mr. Watkins explained earlier this year, the Sponsors Council for the Visioning Project held public interviews and discussions with planning firms that could shepherd the visioning process. They were recommending the City enter into a contract with ACP Visioning and staff had negotiated a contract in the amount of \$143,940.

The vote on R204-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R205-06 Consenting to the issuance of Transportation Sales Tax Revenue Bonds by the Grindstone Plaza Transportation Development District.**

The resolution was read by the Clerk.

Mr. Watkins stated there was a provision in the agreement with the Grindstone Transportation Development District that prior to moving from notes to final bonds, the City needed provide approval. Staff's recommendation was that it was fine to move ahead with that provision.

The vote on R205-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**INTRODUCTION AND FIRST READING**

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

**B387-06 Voluntary annexation of property located on the south side of Starke Avenue, east of U.S. Highway 63; establishing permanent O-P zoning; setting forth a condition of approval.**

**B388-06 Rezoning property located generally south of Rollins Road and east of Scott Boulevard, on the east side of existing West Lawn Subdivision, from A-1 to R-1.**

**B389-06 Amending Ordinance No. 016915 and Ordinance No. 016916; approving the Grove Park O-P Development Plan; setting forth conditions of approval.**

**B390-06 Authorizing an annexation agreement with Eric H. and Susan Lidholm.**

**B391-06 Approving the Final Plat of Old Hawthorne, Plat No. 2; authorizing a performance contract.**

**B392-06 Approving the Final Plat of Timber Creek, Plat No. 5, a Replat of Lots 3, 4, and 8 of Timber Creek, Plat No. 1.**

**B393-06 Vacating various easements in conjunction with the proposed Southampton Drive extension project.**

**B394-06 Vacating an unbuilt portion of street right-of-way for Iowa Avenue; granting a variance to the Subdivision Regulations relating to construction of a cul-de-sac bulb at the northern terminus of Illinois Avenue.**

**B395-06 Confirming the contract with Emery Sapp & Sons, Inc. for construction of Southampton Drive from State Route 163 (Providence Road) to Nifong Boulevard, south of Grindstone Parkway.**

- B396-06 Confirming the contract with Apex, Inc. for construction of portions of sidewalk on the north side of Business Loop 70 between Creasy Springs Road and Garth Avenue.
- B397-06 Allowing a building permit to be issued to Rabbit Ears, LLC for structures in utility easements along the north, east and west sides of Lot 301, Brookside Square Plat 3; approving a waiver of claim and indemnity agreement.
- B398-06 Authorizing an agreement with E L M Building Partnership for the purchase of land along the east side of Tenth Street between Locust Street and Elm Street.
- B399-06 Authorizing construction of water main serving Wellington Villas, Plat 1; providing for payment of differential costs.
- B400-06 Authorizing construction of water main serving Wellington Villas, Plat 2; providing for payment of differential costs.
- B401-06 Authorizing a Side Track Use Agreement with Midwest Block and Brick, Inc. for use of Columbia Terminal (COLT) Railroad's spur track and adjacent right-of-way.
- B402-06 Authorizing Change Order No. One to the agreement with SEGA Inc. for design-build services for construction of a 161 Kv electric transmission line.
- B403-06 Accepting conveyance; authorizing payment of differential costs for water main serving Forest Park South, Plat 1; approving the Engineer's Final Report.
- B404-06 Accepting a donation from the FM Global Foundation for the purchase of two digital cameras and accessory equipment for the Fire Department; appropriating funds.
- B405-06 Amending Chapter 14 of the City Code as it relates to parking tickets.
- B406-06 Amending Chapter 14 of the City Code as it relates to reimbursement of costs for DWI traffic offenses.
- B407-06 Amending Chapter 11 of the City Code as it relates to smoking in public places.

#### REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Potential sanitary sewer district on Maple Bluff Drive.

Mr. Watkins explained this was a petition received from some property owners who annexed and were desiring to form a sewer district. A motion to direct them to proceed would be appropriate.

Mayor Hindman made the motion directing staff to proceed as proposed. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

(C) Potential sanitary sewer district on Timberhill Road.

Mr. Watkins explained this was a voluntary request by the Timberhill Road Association, who were within the city limits and had been for a long time, to form a sewer district. A motion to direct staff to proceed was appropriate.

Mayor Hindman made the motion directing staff to proceed as proposed. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

**(D) Spur track #2 at rail terminal.**

Mr. Watkins stated this had been handled in the budget approved by the Council.

**(E) Agreement with the Midwest Energy Efficiency Alliance.**

Mr. Watkins stated this was a report on the Change a Light Change the World campaign, which was their light bulb program. Mr. Hutton understood no action was required.

**(F) Renovation of the March-Heibel Building adjacent to Field Neighborhood Park.**

Mayor Hindman made the motion directing staff to prepare an ordinance in regard to this report. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

**(G) Nuisance Task Force.**

Mr. Janku understood they could proceed with the one related to parties, but the property one still needed work. Mr. Watkins agreed. Mr. Janku understood they had input from the students, but wanted to give them notice.

Mr. Janku made the motion directing staff to prepare an ordinance in regard to nuisance parties and to notify the students by contacting MSA or another appropriate group. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Community Services Advisory Commission**

Kopta, Barbara, 3112 Shoreside Drive, Ward 5

**Convention and Visitors Advisory Board**

Baker, Edward, 1804 Katy Lane, Ward 4

Beard, Joan, 154 W. Green Meadows, Ward 5

Gelatt, Rod, 1020 LaGrange Court, Ward 5

Hill, Trisha, 2200A Bushnell Drive, Ward 6

Hostetler, Lynn, 1204 Hulen Drive, Ward 4

Jashnani, Leela, 900 Vandiver Drive, Ward 6

Turner, Spencer, 5701 E. Mexico Gravel, Ward 3

**Internet Citizens Advisory Group**

Christianson, J. Scott, 300 S. Garth Avenue, Ward 4

Sheltmire, Stephan, 1908 Tremont Court, Ward 4

**Board of Mechanical Examiners**

Oetker, Henry, 4108 W. Rollins, Ward 4

**New Century Fund Board**

Battle, Eliot, 2200 W. Rollins Road, Ward 4

Chase, Phyllis, 1818 W. Worley, Ward 1

Gray, Susan, 416 Lathrop Drive, Ward 4

Paulsell, Mary, 721 Columbine Court, Ward 5

Robertson, Jim, 4401 Thornbrook Terrace, Ward 5

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

None.

The meeting adjourned at 2:58 a.m.

Respectfully submitted,

Sheela Amin

City Clerk