

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
OCTOBER 18, 2010**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, October 18, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY and NAUSER were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of October 4, 2010 were approved unanimously by voice vote on a motion by Mr. Sturtz and a second by Mr. Dudley.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid made a motion to add R218-10 to the new business section of the agenda and REP111-10 to the report section of the agenda, and to approve the agenda with those additions. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

SPECIAL ITEMS

Council Recognition of Senator Bond.

Mayor McDavid welcomed Senator Bond and presented him with a proclamation that highlighted his contributions to Columbia.

Senator Bond thanked the Mayor, Council and staff, and stated he looked forward to continuing to work with the City on initiatives and projects that would benefit Columbia and Mid-Missouri.

Special Presentation to the Mayor.

Ken Pearson, the Boone County Presiding Commissioner, explained he and the Mayor had raced each other in the Soap Box Derby that was held in June, and the Mayor won.

Rick McKernan presented the political challenge trophy to Mayor McDavid on behalf of the Downtown Optimist Club and the Mid-Missouri Soap Box Derby Association. Commissioner Pearson presented Mayor McDavid with some additional gifts as well. Mayor McDavid thanked them for the trophy and gifts.

Upon his request, Mayor McDavid made a motion that Mr. Kespohl be allowed to abstain from voting on Item A due to a conflict of interest. Mr. Kespohl noted on the Disclosure of Interest form that he owned a home in the PCCE #6 improvement area. The motion was seconded by Ms. Hoppe and approved by voice vote.

Upon his request, Ms. Nauser made a motion that Mr. Sturtz be allowed to abstain from voting on R213-10 due to a conflict of interest. Mr. Sturtz noted on the Disclosure of

Interest form that he was employed as a contractor for Ragtag Cinema, a recipient of some funds. The motion was seconded by Mr. Thornhill and approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions.

BOARD OF ADJUSTMENT

Kasman, Ross, 2401 Norbury Drive, Ward 2, Term to expire November 1, 2015.

BUILDING CONSTRUCTION CODES COMMISSION

Page Jr., John, 8391 Forest Creek Drive, Boone County, Term to expire August 1, 2012.

COMMUNITY DEVELOPMENT COMMISSION

Ritter, Mitchell, 805 Sandy Court, Ward 2, Term to expire November 1, 2013.

Ukoha, O.U., 2207 Lafayette Court, Ward 3, Term to expire November 1, 2013.

CULTURAL AFFAIRS COMMISSION

Gamblin-Green, Michelle, 1912 Grant Lane, Ward 5, Term to expire October 31, 2013.

Goodman, Kip, 9100 West Terrapin Hills, Boone County, Term to expire October 31, 2013.

Harper, Judith, 4011 Curt Drive, Ward 5, Term to expire October 31, 2013.

Vogler, Rebecca, 712 Stillwater Drive, Ward 6, Term to expire October 31, 2013.

INTERNET CITIZENS ADVISORY GROUP

Deiter, Marc, 6505 Cascades Drive, Ward 5, Term to expire October 15, 2013.

SOURCE WATER PROTECTION PLAN TASK FORCE

Betz, John, 2003 South Deerborn Circle, Ward 4.

SUBSTANCE ABUSE ADVISORY COMMISSION

Anderson, Justin, 405 West Briarwood, Ward 4, Term to expire October 31, 2011.

Coleman, Tony, 5042 Clark Lane, #203, Ward 3, Term to expire October 31, 2013.

Moore, Mitchell, 1210 West Broadway, Ward 4, Term to expire October 31, 2013.

Stephenson, Teresa, 4700 Gage Place, Ward 4, Term to expire October 31, 2012.

SCHEDULED PUBLIC COMMENT

Dan Cullimore – North Central Columbia Neighborhood concerns regarding sewer and storm water.

Dan Cullimore, 715 Lyon Street, stated he was a member of the North Central Columbia Neighborhood Association Board of Directors and that the Board had authorized him to present a letter to the Council, which he handed out. He explained recent events in the neighborhood had highlighted a series of interconnected problems that would grow worse unless addressed soon, and those problems involved public infrastructure, public service and public policy. With regard to infrastructure, the older parts of the City had inadequate storm and waste sewers as Sixth Street and Seventh Street had flooded in July and August causing

human effluent to back up into basements. The decision to zone the area R-3 had discouraged private and public redevelopment causing impervious surface parking to be the highest use, and the storm sewers to not be able to cope with runoff. He felt the City did not value his neighborhood and was not doing enough to maintain the future of older areas, and provided examples of policy choices that supported his comments. He provided some solutions to these concerns, and those included requisite planning, adequate funding of the stormwater utility, attention to infrastructure redevelopment and better education for staff and the Council.

Pat Fowler – City sewer and storm water ordinances and procedures.

Pat Fowler, 606 N. Sixth Street, updated the Council on her experiences with City staff and the Columbia Public Schools (CPS) with regard to the construction of a parking lot at Hickman and North Sixth Street and noted she was frustrated. The CPS had approved the lot via an unpublished consent agenda despite her asking repeatedly to be informed regarding when it would be up for discussion. The end result was that the CPS was building a lot that joined an older larger lot to a smaller newer lot on a slope and with 20 percent porous pavement, which they had no experience maintaining. She commented that City staff stated they could not control process or the CPS and the CPS stated their hands were tied by the City. In addition, two contractors that had bid on the lot had indicated the stormwater manual and ordinance was difficult to work with. She felt that if the City had the ability to grant a variance to permit seekers, they should also be able to advocate for citizens and neighborhoods. She read two quotes from internal city memoranda, which discussed stormwater sewer and basement flooding as far back as the late 1970's and early 1980's, and did not feel much had changed. She noted that although water in the basement often meant sewage in the basement, those incidents were not reported to the Department of Natural Resources (DNR). Only sanitary sewer overflows at manholes or street intersections were reported to DNR. She believed that information should be reported to the citizens even if it was not required to be reported to the DNR. She stated she would provide the rest of her statement and suggestions to the Council via e-mail.

Nancy Durham – Building addition to 208 Pinewood Drive in flood zone B.

Ms. Durham withdrew her request to speak.

PUBLIC HEARINGS

(A) Construction of the South Country Club Drive PCCE #6 Sewer Improvement Project.

Item A was read by the Clerk.

Mr. Watkins provided a staff report.

Mr. Sturtz asked why this project jumped ahead of other projects in the queue. Mr. Glascock replied they took factors such as house flooding, health concerns and the complexity of the projects into consideration. Mr. Watkins pointed out the policy for private common collector projects had changed in 2008 in terms of how projects were funded and prioritized. Prior to the policy change, property owners were required to pay half of the cost.

Now, projects where property owners provided easements rose to the top. In addition, projects were completed as approved by the Council.

Mr. Sturtz asked if the project list could be put on the City's website so citizens understood the time table for their areas. Mr. Glascock replied yes.

Mayor McDavid asked for the annual budget for this activity. Mr. Watkins replied there was not a true annual budget, but \$3 million had been set aside in the last ballot issue. In addition, the Council had provided additional funds from the sanitary sewer fund. The current uncommitted balance was about \$1.1 million.

Ms. Hoppe asked how many projects on the list would not be funded. Mr. Glascock replied the projects above the dividing line had money appropriated for them. The others were being designed.

Mr. Dudley understood Sunset Lane was on the list and asked for the time table for that project. Mr. Glascock replied he did not know and would need to check with staff.

Ms. Hoppe asked if criteria had been established to help prioritize projects. Mr. Glascock replied flooding, Health Department concerns, the complexity of the project, etc. could move a project ahead of another, but other than that, the projects were completed on a first come, first served basis. Mr. Watkins explained that prior to 2008, only one large project was done at a time. The changes in 2008 allowed for smaller projects to be addressed relatively quickly if property owners contributed easements. This allowed multiple projects to be done.

Ms. Hoppe asked if staff helped the residents initiate the petition process. Mr. Glascock replied yes.

Mayor McDavid opened the public hearing.

Gene Gerke, 2105 South Country Club Drive, stated they had petitioned for this improvement in April 2006 and urged the Council to approve the project.

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

Ms. Hoppe stated she wanted to ensure the areas with the greatest needs were addressed first.

Mr. Sturtz made a motion directing staff to proceed with final plans, specifications and the construction of private common collector elimination project #6 South Country Club Drive. The motion was seconded by Mr. Dudley and approved by voice vote with Mr. Kespohl abstaining.

(B) Construction of Sanitary Landfill Disposal Cell #5.

Item B was read by the Clerk.

Mr. Watkins provided a staff report.

Mr. Sturtz asked how many years it took for a cell to fill up. Mr. Glascock replied Cell #4 was done in 2004-2005, but this would be a larger cell.

Mr. Sturtz asked if there would be a savings if this was delayed for one or two years. Mr. Glascock replied yes. Mr. Sturtz understood this cell would cost \$4 million, and if it was delayed for a year, a few hundred thousand dollars could be saved or applied elsewhere. Mr. Glascock stated the cost would be the same. It would just be delayed.

Mr. Sturtz asked if the City would ever run out of land at this site. Mr. Glascock replied they would someday, but pointed out it would not happen for a long time as many acres had not yet been permitted.

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 final plans and specifications for the construction of Landfill Cell #5. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

R217-10 Approving the FY 2011 Housing and Community Development Action Plan.

The resolution was read by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report. Mr. Teddy highlighted some of the proposed changes and noted the Action Plan was open to public comment anytime between now and November 7, 2010. He pointed out there was an error in Attachment B with regard to the Homeownership Assistance Program guidelines as those funds would be made available City-wide in 2011.

Mr. Sturtz asked if the housing development corporations would be non-profit organizations operating in the Central City that would work to redevelop properties that came from the Neighborhood Stabilization Program. Mr. Teddy replied there were various models from a publicly run organization to a private non-profit. Mr. Sturtz understood this would be many months down the road. Mr. Teddy stated that was correct. Mr. Sturtz understood non-profit housing development corporations had been effective in turning around neighborhoods and allowing residents to stay in those areas in other cities and was hopeful something similar could be developed in Columbia.

Ms. Hoppe asked if the citizen survey would be done in-house or if a firm would be hired. Mr. Teddy replied the different options were being discussed. Ms. Hoppe asked if the survey would include questions regarding affordable housing, utility cost and transportation. Mr. Teddy replied he believed questions would relate to the total cost of housing, which included energy, transportation, access and convenience.

Mayor McDavid opened the public hearing.

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

The vote on R217-10 was recorded as follows: VOTING YES: HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

B312-09 Voluntary annexation of property located on the south side of Richland Road, along both sides of Rolling Hills Road, extended; establishing permanent C-P, PUD-7, PUD-5 and PUD-4 zoning; authorizing a development agreement.

The bill was read by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report. Mr. Watkins noted there was an amendment sheet for this item. Mr. Teddy explained the amendment sheet would remove Tract 1 from the request.

Mr. Sturtz commented that there appeared to be a north-south tributary of North Grindstone. Mr. Teddy explained it was an unnamed tributary, which he understood would be shown on a USGS map and would require buffering per Chapter 12A. Mr. Sturtz asked if this was a year round or intermittent stream. Mr. Teddy replied he not sure. He thought it was an intermittent stream, but was uncertain as to how it would be classified.

Ms. Nauser made a motion to amend B312-09 per the amendment sheet. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

Ms. Hoppe asked how the statement of intent for a proposed development would preserve the goals of the East Area Plan (EAP) in terms of its environmental features. Mr. Teddy replied many environmental goals and objectives could be cited from the EAP and the use of the planned development offered the potential to meet the objects of the EAP. The value of the EAP was the ability to use it as a reference as site plans were prepared.

Ms. Hoppe understood the EAP would apply, even if they approved this rezoning and annexation tonight. Mr. Teddy stated that was correct as the EAP would be a general planning document for a very broad area, which included the area this request addressed.

Ms. Hoppe commented that the development on Tract 5 would be placed on a ridge and asked how large the ridge was as she could not visualize 538 units and 1184 parking spaces. Mr. Teddy replied he could not answer that question. He thought some examples would need to be drawn.

Mr. Sturtz understood Tract 2 would involve 80,000 square feet of commercial development and asked if it was about the same size as the Hy-Vee on West Broadway. Mr. Teddy replied it was about the size of the stand-alone store, which did not include the larger commercial center there. He noted Tract 2 included the Rolling Hills alignment, so it would essentially become two lots.

Mayor McDavid asked for the density currently allowed by County zoning on Tract 5. Mr. Teddy replied the County A-R zoning would allow for a little more than one unit per acre.

Ms. Nauser asked how many units per acre would be allowed based on current City residential zoning. Mr. Teddy replied it would be about 2.5 to 3 units per acre if R-1.

Robert Hollis, an attorney with offices at 1103 East Broadway, stated he was representing the applicant and noted there were no changes other than the removal of Tract 1. He felt this request was consistent with the EAP in terms of land use, infrastructure, trails/parks, the preservation of open space, the potential for a neighborhood marketplace node, the location of higher densities, etc, and provided examples of those consistencies. He explained the options were to leave it as it was with the potential for a fragmented development or to have a planned and cohesive development.

Mr. Sturtz asked if Mr. Hollis thought recommendations in the EAP, such as riparian buffers, would help the development. Mr. Hollis replied he did not know as he was not sure how it would look, but thought it might be beneficial.

Karl Skala, 5201 Gasconade Drive, provided a handout and commented that rezonings were oftentimes a land value issue rather than a land use issue. He understood the rationale for County development was that development could proceed when economics followed, which meant on-site and off-site infrastructure had to be in place prior to development. This did not mean it was more expensive to develop in the County because

the cost to develop in the City was still higher. He explained the handout he provided dealt with Smart Growth issues and this development was contrary to some of the principles of Smart Growth tenets.

Rani Sanderson stated she lived in the Bay Hills Subdivision, off of Richland Road, and believed those Council Members that worked in real estate needed to recuse themselves from the vote. She commented that if this land was developed with growth in mind, the type of growth should be considered as multi-family dwellings lead to more traffic and rental units were less likely to be well-maintained. She thought the developers could come up with something that better met the standards of the EAP.

Jeff Barrow, 1007 Coats Street, stated he had been Chair the Planning and Zoning Commission when this issue was discussed and noted he was surprised to learn Tract 1 had been withdrawn since it was a large part of the public hearing process and recommendation. He believed that if the Planning and Zoning Commission were looking at this revised proposal, the discussions and recommendation might have been different. He suggested the Council consider sending this back to the Planning and Zoning Commission for review and recommendation.

Ms. Hoppe understood the Commission had previously focused on Tract 1 and if this were remanded to the Commission, they could spend more time on the other tracts. Mr. Barrow explained the entire proposal had been discussed as a unit and how it would relate to 740, and the withdrawal of Tract 1 created a different proposal for discussion.

Mr. Sturtz asked for a time table on the EAP as the final draft was dated September 13. Mr. Barrow understood a joint City/County meeting had been held on September 30 where comments were heard from the public and the Planning and Zoning Commission voted to recommend forwarding the EAP to the Council. Mr. Sturtz commented that it would have been ideal for the first reading to be held at the first meeting in October instead of now.

Ms. Hoppe understood Mr. Barrow was suggesting this be sent back to the Planning and Zoning Commission for review and a possible new recommendation due to the change in the zoning request. Mr. Barrow stated he was speaking for himself and that was his suggestion.

Mr. Kespohl asked if his vote would have been different if Tract 1 had been eliminated when he reviewed it previously. Mr. Barrow replied it might have since one of his main concerns was the traffic impediment created by Tract 1 on 740, but noted he was reluctant in saying it would change his vote as he would need to hear more comments and participate in more discussion.

Gene Ridenhour stated he was opposed to Tract 5 as it was next door to his property. He moved to the Cedar Grove Subdivision about 40 years ago with the intention to raise a family in a single-family home. He commented that Cedar Grove had 20 lots with a total of about 50 people and Tract 5 would add 596 new neighbors. He explained there was a lot of confusion with regard to this request as Tract 5 had changed many times. It was first proposed to be a high density PUD-8 development and was later reduced to PUD-5. He was not sure what it was at this time, but understood it could include rental townhomes, which he believed would lead to problems similar to those in the El Chaparral and Derby Ridge areas. He urged the Council to reconsider this proposal as he believed it was a bad plan.

Paul Hinshaw, 5150 E. Richland Road, commented that before tonight's amendment, his property was surrounded by this development on three sides. It was now surrounded on two sides. He stated he was against the annexation as Tract 3, the highest density tract proposed, was 300 feet from his front door. It was an area twice the size of his property and involved a maximum density of 46 units and 124 parking spaces. He did not agree with the comment that the density was similar to surrounding developments. He asked the Council to vote against the request.

John Clark, 403 N. Ninth Street, agreed with Mr. Barrow that this should be sent back to the Planning and Zoning Commission or that it be tabled until the EAP was dealt with by the Council. He felt it was intellectually dishonest to act on this before acting on the EAP due to the amount of time that had been invested in its development. He believed they should ensure the proposal met the goals set forth by the EAP, if approved. He also questioned why the City would annex the property as the same building regulations pertained to the County as in the City. If they felt it was financially beneficial, he suggested a detailed analysis be done because he was not sure that was the case.

Dean Bergstrom stated he was representing the Osage Ridge Neighborhood Association and did not believe this needed to be voted on tonight since the developer changed the proposal. The Osage Ridge neighborhood was adjacent to Tract 4, which was the second highest density proposed. He commented that the developer had not placed these high density developments closer to his high-end homes because he did not want to deal with property damage, a higher crime rate, etc. He noted the developer had started a development platform at the top of one of the hills on Richland Road, and in only three weeks, the road had deteriorated. If the project was allowed to proceed, the Council would need to budget to refurbish Richland Road. He suggested this be referred back to the Planning and Zoning Commission for review as he did not believe it should be voted on tonight.

Tony Black, 5533 Yosemite Avenue, stated he was the President of Lake of the Woods Neighborhood Association and was a member of the Concerned Citizens of Richland Road, and commented that this proposal had been flawed from the beginning. He did not believe this should be tabled or sent back to the Planning and Zoning Commission for review. It was clear the developer would change it as it went along, so it would be approved. If had been voted down from the beginning, the Council might have had a different and more appropriate proposal now. The input provided by the stakeholders at the EAP meetings was for R-1 and not high density residential property because they did not want crime or traffic problems. He suggested the Council vote against this proposal.

James Candrill, 6120 E. Richland Road, stated he was opposed to this request. He understood the Metro 2020 Plan indicated new development should not drastically change the character of a neighborhood and this would do just that. In addition, a goal of the EAP was to protect environmentally sensitive areas and he did not believe high density developments should be crammed in the environmentally sensitive watershed. He was not sure a 100 foot stream buffer was enough as it did not take into account the density of the development and how close people, vehicles, etc. were to the stream. He did not feel this was a responsible development and urged the Council to vote against it.

Hank Ottinger, 511 Westwood, stated he was the Chair of the Osage Group of the Sierra Club and noted they were opposed to this project. As environmentalists, their primary concern was with the protection of the north fork of the Grindstone Creek, which would be compromised by the density of the proposed development. They also supported smart growth and thought it was ineffective to build major commercial and residential developments when many lots within the City were vacant or had unsold homes. He suggested the proposal be sent back to the Planning and Zoning Commission for review if the Council was not going to vote against it, especially since the EAP had not yet been considered.

Margaret Langland, 7 Bogie Hills Drive, agreed this proposal should not be approved prior to the approval of the EAP. She commented that she had not seen 160 acres of multi-family residential development in one spot anywhere in Columbia and believed this would set a precedent. She understood Mr. Hollis found some facets of this proposal that were in line with the EAP, but noted there were conflicting facets as well. She urged the Council to vote against the proposal or to table it to allow time for the Planning and Zoning Commission to review the revised request and provide a recommendation.

Dan Cullimore, 715 Lyon Street, read a letter from DeAnna Walkenbach of 407 Pyrenees. The letter indicated Timely and Responsible Road Infrastructure Financing (TARRIF) had been established a few years ago with the purpose of raising awareness regarding who, when and how much was paid in terms of building roads leading to developments. She believed these questions needed to be considered with regard to this proposal. She understood the development could not begin until infrastructure was in place because the taxpayers would be asked to pay for the infrastructure to make it financially palatable for the developer. She felt the fees developers were required to pay were too low and suggested this issue be sent back to the Planning and Zoning Commission for consideration due to the change in the proposal. She also asked the Council to approve the EAP before considering this proposal.

Ellen Wolfe, 8000 E. Turner Farm Road, commented that even with the removal of Tract 1, this plan did not conform to the EAP due to the magnitude and density of the proposed residential developments. If the annexation was approved without following the guidelines of the EAP, she felt any trust developed would be lost. She urged the Council to consider this annexation with the EAP in mind.

Ken Greimann, 6150 E. Richland Road, commented that it would be years before the Stadium extension was up and running or Grace Lane was extended to WW, and if these projects did not move forward, the traffic would be forced on to Richland Road, which could not handle it and would become more dangerous. He did not believe there was any reason to rush into this decision, especially since the circumstances had changed.

Marion Mace Dickerson, 3651 S. Ben Williams Road, commented that the Council should not vote on this prior to considering the EAP and noted she did not believe this proposal fit the guidelines of the EAP. She understood it would benefit the developer, but was uncertain as to whether it would benefit anyone else in the area as they already had areas of commercial, and provided Sams, Lowes, WalMart, Hy-Vee and Home Depot as examples. She noted the stakeholders wanted the rural area preserved. In addition, in terms

of housing, Columbia was already overbuilt. She understood Tract 1 had been removed, but wondered what would happen to that tract in the future.

Dan Goldstein, 604 Redbud Lane, asked the Council to table this and any other annexation request in the area of the EAP. A number of people had put a lot of time into the EAP, and approving this annexation before the EAP had been discussed by Council would be disrespectful to those involved. He noted he was also concerned with the cost of annexations and felt that should be discussed in-depth by the Planning and Zoning Commission as roads needed to be expanded, infrastructure was needed, etc. They needed to know how much these developments would cost. He reiterated his request to Council to table this and all other annexations in the EAP area. He also felt this proposal needed to be sent back to the Planning and Zoning Commission for review.

Sid Sullivan, 2980 Maple Bluff Drive, commented that the estimated annexation cost was zero, but a traffic study would be required before development occurred. He referred to the Northeast Area Plan and noted that prior to building the high school, a traffic study was completed which identified sixteen places needing improvements at an estimated cost of \$30 million. He felt these were the types of costs they needed to be aware of when making decisions, and that the comprehensive plans needed to be coordinated with the facilities plans. He wondered how the infrastructure for this proposal would be paid for, especially with the removal of Tract 1.

Ms. Nauser understood tie in fees to the Grindstone Force Main would be paid as development occurred. Mr. Teddy stated fees would be paid and the sewer laterals would be extended as well. Ms. Nauser understood community participation in terms of the sewer had been resolved. Mr. Teddy stated they did not expect this development to generate a need for a new City sewer to be extended to the site. Ms. Nauser understood the water and electric service would be handled by Consolidated Water #9 and Boone Electric, and asked if developers were required to install services themselves. Mr. Teddy replied they were responsible for those portions that were local extensions off the existing system. Ms. Nauser understood fire protection would be handled by the City and asked if the Rolling Hills Road extension to Richland was funded. Mr. Teddy replied it was a committed project by the City. Ms. Nauser understood developer would have to add a roadway due to Tract 5. Mr. Teddy explained that per the agreement, the developer would have to pay for the cost of a roadway that would interconnect Rolling Hills and WW after 100 units. He noted some of this was off-site and the developer would contribute the on-site right-of-way associated with the Rolling Hills Road project. Ms. Nauser understood the majority of the costs at this point would fall upon the developer since it was site specific and a good portion of the public infrastructure was already in place. Mr. Teddy explained the surface infrastructure would be determined based on the specific developments as traffic studies would be need to be done to determine if turn lanes, intersection improvements, etc, were needed.

Ms. Hoppe commented that the EAP process would be undermined if this proposal was approved without considering the EAP and how this proposal fit or did not fit with it.

Ms. Hoppe made a motion to remand this proposal to Planning and Zoning Commission for review and to table B312-09A to the December 6, 2010 Council Meeting. The motion was seconded by Mr. Sturtz.

Mayor McDavid commented that although he had indicated a vote would take place at this meeting back in July, he thought it would be appropriate to table it and to allow the Planning and Zoning Commission the opportunity to review it since the developer had made a substantial change to the proposal.

Ms. Nauser understood PUD developments caused concerns at times, but noted they allowed for more creativity, control and open space. She pointed to the residential development to the north and noted a lot of tree cover had been removed, which was allowed in open residential zoning.

Mr. Sturtz agreed PUD developments could be good and noted the EAP referred to a conservation area that was similar to a PUD, except that the natural areas were set aside first before determining where development should occur.

Mr. Kespohl understood PUD-4 and PUD-5 had the same density as R-1 zoning, except it was a clustered development, and believed issues raised could be resolved through the site plans. He thought this should be approved because they could take a hard look at the plans when those were submitted.

The motion made by Ms. Hoppe and seconded by Mr. Sturtz to remand this proposal to the Planning and Zoning Commission for review and to table B312-09A to the December 6, 2010 Council Meeting was approved by voice vote with only Mr. Dudley and Mr. Kespohl voting no.

B322-09 Voluntary annexation of property located on the south side of Richland Road, approximately 250 feet east of the St. Charles Road and Richland Road intersection; establishing permanent C-P zoning.

The bill was read by the Clerk.

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

John Roodhouse, an attorney with offices at 11 N. Seventh Street, stated he was representing the applicant, Betty Weiss, and that they were requesting the same treatment as the large developer had received. He explained Ms. Weiss was not a developer and was not affiliated with a development or contracting firm, and that this had been a costly process for her. They were asking for this request to be tabled to December 6 as well.

Ms. Nauser made a motion to table B322-09 to the December 6, 2010 Council Meeting. The motion was seconded by Ms. Hoppe and was approved unanimously by voice vote.

B205-10 Authorizing the acquisition of land and easements for construction of non-motorized intersection improvements at Providence Road and Business Loop 70.

The bill was read by the Clerk.

Mr. Watkins and Mr. Glascock provided a staff report. Mr. Glascock explained this improvement was part of a system and described the overall system. He also addressed the process and explained when notification had occurred and what they would do to better the process.

Mayor McDavid asked for a summary of the conversations staff had with the owners of the properties west of Providence Road. Mr. Glascock replied he did not believe those two owners saw the need for this as it impacted their property. The biggest impact would be to

the Taco Bell property. He explained the Water and Light Department was intending to underground the power lines at some point, but understood they would bore under Providence so this improvement would not be impacted if that was done. Mayor McDavid understood there would be no impact once this construction was over. Mr. Glascock replied there would be some impact, but not during the boring of the electric line. Mayor McDavid asked how many parking spaces would be lost. Mr. Glascock replied three parking spaces would be lost. Mayor McDavid asked how many parking spaces would be lost on the property north of the Business Loop. Mr. Glascock replied that property involved a temporary easement, so no parking spaces would be lost.

Mayor McDavid asked if this project could be done without going west to Providence. He wondered how this area would be impacted if they only made traffic light changes. Mr. Glascock replied this project would have to be done as designed in 10 years or \$50,000 would need to be returned to the federal government. It could be done without impacting the northwest corner, but the southwest and southeast corners would need to be impacted.

Mr. Thornhill understood there was not a sidewalk on the northwest corner. Mr. Glascock stated that was correct. Mr. Thornhill understood people would climb the grass median, and cross through a parking lot or walk in the street to get to McDonald's from there. Mr. Glascock stated that was correct.

Mr. Glascock pointed out the stormwater boxes would be bigger, but the pipes were not being changed. It would help the water runoff problem, but would not fix it.

Beatrice Smith, a co-owner of Taco Bell, commented that she had been upset by the practice of not informing owners until after a recommendation had been brought to Council for final action and because the stormwater issue had not been addressed. She understood the revised plan would still not fix the flooding problem even though the inlets would be larger. She thanked staff for making efforts to correct the notification process, and stated that if the stormwater problem could be resolved, she would not have any problems with the project, as she understood it, going forward.

Mr. Sturtz asked for staff to comment on the cost to fix the stormwater problem at that corner. Mr. Glascock replied he was not sure as they would have to determine where the pipe ended, which he believed would be close to I-70. Mr. Sturtz understood this would be a major CIP project. Mr. Glascock stated yes. Ms. Hoppe asked if it was on the CIP. Mr. Glascock replied no.

Mayor McDavid asked how long this had been a problem. Mr. Glascock replied some of the issues were a result of how the buildings and parking lots drained.

Sharon Lynch stated she was representing the Thelma Lionberger Family Trust, which owned the property at the northwest corner, and understood this request was for a temporary easement only and approximately thirteen cars would need to be moved during construction. She understood this was part of a larger project that involved the construction of sidewalks and undergrounding utilities, and commented that the proposal at this time was to provide a safe haven for students, which she did not feel would address the current student method of accessing restaurants. Although there would be an improvement with regard to safety with the safe haven and traffic lights, there would still only be limited access without the sidewalks. She understood GetAbout funds were committed, but did not have to be spent for ten years,

and that the sidewalks and utility burials were proposed for 2013. As a result, she suggested this project be deferred until the money was available to bury the utilities and construct the sidewalks. She noted she believed the stormwater issue was most likely caused by Providence and Business Loop rather than the Taco Bell parking lot, due to the grade of the roads and inadequate sewers.

Mr. Sturtz commented that he saw this as the first phase of a much larger project, so every problem would not be solved at once. Since this was one of the most pedestrian heavy intersections, he believed something needed to be done and suggested they move forward with it.

Ms. Hoppe asked if the sidewalk improvements would be removed when funding was found for stormwater improvements. Mr. Glascock replied no and explained the pipes that went across the Business Loop would have to be enlarged.

Mayor McDavid noted the Council had received a letter of endorsement from the superintendent of the Columbia Public Schools along with several school board members for this project. He apologized for the faults in the timeliness of the notification process and was confident it would be resolved.

Mr. Kesphl stated he was concerned for the safety of the students and did not feel this could wait another three years.

Ms. Nauser asked if that intersection would have countdown timers. Mr. Glascock replied yes.

The vote on B205-10 was recorded as follows: VOTING YES: HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B250-10 Appropriating funds for architectural concept design services for the Columbia Regional Airport terminal building expansion and renovation project.

The bill was given third reading by the Clerk.

Mr. Watkins provided a staff report.

Greg Cecil, 1700 Oak Cliff Place, stated he was Chair of the Airport Advisory Board and noted the Board agreed they should move ahead with improving the terminal as other airlines would look at the facilities when considering it for use.

Mr. Sturtz asked how the Airport Advisory Board could be involved early in the process to weigh in on issues such as this in the future. Mr. Cecil replied the Board just needed to be made aware of these discussions. He noted they were working on a strategic plan, so the needs of the airport could be addressed in an orderly manner. He thought open communication would be helpful in involving them in the process.

Mr. Sturtz felt the Board was resourceful and the plan developed with students of the University had been well done. Mr. Cecil stated he tried to do all he could to engage the University with the City with regard to projects because there were many qualified people with really great ideas.

Mayor McDavid agreed the Airport Advisory Board was highly engaged and stated he hoped the City could utilize any available resources.

The vote on B250-10 was recorded as follows: VOTING YES: HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B254-10 Rezoning property located on the southwest corner of West Broadway and Stadium Boulevard from R-1 to O-P; approving the O-P Development Plan of Leawood Plaza Plat No. 1.

The bill was given second reading by the Clerk.

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

Mayor McDavid understood the Planning and Zoning Commission voted to approve this request contingent upon the conditions in the staff report. Mr. Teddy stated that was correct.

Mayor McDavid asked if the application would have to be rejected or if it could be amended if the applicant did not offer to exclude the medical office use. Mr. Boeckmann replied the statement of intent listed the proposed uses, but he believed those uses should be in the actual ordinance. In terms of other items addressed in the statement of intent, which was in the form of a letter, it was up to the applicant to agree to the changes. The applicant could opt for leaving it the same, but would run the risk of having the proposal turned down.

Mr. Sturtz understood the traffic assessment concluded four dwellings would generate 38 daily trips and professional business offices would generate 85 daily trips, and asked if the calculation was based upon the 7,700 square foot proposal. Mr. Teddy replied their letter indicated that was the assumption. Mr. Sturtz understood that number of daily trips would be lower for a 6,500 square foot building with no medical offices.

Mr. Sturtz asked for clarification regarding the pre-existing conditions on Bourn as he understood they no longer approved streets of this length without a curve after a certain distance. Mr. Teddy replied they would not approve a street that was this straight and noted it was a little wider than normal as well since it had a 60 foot right-of-way width as compared to a typical 50 foot width. The combination of it being straight and a little wider was conducive to higher speeds. He did not think this would be the kind of street that would be designed today and noted it was less than 200 feet from Stadium as well.

Mr. Thornhill asked if the setback restrictions could be met if a home were to be rebuilt on the corner lot. Mr. Teddy replied the lots would have to be reconfigured to accommodate current regulations. Mr. Thornhill asked if three homes could be constructed if the three lots were reconfigured so homes were placed east to west like the other homes in the neighborhood. Mr. Teddy replied staff had determined four homes were possible on a 7,000 square foot lot.

Mr. Sturtz asked for an estimate on the cost of building a cul-de-sac at the north end. Mr. Teddy replied that analysis had not been done, so he was uncertain.

Mr. Kesphohl asked if the Planning and Zoning Commission had taken two votes on this proposal. Mr. Teddy replied the zoning and plan approval were voted on separately. Mr. Kesphohl understood the first motion passed by a vote of 6 to 3. Mr. Teddy stated that vote was on the zoning and the associated statement of intent. The motion on the plan was as it was amended to fit the conditions associated with the rezoning, so they were voting on a scaled down plan.

Mr. Sturtz asked for an estimate on the cost of building a cul-de-sac at the north end of Bourn. Mr. Glascock replied the cost would be dependent on whether right-of-way needed to be acquired, whether utilities were in the way and whether curb and gutter drop inlets were needed. He estimated the cost to be \$150,000 to \$200,000.

Craig Van Matre, an attorney with offices at 1103 East Broadway, provided some handouts and explained the architect had notified them that the building could be successfully redesigned for a footprint of 6,545 square feet, so they had revised the statement of intent to limit the building footprint to that amount, to limit the height to a 25 foot maximum, and to not include medical uses. He commented that the number of trips generated by a law firm would be far less than the number of trips generated by a typical home and even four homes. In addition, he noted traffic problems pre-dated this application, so he did not believe those problems should preclude his client from establishing an office use at that location. He stated he believed the neighbors were more concerned with the speed of traffic on Bourn and could not legitimately complain about the number of cars in the area as it was a busy intersection. He understood another concern among residents was the potential for a domino effect of more commercial and noted there were many other areas with mixed uses that had not created an issue.

Tim Crockett, an engineer with Crockett Engineering Consultants and offices at 2608 N. Stadium, noted the site plan had been reduced from 7,700 square feet to 6,545 square feet and that the square footage would be removed from the far southern end. This would increase the distance, the amount of green space and the size of the buffer between the building and residential neighborhood. He described other features of the site plan as well.

Mr. Sturtz asked about the potential for a cul-de-sac on Bourn. Mr. Crockett replied there were some issues with the cul-de-sac as there was no right-of-way and roughly one-third of the parking lot would need to be removed if the right-of-way was provided by the applicant. There were also some issues with regard to turning movements required by the Fire Department. Mr. Sturtz understood Mr. Crockett did not feel the cul-de-sac was a viable possibility at this time. Mr. Crockett stated that was correct.

Mr. Sturtz asked how people would travel if there was only a right-in/right-out. Mr. Crockett replied it was not a proposal of this development, but when it happened, the vehicles would have to find a way to turn around using the other public streets.

Mr. Sturtz asked if he felt only a few cars would go all of the way down to Rollins and back to the building. Mr. Crockett replied yes and noted the traffic engineer indicated it would be much easier for them to use the major roadways to turn around.

Allan Moore, a real estate appraiser with offices at 609 E. Broadway, explained he had been asked to complete a study on the proposed project in terms of how it might affect neighborhood property values. He considered sales of other homes adjacent to office properties and interviews with real estate brokers that had listed and sold properties adjoining office buildings. In addition, the properties that had sold and were adjacent to office buildings were compared to similar homes in another part of the same neighborhood that were not adjacent to office buildings. They found four homes and only one of those four homes had any sort of measurable difference in value. The realtor who listed that home felt the reason for the five percent negative value was because it was a \$275,000 home, and because it was

considered a high value home, the impact of being in close proximity to an office building was higher. The other properties had no effect or a less than one percent negative effect. He understood from interviews that some homeowners liked being adjacent to office space because their guests could use the parking lots after hours and on weekends.

Aaron Smith stated he was President of the A.W. Smith Law Firm and Weidel Realty Company and noted he felt this location would be great for his law firm as it had been an eye sore for some time. He presented an architectural rendering of the building and described some features. He believed a professional office use was the best use for this site as multi-family would generate more traffic. He explained he had contacted the neighbors when this project first started and felt he had made as many concessions as they could.

Mr. Thornhill asked how much of the 6,545 square feet would be the law office and how much would be available for lease. Mr. Smith replied 2,300 square feet would be used for his law office and 1,800 square feet on the west wing as well as 2,500 square feet to the south would initially be available for lease.

Ms. Hoppe understood he might only have 3-4 clients since most of his business was done with out of town clients and asked why 23 parking spaces were needed. Mr. Smith replied the parking spaces would be used by the entire building. In addition, his engineers indicated that many spaces would be needed for a building that size. Since the size of the building had decreased, he thought the number of spaces would likely decrease as well.

Brett Grill stated he was representing the Bourn Avenue Neighborhood Association and noted they were opposed to this development. He explained they had a lot of cut-through traffic with drivers trying to avoid Stadium when going to some of the nearby commercial areas. In addition, the drivers, which were non-native, would speed. They had more than 20 kids that lived on the street and a school at the south end of Bourn. Even with the elimination of the medical office use, twice as much non-native traffic would be generated in an area that was already unsafe as there had been 30 accidents there in the past five years. This would not be an issue if the building had access from either Stadium or Broadway. The City's zoning regulations stipulated driveways providing access from commercial or industrial districts should not be allowed through residential neighborhoods. In addition, the Metro 2020 Plan sought to protect existing neighborhoods from the intrusion of incompatible land uses. He understood the developer commented that this site was useful for commercial development due to high traffic volume and noted that statement implied all homes on the east side of Bourn Avenue were equally available for development as the back of those homes abutted Stadium. He believed this would create a precedent and that there would be a domino effect as this decision would enable a similar situation in the future. The neighborhood could not support this since there was no segregation between the commercial development and their homes. He encouraged the Council to table this request to allow time for a more accurate assessment with regard to how the neighborhood could be segregated from the commercial development, or to vote against the request.

Mr. Kespohl asked if he agreed that Bourn Avenue should be closed. Mr. Grill replied yes, if it could be closed in a way that would not cause some the residents on the north side of Bourn to only have access from Broadway. Mr. Kespohl understood a cul-de-sac would not be necessary. Mr. Grill stated there were several ways to close the street, but an ideal

solution had not yet been presented. He thought the City traffic engineers could come up with a suitable conclusion.

Mr. Thornhill asked for his thoughts with regard to the Fire Department not wanting to close off the street. Mr. Grill replied he understood creative solutions had been used in the past, such as mountable curbs, break-away gates, etc. He also did not feel the Fire Department should have the ultimate veto power on this issue.

Mr. Thornhill asked for the Neighborhood Association's opinion on the impact of its home values. Mr. Grill replied the majority of the residents felt there would be a negative impact on their property values. They felt this one intrusion of office space would make it easier for adjacent neighbors to allow their properties to become run down and enable a domino effect.

Mr. Thornhill asked for the Neighborhood Association's opinion on the value of the properties currently on that site. Mr. Grill replied no one in the neighborhood would argue with the idea of redeveloping the property as the homes were blighted and falling apart, but they also did not feel the property needed to be developed in this way. He noted there was a thriving residential district on the east that shared the same intersection, so there were other viable ways for the intersection to be developed.

Mr. Dudley understood the main concern of the neighborhood was traffic and access and asked if there needed to be turn-a-round if they blocked off the street. Mr. Glascock replied there would need to be a cul-de-sac or bulb of some kind so a trash truck or other service truck could turn around. Mr. Dudley asked if a turn-a-round meant an uninhibited turn or three point turn. Mr. Glascock replied a three point turn would be acceptable, but something other than a residential driveway would be needed.

Mr. Sturtz asked how wide the area would need to be for a K-turn. Mr. Glascock replied 50 to 80 feet if no one parked there. Mr. Sturtz understood parking could be prohibited at the end of the street.

Mr. Dudley asked for his opinion on the best way to keep traffic at 20 mph. Mr. Glascock replied speed humps could be added.

Ms. Hoppe understood the closure would end all cut-through traffic problems. Mr. Dudley agreed.

Ms. Nauser understood the neighbors were currently dealing with cut-through traffic and asked how traffic flowed there. Mr. Grill replied that instead of taking Stadium north into some of the commercial areas and hitting two stop lights at Rollins and Broadway, people would cut-through the neighborhood and take Bourn. He noted they had submitted traffic calming petitions to try to solve the issue.

Mr. Dudley asked what would happen to property values in the neighborhood if a cul-de-sac were added on Bourn. Mr. Moore replied people preferred living on a cul-de-sac over a regular street so the value might increase.

Jennifer Sonneberg, 312 Bourn Avenue, stated she and her husband bought their home nine years ago to raise their family, and commented that she did not believe any benefit would be gained if traffic from this development was allowed to use Bourn Avenue. There were approximately 25 children on the street as well as an active walking school bus route that started on Bourn, and she felt this would only add to the existing traffic problem.

She understood the medical/dental use was removed, but was concerned about the uncertainty of the uses of the proposed leased spaces. She believed the cul-de-sac would be wonderful for the children in the neighborhood and noted these concerns were very important to those living in the neighborhood.

Karl Skala, 5201 Gasconade Drive, suggested a gated system that was accessible by fire trucks and service trucks similar to one at the end of Gasconade Drive near an apartment complex. He thought that could be considered as an alternative to the cul-de-sac.

Jenny Schutte, 100 Loch Lane, stated she was representing her family and her neighbor, Bernie Esser, who lived on Highland, and that they were against this proposal due to traffic concerns. She disagreed with the comment that there would not be an increase in general or cut-through traffic. She explained it was not uncommon for traffic accidents to occur on Broadway near the intersection due to traffic turning on to Bourn, Loch, the Crossroads Shopping Center, etc. She believed the addition of traffic from this development on Bourn without closing it off would increase the number of accidents on Broadway. She also disagreed with the assessment indicating no one would travel from Rollins because when traffic was heavy, people in neighborhood used Rollins. She felt additional traffic in the area would be a danger to those in the neighborhood and traveling to the neighborhood.

Julia Williams, 211 Bourn Avenue, commented that she had submitted a letter to Council prior to the meeting and stood by the statements in that letter. She also wanted to confirm the comments of Ms. Schutte as she did not use Rollins, but did have to turn on Loch Lane or Heather at times due to heavy traffic. She noted friends of hers had gotten into the turning lane for the opposite direction at night and reiterated it was a dangerous intersection.

Ron Rottinghaus, 109 Bourn, commented that he did not believe the issue of the existing buildings being an eyesore was his problem. The person that allowed the homes to become dilapidated and the person that purchased the dilapidated properties were at fault. He believed any additional traffic would cause a problem since there was already a lot of traffic on Bourn and explained how the cut-through traffic flowed. Once left turns were restricted, he believed those on Heather and Loch would be impacted more as people would use those streets to get to Bourn and this proposed development. Only those going east on Broadway would get to the development off of Broadway. All other traffic would drive by his home to get to the proposed development from Broadway. He understood this cut-through traffic issue was a pre-existing condition, but believed the problem should be fixed before allowing more traffic that would add to the problem. He noted the Shelter Office building had empty space and felt those should be used instead of constructing the proposed building. He had issue with the good faith efforts of removing medical use and lessening the size of the building as those were made at the last minute in order to get the project approved. He understood a cul-de-sac would improve property values by about 10 percent, and suggested the developer donate property for the bulb.

Brad Crow understood there was a desire to stop flow-through traffic, and if the newspaper was correct, Mr. Smith would be constructing speed bumps to slow traffic, which would reduce flow-through traffic. In addition, if the street were to be closed, all of the traffic would then be coming and going from the same place, which would double traffic on other streets in the neighborhood, such as Rollins. He thought the discussion should focus on the

proposed development being built by Mr. Smith instead of the need to increase property values on Bourn by fixing an existing problem. He also felt the people on Rollins would contact the Council if Bourn was closed due to increased traffic on that street.

Jacqueline Pearce, 411 Bourn, commented that she resided in a wonderful neighborhood and agreed there were flow-through traffic problems, but noted her main concern was for this development to be done right, which she believed would require further planning. She supported tabling this discussion so additional research could be done in terms of the cul-de-sac as she did not believe they had the facts as to whether it was possible or not. She felt this would satisfy the neighborhood and developer. She commented that a 6,500 square foot office building did not fit well with a neighborhood of 1,500 square foot homes, and believed there was a need to adequately buffer the building and parking lot from the neighborhood. She thought the cul-de-sac would assist with this issue as well. She asked the Council to listen to those in the neighborhood as they were the most affected.

Robert Schwartz, Luen Court, noted his family had been in the real estate and development business since 1938, and during that time, they had not once asked for a zoning change for any project nor had they changed the inherent characteristics of the surrounding neighborhood and buildings. In addition, they considered traffic access. He explained the right-in/right-out change would likely cause a back up in traffic since the lane being entered would be a right turn only lane, and those wanting to go in a different direction would block the lane until they were able to get over. As a result, traffic on Rollins Road would increase. He also believed there would be a domino effect as the homes along the south side of Broadway from Stadium to Fairview would eventually apply for commercial zoning. He noted the applicant had taken a gamble when purchasing the property as he knew it was R-1 and that he would make a profit off it, if zoned commercial, at the expense of the property values and the quality of life of the surrounding residents. He wondered if the Council would like this near their homes.

Val Germann, 110 Bourn, stated he believed this was an example of spot-zoning and could not understand why it was being considered due to the access issues, which could not be resolved without reconstructing the corner. He did not feel it was right to rezone this as commercial because it was the first new development in that quadrant and had not been well thought out.

John Clark, 403 N. Ninth Street, suggested this rezoning not be approved because the traffic study, commissioned and paid for by the application, did not answer any questions. He felt the City should require the applicant to pay for a traffic study completed by someone the City hired in an effort to obtain more information. He also believed the applicant should be required to pay to close the road or to buy the additional land for the cul-de-sac, as the cost of this should not fall on the public or the neighbors.

Mayor McDavid asked Mr. Dudley if he felt more neighbors would be accepting of the proposal if cut-through traffic could be reduced with speed bumps. Mr. Dudley replied yes and noted his understanding was that most of the neighbors were concerned with traffic. Speed bumps would slow a lot of people down. Mayor McDavid asked if enough speed bumps could be installed that it would deter people from wanting to cut-through. Mr. Glascock replied he believed numerous speed bumps would need to be installed to keep

traffic to 25 mph. Mayor McDavid asked if many concentrated speed bumps would deter traffic. Mr. Glascock replied yes.

Mr. Thornhill asked if the Stadium improvements, which involved a right-in/right-out, would reduce some of this cut-through traffic. Mr. Glascock replied the cut-through traffic would go east to Rollins and then south to Stadium. Mr. Thornhill asked if some of the north cut-through traffic would be eliminated with the Stadium improvements. Mr. Glascock replied yes because they could not turn left. Mr. Thornhill asked if traffic calming was added, if it would result in less cut-through traffic. Mr. Glascock noted he thought they would want to look at adding a stop sign at the cross street as well to create a three-way stop.

Ms. Hoppe understood the 2007 corridor study of West Broadway proposed severing of the connection of Bourn to West Broadway. She thought that might be the best solution as it was what the neighbors wanted as well. Mr. Thornhill pointed out the neighbors did not want to cut-off access for any of the houses and the street could not be terminated without someone from the north end not having access. Mr. Sturtz thought the driveways could be redirected. Mr. Dudley referred to a drawing provided by Mr. Grill and noted the driveways could be extended down to a cul-de-sac so only the commercial building had access off of Broadway.

Ms. Nauser commented that if a cul-de-sac was constructed, all of the people on Bourn would be required to cut-through the neighborhood to get to Stadium or Broadway. Mr. Sturtz understood the residents were distinguishing between native and non-native cut-through traffic. They seemed to be more comfortable with neighbors cutting-through as they were aware of the children and other issues on the street. Ms. Nauser pointed out she was not sure that was the case as no one from the other impacted streets were there to comment.

Ms. Hoppe suggested this issue be tabled so further discussion between the neighbors and developer could occur with regard to the traffic situation. Mr. Sturtz agreed as he did not feel there was a large protest regarding the property being used commercially, if the traffic issues could be resolved.

Mayor McDavid asked Mr. Dudley if he felt it would be productive to table this for discussion. Mr. Dudley replied the biggest concern of the residents was for traffic calming.

Mr. Thornhill commented that there had not been a cul-de-sac request until this rezoning request had come forward. Mr. Sturtz agreed but noted this rezoning provided the opportunity to show the problems on the street. Ms. Hoppe stated this was an opportunity to fix the problem and create a win-win situation for the developer and residents. Mr. Thornhill noted \$200,000 would need to be found for the cul-de-sac. Ms. Hoppe stated a gate might work as well. Mr. Dudley pointed out the property owners at the north were opposed to the construction of a cul-de-sac if it meant eliminating their access.

Ms. Nauser asked when the Stadium and Broadway improvements were scheduled for construction. Mr. Glascock replied he thought they would be done in 2012.

Mayor McDavid understood there were two issues with this request. One was that some did not want this corner redeveloped and the other was that some did not want the increased potential of cut-through traffic, which was a pre-existing problem that would not be resolved if they denied this rezoning request. In addition, he was not sure it was the applicant's responsibility to fix the problem. He thought this issue could be voted on tonight

and the traffic calming solution could be left up to the community. He understood the applicant had offered \$10,000 to assist with traffic calming.

Mr. Sturtz believed it was problematic to not have a clause in the ordinance that would work on a traffic solution and thought they should allow more time to address the problem. He understood it was a pre-existing problem, but felt this project might affect the ability to deal with the issue. He commented that he believed the office use was appropriate and did not have an issue with density. He hoped something could be included to help the neighbors.

Ms. Hoppe reiterated she wanted something that would work for the developer and the neighbors, and believed a dialogue would help. Ms. Nausser commented that the developer would provide a \$10,000 contribution for traffic calming. She understood the only solutions were a cul-de-sac, speed humps and a stop sign, and thought speed humps and a stop sign might be enough. Ms. Hoppe wanted to provide the neighbors the option to choose which would be best and to discuss it with the developer. She did not want to impose the speed bumps as she did not believe it would be as effective as a gate.

Mr. Kespohl commented that he had attended the meeting at which the cul-de-sac idea was introduced and did not believe it was very well received by neighbors. Ms. Hoppe explained they had indicated it would make a difference tonight. Mr. Sturtz understood there were other solutions, such as gates or barriers that could be discussed as well. Mr. Kespohl stated he did not feel the developer should be penalized for a pre-existing problem. Ms. Hoppe did not believe they were penalizing the developer as it would likely result in a better solution. Mr. Kespohl noted the problem could still be solved regardless of whether they voted on the rezoning request. Ms. Hoppe believed the neighbors should be given the opportunity for input one more time. Mr. Thornhill did not believe it was fair to the Planning and Zoning Commission, who recommended approval, the applicant or the neighbors to continually table items.

Mayor McDavid noted there were several solutions and believed the Council needed to commit to finding a way to calm this traffic. Mr. Sturtz asked what process could be used to make a firm commitment to resolve the traffic concerns tonight. Mr. Kespohl suggested adding speed humps. Mr. Sturtz thought it needed to be more open-ended to allow for staff input and other options. Mr. Glascock explained an issue with the cul-de-sac was maintenance of the piece to the north. It would need to be established as a driveway or something different. He noted he was not in favor of moving the cul-de-sac south. The cul-de-sac needed to be at Broadway or a right-in/right-out with speed humps and a possible stop sign at Concordia would need to be installed. He thought the issue would need to be studied.

Mr. Dudley asked if it would be the property owner's responsibility to blade snow if the cul-de-sac were moved and access at Broadway was considered a private drive. Mr. Glascock replied yes and noted it would be the responsibility of anyone else that had a driveway to it as well.

Mr. Dudley commented that by doing this, the traffic problem on Bourn would be resolved and the properties on the north end would have right-in/right-out access. He noted a gate could be added for emergency vehicles. Mr. Glascock noted there needed to be a way for a trash truck to turn around. Ms. Hoppe asked if something similar to the gate at the

end of Walnut would work. Mr. Glascock noted that was for the Fire Department and it involved a City street, not a private drive.

Ms. Nauser understood people tended to cut-through neighborhoods because it was a faster route and thought a stop sign and speed humps would slow traffic reducing cut-through traffic. She wondered if the road could be narrowed as well.

Mr. Sturtz asked if a staff report could be provided to try to come up with a solution within the next few months. Mr. Glascock stated he could provide something by the November 15, 2010 Council Meeting. Mr. Sturtz suggested they include any solution in the CIP for FY 2012. Ms. Nauser understood there was a contribution of \$10,000 and they could use the annual street fund as well.

Mayor McDavid commented that he thought they should move forward with this as it should have been arbitrated before it came to Council.

Ms. Hoppe made a motion to table B254-10 to the November 15, 2010 Council Meeting. The motion was seconded by Mr. Sturtz.

Ms. Nauser commented that she hoped that last minute changes by the applicant on the day of Council Meetings would not become a trend as it tended to delay things.

The motion made by Ms. Hoppe and seconded by Mr. Sturtz to table B254-10 to the November 15, 2010 Council Meeting was defeated by voice vote with only Ms. Hoppe, Mr. Sturtz and Mr. Dudley voting in favor of it.

Mr. Boeckmann noted the ordinance needed to be amended to conform to the changes agreed to by the applicant.

Mayor McDavid made a motion to amend B254-10 by removing Subsection (4) from Section 1 and renumbering the remaining subsection as it would remove the medical use, by substituting the statement of intent so the one dated October 18, 2010 was part of the ordinance, and by adding a sentence to Section 3 reading "This approval is subject to the condition that the plan be modified to conform to the revised statement of intent dated October 18, 2010." The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

B254-10, as amended, was given third reading with the vote recorded as follows:
VOTING YES: MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER. VOTING NO: HOPPE. Bill declared enacted, reading as follows:

B256-10 Authorizing the acquisition of easements for construction of the Hominy Creek Trail Phase II project.

The bill was given second reading by the Clerk.

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

B256-10 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B263-10 Amending Chapter 12 of the City Code to establish a residency requirement for members of the Commission on Human Rights.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid asked if this was a requirement for other commissions. Mr. Watkins replied it was for some and not for others.

B263-10 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER. 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.

- B255-10 Approving the O-P Development Plan of MBS Realty Partners, LP located on the south side of Ash Street between Fairview Road and Heather Lane.
- B257-10 Authorizing an agreement with Reynolds, Smith & Hills, Inc. to conduct an environmental assessment for Columbia Regional Airport; appropriating funds.
- B258-10 Authorizing a right of use permit with Columbia College to allow placement, operation and maintenance of a retaining wall, median landscaping, median irrigation and private utilities in a portion of Rangeline Street right-of-way.
- B259-10 Accepting conveyances for sewer, access to storm water facilities and sidewalk purposes.
- B260-10 Accepting Stormwater Management/BMP Facilities Covenants.
- B261-10 Authorizing an agreement with ISG Technology Inc. for connection to the City's fiber optic cable system.
- B262-10 Accepting conveyances for utility purposes.
- B264-10 Amending Chapter 19 of the City Code as it relates to step-up pay.
- R210-10 Setting a public hearing: considering approval of design concepts proposed by artists Lampo Leong and Chris Morrey for interior Percent for Art projects on the Second and Third Floors of the new addition of the City Hall Building.
- R211-10 Authorizing an agreement with the Missouri Department of Health and Senior Services for child care health consultation services.
- R212-10 Authorizing Amendment No. 3 to the agreement with the Missouri Department of Health and Senior Services for the LPHA teen outreach program.
- R213-10 Authorizing the City Manager to execute agreements with various cultural organizations.
- R214-10 Authorizing an agreement with Columbia Swim Club for sports development funding under the Tourism Development Program.
- R215-10 Authorizing an amendment to the agreement with The Curators of the University of Missouri for sanitary sewer line rehabilitation on University property.
- R216-10 Authorizing termination of the transmission delivery services agreement with Ameren Energy Generating Company.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: HOPPE, MCDAVID, STURTZ (except for R213-10 on which he abstained), THORNHILL, KEPHOHL, DUDLEY, NAUSER. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

R218-10 Authorizing an agreement with The Curators of the University of Missouri to allow use of University property for the annual Halloween event.

The resolution was read by the clerk.

Mr. Watkins provided a staff report.

The vote on R218-10 was recorded as follows: VOTING YES: HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL, DUDLEY, NAUSER. 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.

B265-10 Adopting the East Area Plan, a supplement to the Metro 2020 Plan.

B266-10 Amending Chapter 12A of the City Code to establish regulations governing stored stockpiles of soil.

B267-10 Approving the Final Plat of Leawood Plaza, Plat No. 1 located on the southwest corner of West Broadway and Stadium Boulevard; authorizing a performance contract.

B268-10 Authorizing construction of Sanitary Landfill Disposal Cell #5; calling for bids through the Purchasing Division.

B269-10 Authorizing construction of the Hunt Court PCCE #13 Sewer Improvement Project along Hunt Court and Pershing Road; calling for bids through the Purchasing Division.

B270-10 Authorizing the acquisition of easements for construction of the Hunt Court PCCE #13 Sewer Improvement Project along Hunt Court and Pershing Road.

B271-10 Authorizing an agreement with the National Association of County and City Health Officials for diabetes prevention and education outreach activities; appropriating funds.

B272-10 Appropriating tax increment financing (TIF) application fees received from Broadway Lodging, LLC.

REPORTS AND PETITIONS

REP106-10 Intra-Departmental Transfer of Funds Requests.

Mr. Watkins noted this was an informational report.

REP107-10 Residential Addition – 208 Pinewood Drive.

Mr. Watkins and Mr. Glascock provided a staff report. Mr. Watkins explained that since the report was written, the property owner and staff had reached a compromise that

would not significantly add to the impervious surface. He noted the policy question to Council was whether permits should be issued for increased impervious surface in Zone B. Mr. Glascock pointed out the State regulated Zone A, but the Council had decided many years ago to regulate to Zone B for flood insurance purposes.

Mr. Sturtz did not feel the Council wanted to increase stormwater as they already needed to spend a lot of money to correct problems. Mr. Watkins understood staff should continue to enforce the Zone B regulations.

REP108-10 Downtown Planning Charrette – Final Report.

Mr. Watkins provided a staff report and pointed out the acceptance of the report was not the same as adopting the report as the acceptance of the report would allow them to pay the contractor.

Mayor McDavid made a motion to accept the report and to refer it to the Downtown Columbia Leadership Council to allow for more public input and to provide a report to Council on its implementation no later than April 1, 2011. The motion was seconded by Mr. Thornhill.

Ms. Hoppe thought input could be provided in a timelier manner. Mr. Watkins noted they would need to hold public hearings and conduct some outreach activities for comments. He suggested they keep it as no later than April with the understanding it could be done sooner.

The motion made by Mayor McDavid and seconded by Mr. Thornhill to accept the report and to refer it to the Downtown Columbia Leadership Council to allow for more public input and to provide a report to Council on its implementation no later than April 1, 2011 was approved unanimously by voice vote.

REP109-10 Natural Resources Inventory – Review Draft.

Mr. Watkins provided a staff report and pointed out the acceptance of the report was not the same as adopting the report and suggested the report be referred to the Environment and Energy Commission, the Planning and Zoning Commission and the Parks and Recreation Commission for comments back to Council.

Mayor McDavid made a motion to accept the report and to refer it to the appropriate commissions for their review and comments back to Council by February, 2011. The motion was seconded by Ms. Hoppe.

Mr. Sturtz stated he appreciated staff using the NRI for the overhead photos of the tree canopy and creeks in an earlier presentation, and hoped that view would be provided in the future as well.

The motion made by Mayor McDavid and seconded by Ms. Hoppe to accept the report and to refer it to the appropriate commissions for their review and comments back to Council by February, 2011 was approved unanimously by voice vote.

REP110-10 Citizens Police Review Board - NACOLE Conference Report.

Mr. Watkins noted this was an informational report.

Ms. Hoppe stated she thought it was valuable that the Citizens Police Review Board shared what they learned with Council.

REP 111-10 MU Homecoming Parade 2010.

Mr. Watkins provided a staff report.

Mayor McDavid made a motion to approve the parade start time of noon and to enforce “no parking” along the parade route along Sixth Street and Ninth Street from 9:00 a.m. to until the parade had passed that location. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Aaron Smith, the applicant involved with B254-10, stated he would attend the November 1, 2010 meeting and that he would meet with Mr. Dudley as he was committed to assist with the traffic problems on Bourn.

Karl Skala, 5201 Gasconade, stated he was Chair of the Smart Growth Coalition and noted the Coalition would consider a resolution in support of the Council adopting the East Area Plan (EAP) in December, which was part of the handout he provided earlier during the discussion involving B312-09. He described the other items provided as part of that handout as well.

Mayor McDavid made a motion directing staff to prepare legislation for all new transit buses to be black and gold. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Mayor McDavid asked staff to prepare legislation to allow for a 7 percent gross receipts tax on parking utility revenues.

Mr. Sturtz made a motion directing staff to provide a report on the temporary and permanent engineering options for the north end of Bourn near Broadway in terms of traffic. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

Ms. Nauser noted a Teen Town Hall sponsored by Big Brothers/Big Sisters and other community organizations was being held tomorrow, October 19, in the Council Chamber from 5:30 p.m. to 8:00 p.m., and that its purpose was to engage teens with regard to their views on crime.

The meeting adjourned at 12:28 p.m.

Respectfully submitted,

Sheela Amin
City Clerk