INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, April 2, 2012, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members HOPPE, MCDAVI, SCHMIDT, THORNHILL, KESPOHL, DUDLEY and ANTHONY were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

Ms. Hoppe made a motion to amend the March 19, 2012 Council Meeting minutes by changing “residents” to “employees” in the third paragraph of the discussion for REP51-12, and to approve the minutes as amended. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

The agenda was approved unanimously by voice vote on a motion by Mr. Dudley and a second by Ms. Hoppe.

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

SCHEDULED PUBLIC COMMENT

Willie Bogan – Project suggestions for the City’s extra $200,000.

Willie Bogan did not come forward to speak.

PUBLIC HEARINGS

B79-12 Authorizing the installation of lighting on two football/lacrosse fields located at the Columbia Cosmopolitan Recreation Area; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.
Mr. Matthes and Mr. Hood provided a staff report.
Mayor McDavid opened the public hearing.
Matt Markley stated he was the President of the Columbia Youth Football League (CYFL) and noted they were excited to have lights for the continued growth of the CYFL as it would allow for tournaments and night events. He explained CYFL was currently at the mercy of the high schools that had lighted fields. He asked the Council to approve this ordinance.

There being no further comment, Mayor McDavid closed the public hearing.
Ms. Anthony commented that she was a lacrosse parent that had spent a lot of time on these fields, and the lighting in addition to the concession stand and restrooms were much needed.

B79-12 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B80-12 Authorizing construction of restroom and concession facilities to serve the soccer and football fields at the Columbia Cosmopolitan Recreation Area.**

The bill was given second reading by the Clerk.

Mr. Matthes and Mr. Hood provided a staff report.

Mr. Dudley asked who would staff the concession stand. Mr. Hood replied the actual youth sport groups usually staffed it with the understanding that any proceeds would go toward the cost of operating the program. In this case, they would work with the Columbia Youth Football League (CYFL) and enter into an agreement with them.

Mayor McDavid opened the public hearing.

Chad Henry stated he was the past president and a current board member of the CYFL and explained the League had grown to 900 participants and 50 teams. Although they were excited about the lights, they were more excited for restrooms and the concession stand as those had been requested by parents of these youths for years. He noted the CYFL would be donating $15,000 toward the construction of these items and asked the Council to approve this ordinance as he hoped the lighting, concession stand and restrooms could be installed by the 2012 fall football season.

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

Mayor McDavid commended the Parks and Recreation Department since they had the respect and confidence of the citizens of Columbia through a process of making specific promises and delivering on those promised associated with park tax referendums. It was a result of their work that the City was able to offer these types of improvements.

Mr. Kespohl understood the fiscal impact indicated the cost would be $125,000, but the graph indicated the cost was $150,000. Mr. Hood stated he assumed it was a misprint. Mr. Kespohl understood the estimated cost was $125,000.

B80-12 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(A) Construction of sidewalks along the west side of Fairview Road from Fairview Elementary School to north of Rollins Road, and along the south side of Rollins Road from Fairview Road to Cambridge Drive, and construction of a mini roundabout at the intersection of Fairview Road and Rollins Road.**

Item A was read by the Clerk.

Mr. Matthes and Mr. Glascock provided a staff report.

Mayor McDavid understood the Council would be voting in favor of Alternative No. 2 by moving forward with the project. Mr. Glascock stated that was the recommendation of staff.
Mayor McDavid understood roundabouts enhanced traffic flow in comparison to stop signs. Mr. Glascock stated roundabouts decreased accidents, and therefore, increased flow. Mayor McDavid understood roundabouts decreased gas consumption. Mr. Glascock stated that was correct because drivers kept moving and did not have to accelerate as much.

Ms. Hoppe understood roundabouts did not create an increase in accidents. Mr. Glascock stated that was correct and pointed out roundabouts tended to decrease accidents.

Mr. Schmidt understood roundabouts decreased the severity of the accidents that still occurred due to its angles. Mr. Glascock stated that was correct.

Mr. Kespohl asked if large truck traffic traveled through this intersection. Mr. Glascock replied the intersection had some truck traffic, but not any that had been identifiable when the traffic count was conducted. Mayor McDavid understood semi-trucks would be able to get around the roundabout. Mr. Dudley understood buses would not have any trouble getting around the roundabout either. Mr. Glascock stated that was correct. Mr. Dudley asked how this roundabout would compare in size to the one on Rollins by Bonnie View. Mr. Glascock replied he was not sure since the detailed design was not complete.

Mayor McDavid opened the public hearing.

Ken Hines, 3700 Bray Court, stated he supported the sidewalks as those were long overdue and would be a great addition in keeping kids walking back and forth to school safe, but noted he opposed the roundabout at Fairview and Rollins. He understood 18,000 vehicles per day went through the intersection, and asked for the planned detour and alternative routes for those living south of the intersection during construction. He commented that the detour during construction would utilize more gas even though the roundabout would save on gas consumption. He felt traffic moved fine through the intersection now and the additional cost of the roundabout was unnecessary. He wondered why the City would create a solution for a problem that did not exist and asked the Council to install the sidewalks but not the roundabout.

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

Mayor McDavid commented that a roundabout had been installed approximately one block from his house, and at that time, he believed it was a waste of money. He explained, as a result of the roundabout, he did not have to come to a stop and could keep moving, and it slowed traffic. It also saved on gasoline consumption and allowed traffic to move more easily. He stated he had become a fan of roundabouts through that experience and would support this one.

Ms. Hoppe asked how long the construction would last. Mr. Glascock replied a mountable central island, which allowed emergency vehicles to go through the roundabout, would be constructed. He was not certain the road would actually be closed. He noted they would try to maintain through traffic as much as possible. His hope was for the road to remain open.

Ms. Anthony commented that she did not travel this road much and asked for the issues at this intersection. She wondered if traffic backed up and when that back up occurred. Mr. Glascock replied the issue was traffic back up at certain times of the day, and usually when school was in session. He explained this project began as a sidewalk project,
but then there was a request for a signal, which required more right-of-way than existed. As a result, they came up with this alternative as it did not require additional right-of-way.

Ms. Anthony commented that she was surprised at how few people attended the interested party meetings and how few people were in attendance tonight.

Mr. Dudley stated he had received a few e-mails from people who were both for and against the roundabout.

Mr. Schmidt made a motion directing staff to proceed with plans and specifications for Alternative No. 2. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

(B) **Construction of the sanitary sewer main and manhole rehabilitation project.**

Item B was read by the Clerk.

Mr. Matthes and Mr. Glascock provided a staff report.

Ms. Hoppe asked for clarification regarding the problems that would be addressed with this project. Mr. Glascock replied this project would align pipes so stormwater could not get into the sewer and erode its capacity to carry sewer water in the older parts of town. Ms. Hoppe understood this would improve infrastructure, sewers, in this case, in the central city.

Mayor McDavid understood this project would reduce the number of back-ups substantially. Mr. Glascock explained it would keep out water that should not be entering into the City’s system.

Mayor McDavid opened the public hearing.

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

Mr. Kespohl made a motion directing staff to proceed with an ordinance authorizing a bid call for the project. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(C) **Voluntary annexation of property located on the north side of West Arbor Way and on the west side of Harvest Road.**

Item C was read by the Clerk.

Mr. Matthes and Mr. Teddy provided a staff report.

Ms. Hoppe commented that the memo indicated the annexation of the subject site would have a limited fiscal impact on the City’s core services and that those impacts would be offset by user fees, and asked if staff had calculations. Mr. Teddy replied it was a generalization and he did not have any calculations. He noted there would be incremental property tax to the City as a result of the annexation, and the purchase of certain services, such as sewer and solid waste, would be on the revenue side. Costs would include calls to service. He noted the streets would remain Boone County local streets. Ms. Hoppe thought it would be good to have data and calculations for a basis for those statements.

Ms. Anthony understood staff was working on an analysis of infrastructure costs. Mr. Teddy stated they were working on a framework, which would be on a larger scale than an individual lot or a two lot annexation. Mr. Matthes stated staff would be providing a literature review of the cost-benefit for annexations, and noted each annexation was different. He thought they would receive a report within the next couple of weeks.
Mayor McDavid opened the public hearing.
There being no comment, Mayor McDavid closed the public hearing.


Item D was read by the Clerk.

Mr. Johnsen provided a staff report.

Mayor McDavid commented that the New Business portion of the agenda included a coal contract staff was recommending be discontinued due to the expense. He understood it was 4 cents per kilowatt hour for transmission of that electricity from Kansas City. He also understood Blue Ridge Wind Energy would cost 6.7 cents per kilowatt hour and asked if it included transmission costs. Mr. Johnsen replied it did. It was the delivery cost to the system. He pointed out the problem with comparing wind energy with a base load resource was that they occupied different needs on the system. As a result, it was difficult to make a direct value comparison between a dispatchable resource and an intermittent resource.

Mayor McDavid asked how much energy the City would obtain from Free Power solar projects next year. Mr. Johnsen replied he was unsure, but was hoping to expand. He noted they planned to move forward with some projects, and explained they were finishing the rooftop installation on the transload facility, the Bernadette site, and the land lease by the transload facility, etc., but that there were some stormwater, equipment delivery and other issues to address. Mayor McDavid stated he was pleased the contract was constructed in a manner that the City did not have a risk of performance. Mr. Johnsen agreed and noted the City would decide how much it wanted to spend for each project and how much it would risk in site development costs.

Mayor McDavid opened the public hearing.
There being no comment, Mayor McDavid closed the public hearing.

Mr. Kespohl asked if the City would not be renewing the Jefferson City contract. Mr. Johnsen replied that was the landfill gas generator contract and the City had entered into a 20 year contract for those services. He did not believe they would be terminating that contract.

Ms. Hoppe commended staff for looking for renewable energy opportunities and exceeding the minimum required in the renewable energy ordinance. She explained she had attended the Advancing Renewables in the Midwest Conference last week, and Free Power, who had made a presentation, had indicated 40 percent of their cost, based upon the national average, was due to permitting. She understood that percentage had been reduced to about one percent with the City of Columbia because the affected City departments had coordinated so well. She commended staff for that as well since it was what the City had been aiming for and appeared to have been achieved.

Ms. Hoppe made a motion to approve the Water and Light 2012 Renewable Energy Report. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

OLD BUSINESS

B66-12 Rezoning property located on the southeast corner of Garth Avenue and Blue Ridge Road from A-1 to PUD-6; approving the PUD Plan of Hunter’s Landing; setting forth a condition for approval.
The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Tim Crockett stated he was an engineer with Crockett Engineering Consultants with offices at 2608 N. Stadium Boulevard and noted this proposal had been unanimously approved by the Planning and Zoning Commission. It was a fairly wooded site and they would be preserving 45-50 percent of the native vegetation on the property with a total of 75 percent of the entire site being pervious once the development was completed. He pointed out this was not a student housing development. It was a condominium development and the units were for sale, not rent. He stated they had met with the neighborhood associations numerous times and had also met with different individuals in the area as well. He believed it had support from the community for the most part.

Mr. Dudley asked if they had considered making the parking lots less impervious. Mr. Crockett replied they had not had great results with pervious pavement with this soil type, and as a result, they would utilize other BMP’s to address water quality.

Ms. Hoppe asked if they had met with the residents of Gazelle or the Gazelle Neighborhood Association. Mr. Crockett replied when this project began, which was a couple of years ago, they had met with the Hunter’s Gate Neighborhood Association, the Parkade Neighborhood Association and the Vanderveen Neighborhood Association, which were the neighborhood associations on file with the City. Since that time, they had met with representatives of Vanderveen and Hunter’s Gate at the public input meeting. He understood there were two groups associated with Hunter’s Gate and they had met with the one that was recognized by the City.

Johanna Oldham, 3210 Gazelle Drive, stated she was a part of the Hunter’s Gate neighborhood that was not associated with the Hunter’s Gate Neighborhood Association, and noted she was never notified of any of these meetings. The first notification she had received regarding this development was from a friend on February 27, 2012, which was a full month after the neighborhood meeting on January 31, 2012. She had since talked with a number of her neighbors, and none of them were notified. She pointed out they were directly impacted even though they were not notified and asked Council to table this proposal until she and her neighbors had a chance to discuss it. She was concerned with regard to whether the roundabout was large enough to accommodate another entrance and exit and wondered if a traffic study had been done. She was also concerned about the fire station having access to both the Hunter’s Gate neighborhood and the Hunter’s Landing neighborhood. She commented that the trail and creek were at the bottom of the development, so she was concerned about an increase in runoff due to trees being removed and the impact on wildlife. She was also concerned with the amount of clear cutting that had already been done on the north side of town. She stated she enjoyed having a peaceful, quiet street, and noted the neighbors were unhappy with the proposed development.

Mr. Thornhill asked if she was part of an organized homeowners association recognized by the City of Columbia. Ms. Oldham replied she was unsure. She was told she was not a part of the Hunter’s Gate Neighborhood Association, but her title indicated she was a part of Hunter’s Gate. She understood Dove and Gazelle streets were in between Hunter’s
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Gate and the Vanderveen neighborhood. She commented that she was within 200 feet of the proposed property regardless of whether she was within the boundaries of a recognized association. Ms. Hoppe commented that if her property was within 200 feet, she should have been notified. Mr. Thornhill asked Ms. Oldham if she had noticed the posted signs. Ms. Oldham replied she was new to this process and had assumed the sign had to do with the schools. She commented that she understood there was a notice in the paper, but she had not paid attention since she did not have the foreknowledge of anything coming to this site.

Ms. Hoppe asked if those on Gazelle had been sent notices. Mr. Teddy replied the log indicated two addresses on Gazelle and three neighborhood associations, Hunter’s Gate, Parkade and Vanderveen Crossing, had been provided notice. In addition, another 15 individuals had received notice as they were within the 200 foot radius.

Mr. Schmidt understood those within 200 feet received notice and those outside of 200 feet could obtain information from the tube located with the sign. Mr. Teddy stated that was correct. He noted the official contact of any neighborhood association within 1,000 feet was provided notification as well. Mr. Schmidt understood the 200 feet included the width of Blue Ridge and Garth. Mr. Teddy stated he thought they should be notifying the other side of the street to a 200 foot depth, but the ordinance indicated the 200 feet was from the tract. Mr. Schmidt wondered if the radius needed to be increased.

Ms. Oldham commented that there were only about ten houses on her street, while Vanderveen had over 700 houses. She did not believe it would have been much of an effort to notify those on her street. She explained she was frustrated to learn about the development so late in the process and she did not feel that learning about the process was very accessible to someone who was not involved. She felt the location of the sign was not the best as people should not be reading a sign while driving around a roundabout.

Greg Ahrens, 1504 Sylvan Lane, stated he was concerned with the removal of the access limitation as the limitation was likely put there for a good reason and because this was an area where there were pedways and bike routes to Bear Creek Trail. He hope there was a good reason for removing the access limitations.

Kim Scott, 3808 Snow Leopard, stated she was a resident and member of the Vanderveen Neighborhood Association and had received notification for the first time on February 27, 2012 informing her of the Planning and Zoning meeting that would take place on March 8, 2012 regarding this development. She commented that she spoke with neighbors on Snow Leopard and a few other neighbors that lived in the Vanderveen Neighborhood Association, and all were unaware of the project. She stated she was concerned about traffic at the roundabout, specifically during the winter months, because she had been unable to access the roundabout during the first snow of the year. She wondered how emergency crews would access the proposed development if the roundabout was impacted. She suggested a traffic study be completed and asked the Council to table the proposal so more people could be notified as she believed most in the affected neighborhoods were unaware of the project, which she understood would take a few years to complete.

Mr. Thornhill asked for clarification regarding the process for a neighborhood association to be notified of a project and asked for the time frame in terms of this particular
project. Mr. Teddy replied notices were sent out via several means. They were sent out by listservs, which many neighborhood associations subscribed to it. This would have been done prior to the February 27 date that was mentioned. They also mailed notices out to individuals within 185 feet from the property, per the ordinance, within two weeks of the scheduled hearing. He pointed out this was not a strictly required notice in the sense that it was not a fatal flaw in notification if they omitted to do it. The only mandatory notice was the one that went in the newspaper 15 days before the hearing. He noted staff used a 200 foot radius instead of the 185 feet radius required by ordinance. He stated neighborhood associations of record within 1,000 feet were also notified and a sign was posted on the property with a small canister attached to the sign to provide additional information. Mr. Thornhill asked if a phone number was posted on the sign indicating who to contact. Mr. Teddy replied yes, and explained the postcards for the interested parties meetings had the case manager name and phone number as well. He noted the developers also convened their own meetings. Staff did not have control over who they met with or who attended, but it was another way to get the word out.

Michael Trapp, 10 E. Leslie Lane, stated his support of the request to table this proposal. He commented that he had met with the engineer on the project and did not find it to be unreasonable. He explained he had canvassed the neighborhood for a personal project, and at least 10 residents had raised the issue of lack of information with regard to the project. He believed a meeting with the developer would alleviate a lot of the concerns in terms of the overdevelopment of rental property in the Second Ward. He suggested moving in a slower and more deliberate way to allow for public input, so those affected would feel they were able to participate. He understood the developer would build the condos as market demanded so there were not many empty units, and as a result, he did not believe a short delay would cause undue hardship.

Bill Pauls, 306 Whitetail Drive, explained there was a Hunter's Gate 1 and a Hunter's Gate 2, and Hunter's Gate 1 was an officially recognized neighborhood association, which he represented and included approximately 56 homes. It did not include the area of Hunter's Gate 2, in which Gazelle was located. He noted his association was notified and they had received the newspaper notification as well. He understood the three major neighborhood associations in the area were Vanderveen, Parkade and Hunter's Gate, and all were notified. He believed the confusion involved Hunter's Gate 2 not having representation. He did not disagree with the suggestion of Mr. Trapp to allow for the tabling of this item since there was not a rush for starting the development. As a member of the Parks and Recreation Commission, he understood staff had indicated there were no adverse effects and stormwater had been addressed, so in his capacity as a Parks and Recreation Commission Member and the President of the Hunter's Gate Neighborhood Association, he saw no adverse effects and was in support of the project.

Karl Skala, 5201 Gasconade Drive, stated he had been unaware the 185 foot notification was not an enforced legal requirement. He suggested this issue be delayed with the intention of allowing more input as it would be good customer service.

Ms. Anthony asked if there were two entrances to this development. Mr. Crockett replied yes. Ms. Anthony asked why the second entrance was not aligned with Dove Drive.
Mr. Crockett replied when Blue Ridge Road had been improved several years ago, an existing driveway had been poured to provide access to this property, and Public Works had asked them to tie into that existing access. He pointed out there would be limited access, but it was not a restricted access. The reason for the change was because the access that was allowed would be allowed via a public street. They could achieve access at both locations if they constructed a public street and converted it into a cul-de-sac, but that would only increase the impervious surface and the amount of pavement the City would be required to maintain. It made sense to have two private drives the development was responsible for instead.

Mayor McDavid asked if the developer would mind waiting a month to begin this project. Mr. Crockett replied they were not opposed to a delay, but had some concerns. He explained he had met with Ms. Oldham and Ms. Scott at the February 27, 2012 Planning and Zoning Commission Meeting and had provided them his business card and information regarding the development. He had also told them that if they had concerns, he would be happy to meet with them again to discuss the situation, but they had not contacted him. He commented that they had held numerous public meetings on this project and all three neighborhood associations were on board. He did not think there was the same interest from the neighbors they had previously when they first began discussions regarding this project. He reiterated he had extended the invitation, but had not been contacted.

Mr. Thornhill understood there were concerns regarding a buffer between the development and the trail, and asked about the size of the buffer. Mr. Crockett replied it was several hundred feet. He explained a relatively large stream buffer along the creek was required and already in place, and they would extend beyond it a great distance. He pointed out 45-50 percent of the site would remain as it was currently. In addition, once the project was developed, there would be 75 percent of pervious surface.

Ms. Hoppe asked for the type of notice given for the interested parties meeting. Mr. Teddy replied a postcard was mailed out in January of 2012 to the same mailing list he had mentioned earlier. It was also included on the Planning and Zoning listserv, which had approximately 200 subscribers, and placed on the calendar on the City’s website.

Ms. Hoppe understood the real value of the interested parties meeting was to learn about the project and to communicate any change or adjustment that might meet the developer and neighborhood goals. It appeared as though those on Gazelle were not notified directly of the interested parties meeting, except for those living in the two houses at the end of the street. Mr. Thornhill understood that notification had met the ordinance requirement. Ms. Hoppe understood the notification had been met based upon the interpretation of measurement from the property line versus the street.

Mr. Thornhill stated he was concerned about tabling this proposal when all of the notification requirements had been met. Ms. Oldham’s house would not have been notified whether it was 200 feet from the property line or the street. In addition, her property was not within a recognized neighborhood association.

Ms. Hoppe made a motion to table B66-12 to the April 16, 2012 Council Meeting.

Mr. Thornhill asked if they could get a commitment from those that were concerned that they would meet with Mr. Crockett as he had extended an invitation to them previously.
The motion made by Ms. Hoppe to table B66-12 to the April 16, 2012 Council Meeting was seconded by Mr. Kespohl.

Ms. Anthony commented that the neighbors had two weeks to avail themselves of Mr. Crockett’s offer, and if they did not, it was a non-issue. She thought that once they learned more about the project, they would likely embrace it.

Mayor McDavid stated he would support tabling this item even though he believed it was a bad precedence to do so when staff did everything they were suppose to do in terms of notification. Mr. Thornhill pointed out the applicant had done everything required as well.

The motion made by Ms. Hoppe and seconded by Mr. Kespohl to table B66-12 to the April 16, Council meeting was approved by voice vote with only Mr. Thornhill voting against it.

B67-12 **Vacating street easements and associated access restrictions on the southeast corner of Garth Avenue and Blue Ridge Road.**

Ms. Hoppe made a motion to table B67-12 to the April 16, 2012 Council Meeting. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

B68-12 **Rezoning property located on the west side of Conley Road, south of the I-70 and U.S. Highway 63 intersection (511 Conley Road), from R-1 to C-3; authorizing a development agreement with TKG Conley Road Investments, L.L.C. and Conley Road Transportation Development District.**

The bill was given second reading by the Clerk.

Mr. Matthes and Mr. Teddy provided a staff report.

Ms. Hoppe asked for a description of the protections in place by the agreement since the property would be zoned C-3 instead of C-P. Mr. Teddy replied intersection improvements at the main entrance to what was now the Missouri Department of Transportation (MoDOT) facility would be required when the property was reconstructed as a C-3 development. The intersection improvements would include signalization, the channelization of traffic, dedicated right turn lanes, crosswalks, disabled access on three legs of the intersection, intersection treatments on Conley and a signal at Brickton and Trimble. There would also be a connection and improvement to East Boulevard, some distance west of the Hinkson Creek, so there would be a span over the Hinkson Creek. He explained plans showing the improvements had been worked on since 2009 and were described as 95 percent complete. The plans varied from a three lane to a two lane section depending on the adjacent property conditions. Where there were existing lots and access in the form of streets or driveways, it would generally be three lanes with a left turn lane in the center and a through lane on each side. Where there was not development that required access, it would be two wider lanes to enable bicycles to ride with traffic. The guarantee was that they would not issue a certificate of occupancy unless the improvements were made. In addition, if the improvements could not be completed for reasons beyond the control of the applicant, a letter of credit would be provided in the City’s favor to allow the City to draw upon it to complete the improvements. He explained one of the delays might be an external regulatory delay as they anticipated the need for a lot of environmental work associated with the crossing of Hinkson Creek.
Mr. Kespohl made a motion to amend B68-12 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Mr. Schmidt asked for clarification regarding the trail easement. Mr. Teddy replied the trail was not precisely delineated, and described its general location per the agreement. He noted the trail would join the street network system at the front of the property and a retaining wall would be built in the northwest area of the trail.

Ms. Hoppe asked if the roads would meet the 2004 design standards requiring a sidewalk if there was not a trail or pedway. Mr. Teddy replied he believed it was consistent with the cross section standards put in place in 2004 except on the bridge. In addition, they did not recommend any off-street pedestrian facility on the north side of East Boulevard where it was flush with MoDOT right-of-way since it was too close to the interstate. Generally speaking, he stated it was consistent with the 2004 standards.

Craig Van Matre stated he was an attorney with offices at 1103 E. Broadway and was representing the applicant, who was asking for the property to be zoned C-3 from its present R-1 zoning. He provided a handout and explained the site was not appropriate for anything except commercial or industrial use. His client wanted to incorporate it within the shopping center, which was immediately to the south of the subject site, so they would bring the level of the dirt down to approximately that of the Walmart parking lot. They would remove the previous conditions on the site, which included salt and cinders. The two already built detention basins, along with the development of this site, would eliminate any significant runoff into the Hinkson Creek from this particular area. He noted many expensive projects were planned, to include a bridge, the connection of Conley Road to Business Loop 70 East, a new access from Highway 63 onto Conley Road, traffic lights at various access points, the burying of all but one high powered line, a parallel road as part of the shopping center to remove traffic from Conley, etc. He explained it had taken a long time to get to this point as they had to satisfy the Columbia Country Club in terms of adversely affecting their property, and they now had a signed agreement with them. He noted they had received unanimous approval from the Planning and Zoning Commission, and pointed out the development agreement detailed all of these improvements, which included all of the recommendations of the 2009 traffic study, except for a roundabout at Trimble and Brickton. A traffic signal would be installed instead and had been approved by City staff. He explained they did not believe planned zoning was necessary as they had solved the problems in the form of a development agreement with the City and a settlement and right-of-way acquisition agreement with the Country Club. In addition, in the commercial real estate arena, the ability to move fast made a difference in making a deal with a tenant or losing it to another site. He commented that the trail was left imprecise at the request of the Parks and Recreation Department since they did not have approval or a design.

Ms. Anthony asked if these were trees on each side of the internal road shown on the conceptual plan. Mr. Van Matre replied he understood bushes or trees would be included in the islands. It would be something that did not obstruct the view of traffic.

Ms. Hoppe asked for the height of the retaining wall.
Matt Kriete stated he was an engineer with Engineering Surveys and Services with offices at 1113 Fay Street, and explained the height of the retaining wall varied and would be anywhere from 15 to 25 feet.

Mr. Kriete clarified the west side of the road would have a sidewalk of some sort, but the east side of the road would not due to the unsafe condition with regard to its proximity with I-70.

Mr. Schmidt understood the pedway mentioned earlier would be a sidewalk along the road and asked for clarification. Mr. Teddy replied, at the point where the East Boulevard improvements started, which was west of the Hinkson Creek, there would be a dedicated pedway that was separate from the roadway. There would be a wide curb lane on the moving lanes, which would accommodate bicyclists that were confident riding in traffic. There would not be anything on the opposite side because it was right up against the I-70 right-of-way. Mr. Schmidt assumed a sidewalk would allow someone to walk from Business Loop 70 East to the development. Mr. Kriete stated that was correct.

Mr. Thornhill asked for the time frame for this project. Mr. Kriete replied they were ahead of schedule in terms of design, but the major hurdles that could cause a delay were the relocation of the electric line and the permitting, in terms of the Army Corps of Engineers and a floodplain permit. He thought it would be 3-4 months before anything was started.

Mr. Kespolh understood the estimated cost for the bridge was $5 million and the estimated cost of the road was another $2 million, but the letter of credit the development agreement called for was for $6 million. He asked Mr. Van Matre if he would be opposed to a $7 million letter of credit. Mr. Van Matre replied the letter of credit was needed if a tenant wanted to occupy the site before all of the work was done because the City was concerned the work would not be done if occupancy was provided. He believed the original suggestion was that a $3 million letter of credit would be sufficient. The cost of these improvements was a guess at this point since the plans were not complete. He believed $6 million was adequate security, but would agree to $7 million, if approval was contingent upon that change. He pointed out he believed the cost of the extra $1 million in security was a waste of money.

Greg Ahrens, 1504 Sylvan Lane, stated he was unaware of the internal roadway and hoped buses would be able to circulate closer to the buildings as a result because it was a hassle, especially for those in a wheelchair or those carrying groceries to go up the hill to the present bus stop location. He also hoped they would one day be able to walk by the Hinkson Creek under I-70 to shop at the shopping center.

Karl Skala, 5201 Gasconade Drive, stated his appreciation with the negotiations that had taken place and explained he had been on the Planning and Zoning Commission in 2003 when this project started and had also been asked to sit in on the information sessions with the Columbia Country Club. He believed this would be a great improvement with regard to traffic flow and safety and thought the Council should support it.

Ms. Hoppe stated she was pleased there was finally an agreement that was mutually acceptable and noted she was happy to support the project.
Mr. Kespohl made a motion to amend the development agreement associated with B68-12, as amended, so the letter of credit was $7 million instead of $6 million. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

B68-12, as amended, was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVI, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B70-12 Approving the Preliminary and Final Plat of Thornbrook Plat No. 15 located at the termini of Thornbrook Parkway and Henwich Drive.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Kespohl made a motion to table B70-12 to the April 16, 2012 Council Meeting. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

B71-12 Approving the Final Plat of Grace Covenant Church Subdivision, Plat 1-A located on the north side of Sexton Road, between Garth Avenue and Grand Avenue (1 East Sexton Road).

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid understood staff was recommending the Council vote no unless one of the two conditions were met. Mr. Teddy stated that was correct. Mayor McDavid asked Mr. Teddy if he preferred this be tabled so the applicant could tell staff which condition he preferred or if the bill should be amended tonight. Mr. Teddy replied staff would need to see the modification and verify it prior to the recording of the plat if there was a modification. Mayor McDavid understood the bill could be amended to allow for one of the two conditions and Council could then approve it. Mr. Teddy stated the applicant would need to modify the plat prior to the recording of the plat, so the applicant could speak to that issue.

Tim Crockett stated he was an engineer with Crockett Engineering with offices at 2608 N. Stadium and the applicant was given the option of right-of-way or a street easement, and they had chosen the street easement. He understood the concern was with how the property would be platted with a street easement as the City surveyor wanted them to pull their lot line back and not include the easement itself. This would leave an unplatted piece of property owned by his client and on which his client would pay taxes. His client was willing to grant the street easement of five feet as a street easement, and the plat in front of Council had that street easement included.

Mr. Teddy explained the simplest option would be to deduct the area of the street easement from the lot area shown on the plat. Mr. Crockett noted that was the point of contention because survey standards did not allow them to deduct lot area. If they had to deduct the lot area for the density calculation, they were okay with it, but they could not reduce the lot area for a platted lot when it was not truly that area. They would plat the street easement. It would be included in the lot. Mr. Teddy suggested a note on the plat.

Mayor McDavid asked if they needed time to work this out. Mr. Crockett replied he thought it could be resolved tonight. Mr. Teddy suggested the area of Lot 1-A be included in
the form of a note on the plat. Mr. Crockett understood a note could be added indicating the area of Lot 1-A was “x” acres excluding the additional street easement.

Mayor McDavid made a motion to amend B71-12 by adding a sentence to Section 1 stating “Approval of the final plat is subject to the condition that the subdivider shall add a note to the plat stating that, for density calculations, the area of the street easement shall be deducted from the total area of Lot 1-A.” The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

B71-12, as amended, was given third reading with the vote recorded as follows:

VOTING YES: HOPPE, MCD AVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B74-12 Authorizing rights of use permits with MM II, LLC to allow construction, operation and maintenance of a non-standard patterned, textured and colored sidewalk within the Ninth Street right-of-way, and construction, improvement, operation and maintenance of balconies to extend within the Ninth Street right-of-way and the alley between Ninth Street and Watson Place right-of-way.

The bill was given second reading by the Clerk.

Mr. Glascock provided a staff report.

Ms. Anthony asked if there was a need for a provision on liability should an accident be caused by the new design or by it not being maintained properly. Mr. Boeckmann replied Council could include that wording, but a Missouri law indicated maintaining streets and sidewalks was a non-delegable duty, so the City would still be liable. Ms. Anthony pointed out they were delegating maintenance. Mr. Boeckmann noted that as long as it was a public sidewalk, the City was responsible.

Mr. Schmidt asked if the colored and patterned sidewalks would present any ADA issues. Mr. Glascock replied no.

Matt Kriete stated he was an engineer with Engineering Surveys and Services with offices at 1113 Fay Street and commented that in terms of the ADA perspective, there was not an impact. All accessibility codes and guidelines would be met.

B74-12 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCD AVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B75-12 Appropriating funds for transportation improvements to the Stadium Boulevard corridor from Broadway to I-70.

The bill was given second reading by the Clerk.

Mr. Glascock provided a staff report.

Mayor McDavid understood this was a loan that would be paid back with revenue from the TDD. Mr. Glascock stated that was correct.

Mr. Kespohl asked if it was a loan to the TDD. Mr. Glascock replied it was a loan to the City, but would be paid back with TDD revenues.

Ms. Hoppe asked if the City was paying interest on the loan. Mr. Glascock replied the City would not be out any money because the interest on the loan was covered by TDD revenues.
Mr. Schmidt understood the TDD would be extended until TDD revenues were sufficient. Mr. Glascock stated he believed the agreement with the TDD’s indicated that would be the case.

Mr. Dudley asked about the boundaries of the involved TDD’s. Mr. Glascock replied there were three TDD’s, which included the mall, the site where Chuck E. Cheese and the other businesses were located and the Crossroads and old Biscayne site.

B75-12 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B77-12 Approving the Enhanced Home Performance with Energy Star program; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Johnsen provided a staff report.

Mr. Thornhill asked if this would take work away from private entities that did the same kind of work. Mr. Johnsen replied he did not believe it would. This was an additional program that would not take away business from the City's existing programs. This involved a segment of the population the City had trouble reaching in the past due to the financial investment that was required from the homeowner. Mr. Matthes understood the people that would participate in this program would not buy this service without the program, so he did not believe it would displace any business.

Darin Preis, 4803 Chilton Court, stated he was the Executive Director of Central Missouri Community Action (CMCA) with offices at 807 N. Providence Road, and noted he was in favor of this proposal as it was another example of the City being innovative and creative in terms of its utilities. He explained they had been working with the City in terms of planning for this project for about a year. The mission of CMCA was to empower individuals and families to achieve self-reliance and this was the type of project that helped people stretch their income. He pointed out CMCA spent approximately $1 million per year on utility assistance, and while this was a good investment, decreasing energy consumption was a better investment of the public dollar and better for those they served. The program would save participants $30-$80 per month for the life of the measure, which was approximately 15 years, so it would pay for itself. He explained low income residents were currently not in a position to take advantage of the existing rebate program because the service was not free, so even though the existing home performance program was well established and recognized as a model, the current rebates were being used for homes in the south and southwest area where there were generally more middle and upper income households. The homes CMCA had weatherized over the last three years were in the central city and to the north. CMCA would match its resources, as they existed today, with the resources of Columbia Water and Light and Boone Electric. The program was available for free to the residents of low income and these entities received the advantage of decreasing consumption. He explained decreasing consumption meant Columbia Water and Light customers were more likely to receive an adequate supply of energy with existing sources and the City would be in a better position to explore and invest in alternative sources of energy that would ultimately put the
City in a better economic position. He reiterated this work would not be done if it was not for Department of Energy funds that were available to CMCA to partner with Columbia Water and Light and Boone Electric.

Ms. Hoppe commented that she liked the aspect of offering this at a 50 percent rate to property owners with rentals because 60 percent of residents in Columbia rented. Once the service was provided, she wondered if there was any connection in keeping low income residents in those units. Mr. Preis replied the landlord had to sign an agreement indicating they would not increase rent or evict the tenant for a certain period of time.

Karl Skala, 5201 Gasconade Drive, stated he was the Chair of the Environment and Energy Commission, which had a subcommittee that was working on energy efficiency in terms of rental units. He noted they had been struggling with this issue for the last 2-3 years, and this appeared to be a nice solution. He stated his support of this program to see how it worked.

Mayor McDavid stated this was a creative and innovative collaboration, which he was proud to support.

Ms. Hoppe commented that she had recently brought the shortage of money in the Cash and Help Program to the attention of Council and thought this program would go a long way in reducing the amount of funds given to those that could not pay their utility bills as it would reduce the energy needs of lower income people. She felt it also worked with the affordable living and housing package, which was not only what one paid in rent or mortgage, but also what one paid for in terms of utilities and transportation, and believed this was a good first step.

Mr. Schmidt thought it would be interesting to know if improvements were not being done because the landlord themselves did not have the money for it. He hoped that type of metric would be reviewed. Mr. Johnsen commented that the reason this was currently only a one year program was because they wanted to see what markets would be infiltrated, specifically in terms of landlords.

Mr. Schmidt commented that although CMCA might be doing work that would impact private contractors, they were employing people locally to do the work.

Ms. Hoppe stated she recently attended the Shepard Neighborhood Association meeting at which Frank Cunningham, who was involved in the audits of private homes, made a presentation, and noted she was impressed with the number of homes in that area that had already had audits and were participating in the energy efficiency program. She felt this was creating business for private entities, which would increase as word of the program spread throughout the community.

B77-12 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B81-12 Amending Chapter 19 as it relates to personnel policies, procedures, rules and regulations.

The bill was given second reading by the Clerk.

Mr. Matthes and Ms. Buckler provided a staff report.
Ms. Anthony asked if this ordinance would affect unions other than IBEW. Ms. Buckler replied it would affect all unions. Ms. Anthony asked if they were all in agreement. Ms. Buckler replied yes.

B81-12 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVIJD, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. 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.

B69-12 Approving the Final Plat of Short Street Garage Plat 2, a Replat of Short Street Garage, located on the northeast and northwest corners of the Short Street and Walnut Street intersection.

B72-12 Amending Chapter 14 of the City Code to prohibit parking on a portion of the south side of Savoy Drive.

B73-12 Amending Chapter 14 of the City Code to remove a parking restriction from a portion of the east side of Pannell Street.

B76-12 Accepting conveyances for sewer purposes.

B78-12 Accepting conveyances for utility purposes.

B82-12 Authorizing an agreement with Community Foundation of Central Missouri and Greater Horizons for establishment of the Conley Fund; transferring funds.

B83-12 Amending Chapter 1 of the City Code to repeal Section 1-13 relating to the Conley Poor Fund.

R48-12 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for Public Health Emergency Preparedness Services.

R49-12 Authorizing a Contract of Obligation with the Missouri Department of Natural Resources for financial assurance for proper closure and post-closure activities at Columbia’s landfill.

R50-12 Authorizing the temporary closure of portions of sidewalks at the southwest corner of Park Avenue and North Ninth Street to allow construction of an apartment building at 233 North Ninth Street and sidewalk replacement.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: HOPPE, MCDAVIJD, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

R51-12 Authorizing termination of the Participation Power Sales Agreement as amended by the Dispute Resolution Agreement and First Amendment to Participation Power Sales Agreement with the Board of Public Utilities of the City of Kansas City, Kansas.
The resolution was read by the Clerk.

Mr. Matthes and Mr. Johnsen provided a staff report.

Mayor McDavid understood this was an old plant that was getting too expensive and would likely be shut down. Mr. Johnsen stated staff was concerned with two issues. One involved the fact the Cross States Air Pollution Rule crossed the Kansas state line and the utility was not prepared for it, so there were capital improvements that would be needed, which the City wanted to avoid. The other was the possibility the utility as a whole might be engaged in fuel switching if there was the opportunity, which would create an adverse impact on the City’s participation with this unit.

Mayor McDavid asked about the impact of this on consumer utility rates. Mr. Johnsen replied he thought it would be good, but did not have an exact dollar amount because it would depend on what they replaced it with. Mayor McDavid asked if it would be less expensive to purchase power next year than it was this year. Mr. Johnsen replied this would get the clock started on the one year termination agreement and they would then work with the Water and Light Advisory Board to determine what to do next. From a capacity perspective, this would not cause a problem from a balance perspective due to the purchase of the Columbia Energy Center. They would work through all of the scenarios and options to decide the best way to move forward, and that would take time.

The vote on R51-12 was recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. VOTING NO: NO ONE.

Resolution declared adopted, reading as follows:

R52-12 Authorizing Amendment No. 1 to the agreement with The Curators of the University of Missouri for shuttle bus service on campus.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mayor McDavid asked if this involved the University’s downtown shuttle. Mr. Matthes replied yes, and explained this would pay for the loop that connected the parking lots. Mayor McDavid understood the University had an evening loop that went downtown as well. Mr. Glascock stated yes and noted this would pay for all of it. Mr. Matthes pointed out the route was slightly different at night.

The vote on R52-12 was recorded as follows: VOTING YES: HOPPE, MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY. 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.

B84-12 Hinkson Creek TMDL settlement agreement.

B85-12 Voluntary annexation of property located on the north side of West Arbor Way and on the west side of Harvest Road; establishing permanent A-1 and R-1 zoning.
B86-12 Rezoning property located on the south side of Locust Street, between Hitt Street and Waugh Street (1106-1108 Locust Street) from District R-3 to District C-P; approving waivers for parking, Standards and Criteria and residential density.

B87-12 Approving the Final Plat of Creeks Edge, Plat No. 1 located north of Thornbrook Subdivision, on the west side of Scott Boulevard and across from Stone Grove Court; authorizing a performance contract.

B88-12 Authorizing construction of a public drop-off facility at the Columbia Sanitary Landfill; calling for bids through the Purchasing Division.

B89-12 Authorizing construction of the sanitary sewer main and manhole rehabilitation project; calling for bids through the Purchasing Division; appropriating funds.

B90-12 Authorizing construction of the Anderson Avenue Private Common Collector Elimination Project #15; calling for bids through the Purchasing Division.

B91-12 Authorizing the acquisition of easements for construction of the Anderson Avenue Private Common Collector Elimination Project #15.

B92-12 Authorizing the acquisition of easements for construction of the Valley View Pump Interceptor Sewer Project.

B93-12 Amending Chapter 14 of the City Code to prohibit parking on a portion of the north side of Buttonwood Drive.

B94-12 Authorizing an agreement with the Missouri Highways and Transportation Commission for the installation of automated traffic signal enforcement equipment.

B95-12 Authorizing an airport aid agreement with the Missouri Highways and Transportation Commission for aircraft rescue and firefighting training assistance at the Columbia Regional Airport.

B96-12 Authorizing a natural gas transportation service agreement with Union Electric Company.

B97-12 Authorizing an agreement for engineering services with Burns & McDonnell Engineering Company, Inc. for updates to the 2008 Integrated Resource Plan as it relates to supply side analysis, demand side analysis and integration analysis; appropriating funds.

B98-12 Accepting conveyances for utility purposes.

REPORTS AND PETITIONS

REP55-12 Speed Control on Fairview Road and East Broadway.

Mr. Glascock provided a staff report and noted this report had been provided for informational purposes.

REP56-12 Harmony Branch Substation and Tower Site Agreement.

Ms. Schwartze provided a staff report and noted this report had been provided for informational purposes.

REP57-12 Charter Amendment to Limit Use of Eminent Domain in Enhanced Enterprise Zone Areas.
Ms. Hoppe understood a charter amendment would not affect the right of eminent domain with regard to Tax Increment Financing (TIF) projects, but would in terms of an Enhanced Enterprise Zone (EEZ) due to the difference in state legislation. Mr. Boeckmann explained it was because the EEZ statute did not purport to give the authority to do eminent domain.

Ms. Anthony commented that should the EEZ go forward and be approved, she would recommend a charter amendment.

Mr. Schmidt understood a charter amendment had to go to the vote of the people. Mr. Boeckmann stated that was correct. Ms. Anthony asked if the Council had to agree to put it forth to the public. Mr. Boeckmann replied that was one way. Another way was by petition to the Council. Ms. Anthony asked how that worked. Mr. Boeckmann replied a certain number of signatures would be required.

Ms. Anthony suggested they wait until a decision regarding EEZ was made. They would then determine if it could be accomplished by Council to place it on the ballot.

Mayor McDavid stated he was in agreement with the process suggested by Ms. Anthony and noted there was no enabling language in the EEZ designation that created any greater access to eminent domain than what previously existed. Mr. Boeckmann noted it was arguably a question as to whether a charter city could exercise that power in an EEZ. He explained if the Council wanted to limit its power in terms of eminent domain, he would not tie it to an EEZ. He would tie it to purposes of economic development. He thought people were trying to prevent the condemnation of one person’s property to ultimately go to another private individual.

Mayor McDavid commented that he believed the charter amendment was a great solution to something that was not a problem. He reiterated he felt the process outlined by Ms. Anthony was prudent.

Ms. Anthony stated she believed they needed to tie the restriction of eminent domain to economic development instead of just the EEZ.

Mr. Schmidt commented that the charter was analogous to the Constitution and should not be changed lightly. Mr. Boeckmann stated it was expensive and time consuming, and if they were going to do it, they needed to really think about what they wanted to do, and not limit it too much.

REP58-12 Designation of Enhanced Enterprise Zone Area.

Ms. Anthony commented that they were very clear in Section 6 of R20-12A as it indicated the area described in Exhibit A was hereby certified by the City Council of the City of Columbia, Missouri as a blighted area. She understood an application had not come forward for them to approve and the blighted designation would be included in the application. She thought they should separate the two and have the blight discussion first with the application coming later.

Mr. Schmidt stated that although Mr. Boeckmann might be correct on legal grounds, the public perception created a different issue. He asked how Council could move forward. Mr. Boeckmann replied Council could unblight the area to the extent they construed the
resolution of having blighted the area, or amend it to blight the area they thought should be
blighted. He recommended not doing this until a public hearing was held.

Mr. Schmidt understood the public also had an issue with this going forward as a
resolution instead of an ordinance.

Ms. Hoppe stated she agreed with Ms. Anthony in terms of the language of the statute,
and did not understand how Mr. Boeckmann had interpreted it to be preliminary, except that it
would be amended in the future. Mr. Boeckmann stated he believed there were a number of
issues. The statute indicated the City had to blight the area and there was a very extensive
definition of blight. If Council was looking at this on a factual basis, he thought they would
have trouble upholding most of the area that had been declared blighted. Ms. Anthony
thought this would lead to them wanting to rescind it so the Council could have a public
hearing.

Ms. Hoppe asked if the Board could proceed with its work if the map was rescinded.
Ms. Anthony stated she would have preferred it if they had proposed the map on which the
public hearing was held.

Mayor McDavid noted Section 6 of R20-12A had been amended to say “inadequacies
which lead to blight”. Ms. Anthony agreed, but was not sure that was substantive. Mayor
McDavid stated he thought it was hard to argue against inadequacies in a time of economic
distress. Ms. Anthony explained she was not arguing that issue. She noted she was
arguing the process as she felt they had designated a large swath of the City as blighted
without any kind of public hearing or discussion.

Mayor McDavid noted a public process was underway by which they might reject the
EEZ, and if the Council rejected the EEZ, they could change the language of the resolution to
a way that was satisfactory to the public at large. Ms. Anthony noted they had taken Council
action to blight the City. Mayor McDavid agreed they had taken Council action to declare the
City as containing inadequacies which lead to blight and that they could have a semantic
argument all night. He pointed out Springfield and Jefferson City had done the same thing.
Ms. Anthony asked if it had been done without a public process. Mayor McDavid replied the
public process was underway. Ms. Anthony felt the process was backwards. Mr.
Boeckmann stated he agreed a good argument could be made that it was backwards, but the
City had followed the recommendation of the Department of Economic Development.

Mr. Matthes stated he thought it was important to point out the rules had been followed
and this had been approved in many other cities without any concern, but Columbia was
different. Columbia tended to approach things with a lot more public input. He reiterated
there were no missteps in terms of following a rule.

Ms. Anthony thought the two issues could be separated and they could hold two public
hearings. She believed they could obtain a recommendation from the Board on the map and
have a separate public hearing on the blight designation. They could then proceed from
there with an application.

Mayor McDavid noted they would have a 3-4 hour public hearing in which eminent
domain abuse, the blight language, the impact of this program on revenue to the school
system and the impact of EEZ’s in general would be discussed. If Council decided to say no
to this process that had already started, he thought it would be easy to rescind any language they wanted.

Ms. Anthony stated she would not mind proposing a rescinding of the blight designation tonight and holding a separate hearing on the issue. Mr. Thornhill asked if the rescission would effectively kill the EEZ process. He thought the blight designation was required to qualify for the EEZ. Ms. Anthony clarified she wanted to rescind the certification of the map. Mr. Boeckmann understood the only thing Ms. Anthony wanted in the resolution was the formation of the EEZ Board.

Mr. Matthes asked if they could take this discussion as a request for staff to research and provide a report to Council on the issue at the next meeting. He thought they should know of the exact outcomes prior to moving forward. Mayor McDavid asked that the report include a time table of the current process as they were waiting on recommendations from the Board.

Ms. Anthony asked if a date had been set for a public hearing. Mr. Matthes replied no. Mayor McDavid suspected it would be within the next 1-2 months.

Ms. Hoppe commented that several realtors had asserted they would have to disclose the property being sold was in a blighted area. Mr. Thornhill stated he had not heard that. Mr. Boeckmann suggested they check to see what the realtors in Springfield were doing since almost that City had been declared blighted. Ms. Hoppe understood Mr. Boeckmann did not believe the disclosure was required. Mr. Boeckmann stated he was skeptical as he did not believe this should adversely affect property values. He suggested they check with Springfield to determine how its property values were affected. Ms. Hoppe stated she would like to know if the disclosure was required.

Mayor McDavid noted there were 118 EEZ areas and the program either affected property values or did not. He was waiting for someone to show him it did as he had antidotal evidence it did not.

Mayor McDavid asked if the map had been defined. He thought the map had to be defined by the Board. Mr. Matthes replied Council established a map and the Board would recommend a refined map. If Council approved the refined map, it would be part of the application to the State of Missouri.

Mayor McDavid thought the question was whether to let the process that had already begun play out.

Mr. Kespoohl understood the resolution directed the City Clerk to send a copy of the resolution to the Department of Economic Development, and asked if that had been done. Ms. Amin replied yes. Mr. Kespoohl asked if the map had been sent as well. Ms. Amin replied yes.

Mr. Matthes stated staff would prepare a report that would determine the impact of rescinding the map, if any, and answer the question regarding real estate disclosure. Mr. Kespoohl thought another issue the report should address was whether the map could be modified. Mayor McDavid asked that the report also include the time process they were faced with as he wanted some idea as to when the public hearing at the Council level would be held.
REP59-12  Regency Mobile Home Park - Closing Office.

Mr. Boeckmann provided a staff report and noted the report had been provided for informational purposes.

REP60-12  Intra-Departmental Transfer of Funds Request.

Mr. Matthes provided a staff report and noted this report had been provided for informational purposes.

Mr. Thornhill understood $1 million was transferred from the Ponderosa Gans project to the Scott Boulevard project because the Ponderosa Gans project was not slated to begin until fiscal year 2018. He asked where the $1 million would come from in 2018. Mr. Matthes replied another project or new funds. He explained the project would remain in the Capital Improvement Plan.

REP61-12  Grindstone Trail Phase 1 Alignment Study.

Mayor McDavid understood the recommendation of staff was to refer this for neighborhood interested parties meetings, the Missouri Department of Conservation, the Parks and Recreation Commission and the Bicycle/Pedestrian Commission. Mr. Hood stated that was correct and explained they would be willing to refer it for any additional reviews the Council might suggest.

Ms. Hoppe stated she understood the neighbors were working on an adjustment to the alternative given the information they had and wanted until the end of the month. She suggested a process that would provide the neighbors a couple weeks to a month to provide a proposed adjustment to the alternative. The interested parties meetings could then be organized and reviews could then be done by the Department of Conservation, the Parks and Recreation Commission and the Bicycle/Pedestrian Commission. She noted the original route severely impacted several property owners, and believed the neighborhood association was supportive of the alternative, but was looking at an adjustment to the alternative.

Ms. Anthony asked if the engineer would have an opportunity to respond to the East Point Neighborhood Association. Ms. Hoppe suggested they obtain a response from the engineer prior to proceeding with the meetings and reviews.

Mr. Matthes understood a meeting with East Point should be held prior to any interested parties meeting. Ms. Hoppe stated that was correct, and explained the meeting should involve the engineer and staff in order to discuss the adjustment of the alternative. Mr. Kespohl asked if Council would have the opportunity to see the adjustment to the alternate before proceeding with interested parties meetings. Mr. Hood replied staff could provide it to Council when received from the neighborhood. Mr. Kespohl stated he would like to see it.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Karl Skala, 5201 Gasconade Drive, asked that the Environment and Energy Commission be allowed the opportunity to comment on REP61-12 as they had a Riparian Corridor and Land Disturbance subcommittee.
Mr. Skala explained he had sent an e-mail to the Council regarding REP58-12 in which he stated he respectfully disagreed with Mr. Boeckmann because there was a legal question as to whether any such blight designation could be introduced as a resolution in deference to the proper due process afforded a blight designation, which would include a first reading, second reading, public hearing and subsequent vote attendant to a draft ordinance, and because there was no reference in the language of R20-12A that would indicate the designation of inadequacies that would lead to blight should be considered preliminary.

Shari Korthuis, 2987 Running Deer Court, understood Mr. Matthes had previously indicated the taxes abated would be at 50 percent and in the eleventh year the company would pay the entire amount of taxes, and stated she did not believe this was correct. She understood the taxes would go to the Board, and the Board would decide whether to abate 100 percent. She noted they could never go below 50 percent. She stated Mr. Matthes had also indicated there was no connection between the EEZ designation and eminent domain, but she believed there was a connection based upon numerous studies. She commented that she felt this would impact the tax base and the revenue to the Columbia Public Schools. She referred to a study of a St. Louis EEZ and understood the EEZ program was more of an investment tool than a job creation tool. She explained she had been attending the EEZ Board meetings and a checklist of items needing to be completed prior to a public hearing had been provided. She noted one of the items was for certified letters to be mailed and she had not received a certified letter. She believed the public needed to be more involved in the process because once the blight designation was made, it would not be changed for a long time since reviews were done by the Board and only occurred every ten years.

Greg Ahrens, 1504 Sylvan Lane, stated he and Kathleen Weinschenk had an opportunity to go to the Bonnie View Nature Area and the part of Scott’s Branch Trail that was complete. They had parked at the entrance off of Bray, and had found there was not an opportunity to cross to the other side of the street until Altai where one had to get into the street and use a private driveway to get to the south side of Rollins. He stated it was a nice trail and he looked forward to the rest of it being completed, and suggested another crosswalk be installed at Altai to cross Rollins or at the bridge where Rollins went over the creek.

Mr. Schmidt stated he thought they needed to revisit the notification process based upon the earlier discussion involving the development near Garth and Blue Ridge. He explained when he was President of the Benton-Stephens Neighborhood Association, the developers would meet with the Association based upon the recommendation of the City. Mr. Matthes suggested this be discussed at a future Pre-Council Meeting. Mr. Schmidt thought that was a good idea. He wanted to know what had happened in the past, what was happening now and if the City was doing enough. Ms. Hoppe suggested they look at what other communities did in terms of notification as well.

Mr. Thornhill pointed out that if the homeowner association had been registered with the City, this would not have been an issue. Ms. Hoppe agreed, but noted they could not require associations to register with the City and she did not believe those not in
neighborhood associations should be penalized. Mr. Thornhill did not believe that was a penalty and noted the people involved had driven by signs for a couple months without contacting anyone. He wondered how much responsibility the City should assume.

Ms. Anthony thought it would be good to have an overview of the existing notifications, to include the number of days people were notified prior to a hearing or meeting, so they were all clear on those requirements. She believed it would also be helpful to know when the information meetings happened, etc. in terms of process.

Mr. Dudley stated it had been an honor to work with Mr. Thornhill for the past two years.

Ms. Hoppe thanked the Police Department for community policing and patrolling during spring break and hoped it reflected in fewer burglaries during that time.

Ms. Hoppe thanked the Public Works Department for hosting meetings in each ward regarding streets as it was a good opportunity to obtain input from residents and a good opportunity for residents to find out what was being planned.

Ms. Hoppe thought she had asked that Shepard Boulevard be placed on the list for sidewalk improvement and repair. She explained they had a walk to school program and the sidewalks were in bad shape. She wanted to know if it was on the CIP list and where it was on the list. She also wondered if there were criteria for prioritizing sidewalk improvements and whether schools or safe routes to school program areas received priority.

Ms. Hoppe asked for a report in regards to adding a sidewalk on the east side of Carter Lane, east of Providence Road, as it was very narrow, and many residents walked in the street. She did not believe it was on the CIP list and thought it should be added.

Mr. Kesphol congratulated the Columbia citizens and the Conley Road and Stadium Boulevard TDD’s because they would soon see the benefits of TDD’s in the community through new roads, bridges and enhanced traffic management. He thanked sales taxpayers because improvements around Conley Road and Stadium Boulevard near the mall would soon be a reality.

Mayor McDavid commented that it had been a pleasure working with Mr. Thornhill.

Mayor McDavid commented that the arguments relating to the EEZ tended to focus on eminent domain abuse and the impact of the language on property values. He believed there were other important issues that needed to be addressed as well, such as whether they worked and brought jobs to the area and the impact of abatement on revenue to the Columbia Public Schools. There was a sense this would lower revenues to the schools, but he thought that was only true if the company was already going to locate to Columbia. He wanted to see these issues become part of the conversation and hoped they would be discussed in the future.

The meeting adjourned at 10:06 p.m.
Respectfully submitted,

Sheela Amin
City Clerk