

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
AUGUST 15, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, August 15, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU and HUTTON were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of August 1, 2005, were approved unanimously by voice vote on a motion by Ms. Crayton and a second by Mr. Hutton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman noted that B332-05 would be added under Introduction and First Reading.

The agenda, as amended, including the Consent Agenda, was approved unanimously by voice vote on a motion by Mayor Hindman and a second by Mr. Janku.

SPECIAL ITEMS

Progress report from HDC on renovation of structure adjacent to Field Neighborhood Park.

Anita Sanderson spoke in regards to the North Central Columbia Neighborhood Resource Center Project and explained that three weeks ago she accepted the appointment as Interim Director. Over the last three months, they had restructured the Board. The new 11 member Board was comprised of an equal number of members from the original Board and the Progressive Artists group, as well as the Executive Director of CMCHDC. Since that time, the Board held weekly meetings regarding the forward movement of the renovations to the Heibel-March Building. Ms. Sanderson noted that Dan Cullimore was named as General Coordinator for the project. Nine task groups were formed with extensive outlines of job duties, goals, timelines and measurements of the outcomes. She explained all members had a task and Mr. Cullimore, as General Coordinator, would have oversight of the project. As Executive Director of HDC, regular reporting would be made to her as well as to the Council until the project was completed. She stated CMCHDC was committed to the project. She noted the NAP credits were extended through June of 2006 and community volunteers would be urged to become involved in the project.

Mr. Loveless referred to a letter in their packets dated July 22nd from CMCHDC to Mr. Hood that was signed by Mr. Clark as the Project Director. He asked if Mr. Clark would no longer be the Project Director. Ms. Sanderson replied that Dan Cullimore would be the General Coordinator over the project. Mayor Hindman asked if that was the same thing as Project Director. Ms. Sanderson replied they no longer used that title. Mr. Loveless assumed most of the information presented in the letter of the 22nd was still applicable. Ms. Sanderson replied that was correct.

Mr. Janku asked if the NAP credits could be extended beyond that June 2006 date. Ms. Sanderson stated she did not know.

Marquis Davis Executive Director of Progressive Artists, Inc., explained they were a nine month old 501(c)(3) non-profit started by a group of recent MU graduates who decided

they wanted to do something to serve the community they had been patrons of for the last four years. With this building, they wanted to start a media arts program in which they would give more opportunities to low income youth. The idea was to provide arts training while incorporating tutoring, mentoring and other activities to build total people.

Mr. Loveless asked what was meant by media arts. Mr. Davis replied that they were not a media arts only organization, but that was the pilot of the program they planned to start within the next six to eight months. For that particular building, they designed a layout for a recording studio where they could do music recording and engineering and a film production camp where they would send youth into the community with video cameras to make documentaries about their community and the way they lived in it.

Mr. Hutton pointed out the agreement allowed HDC to acquire and renovate the building specifying once the building was renovated that it was to be used as a community center for neighborhood groups, school programs and other public events. He asked if that had changed or if the Progressive Arts program would simply be an addition to it. Ms. Sanderson replied it had not changed. The front portion of the building was still laid out to be a community meeting room with a couple of offices. It was still the goal of the organization to have it as a community center. The Progressive Arts program would add to it.

Mr. Davis pointed out that a lot of what they saw their organization becoming was already based on community work and having a community center in which community members could have group meetings. The building use would not change. Other than the hours they would be using their particular space for after school and at-risk teen programming, the building would have normal use.

Mayor Hindman commented that the underlying concern was that this had been going on for five years. There was a question about the practicality of raising the money. Mr. Davis stated, in the last three to four months, since they had been involved with the project, they had raised about \$30,000 to \$40,000 worth of in-kind donations such as windows, dry wall, flooring, etc. If June of next year was their deadline, Mr. Davis felt there would be no problem reaching their goal.

Mr. Loveless noted they received a copy of a financial report titled North Central Columbia Neighborhood Association Financial Report Year to Date June 30, 2005. The entries on the sheet lead him to believe they were related to this particular project, but that was not what the title stated. Mr. Hood explained the document was submitted to staff as part of the progress report. It was his understanding that it reflected a financial report on the funds that had been raised towards this project. Ms. Sanderson explained that she had prepared the document and it did apply to this project. It reflected the money donated thus far on the total project. Mr. Loveless asked which January 1st this was referring to. Ms. Sanderson replied it was total since the inception of the project in 2000. Mr. Loveless understood total revenues in that period of time were approximately \$21,000 and the total expenses were about \$15,000. Ms. Sanderson replied that was correct. In regards to the total expenses, Mr. Loveless noted almost \$9,000 of the \$15,000 had gone to one individual for salary and fringe benefits and asked what had been done to the building. Ms. Sanderson explained that she had a complete file on all of the time sheets for that project and could provide them if necessary.

Mr. Davis reiterated his organization had just recently become involved and that he thought things had already taken a turn for the better. Given the extension, he was certain the project could be done by June.

Ms. Crayton made the motion that an ordinance be prepared extending the lease for one year. The motion was seconded by Mr. Janku.

Along with the ordinance, Mr. Hutton stated he would like to see the plans and budget for the renovation, records of what had been going on and the reorganization plan, including names, dates, etc. Mr. Beck thought a six month progress report should be provided before

time ran out also.

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

Mr. Janku noted that the ordinance would be introduced at the next meeting and would be voted on at the September 19 meeting.

SCHEDULED PUBLIC COMMENTS

Bill Easley - Park Avenue Apartments.

Bill Easley asked why these apartments were being targeted. He understood they were going to be torn down leaving the residents with no place to go. He asked what they intended to do and why they could not build some place else. Mr. Easley felt nothing was wrong with the homes and noted several of them had been repaired. He suggested the target area be left alone.

Ms. Crayton commented that she had spoken with the person from Kansas City who was working on the survey with the residents. She asked that person as well as HUD officials if these people would be displaced. She was told they would not. Ms. Crayton felt the residents needed to be told this by HUD and MSHDC.

Mayor Hindman commented that he was in favor of investigating the possibilities for the Park Avenue apartments. The Housing Authority, on its own, concluded the apartments needed to be replaced with something better. He noted very successful projects around the country in which there was mixed income, a combination of market rent and subsidized rent in the same building. The net result was an improvement in school grades, outlook on life and the community as a whole. He felt these things needed to be investigated for the City of Columbia because they were successfully done in other cities. At this stage, all that was going on was an investigation to see if there was any practical possibility that it could be financed and done. He suggested people attend the meetings to monitor the situation.

PUBLIC HEARINGS

B289-05 Setting property tax rates for 2005.

The bill was read by the Clerk.

Mr. Beck explained the property tax rate would remain at 41 cents.

Mayor Hindman noted there was an amendment sheet, which would set the Library rate at 27.50 cents.

Mayor Hindman made the motion that B289-05 be amended per the amendment sheet. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

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

Mr. Ash asked about the recent reassessment and the Hancock Amendment and if the roll backs were only on the school assessment. Mr. Janku explained the City was not at the cap, so we did not have to roll back. Mr. Beck commented that if the City's assessment was at 43 cents, they would have had to roll back.

B289-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, JANKU, HUTTON.
VOTING NO: NO ONE. ABSENT: CRAYTON. (Ms. Crayton stepped out during the discussion for B289-05 and did not return until after the official vote was taken). Bill declared enacted, reading as follows:

B290-05 Setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2005.

The bill was given second reading by the Clerk.

Mr. Beck explained the ordinance, as prepared, incorporated the 49 cents per \$100 assessed valuation for the Special Business District, which was for a designated geographic area in the downtown portion of the City. It was found they would need to roll back to 47.81 cents because of the State Statute. He noted an amendment sheet had been prepared.

Mr. Hutton made the motion that B290-05 be amended per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

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

B290-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B291-05 Adopting the FY 2006 Budget.

The bill was given second reading by the Clerk.

Mr. Beck explained this to be the first of three public hearings. The total budget was \$280,884,474 with actual City spending being \$228,488,230. Mr. Beck gave a brief overview of the general fund, internal fund, other funds and the enterprise funds. He noted the budget reflected a 1.4% increase overall with personnel services being the highest increase at 27.64%. He pointed out four public budget work sessions were scheduled, at which time the Council would go through each of the departmental operation budgets and the Capital Improvement Plan.

Mayor Hindman opened the public hearing.

Jordan Alexander, Chair of the Community Services Advisory Commission, directed everyone's attention to the Executive Summary listed in Section 1 of their report. This year 39 agencies submitted proposals for 58 different program services. Highlights of their recommendations included new funding for three agencies; Central Latino, The Shelter and Destiny of Hope, all of which provided services within the First Ward. In response to community concerns about youth services in the First Ward, Mr. Alexander noted they continued to fund The Intersection, The Columbia Housing Authority Drug Free Youth Program, Fun City, Boys and Girls Club, Adventure Club and Boys and Girls Town. He expressed appreciation to the Council for their support and thanked the Commissioners present for their time and effort.

Ms. Crayton asked about measuring outcomes and if the Commissioners did on-site inspections. She felt some of the gaps like activities for youth after 5:00 p.m. were not being met by some of the agencies. Mr. Alexander replied that as a Commission they had different types of agencies, which provided different types of services. They refined their process of measuring accountability by moving towards a new measure they called outcomes. Outcomes would measure the impact of a service on the community. They matched up what was being provided with the needs assessment the City provided. Mr. Alexander noted that he had concerns about an agency after reading about it in the media. He went there, talked to the Executive Director and hung out for a while to watch what was happening there. He felt City money was being used for what the provider stated it would be used for and that the children receiving the services were benefiting from them. He did not think the Commission was charged with encouraging agencies to fill gaps, but noted they always entertained proposals for new services and new agencies. He pointed out that during the year, they held roundtable discussions to find out what the needs were. He invited everyone to attend and to let them know about needs people felt were not being addressed.

Rod Gelatt spoke on behalf of the Convention and Visitors Advisory Board and summarized their recommendations for the funding from the Tourism Development Fund for the Tourism Development Festivals and Events. Since the year 2000, they provided

\$949,000 to help fund area festivals and events. This year they received 18 separate requests totaling \$271,000, but were recommending funding \$228,000. He explained three new events were being recommended this year. One involved the Show-Me Games, who would be hosting a boxing tournament. The second was The Missouri Symphony Society, who developed a national chamber music competition. The last was the first annual Rocktoberfest in conjunction with Boys Town of Missouri at the Mid-Way Expo Center. He explained this to be a motorcycle rally, which would have a substantial economic impact on the community.

There being no further comment, Mayor Hindman continued the public hearing to the September 6th Council meeting.

B270-05 Voluntary annexation of property located on the north side of Thompson Road, west of Cotton Wood Drive, establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Teddy described the property as consisting of approximately one acre with current Boone County R-S zoning, the equivalent to the City's R-1 zoning. The property was within a planned neighborhood district according to the Metro 2020 Plan. The frontage was on Thompson Road, a local residential street. There was a need for neighborhood parkland in the area and there was no designated greenbelt on the site. The surrounding zoning consisted of one and two family zoning. Staff as well as the Commission recommended approval.

Mayor Hindman opened the public hearing.

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

B270-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B271-05 Voluntary annexation of property located on the southwest corner of State Route WW and Rolling Hills Road; establishing permanent R-1 zoning; authorizing an amended development agreement.

The bill was given second reading by the Clerk.

Mr. Teddy explained this tract had been part of the original application on the Sapp annexation on Route WW, but was later removed. The northern boundary of this property was irregular and roughly corresponded with a branch of the Grindstone Creek. To the west, it abutted The Woodlands, a County subdivision. There was generally rural land use to the south and east of the tract. Staff and the Commission both recommended approval of the zoning designation. Mr. Teddy noted there was an amended and restated development agreement for the entire set of tracks that made up the related annexations and zonings. Additional content was added to reference this as Tract 2-B. All of the original terms and conditions of the development agreement remained in full force and effect. Mr. Teddy noted a minor change to the amount of the right-of-way dedication along Rolling Hills and WW where there was frontage on just one side of the arterial roads. Rather than 51 feet, the half right-of-way width now read 53 feet.

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney, spoke on behalf of the petitioners for annexation and zoning. He offered to answer any questions and noted that this annexation and zoning request was in accordance with commitments they made in the original version of the development agreement. That was, in the future, when they asked this to be annexed, they would ask that it be R-1. They also committed it would be covered by the two-unit per acre residential density limitation when considered with all of the other property zoned for residential purposes. Mr. Beckett stated the amended and restated agreement did that.

Mr. Ash indicated that he did not receive the red-lined development agreement. Mr. Beckett apologized and noted he thought he and Mr. Stamper had both sent it. Mr. Ash stated there had been things left out of the first version and assumed that was because this tract had been left out. Mr. Beckett replied that was correct and now it had been put back in.

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

B271-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B272-05 Rezoning property located on the northwest corner of Bold Venture Drive and Smiley Lane from A-1 to R-1.

The bill was given second reading by the Clerk.

Mr. Teddy described this property as being in the vicinity of the intersection of Derby Ridge and Smiley Lane. This 1.39 acre tract was annexed in 1969 with another portion being annexed and zoned in 1996. There were previous requests for rezoning in the recent past that were either withdrawn or denied. This was relatively straight forward with two lots fronting on an existing improved public street. The designation for the area was neighborhood district. This part of the City was in need of neighborhood parkland. Staff and the Commission both recommend approval of the request.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering Consultants, offered to answer any questions.

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

Mr. Ash noted discussion at the Commission meeting about access onto Smiley Lane and access and wondered if it needed to be a condition of the approval. Mr. Teddy explained that it was already restricted as the Subdivision Regulations dictated no single family unit could access directly to Smiley.

Mayor Hindman asked if any thought was being given to future parkland in the area. Mr. Janku stated the Lange Middle School issue they spoke about earlier would probably address that. There was actually a recreational facility at Derby Ridge Elementary, which was right below this. Although it was not a City park, he thought it functioned as a neighborhood park. One of the plans on the ballot issue, he noted, was to have some money to work with the schools, including Derby Ridge. He felt there really was a recreational facility in the area.

B272-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B273-05 Rezoning property located on the north side of Nifong Boulevard, between Santiago Drive and Bethel Street, from R-3 to C-P.

The bill was given second reading by the Clerk.

Mr. Teddy explained the request was for C-P zoning and that by the statement of intent, the C-P zoning would include all O-1, O-2 and most of the C-1 intermediate business district uses. The property fronted on Nifong Boulevard and ran between Bethel Street and Santiago Drive. The applicant indicated a willingness in dedicating a public street that would serve as a division between the proposed C-P zoning and the existing R-3 located to the north. The property was annexed in 1966 and zoned a combination of R-2 and R-3. After the construction of Nifong Boulevard, by a roadway plat, a remnant of the R-2 had been left on the north side of Nifong. In 1972, the R-2 was rezoned to R-3. The Metro 2020 Plan had this as a neighborhood district. Access to the site was by Nifong Boulevard, but there would be access restrictions in place, so actual access would be off of a new street. At the request of staff, the applicant placed the line of the street so its intersection would be out of the

operational area of the traffic signal at Nifong and Bethel. A public street would align with Diego Street for a good 4-way stop. The applicant submitted a revised statement of intent that agreed to several exceptions in the list of C-1 permitted uses. Those were listed in the ordinance. Staff did not recommend C-P, but recommended O-P, a planned office district, instead. That would allow the use they believed to be contemplated at the present time, a bank with a drive-thru. It would also make allowance for future offices or other uses permitted in the O-1 and O-2 districts. The Commission also recommended denial of the proposed C-P.

Mr. Janku asked if the exclusions included liquor sales. Mr. Teddy replied liquor sales was excluded. Mr. Janku asked about convenience stores. Mr. Teddy felt a convenience store would generally be permitted, but package liquor sales would not.

Mayor Hindman opened the public hearing.

Tom Schneider, an attorney, spoke on behalf of the contract purchaser, Premier Bank. He explained the bank wanted to build a banking facility on the west half or 2 acres of this property with the eastern half zoned as planned commercial. That would provide flexibility for the bank when they remarketed the property to recoup the commercial prices they had to pay to get this location. Mr. Schneider reiterated a number of exclusions to the C-1 uses being proposed. If there were any other specific uses that would be desirable to exclude, he was sure the bank would be willing to exclude them. They wanted to have a development next to the bank that would be compatible in terms of appearance and hours of operation. He stated the tract to the north, owned by Jeff Smith, would be developed as a retirement community. Mr. Schneider commented they had some support in the neighborhood for the project. They had an open house at which there was no one in attendance. They felt the property was susceptible to something like a strip mall in addition to the banking facility. As planned commercial, he noted that hours of operation could be limited. Mr. Schneider felt commercial to be appropriate here, but stated that rather than losing this site, if it came down to it, the bank would take planned office zoning. He reiterated that they did not think the request of planned commercial to be inappropriate in any way and asked the Council to vote on planned commercial.

Ms. Nauser asked if the applicant would be opposed to restricting the property for the use of a gas station or convenience store. Mr. Schneider replied they would not be opposed. He added that a strip mall was really what the bank had in mind as the neighbor next door, but it could be an office.

Steve Smith, CEO of Premier Bank, did not think they had done a good job of providing current information to the Planning Commission and felt that was why they voted the way they did. He noted that they had spoken with staff and had made significant adjustments to the plan from starting with the private drive on the north side of the property to a City street and adjusting it so it would line up. He felt they had met staff's requests and stated the trade was to go with C-P. The surrounding neighbors expressed support for what they were asking and they had no problem with restricting a restaurant with a drive-thru or a convenience store. Mr. Smith explained they were paying a commercial price for the property and felt it more than fair, with them meeting the restrictions and the plans City staff wanted, to be able to recoup that cost. He stated they did not want to have something there that would be a huge traffic generator and added that it would be built under their architectural control.

George Dexheimer explained he was the former co-owner and developer of Rockbridge Subdivision. He spoke in opposition to C-P zoning with C-1 uses. He urged the Council to accept the request for O-P zoning with O-1 uses, thus allowing the bank a location and other compatible uses. The dream of an arterial highway around the City of Columbia, he pointed out, was conceived in the late 1960's. This road was developed with the idea there would be a connecting road from I-70 to 63 South with limited access only at intersections. It would be a 100 foot wide, 12 foot lane, road with shoulders. The first section of the road was built through Rockbridge Subdivision in 1972 with the street being built by tax

bills paid for by Mr. Dexheimer and his partner. The rest of the story was the Grindstone Parkway, Nifong Boulevard, Vawter School Road, and Scott Boulevard with the only remaining connection being with the I-70 connection. He asked Council to continue to preserve the integrity of Nifong Boulevard and not let it become a commercial strip around the City. The entire tract, 265 acres reaching from El Cortez to Rock Bridge High School, was designated by FHA and VA as a totally planned area. The commercial area was designated at what was then to be a road extended, known as AC, from Old Providence Road to Old Bethel Church Road. The commercial was to remain at the intersection with the remainder of the tract to be developed as R-3, R-2 and R-1. He explained that was why he was opposing any additional commercial on that side of Nifong.

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

Mr. Ash asked staff if their main opposition was traffic and fear that the intersection of Bethel and Nifong would get clogged up if commercial was allowed at this intersection. Mr. Teddy replied that was part of it, but not exclusively it. He felt it had a lot to do with the general principle that retail would be moving west. He noted the C-1 ended at Peach Tree on the southwest corner of Nifong. The feeling of staff was that there was a need for some transitional land use as the pattern went more decisively to residential as one moved west from Santiago Drive. He noted the tracts to the south that were O-1 and the combination of residential uses at the corner. He stated those would be good candidates for C-P requests as well. He commented that it was not just traffic, but the scale of overall commercial development. Staff's approach, he felt, was more conservative. He pointed out this would not foreclose the opportunity of requesting an amendment to the zoning at a later date for the second part of the tract that would be beside the bank. Meanwhile the bank would be able to develop with a drive-thru under O-P.

Mr. Ash saw both arguments and wondered if the developer might want to table this to meet with staff to find out what kind of further restrictions they would like to see put on the property. He reminded everyone of the Broadway Shops area where they set limits on floor area ratio and discussed off-site improvements. He did not think commercial was a bad idea for this area, but agreed more restrictions might be needed.

Considering all of the housing to the north, the church lot and all of the housing to the southwest, Mayor Hindman felt there was a good argument for having some commercial that would serve that kind of development. He thought the bank facility was appropriate for the location, but the idea of a strip mall that would pull traffic off of the main road did not appeal to him. With the retirement facility going in, he thought it was conceivable to come up with an effective commercial area that might serve the retirement community as well as the surrounding neighbors.

Mr. Janku felt the bank facility was an appropriate use for the property, but noted if it was zoned commercial the bank could change its plans. He agreed it could also establish a precedent of giving the property across the street a good argument for having commercial zoning at the corner. He commented that the church could obtain commercial and sell their property and move on. He suggested breaking the property down so the office zoning was on the bank site and the smaller piece was commercial property.

Ms. Nauser felt commercial, as they were proposing for this area, could be geared towards neighborhood commercial. She noted Walgreens to the west as well as another banking facility and a couple of restaurants, which she felt seemed to be an appropriate intersection. She commented that it had not increased traffic to the detriment of the area. She saw this as a reasonable request.

Mr. Loveless preferred to see services spaced with a certain distance between them. He stated the development at the intersection of Providence and Nifong and the next commercial development at the intersection of Forum and Nifong seemed to him to be a very reasonable spacing with, primarily, residential in between. He saw office as being appropriate.

Mr. Hutton, referring to the statement of intent, asked how accurate things needed to be and if the language was specific enough when referring to open space. Mr. Boeckmann replied that a statement of intent was nothing under the control of the Council, but something submitted by the applicant. He felt the language referred to was wishy-washy. When the Council received the actual plan, he felt they could deal with those types of issues at that time. Mr. Hutton stated he did not have a big problem with the request and thought arguments could be made both ways.

Mr. Schneider commented that the bank was willing to limit the west half to a banking facility.

If the amount of commercial were to be cut in half and with all of the other restrictions the applicant had agreed to, Mr. Ash asked if a lot of the staff concern would be eliminated. Mr. Teddy replied that there would still be some concern in that the O-P alternative did allow the bank, as permitted by right, and there would still be opportunity to amend the zoning classification later based on a specific user. He pointed out that with C-P, there was an amendment process one could go through to add uses back in.

Mr. Ash asked Mr. Teddy if it would be worthwhile for the applicant to sit down with staff. Mr. Teddy thought it would and noted one of the nice things about the planned district process was that they could customize zoning of a particular location, if it was thought to have special characteristics.

Mr. Ash asked Mr. Smith if he would like to see the issue tabled. Mr. Smith replied that he wanted to work with the City, but stated he was a little frustrated with the process because they were told if they did certain things they would get C-P zoning. He felt they did those things and more, so he was a little reluctant. Since they wanted to move forward and build a bank in this location, he was more than willing to sit down with staff and try to work more out. He noted they had outgrown the space they had and wanted to break ground this fall.

Mr. Ash made the motion that the issue be tabled to the next Council meeting to give the applicant time to sit down with staff. The motion was seconded by Mr. Janku.

Mr. Janku felt the Council needed to be clear because it was unfair to ask staff to come back and work on something they were not going to be in agreement with.

Mr. Hutton was not sure what tabling the issue would accomplish. No matter what the restrictions were, he did not think staff was going to support commercial zoning at this location. He felt the applicant made all the changes they were asked to make and staff still did not support commercial zoning.

Mr. Janku's biggest concern was that the corner property not become commercial zoning. With restrictions, he could see the eastern part being planned commercial. Mr. Hutton thought the applicant would be happy with that and asked if he was saying they needed the two weeks to draw the property line. Mr. Janku thought they might like to have time to think about it.

Mr. Smith explained they had a plat pretty well drawn, but did not present it because they wanted to get things finalized on the zoning and then submit the plat. He stated they had already redrawn the lines numerous times and were trying to get the zoning so they could come back with the final plans.

Mr. Boeckmann pointed out the next meeting would be three weeks and one day from tonight. If the zoning were to be changed, it would have to be held over for another meeting. Mr. Boeckmann explained if they left it at C-P, they could still restrict use on the western half to a bank. On the east half they could restrict it to whatever they wanted.

The vote on the motion to table, made by Mr. Ash and seconded by Mr. Janku, failed by voice vote with only Mr. Loveless and Mr. Ash voting in favor of it.

Ms. Nauser thought under C-P, the Council would be able to direct what they wanted to see on the east half that would be compatible to the neighborhood and the banking facility.

In regards to the argument that it would open the door to the property to the south, she stated she did not think it would get her support. She saw nothing wrong with smaller commercial pockets going west from Providence and Nifong, which could serve local areas. She felt commercial or light commercial could find its place in this area.

Mr. Janku made the motion to amend B273-05 by adding a convenience store to the exclusions. Mayor Hindman assumed the convenience store included filling stations. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Janku made the motion that B273-05 be further amended by restrict the west portion for a banking facility. Mr. Hutton seconded the motion.

Mr. Ash wondered how we would know what the western portion was. Mr. Hutton thought they kept referring to half in the statement of intent. Mr. Boeckmann thought half was better than portion. Mr. Schneider stated he would prefer they go with half.

Mr. Boeckmann clarified the ordinance would include language stating hereafter the western one-half of the property may be used for a bank and the eastern one-half may be used for all permitted uses in district C-1 except everything already listed and convenience stores.

The motion, made by Mr. Janku and seconded by Mr. Hutton, was approved by voice vote with only Mr. Loveless voting against it.

B273-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO:
LOVELESS. Bill declared enacted, reading as follows:

B293-05 Calling an election on the extension of the local parks sales tax and capital improvement sales tax and increasing the development charge for arterial and collector street construction.

The bill was given second reading by the Clerk.

Mr. Beck gave an overview of the process and the six ballot issue propositions using the overhead. He noted questions had surfaced about what the City had been doing with the current development charge associated with proposition six. He explained the City maintained a separate account in which the development charges were kept. Those funds were used only for street purposes. He pointed out that if the one-quarter percent existing capital improvement sales tax was not approved in November, there would be a break in the collection of capital improvement sales tax in a growing city. Also, if the community wanted to continue the one-eighth percent parks sales tax, the community would need to act on it in November or have a special election in February or it would also expire before the City's next municipal election in April. He reiterated, in both cases, the taxes would expire prior to the April election.

Mayor Hindman opened the public hearing.

Bob Gerding, Chair-elect of the Chamber of Commerce, stated the Chamber had closely followed the discussion and debate the Council had been hearing. One common message they heard was the issue of improving City roads and streets. The Chamber of Commerce and Board of Directors endorsed the November 8 ballot package as presented, with one exception. The exception was proposition two as it related to the skating rink and farmers' market. Mr. Gerding stated they took a neutral position on it as they could not reach a consensus one way or the other. They suggested Council consider reducing the number of issues from six down to four. That might reduce confusion as to how funds would be accounted for. Their suggestion was to consolidate the first two and then consolidating numbers three and four. The group urged the Council to fix the term of proposition five to 10 years. He understood there was discussion about changing it to five years. Regarding proposition six, they asked that the Council be sensitive to the low income housing issues in town. He noted they were okay with the increase, but suggested it be phased in at a little

slower pace going to no more than 25 cents in the first five years with full implementation at the 50 cent level beyond that.

Jeanette Jackson Thompson spoke in favor of the farmers' market. She was concerned about safety for older citizens and people having protection from the sun and rain. She felt the food at the market was much better and also thought it was more of a social event for a lot of people. She stated the market benefited a lot of people in a lot of different ways that might not have been considered.

Carol VanGorp, CEO of The Columbia Board of Realtors, noted that, nationwide, total existing home sales, including single family and condos, were at the highest pace on record in the second quarter of 2005. She stated 42 states showed higher sales in comparison to one year earlier. Record home sales were creating a high demand for related goods and services and were creating new jobs. The overall housing sector accounted for about one-quarter of the total US economic activity. The State of Missouri showed 6/10ths of a percentage increase in overall sales, but this was not true in Columbia. As of this morning, Ms. VanGorp commented they had closed on 1,568 homes. Compared to the same period last year, the City was behind 87 homes, which represented a retraction of about 5 percent in the market. Brand new, never lived in, under construction homes were off a little more than 12%. This accounted for 390 sold during this time period as opposed to 445 last year. The average price of a new home within the Columbia School District increased from \$167,000 to \$194,000 or \$27,000 within one year. In the last year, the price of a building lot had risen by nearly \$7,000, while they sold 17 percent fewer. We were experiencing a tight inventory, which favored price growth. Compared with this same period in 2001, they only had an 11 percent increase in the number of residential listings. In Columbia, the median household income was slightly over \$33,000. That family could afford to purchase, assuming they could get together a 20 percent down payment, about a \$138,000 home. She was hopeful they did not want new construction because they would only have 56 homes to choose from. Ms. VanGorp reported only one home under \$100,000 in Columbia that was new construction. If the development fee was increased from 10 cents to 50 cents, it would raise slightly over \$33,000 on those homes or an average of \$606 per house. That would knock 8 of them off the list of 56 eligible homes. She asked the Council to keep in mind that each home already accounted for over \$3,000 in sales tax on the goods that went into manufacturing. Ms. VanGorp noted comments that developers were not paying their way and pointed out it was the consumers who would pay.

Dan Kuebler spoke in favor of proposition two and, specifically the funding that would help establish a permanent multi-use facility for the farmers' market. He provided an example of the farmers' market in Minneapolis in which the City government and local corporations helped fund a facility. He felt it was similar to Columbia in that the City had helped them in allowing a market on City property. He saw this as a great opportunity for the citizens of Columbia to come forward and help fund a permanent structure. If it passed, he felt we would have something that would last not just for us, but for future generations. Mr. Kuebler asked that everyone be conscious of preserving a space for the future. He was hopeful the community would rise to support this.

Barbara Hoppe spoke in favor of proposition two saying that a city the size of Columbia needed an ice rink. She was also supportive of the multi-use facility. She noted the facility would not only be for the farmers' market, but also for other recreational purposes. In supporting a permanent farmers' market, Ms. Hoppe felt we would give a strong foundation to local farmers and encourage them to have an even stronger organization.

Brook Harlan, a Rock Bridge teacher of culinary arts, stated from an educational standpoint, he thought the farmers' market was great. From a chef's standpoint, the food at restaurants and home was better. Also, as a high school wrestling coach, he felt the recreational use was a great thing.

David Vernon spoke in favor of the farmers' market. Any time we supported the economic vitality and viability of local farmers, we helped protect the environment. He felt if we valued the open space and beauty that surrounded Columbia, we would support the things that tended to preserve it.

Arthur Mehrhoff, a former transportation planner for the City of St. Louis, mentioned an article he read about the urgent need to develop alternative sources. He urged everyone to think globally and act locally by supporting the proposed farmers' market. He stated it was a form of alternative energy that made wise use of our existing resources. A permanent market, located in the heart of Columbia, would use existing public land and utilities, anchor a vibrant mixed use civic district, add amenity and value to existing City neighborhoods, become a highly accessible focal point for the emerging Columbia trail network and offer expanded opportunities for our regions family farmers to maintain and expand their private enterprises.

Tim Harlan commented that he visited several farmers' markets in the east within the last few weeks. He felt New York had the markets not for the farmers', but for the thousands of people that lived and shopped there. When asked why the City would want to subsidize farmers, Mr. Harlan stated he felt Columbia was not subsidizing farmers in the same way New York did not subsidize farmers. They were not doing it for the people who were bringing it in, but were doing it for their citizens who were going to buy it. Mr. Harlan noted he had heard arguments about just needing a pole barn, not an expensive facility. He felt the City could do that, but noted it was a very expensive piece of real estate. He thought the multi-use plan made a lot more sense.

Guy Clark, President of the Columbia Farmers' Market spoke in support of proposition two. For him, the market was a place of community not commerce. He saw it as the last bastion of true, broad-based community. Although the farmers were doing some commerce at the market, he saw that as a secondary issue. With so many things on the ballot and the market being attached to \$4.7 million of other park projects, he was fearful it might get dragged down. He suggested the Council consider separating the issues and letting the market stand on its own.

Karl Skala spoke on behalf of TARRIF, Timely and Responsible Road Infrastructure Financing. He noted comments had been made about their group being anti-growth, but for the record, he commented that he had spent much of the last six years trying to encourage planned growth, both residential and commercial. He also noted he was on the Chamber Governmental Affairs Committee and had served on the Transportation Finance Subcommittee. In their position paper, TARRIF suggested the Council recommendations seemed to be inadequate. He felt that was not the kind of position an anti-growth advocate would take. They actually agreed with the Central Missouri Development Council. Mr. Skala thought the City Council would be well advised to take a very aggressive approach to financing these kinds of needs. He commented that there was a very large gap between the needs and the proposed funding. TARRIF saw the real question about the whole issue as who should pay, when should they pay it, and how much would it cost.

Steve Strawn spoke on behalf of Habitat for Humanity and noted they worked for people who made half or less of the median income by trying to help them achieve home ownership. Their mission statement was to work in partnership with volunteers to build modest homes for low income families who could not otherwise afford to purchase their own homes. Although \$600 per house did not sound like a lot of money, Mr. Strawn noted, when talking about a \$70,000 house, that was almost one percent. He felt that would price some people out of the market. He asked the Council to consider what this could do to low income families who were trying to achieve their dream of home ownership.

Liz Graznak commented that she had been on both sides of the farmers' market as a grower and a consumer. She was glad to see the City finally facing the issue of having a

permanent farmers' market. She was concerned about other things incorporated into the proposition. She was afraid there would be opposition.

Jim Williams spoke in favor of a permanent farmers' market. He felt the best markets had City support and asked the Council for their support.

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

Mr. Beck clarified the use of the multi-purpose building could be for a farmers' market. When they first talked to the Council about a multi-purpose building, they were talking about something that could be used by Parks & Recreation for programs such as basketball and other indoor sports as well as by the Farmers' Market. He pointed out this was initially proposed because there was a lot of emphasis on the City's need for additional facilities for the youth.

Mr. Janku noted they had made two motions at the last meeting. Mr. Boeckmann noted one dealt with proposition five and changing 10 years to 5 years and the other dealt with proposition one and changing 8 years to 5 years.

Mayor Hindman noted proposition one was written for 8 years, but the proposed amendment would limit it to 5 years.

Mr. Janku stated he was supportive of extending the one-eighth cent for 5 years. He noted they had a good solid list of priorities.

Mr. Ash thought Mr. Loveless made the best point when he stated that once they got past five years, it was not as obvious of a deficit that needed to be made up. He thought one could argue it was a little more fiscally prudent to tie it up for 5 years. He thought with 8 years, things could change.

Mayor Hindman liked the 8 years better, but stated he could understand the argument for 5 years and thought it would probably be a wise move to go with the 5 years. He was concerned about the need for acquisition of new parks with the rapid subdivision growth the City was experiencing. At the end of 5 years, he thought they would be in a better position to get a feel for what the needs were.

Mr. Loveless felt going back to the voters on a periodic basis gave them a chance to approve or disapprove what had been done the past 5 years. He felt 5 years was a good interval.

The motion to amend proposition one to extend the parks sales tax to 5 years rather than 8, made by Mr. Janku and seconded by Mr. Ash, was approved unanimously by voice vote.

Mayor Hindman explained proposition two called for two things in connection with the property where The ARC was now located. One would be a single sheet indoor ice rink and the other would be a multi-purpose building, which would serve multiple purposes including all sorts of recreational activities and a home for a Farmers' Market part of the time.

Mr. Ash noted there had been discussion about splitting the farmers' market and the ice rink proposal, but he did not think that was a good idea. He stated they already heard concern voiced about there being too many issues on the ballot. Even though this week all they heard from were the Farmers' Market people, two weeks ago all they heard from were the ice people. He thought it would be better if the two groups joined together so they could help each other's cause.

Mr. Janku noted another reason was that they would be sharing facilities and there would be a lot of costs that could be reduced or at least jointly incurred.

Mayor Hindman described proposition three as a one-quarter cent sales tax for an extension of 3 years for purposes of fire and police.

Mayor Hindman noted proposition four was one-quarter cent extension for a period of 7 years for streets and sidewalks. This proposition, combined with the third, would total 10 years.

Mayor Hindman noted proposition five included additional sales tax for street and

sidewalks and clarified this would be a new one-eighth cent sales tax. The present bill was for a 10 year period, but there was an amendment proposed changing it to 5 years. The five years would allow the City to get a jump start on some of the projects, but 10 years would allow the City to get an even better one. There was one argument that the City might be able to work with the County and come up with a more universal form of financing roads at the end of 5 years. The Chamber felt 10 years was needed.

Mr. Hutton felt there was a huge difference between the Parks one-eighth cent tax for 10 years and the road tax for 10 years. On the road situation, they worked and reworked the list to pare it down to what they felt the City could afford. He pointed out the road projects were so much more expensive than the park projects. He noted testimony about not being aggressive enough and he thought that was probably true. Before the 10 year period was up, he thought it would be safe to say there could be a very good chance that they would come back with a different proposal. To pare the list down any more would mean taking roads off like Scott Boulevard. The projects still on the list were those that were extremely important and past being needed. With parks, they had been somewhat able to keep up. Mr. Hutton argued that it needed to be 10 years and also argued that it needed to be a lot more money.

Mr. Loveless noted that when the Council initially formed the Transportation Finance Committee, they were charged with looking at road needs for the next 20 years. They came to the conclusion that 20 years was too long of a time to envision everything that might be needed and cut it down to 10 years. He thought the Council would be ill advised to cut it down to 5 years. He felt that would eliminate too many projects we knew needed to be built as soon as we could get money for them.

Because this was a new tax, Mr. Ash thought it would be met with more resistance than the ones that were extensions of existing taxes. By saying it was for 5 years, we could come back and explain what it was we were going to do. He thought it would have a better chance of passing if it was set for 5 years. If it went from 10 years to 5 years, the taxes would not all come due at the same time. He agreed there were enough projects that we could commit to spending 10 years worth of money without any problem, but thought the City might be better served by doing it 5 years at a time.

Mr. Janku stated they had gone through the list and showed what they would eliminate if they reduced it by 5 years. A large part of it had been contingency or annual needs amounts they were not certain what they would spend it on, but anticipated needing. With 5 years out to go, they could anticipate having more of that in their plan because the future could not be predicted as well.

Mr. Ash noted there were two items on the priority list for both 5 and 10 years, Scott Boulevard and Gans Road Interchange. He noted \$7.5 million as part of the new highway appropriation already set aside and thought that would help if they went down to 5 years. He felt 5 years was more conservative.

Ms. Nauser felt the more roads they could show the public they were going to upgrade, the more lives would be touched, thus causing people to be more apt to vote in favor. She stated that was why she supported 10 years versus 5 years.

The motion to amend proposition five to reduce the one-eighth cent sales tax for transportation to 5 years rather than 10, made by Mr. Janku and seconded by Mr. Loveless, failed by voice vote with only Mr. Ash, Mr. Janku and Ms. Crayton voting in favor of it.

Mr. Ash was in favor of keeping proposition six, which dealt with the development charge increase, as it was, because if it passed, he wanted to come back and look at some incentives for developing in the center city and perhaps offering some rebates or reduced fees for developments that did not cause the City to build new roads. He felt groups like Habitat for Humanity could take advantage of those kinds of reductions.

Mr. Hutton thought the primary motivator of the development charge when they initially discussed it was the idea that if the one-eighth cent increase in taxes for 10 years passed, it

would generate approximately \$25 million. If they implemented the development charge then developers, realtors and home buyers would be paying about \$19 million over the ten year period. That was roughly the same amount of money between new tax and development charges. He stated he did not agree that 100% of the cost would be passed on to the potential home buyers, especially if the houses were not selling. In that case, he felt the price would be reduced and therefore the builder/developer/owner would be absorbing at least part of the cost. He felt it was a development community contribution to the road problems created by new development and a fairness issue.

Mayor Hindman agreed with Mr. Hutton about the charges being passed on to the home buyer. He noted the great variable was land price and felt supply and demand determined the price of houses.

Regarding Habitat and other programs for affordable housing, Mr. Janku pointed out that the City helped fund them through the Community Development Block Grant program by providing costs for infrastructure and similar things.

Mr. Janku felt that everyone agreed Columbia was an excellent place to live and thought the reason was that over time the community had stepped up and met the challenges in various ways. This very balanced approach was one more way of stepping up to help our growing community.

B293-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the west side of Wellington Drive, north of Mexico Gravel Road (3631 North Wellington Drive.)

Item A was read by the Clerk.

Mr. Beck described this as an approximate 16 acre tract in northeast Columbia presently zoned County R-S. The applicant was requesting R-1 zoning. Access was off of Wellington Drive, a Boone County maintained local street. After the public hearing, the next step would be to introduce the ordinance.

Mayor Hindman opened the public hearing.

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

(B) Voluntary annexation of property located on the north side of St. Charles Road, east of Upland Creek Road (5107 St. Charles Road).

Item B was read by the Clerk.

Mr. Beck described this property as approximately 0.7 of an acre located in northeast Columbia. The applicant was requesting R-1 zoning. After the public hearing, introduction of the ordinance would be in order.

Mayor Hindman opened the public hearing.

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

OLD BUSINESS

B274-05 Approving the Final Plat of Springdale Gardens Plat 6, a Replat of Lot 12 and Part of Lot 11 of Springdale Gardens; authorizing a performance contract; granting a variance to the Subdivision Regulations relating to sidewalk construction.

The bill was given second reading by the Clerk.

Mr. Beck explained that this plat would create two R-1 zoned lots. Because of the variance request, it was placed under Old Business. The Commission recommended approval.

David Kurtz, an attorney, spoke on behalf of the applicant. He explained that the

applicant owned adjacent lots and the replat was to move the line between the lots to allow more buildable space on the undeveloped lot. There was no sidewalk or any other pedestrian way within the vicinity of where this sidewalk would be required. The cost of putting in a sidewalk would be prohibitive, about \$10,000 for a sidewalk that would not connect to anything.

Mr. Ash noted that this request would meet his criteria number 3, which was whether or not this was infill development on a quiet internal street. The answer would be yes, it was. He did not think a sidewalk would be necessary here.

B274-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B277-05 Approving the Final Plat of Seasons Brook Estates.

The bill was given second reading by the Clerk.

Mr. Beck described this as 12 ½ acres on the west side of Brown School Road, north of Elm Grove Drive. It would create four PUD-10 lots.

Mr. Teddy added that one of the four lots was shared access between lots.

Mr. Hutton made the motion that B277-05 be amended per the amendment sheet. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

B277-05, as amended, was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B280-05 Calling for bids for renovation to the Howard and Gentry Buildings.

The bill was given second reading by the Clerk.

Mr. Beck pointed out that a public hearing was held on this issue in November 2004. It was a renovation project for which \$2,645,000 had been appropriated. The proposal involved the renovation of all exterior elevations, four interior levels of the Howard Building, and both levels of the Gentry Building, removing asbestos, upgrading both mechanical and electrical systems in the two buildings, and looking into the elevator situation.

B280-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B292-05 Authorizing an agreement with Missouri Network Alliance, L.L.C. for connection to the City's fiber optic cable system.

The bill was given second reading by the Clerk.

Mr. Beck explained this would allow a connection to the City's fiber optic cable system. The agreement would net the City a monthly rate of \$3,847.

Mr. Ash asked to whom the City was allowed to lease the system in regards to the lawsuit. Mr. Boeckmann stated the City was allowed to lease or otherwise allow telecommunication companies to use facilities owned by political subdivisions. The only stipulation was that they were charged enough. It was really not who it could be leased to, but the purposes the person it was being leased to could use it for.

B292-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B294-05 Amending Ordinance No. 18197 that established an Archery Deer Hunting program.

The bill was given second reading by the Clerk.

Mr. Beck explained that last year there were four areas approved for bow hunting. The suggestion was that two parcels near the Waste Water Treatment Plant and the 50 acre Smith property at Waco and Brown School Road be added. A further suggestion was to eliminate hunting in Grindstone Park. He noted the most deer harvested last year occurred in Grindstone Park.

Mr. Loveless commented that he had probably received about two dozen calls and e-mails regarding the issue and with the exception of one call, everyone asked that something be done about the deer. The person against it was a lady not opposed to controlling deer or bow hunting in the parks, but opposed to hunting in Grindstone. The bottom line was that she had a deer colored dog and she was fearful an archer might shoot her dog confusing it as a deer. He could not convince her that would not happen. He reminded everyone of the original intent, which was to thin the deer herd, and the secondary intent, which was to provide some recreational use for a group of constituents with a minimum amount of user conflicts. He noted there were 170 constituents who attended the workshops.

Mr. Loveless made the motion to amend B294-05 by restoring Grindstone Park to the designated list. The motion was seconded by Mr. Hutton.

Mr. Ash stated he had talked to the lady with the dog concern and one other man. He did not feel it was unsafe to allow the hunting. He thought, however, the perception of the problem was almost as significant as the actual problem itself. He did not think a lot of people knew they allowed hunting there. If it was decided to retain the Grindstone Park area for bow hunting, he suggested signage. He thought the initial reaction to hunting in our parks was one of fear. He asked why other places, where people would not be afraid, could not be used.

Mr. Loveless replied that this particular area was effective and fulfilling the intent of the whole idea of removing deer. He felt they would be taking a step backward if they did not allow it in Grindstone Park.

The motion to amend, made by Mr. Loveless and seconded by Mr. Hutton, was approved by voice vote with only Mr. Ash voting against it.

B294-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON.
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.

- B275-05** Approving the Final Plat of Eastport Centre Plat 2-A, a Replat of Part of Eastport Plat 1-B; authorizing a performance contract.
- B276-05** Approving the Final Plat of Eastport Village Plat 6; authorizing a performance contract.
- B278-05** Authorizing an agreement with Fred J. Groves, Jr. for the sale of property located at 505 Mary Street.
- B279-05** Authorizing acquisition of easements for construction of the Rock Quarry Road culvert project.
- B281-05** Calling for bids for the H-21 Relief Sewer Project (Hominy Branch Watershed from Moon Valley Road to U.S. 63.)

- B282-05** Confirming the contract with Emery Sapp & Sons, Inc. for construction of the Concorde Office and Industrial Plaza Pump Station Interceptor.
- B283-05** Authorizing a Right of Use Permit with West Lawn Properties, LLC to allow the installation of landscaping, an irrigation system and lighting within a portion of the Joslyn Court right-of-way.
- B284-05** Authorizing a Right of Use Permit with Virtual Realty, LLC to allow the installation of landscaping, an irrigation system and lighting within a portion of the Louisville Drive right-of-way.
- B285-05** Accepting a conveyance for utility purposes.
- B286-05** Accepting conveyance of a surplus radio tower from Zimmer Radio Group of Mid-Missouri, Inc.
- B287-05** Authorizing an agreement for the lease of space for a radio tower to be used by Joint Communications.
- B288-05** Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- R169-05** Setting a public hearing: FY 2006 Budget for the Special Business District.
- R170-05** Setting a public hearing: sanitary sewer utility rate increases.
- R171-05** Setting a public hearing: construction of the Aztec Boulevard-State Route PP safety project.
- R172-05** Setting a public hearing: construction of water main serving Woodhaven Apartments.
- R173-05** Authorizing a Full Deed of Release to Boys Town of Missouri, Inc. on properties located at 109 W. Forest and 403 Dysart.

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

NEW BUSINESS

- R174-05** Authorizing an amendment to the First Christian Church parking lot agreement.

The resolution was read by the Clerk.

Mr. Beck explained this would extend the agreement 60 days to allow staff time to continue negotiations with the Church.

The vote on R174-05 was recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

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

- B295-05** Voluntary annexation of property located on the north side of St. Charles Road, east of Upland Creek Road (5107 St. Charles Road); establishing permanent R-1 zoning.
- B296-05** Voluntary annexation of property located on the west side of Wellington

Drive, north of Mexico Gravel Road (3631 Wellington Drive); establishing permanent R-1 zoning.

- B297-05 Rezoning property located on the west side of Wellington Drive, north of Mexico Gravel Road (3631 Wellington Drive) from A-1 to R-1.
- B298-05 Rezoning property located on the west side of Brown Station Road, north of Starke Avenue from A-1 to R-1.
- B299-05 Rezoning property located on the southwest corner of Route E and Sunflower Street from A-1 and M-1 to R-1.
- B300-05 Granting a variance to the Subdivision Regulations relating to sidewalk construction along the west side of Lake of the Woods Road, north of Kelsey Drive.
- B301-05 Approving the Final Plat of Brookside Square Plat 4; authorizing a performance contract; granting variances to the Subdivision Regulations.
- B302-05 Approving the Final Plat of Brookside Square Plat 2; authorizing a performance contract.
- B303-05 Approving the Final Plat of Copper Beech, Plat No. 1; authorizing a performance contract.
- B304-05 Approving the Final Plat of Stonecrest Plat No. 8; authorizing a performance contract.
- B305-05 Approving the Final Plat of Bristol Lake Plat 1; authorizing a performance contract.
- B306-05 Approving the Final Plat of Williamson Place Plat 1; authorizing a performance contract.
- B307-05 Approving the Final Plat of Deer Ridge, Plat No. 3; authorizing a performance contract.
- B308-05 Approving the Final Plat of Chapel Hill Meadows; authorizing a performance contract.
- B309-05 Approving a Replat of Lot 10 of Vintage Falls Plat 1-A.
- B310-05 Vacating part of a sewer easement located on Lot 1 of Red Oak Subdivision.
- B311-05 Appropriating grant funds for a consultant survey of a portion of the Garth's Addition neighborhood.
- B312-05 Authorizing acquisition of easements for construction of the EP-3 Trunk Sewer project.
- B313-05 Authorizing Change Order No. 1 to contract with Admire Construction LLC; approving the Engineer's Final Report relating to the Fifth Street and Cherry Street sidewalk improvement project.
- B314-05 Authorizing a Right of Use Permit with The Curators of the University of Missouri to allow installation of crosswalk improvements within portions of University Avenue right-of-way.
- B315-05 Authorizing a Right of Use Permit with Garry and Brenda Lewis to allow the installation of landscaping, irrigation system, lighting, electrical conduits and water service lines within a portion of the Corporate Plaza

Drive right-of-way.

- B316-05 Accepting conveyances for drainage, sewer, utility, sidewalk and street purposes.
- B317-05 Authorizing construction of water main serving Woodhaven Apartments; providing for payment of differential costs.
- B318-05 Accepting conveyance; authorizing payment of differential costs for water main serving Oakland Park Estates, Plat 1; approving the Engineer's Final Report.
- B319-05 Accepting conveyances for utility purposes.
- B320-05 Authorizing a tax collection agreement with Boone County.
- B321-05 Authorizing an agreement with Jeffrey L. Bruce & Company relating to consulting services for the downtown redevelopment strategy and implementation plan; appropriating funds.
- B322-05 Appropriating funds for the purchase of replacement AS/400 servers for the Information Services Department.
- B323-05 Appropriating donated funds for the purchase of supplies for the D.A.R.E. program.
- B324-05 Adopting the FY 2006 Budget for the Special Business District.
- B325-05 Amending Chapters 13 and 22 of the City Code to increase sanitary sewer rates.
- B326-05 Amending Chapter 11 of the City Code relating to public health service fees.
- B327-05 Amending Chapter 17 of the City Code relating to Parks and Recreation fees.
- B328-05 Amending Chapter 27 of the City Code relating to water fee changes.
- B329-05 Amending Chapter 27 of the City Code relating to electric rates.
- B330-05 Amending Chapter 27 of the City Code relating to water rates.
- B331-05 Amending Chapter 27 of the City Code relating to load management.
- B332-05 Authorizing a Unit Power Purchase agreement with the Missouri Joint Municipal Electrical Utility Commission.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Proposed revisions to the Subdivision Regulations concerning a requirement for developers to construct sidewalks along subdivision common areas or lots along local residential streets at the time of street construction.

If a common area lot fronted a collector or arterial street, Mr. Ash asked if they were saying a developer did not have to build a sidewalk there, but only along local residential streets. Mr. Teddy replied he thought they were examining local streets because it was usually the case the sidewalk was completed around the entire local street when the

subdivision was built out. He stated they could look at higher classifications of streets, but thought the one they wanted to “button up”, in terms of looking at the present practice, was the local streets. Regarding common lot, they were referring to open space lots, where there would not be a building built at a later date, which would compromise the condition of the sidewalk. Mr. Ash understood that after three years the sidewalk had to be built, which in most cases, at that point in time, it had already been transferred to the homeowners association. He noted they got stuck building the sidewalk rather than the developer. He felt it should not matter whether the common area fronted a local residential street or even a collector or arterial. If anything, he thought a sidewalk would be needed along a busy street more so than a local residential street. He thought it should be any common lot, no matter what kind of street it fronted.

Mr. Janku stated he had not focused on common lots, he was thinking about regular lots where the excuse was being used that they would be building there and it would only get torn up. He noted a situation on Southampton where the City picked up the tab. He asked if there was any reason this could not be applied to collector streets that would not be built on. If it was agreed the sidewalk was being built along that collector or arterial frontage, the sidewalk could be built up front along a common lot. Mr. Janku thought any common lot would have the issue of the homeowners getting stuck with the tab three years down the road.

Mr. Ash stated there were two things being discussed. One was the proposal of making sure it got built on common lots and the other was in general, when building collector or arterials, one should have to put in the sidewalk. He noted they argued against the second thing saying when there was construction the sidewalk would get torn up. In the process of that discussion, they limited the common lot issue to just local residential streets. When they directed staff to prepare the draft language, he asked that it not just say local residential street, but have it be common lot, no matter what kind of street it was.

Mr. Ash made the motion that a draft ordinance be prepared removing “along local residential streets’ and stating that all sidewalks abutting common lots and all other non-buildable lots shall be built at the same time as the construction of the street. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Janku noted that Oakland Gravel had been built for many years, but now there were subdivisions going in along it. The lots were backing up to an improved street and the sidewalks would not be built, conceivably, for three years. The curb and gutters were already there, so sidewalks could be put in. The response was that the construction of the housing would still disturb that sidewalk. He asked if that was fair to say. Mr. Glascock replied that it was. Mr. Janku understood that was because they might be extending sewer and water lines and utilities in the area where the sidewalk would be built. He asked when they had to grade for the sidewalk that would be put in and if initial grading could be required at the time the internal streets were put in. Mr. Glascock replied there was no reason the grading could not occur then. He guessed they would not want the sidewalk built because they could actually access the lot from that street. Mr. Glascock noted if they were doing it today, new streets were graded for sidewalks, back to back. If it was an already existing street, that might not have been required at the time.

Mayor Hindman made the motion that the draft ordinance be prepared and referred to the Planning and Zoning Commission. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

(C) Proposed additional streets for Section 25-53(4) of the Subdivision Regulations concerning the prohibition of driveway access for one-family and two-family developments.

Mr. Hutton made the motion that staff be directed to prepare an ordinance and refer it

to the Planning and Zoning Commission for a hearing. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(D) Setting the speed limit on Brown School Road.

Mr. Beck stated the suggestion was that the speed limit be set at 45 mph and that there be a series of four-way stop signs. Staff felt all were warranted with the exception of Derby Ridge Drive. Mr. Janku felt there needed to be a four-way stop at Derby Ridge because it was really the only way out of the subdivision. If there was not a stop sign, the speed limit would need to be lowered and he would rather see a 40 mph speed limit.

Mr. Janku made the motion that the speed limit on Brown School Road be set at 40 mph. The motion was seconded by Mayor Hindman.

Mr. Ash noted that a lot of people did not like the way the City determined speed limits because we let traffic dictate it. He pointed out Public Works had formulas and policies they followed for coming up with recommendations. Mr. Beck agreed and felt they were reducing the speed on streets intended to move traffic.

Mr. Janku asked if any thought had been given to bifurcating the speed limit at Derby Ridge, since it changed there from a two lane to a four lane road. Mr. Glascock replied that usually had no affect because it was generally what people were comfortable driving. By State Statute, they did a speed study and were required to set it at the 85th percentile. He pointed out this was a limited access road with only streets on it. It was one of the highest and safest roads in the City. If the limit was set artificially low, there would be enforcement problems. Mr. Beck added that people would be likely to cut through neighborhoods also.

Mr. Janku withdrew his motion.

Mr. Janku made the motion that staff be directed to prepare an ordinance amending 14-223 to reflect the desired speed limit and ordinances amending 14-63 to modify Oakland Gravel Road and Smiley Lane - Springdale Drive and Roger I. Wilson - Oakland Gravel and Brown School Road and Derby Ridge Drive and Brown School Road to all-way stop intersections. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(E) Proposed tax sale for 512 Mary Street.

Mr. Teddy explained they learned today that the occupant of the home had paid the property tax, so no action was required.

BOARDS AND COMMISSIONS

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

BICYCLE/PEDESTRIAN COMMISSION

McDonald, Patricia A., Ward 5 - term to expire 7/31/07

COMMUNITY DEVELOPMENT COMMISSION

Ritter, Mitchell, Ward 2 - term to expire 11/1/07

DISABILITIES COMMISSION

Chase, Greg J., Ward 6 - term to expire 6/15/06

Peplow, Mike, Ward 5 - term to expire 6/15/07

BOARD OF HEALTH

Irwin, Ilalyn, Ward 5 - term to expire 8/31/08

Quint, Jessica L., Ward 5 - term to expire 8/31/08

Sohl, David W., Ward 4 - term to expire 8/31/08

HISTORIC PRESERVATION COMMISSION

Gardner, Brent, Ward 4 - term to expire 9/1/08

Sebastian, Douglas A., Auxvasse - term to expire 9/1/08

BOARD OF MECHANICAL EXAMINERS

Burks, Charles F., County - term to expire 6/17/08

Kidwell, Dennis L., Ward 6 - term to expire 6/17/08

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ron Barry, Missouriians United to Protect Social Security, asked that the Council consider passing a resolution. He asked that the resolution recognize August 14th as the 70th anniversary of the Social Security System and to support not changing the Social Security System. Mayor Hindman explained that the Council had a rule about not getting involved in National issues such as this.

Mr. Ash asked that his previously submitted sidewalk proposal be considered. He commented that they had run out of time at The Retreat and it had not been discussed. Mr. Janku suggested asking for staff to report back after analyzing the issue and stated the Council could discuss it at that time. Mr. Ash gave his proposal to Mr. Beck and asked that a report be generated for discussion.

Mr. Ash pointed out that they had not gotten all of the report associated with B330-05, which dealt with water rates changes. He asked that they receive it all in the next packet.

Mr. Janku stated, at the last meeting, they approved an Adopt-A-Spot at College and Paris/Rogers. In the report, he noted it mentioned if sidewalks were ever put in there, the spot would have to be taken out. The report from Mr. Burden showed it as a priority project for sidewalks. He asked if they could put the Adopt-A-Spot on hold until they knew when the intersection needs would be addressed. Mayor Hindman noted that Mr. Burden had been given intersections to look at, including that one. He had not pointed it out specifically. Mayor Hindman thought it would be up to the Council to decide whether or not it was a priority intersection. Mr. Janku suggested everyone look at the intersection because he would hate for them to put landscaping in that would need to be removed.

Mr. Janku noted the similarity between half day and full day rates for the new facility at Stephens Park for Day Camp services. He felt there should be more of a differentiation between the half day and the full day. He asked staff to look into the issue before it was voted on.

Ms. Nauser asked if the development fee proposition passed and if they found the charge was a detriment to low income housing, if they could make adjustments or provide grants. Mayor Hindman thought the Council would have the right to reduce it, especially in connection with low income housing. Mr. Hutton agreed and thought one way would be to fund back, like a scholarship.

The meeting adjourned at 12:02 a.m.

Respectfully submitted,

Sheela Amin
City Clerk