

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
DECEMBER 19, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, December 19, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON and LOVELESS 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 December 5, 2005 were approved unanimously by voice vote on a motion by Mr. Ash and a second by Ms. Crayton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B394-05 Voluntary annexation of property located on the southeast side of State Route KK, west of Red River Drive; establishing permanent R-1 zoning.

Mayor Hindman explained the applicant requested withdrawal of this item.

B398-05A Rezoning property located on the north side of Mexico Gravel Road, adjacent to the west side of U.S. Highway 63 (3701 Mexico Gravel Road - Tract 1) from A-1 to O-P.

The bill was read by the Clerk.

Mr. Beck explained a valid protest petition had been received, but had now been withdrawn.

Mr. Teddy reminded the Council this request had been originally accepted by staff as Tracts A and B, but that this report only involved Tract A. He explained the issue was tabled at the November 7, 2005 Council meeting for the purpose of obtaining more input from the Planning and Zoning Commission in recognition of a revised application changing the C-P request to O-P. The Commission recommended approval of the O-P request. He noted staff also recommended approval of the amended request.

Mayor Hindman opened the public hearing.

Jim Meyer, House of Brokers Realty, 1515 Chapel Hill, spoke on behalf of the applicants, Mr. and Mrs. Hensley and explained the property had been on the market as a residential property for about six months and that they had not had any success marketing it that way. They felt the reason was because the property was adjacent to 63 on the east and the construction of the overpass at Mexico Gravel Road tended to funnel noise directly at the

property. The Hensley's wanted to rezone it to be more marketable. Originally, the request was for commercial zoning and that had caused much opposition. He explained a change was made to O-P and the square footage for the proposed building had been dramatically reduced.

Mr. Ash asked if the applicants felt the old house would remain and be incorporated if O-P was permitted. Mr. Meyer felt it was unclear if the existing structure would be retained or not, but stated the Hensley's hoped it would. They felt it would impact their ability to sell the property if they were to make that a condition. Understanding that requiring the old structure could be a hindrance, Mr. Ash asked if there were other things that would make the property more marketable.

Ron Hensley, 3701 Mexico Gravel Road, explained they initially started out at 76,000 square feet, which they thought would be suitable for commercial. When they resubmitted, they asked staff what they thought about 30,000 square feet, but were told it was too much considering what was across the street, the Methodist Center, whose building was only 16,000 square feet on 2 ½ acres. Mr. Hensley explained the back half of his 2 ½ acres was completely undeveloped and had a ravine and 8-inch sewer running through it. He thought it would be far more attractive to a buyer if the City was to limit the house from being taken down. Being 150 years old, Mr. Hensley felt the house deserved to be on the historic register. To make it presentable to a buyer, he thought the square footage being raised to 30,000 would be a plus.

Mr. Ash understood the O-P request was at 20,000 square feet and asked if Mr. Hensley was saying it might be doable to say the old house must be retained if the square footage was increased from 20,000 to 30,000. Mr. Ash noted the Commission seemed to care more about preserving the old house than whether it was C-P or O-P. Mr. Hensley stated their dream of turning the home into a bed and breakfast had fallen through and they had underestimated what it would take to bring it up to code for such a use.

Mr. Meyer pointed out he had spoken with staff regarding the use of the existing structure and believed a Chapter 36 analysis would need to be done for any kind of change from a residential structure. He thought that could require extensive and costly modifications. Mr. Hensley stated the house was in absolute sound condition per two separate evaluations.

Nile Kemble, 3000 E. Henley, President of the Mexico Gravel Neighborhood Association, explained the neighborhood was split and for that reason they were taking no official position. He stated he was personally in support of the revised request because he felt the Hensley's had been more than willing to work with the neighborhood to make sure they were happy with what they were trying to do. Not having a buyer in place seemed to cause most of the opposition.

Mr. Ash asked Mr. Kemble if he thought it was important to the neighborhood to have the old house preserved. Mr. Kemble replied, yes. He could not speak for the Association in regards to whether 30,000 feet being developed as opposed to 20,000 feet was worth having the old house retained, but stated it would be worth it to him, personally.

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

Mr. Hutton assumed the existing square footage of the old house did not count toward the 20,000 square feet. He understood it to be new construction only. Mr. Teddy stated the ordinance was written as 20,000 and it did not define what constituted the 20,000.

Mr. Ash asked if the square footage was a footprint or if all stories were added in. Mr. Teddy explained the ordinance referred to the Statement of Intent which read the maximum gross square feet of building floor area proposed was 20,000. Mr. Hutton asked Mr. Boeckmann if he thought it would include the old house if it were to be saved. Mr. Boeckmann thought it did. Mr. Ash asked about the square footage of the old house. Mr. Meyer stated the finished square footage of the current structure was approximately 3,200 with an additional 400 that was not considered finished square footage for lack of heating.

Ms. Crayton pointed out that it cost money to preserve houses and also wondered who

would buy it. Mr. Ash noted there were historic preservation tax credits available. He reiterated that he thought it was important to maintain the old house and felt adding 10,000 square feet for development was a fair trade off.

Mr. Janku asked if that size development would raise concerns with respect to its impact on traffic or if there was anything else the Council needed to be aware of. Mr. Teddy replied that staff raised an objection to the 70,000 square feet with the idea of reducing traffic impacts on the adjacent roadway. They were looking for something in the neighborhood of two FAR. At 20,000 square feet and 2 ½ acres, the floor-area ratio would be slightly under 20%. Council could consider the existing house as a bonus provision that would not be counted. He did not think it would have a grave impact on how the site functioned with the adjacent roadway system. Mr. Teddy noted he had consulted, informally, with the Chair of the Historic Preservation Commission, who indicated the house was not on any list, local or otherwise. There were also indications that it might not possess the greatest historic integrity for way it was originally built.

Mr. Ash thought any structure 150 years old could be put on a register fairly easy with some modifications. Mr. Meyer explained the foundation and much of the structure was old and built on to several times. They believed the original portion of the house dated back to 1855 and that there had been at least two additions since then. In the 1960's, a lot of structural modification took place. Because of the extent of the changes, the Hensley's felt it might be problematic to put it on a historic register.

Mr. Loveless pointed out that to be on a historical register meant the building had to be somewhat close to its original form for the time period. In his mind, that did not diminish the significance of maintaining a house of this age. He was concerned about its use because of the cost involved to modify the structure to make it suitable for office use. If the Council wanted to see the house preserved, he suggested they change the wording in the Statement of Intent so the existing structure had to be preserved, but not necessarily used. Mr. Ash stated he liked that idea.

Mayor Hindman wondered where they would be if this was approved, an office building was built and then the house was torn down. Mr. Ash wondered if what they were talking about was legal and asked if the Council was not allowed to amend Statements of Intent. Mr. Boeckmann replied, no and added that per the Code, it was supposed to be in the form of a letter from the applicant. He explained the ordinance had been amended to add different kinds of requirements in the past.

Ms. Nauser stated she had a problem with requiring someone to maintain something on their property. She noted that she wanted to see the house maintained, but did not think it was Council's position to state they would provide the zoning being asked for if the applicant preserved a home on their property. She felt that should be up to the owner or buyer. She stated she could not support anything forcing someone to keep something on their property.

Mr. Ash stated he viewed it as a trade off. The 150 year old house would be preserved in exchange for a more dense zoning.

Mr. Hutton commented that he appreciated Mr. Ash's motivation because he wanted to see the house preserved as well, but agreed with Ms. Nauser in that there were a lot of "what if's". He asked what would happen if they did not tear the house down initially, but did not maintain it. He felt they would be overstepping their bounds to require that a house be preserved.

Mr. Janku thought the way to achieve the goal would be to let the house have certain uses, broader than what another office building would have, so there would be an incentive to preserve the house. He noted he did not know what uses would be appropriate. He also thought ideas might come up for future situations based upon this discussion.

Mr. Boeckmann felt the zoning request should not be changed again at the last minute after staff had reviewed it numerous times and the Planning and Zoning Commission had reviewed it twice. Mr. Beck agreed. He felt it was a difficult situation when substantial

changes were suggested after spending a substantial amount of money to try to bring in a plan that followed Council policy. He stated the more policy there was, the easier it was for the development community, staff and the Council.

Mr. Ash apologized for bringing it up and stated the reason he did was because he had read about how much they wanted to preserve the old house in the Planning and Zoning minutes.

Mayor Hindman noted the Council received the material only after staff had looked at it and often this was the first shot they had. If the Council was going to have the right to provide input, they would have to provide input at this late stage of the game. Mr. Beck agreed, but also felt it should be done through policy. Mayor Hindman understood, but felt ideas coming forth from Council assisted in creating policy.

Mr. Ash commented that once they voted, it was done, so it seemed their last chance to do something was before they voted. Ms. Nauser felt when issues like this come up, they should formulate new policy. She stated that was the Council's function. This one would have to go by, but if it was an issue, they needed to be thinking about how to stop it from happening again in the future. She felt negotiating at the table and going into the wee hours of the morning was not very productive. She suggested they make notes to themselves about issues they want addressed in the future and for potential policies.

B398-05A, was read with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B418-05A Amending Chapter 25 of the City Code relating to sidewalk construction along common lots and other non-buildable lots.

The bill was read by the Clerk.

Mr. Teddy noted an amendment sheet had been prepared. He explained that current Subdivision Regulations did not require sidewalk construction along a common lot during the initial subdivision development. There was no specific timing mechanism other than the performance contract that required any sidewalk to be built within three years. He explained there had been discussion at the last meeting about the matter of a common lot that might be in a new subdivision, but abutting an existing street. Also addressed was the issue of street classification. The ordinance had been prepared using the words "local" and "residential". The amended language now stated that where a final plat created a common lot or a non-buildable lot, a sidewalk shall be constructed along the portion of each street abutting the lot at the same time the abutting street was constructed. Where a final plat created a common lot or a non-buildable lot adjacent to an existing street, a sidewalk shall be constructed along the portion of the street abutting the lot no later than one year after approval of the final plat. In that language, both the planned streets that were to be constructed as part of the new subdivision and existing streets that were abutting where a sidewalk was most certainly required were addressed. The revision had an effective date of January 1, 2006, so any final plat approved prior to that date would not be subject to that timing requirement.

Mr. Janku made the motion to amend B418-05A per the amendment sheet. The motion was seconded by Mr. Hutton.

Mr. Hutton understood the sidewalks required on unbuildable lots could be put off three years. Mr. Glascock replied that was correct. Mr. Hutton understood all they would be doing would be moving that time up two years. Mr. Janku stated that was true only on common lots. Mr. Hutton felt they would still have the problem they had now where things were not getting done in three years and asked how this would solve that problem. Mr. Janku stated this would solve the problem where the property had been transferred to the Homeowners Association and the tax bill was directed to them. Mr. Hutton asked if it would create a problem when a subdivision was built in phases. Mr. Glascock replied they were

going to have the common lots built with street construction, so they would be built immediately on existing streets.

Mayor Hindman opened the public hearing.

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

The motion to amend B418-05A per the amendment sheet, made by Mr. Janku and seconded by Mr. Hutton, was approved unanimously by voice vote.

B418-05A, as amended, was read with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B420-05 Authorizing Change Order No. One; approving the Engineer's Final Report; levying special assessments for the Sixth Street improvement project; appropriating funds.

The bill was read by the Clerk.

Mr. Beck explained staff had looked into the interest rate issue and suggested, in a separate report, the rate be changed to an establish a guideline that would be used in the future that would impact this particular project as a lesser rate than the present 9%. This bill would have to be tabled to do that for this project because the Code would have to be changed before the interest rate could be lowered.

Ms. Fleming explained that currently the interest rate was set at 9% and it was suggested we go to a more indexed rate, one that was indexed to some benchmark that moved as the interest rates and the economy moved. In checking with other cities, she found that some had fixed rates and others had them tied to indexes such as the U.S. Treasury rate. She felt it was important for the City to have our special assessments repaid because we needed a revenue stream to advance money for other assessment projects. The money that came in on old assessments being paid was available then to fund other projects. Ms. Fleming stated her recommendation was to set the interest rate to vary with the prime rate with the thought of keeping it competitive so the people who could afford to get a better interest rate somewhere else would repay the assessment early or at least make payments during the ten year period. The prime rate was one that was about the equivalent to what most home equity loans were. She explained that a special assessment placed a lien on property similar to how a mortgage or home equity loan might. Staff felt the prime rate was a good index. Currently, anyone who had a special assessment could pay off that assessment within 60 days and incur no interest charges. In addition, no payments were required to be made during the 10 year period of the assessment, but the total amount, plus interest, would be due at the end of the 10 year period. Ms. Fleming pointed out that during the 10 year period, they accepted any type of payments without penalty. Staff's recommendation was to go to an index set at the Wall Street Journal's prime rate.

Mr. Ash pointed out the prime rate was around 7% currently.

Mr. Janku made the motion that B420-05 be tabled to the January 17, 2006 meeting. The motion was seconded by Mr. Hutton.

Mayor Hindman opened the public hearing.

Mike Martin, 206 S. Glenwood, stated he would speak to interest rates and notification. Mayor Hindman pointed out staff would now have a coordinated notification and in the future, the notification issue which occurred this last time, would not occur again. Mr. Martin replied that was good to know. He explained that when he originally addressed the Council, he might have come across as surprised about the assessment although he should not have been because the seller of the house knew about it. He stated she had signed an easement over to the City to have the work done and the assessment had been pending when he bought the house. Although she should have disclosed it to him, she did not. He felt having a pending assessment show up where a title company could find it would be an excellent

idea. Mr. Martin commented the Wall Street Journal prime rate was one of the highest prime rates one could set. He believed others could be found at a lower rate.

Mayor Hindman pointed out staff had also been looking into a recordable notice that would take place at the time ordinances passed. Mr. Martin thought that was an excellent idea.

Kenneth Brantley, 708 N. Sixth Street, commented that he had received notice that his rent would be going up \$50 per month because the owner was looking at a \$1,200 tax bill for the street improvements. He explained he had lived there 13 years and they had not had a sidewalk until two years ago. He did not think they should have to pay for the improvements.

Mayor Hindman pointed out the total amount being tax billed to the owners was only 6.6% of the actual cost of all of the work being done. Roughly 94% was being paid for by the government. In addition, he noted the owners could pay the assessment over a ten year period. He stated a \$50 monthly increase simply did not add up.

James Cornelison, also a Sixth Street renter, noted if paid over 10 years, it would be more than \$1,200 and asked when the Business Loop or I-70 got repaved, if the people living there were billed. Mr. Beck replied those were State jurisdiction, not City streets. He pointed out a number of streets in this area were rebuilt years ago and those property owners paid the full cost of the streets except for the intersection and engineering costs. More recently they had been applying CDBG money to reduce tax bills to the property owners. Every street in the area had an opportunity to be paved over the years and some of them chose to leave the street in unimproved conditions. Those people paid up to \$2 per foot for maintenance type work which was also tax billed. That was how Sixth Street was left in the condition it was for so many years. Mr. Cornelison asked what was meant by this tax bill money being used for another street. Mr. Beck explained the City had a revolving fund where the City paid the tax bills out of initially to keep the costs down. Mr. Cornelison stated he was broke and felt the City was responsible for his rent increasing.

Mr. Martin clarified their rent would be raised \$50 per month for only two years, not ten.

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

The motion to table B420-05 to the January 17, 2006 meeting, made by Mr. Janku and seconded by Mr. Hutton, was approved unanimously by voice vote.

B438-05 Rezoning property located northeast of the intersection of Chapel Hill Road and Mills Drive from A-1 to R-1, PUD-6 and O-P.

The bill was read by the Clerk.

Mr. Teddy described this property as being just over 16 acres in size and located north of Chapel Hill Road, east and south of Mills Drive. This involved four tracts with zoning for Tract A being R-1, Tract B being PUD-6, and Tracts C and D being O-P. The reason there was a distinction between Tracts C and D was because originally the application was filed with Tract C in the O-P category and Tract D in the C-P district. Before the public hearing, the applicant submitted a new application revising the Tract D zoning classification to O-P. The Metro 2020 Plan showed this as neighborhood district. Access to the site would be off of Mills Drive, an unimproved local residential street, and Chapel Hill Road, an improved minor arterial. He noted different zoning classifications around it with not only A-1 to the east, but R-1 to the north and west and C-1 directly south of the tract. On the other side of Chapel Hill Road, there was an O-P and C-P district. Prior to the hearing, staff's recommendation was in support of the zoning on Tracts A and B and C with a condition that any office buildings be limited to one story in height, have pitched roofs that would somewhat mimic the residential character of the surrounding area. After receipt of the amended application, staff was also in support of the rezoning of Tract D to planned office business with those same conditions. He noted an indication in the Statement of Intent that the office buildings would be one story in

height with one exception due to slope. The Commission recommended approval of the rezoning request on the four tracts and included the uses proposed in the applicants Statement of Intent. Mr. Teddy pointed out the applicant offered notices that went above and beyond City requirements for notice to the public.

Mr. Ash asked if the closing of Mills Drive was a staff recommendation or a request of the applicant. Mr. Teddy was not sure who came up with the idea, but stated it was part of the applicant's request. He explained there had been a number of concept plans over the last year that had been informally reviewed by staff. There had always been discussion of the Mills Drive issue where it led to a shopping center and connected the neighborhood to Forum Boulevard. There was a signal and a recognized issue of cut-thru traffic. It was his impression it was their request and not necessarily an idea staff indicated they might try.

Mayor Hindman opened the public hearing.

Dan Simon, an attorney with offices at 203 Executive Building, spoke on behalf of the applicant, Solitude Development, LLC, and noted that traffic issues were not before the Council at this point, but since they had been such a matter of discussion, they would talk about them. He stated they had offered to install one of three options, at their cost, as a condition to development plan approval or plat approval, or alternatively to make as a condition, a \$25,000 contribution to the City that would be used to install any device the City eventually selected. From a pure land use point of view, he noted this was an infill development as they had development all around them. Mr. Simon explained their charge and challenge had been to develop a plan that was compatible with the uses around it and to compliment them. Using the overhead he showed aerial photos of the 16 acres and described the surrounding area. In the first area, there would be about 24 traditional single-family homes. In the PUD-6, there would be an attached town house type development, such as The Villas built by Jack Daugherty. The last two parts would contain about 54,000 square feet of traditional O-1 uses and professional offices. All of the office development would be accessed off a new street off of Chapel Hill Road, not off of Mills. He showed where the Mills Drive closure would be and stated it would provide for greater ability to have some nicer homes and would provide for an elimination of the cut-thru traffic problem. Mr. Simon felt this development was compatible with the area. He showed what the PUD attached houses would look like and noted they were described in the Statement of Intent. Using the overhead, he explained the traffic situation as it currently existed and showed where traffic cut through the neighborhood on Limerick. He stated the City's Engineer suggested several options for consideration.

Scott Bitterman, Traffic Engineer with Trabue, Hanson and Hinshaw, 1901 Pennsylvania Drive, explained the current traffic situation and the findings of a traffic study for the neighborhood. He noted a survey also went out to the surrounding neighborhood asking their opinion of the suggested traffic calming devices. One suggestion was a diagonal diverter at the intersection of Hatton and Limerick, which would require all motorists to go around an extra loop adding 30 seconds of travel time for the people cutting through the neighborhood. He noted that would work only if they vacated that portion of Mills Drive. Along with the diverter, there would be some additional calming devices at Shannon, such as rumble strips, and deflections on Mills Drive. Another option was an open road closure, which was something the City's Traffic Engineer found in a European traffic calming book. The open road closure consisted of raised pavement in the middle of the street with signage. The only people that would be allowed to use it would be emergency and refuse vehicles or other City uses that would be determined by the Council. The down side to the open road closures was that Chapter 14 of the City Code would probably have to be amended and at selected intervals the City might have to send out some enforcement to make sure no one was traveling through there. If there was an open road closure, anybody on the left side of it would have to go down to Chapel Hill to access the arterial roadways and anyone on the right side of the closure would have to go up to Forum to access the major roadways. He stated it

would cut the neighborhood in half, but was an option to eliminate the cut-thru traffic.

Mr. Ash agreed this would discourage people from cutting through, but felt the downside would be funneling all of the traffic onto Limerick that previously went down Mills. He asked how they determined whether or not that was a good move. Mr. Bitterman replied a traffic study of cut-thru traffic had been done by the City in 1999 and when looking at it during a.m. and p.m. peak rush hours, they found anywhere between 60 - 80% of the cars did not originate in the neighborhood. They were cutting through trying to save time. He thought the residents in the area were so frustrated with the amount of cut-thru traffic they had that they were willing to try these traffic calming devices as a solution. Mr. Ash stated he was concerned about closing the road and wanted to make sure it did not create as many problems as it would solve. Mr. Bitterman explained the road closure of Mills would have a couple of benefits in that it would take care of the problems at the intersection and would require people to go around the loop.

Mr. Janku asked about access to the tract to the east and how it would occur. Mr. Simon replied the road had been extended both on the preliminary plat and on the conceptual plan so it could be extended on through in order to provide connectivity if and when the parcel to the east ever developed. He noted they would either implement any one of the three options determined by the City to be acceptable and pay for it before the permits were granted or, alternatively, if an option could not be selected immediately, they would contribute \$25,000 to a fund to pay for any of the options eventually selected. Mr. Janku understood at this point they would not be approving anything related to the closing of Mills Drive. Mr. Simon replied they would not be doing anything that had to do with closing Mills nor approving anything that had to do with street extensions. Mayor Hindman appreciated being able to see these things at an early stage, even though they were not acting on the plan related items.

Ray Magruder, 4115 Derby Ridge, owner of the development site, commented that a lot of traffic studies had been done and the traffic counts off of Limerick Lane, according to the City's Traffic Engineer, was 350 trips per day up Limerick and 150 trip per day up Mills. The City's Traffic Engineer anticipated the total trips up Limerick Lane to be reduced to 125 and on Mills to be cut in half. Cutting off that portion of Mills, Mr. Magruder stated, was a traffic calming device in itself. With regard to working with the neighborhood, he felt they had gone above and beyond and explained what they had done. He noted there were people in favor and opposed, but that was not because of their lack of communication with the neighborhood.

Mayor Hindman voiced concern about connectivity and asked that when looking at the plan they look at possibilities for pedestrians and bicyclists to get through where maybe the road did not go through, if it was cut off. Mr. Magruder asked if he was saying he would like for them to look at where the road closure was proposed being a bicycle track through it rather than residential units. Mayor Hindman stated he was thinking about from one cul-de-sac over to the next road so people could get through where the road was closed. He commented that he would be happy to talk to Mr. Magruder and share his ideas with him.

Jerry Reed, 1900 Hatton Drive, explained that because his house was at the corner of Limerick and Hatton, he would most certainly be affected by the diagonal being proposed. He stated he was opposed to the diagonal and would rather see Mills Drive continue on through and not be vacated. He could not see where it would reduce traffic on his end and thought it would create more there because people would have to get out some way. Mr. Loveless explained they were not acting on how the street would be configured tonight because that would come later in the process. He asked how Mr. Reed felt about rezoning the property. Mr. Reed replied he was in favor of the proposed rezoning request.

Jake McMahon, 1500 West Boulevard Court, noted that he and his wife had lived in their home for 13 years. He explained he was one of the liaisons between the developers and the neighborhood and stated they had been very good about trying to communicate with

the neighborhood. There had been lots of discussion about the traffic and what to do about it. Mr. McMahon stated he was in support of the rezoning request as it tied into the plan because he thought it would end up benefitting the neighborhood quite a bit. He felt the vacation of Mills was key because it was currently dangerous and the closure would cure that. In addition, it would create more privacy for them.

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

Ms. Nauser commented it was nice to hear that the developer had been talking with the neighborhood. She was hopeful more people would follow in that path.

Mr. Ash stated he wanted to make it clear that just because they were approving the rezoning did not mean they were approving the streets and traffic calming. He noted things could change between the rezoning and the plan.

Mr. Loveless felt the proposed zoning fit what they had been trying to do as far as buffering residential with larger intensive residential and then office buffering the commercial.

B438-05 was read with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B441-05 Rezoning property located on the southwest side of Sexton Road, northwest of Mikel Street from R-2 to M-1.

The bill was read by the Clerk.

Mr. Teddy reiterated they were viewing this as part of an existing set of properties zoned M-1 with the existing uses being legal, non-conforming as a storage yard/parking lot. The staff recommendation for approval was based on the feeling that M-1 would reflect the existing use of the property.

Mayor Hindman opened the public hearing.

Chad Sayre, Allstate Consultants, 3312 LeMone Industrial Boulevard, explained they were trying to move forward in a modern and conforming format instead of working with the non-conforming uses on the tract, such as a gravel parking lot. He further explained these two parcels were pieces of an old block that they wanted updated in a modern plat. He stated they wanted the remnant zoning, about 6% of the entire tract to be homogeneous with the rest of the tract and the adjoining zonings. Mr. Sayre stated they had no problem with planned zonings, but in this case, they saw it as a logistic problem no matter what zoning it was, unless it was M-1. Going with some other type zoning, he felt, would have very little impact on the tract. He stated their approach was to try to make the most sense for this parcel and the area.

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

Mr. Ash reiterated his feeling about upzonings being planned. If there were parts of the planned zoning that were too cumbersome, he was willing to consider waiving some of the requirements.

Mayor Hindman agreed that upzoning should be planned, but because this was such a small fraction of an already established piece of property, he thought it would be like the tail wagging the dog was willing to live with this one.

Ms. Crayton asked what would go there in the middle of an industrial area. Mr. Sayre replied they had no definite plans for the piece in red, but under its current condition, as an R-2, it would be difficult to build a duplex on it. In addition, they did not think a duplex was appropriate, but did think the present uses were. He explained all they were trying to do was clean up the plat from the standpoint of making it a legal lot and not be left with a remnant zoning from an older use of the area. He reiterated they did not have defined uses, but hoped that with taking these steps, the parking lot could be made into a compliant parking lot.

B441-05 was read with the vote recorded as follows: VOTING YES: NAUSER,

HINDMAN, CRAYTON, HUTTON, LOVELESS. VOTING NO: ASH, JANKU. Bill declared enacted, reading as follows:

B473-05 Authorizing replacement of water main along Anthony Street, between Ann Street and William Street.

The bill was given second reading by the Clerk.

Mr. Beck explained this project would replace 450 feet of a 4-inch cast iron water main with an 8-inch line. It would enhance reliability of water service in the area. The estimated cost of the project was \$75,000 to be paid for out of Water and Light funds.

Mayor Hindman opened the public hearing.

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

B473-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Construction of Bear Creek Outfall Sewer Extension Project.

Item A was read by the Clerk.

Mr. Beck explained this to be a major trunk sewer project in northeast Columbia, which would go up the Bear Creek drainage area toward Oakland Church Road. It would consist of 6,600 feet of 24-inch and 18-inch diameter pipe. He noted a development in the area which was presently served by a pump station, which would be eliminated by the project. He stated it would also serve the undeveloped portion of the drainage area as well. The estimated project cost was \$1,100,000 to be paid from sewer utility funds. The plan was to apply for a low interest loan through DNR for the project.

Mr. Janku assumed a trail would be taken into consideration as the project moved forward due to City policy of looking into trail easements. Mr. Glascock replied staff had talked to Parks and Recreation and found this was not in their plan at this time. Mayor Hindman asked for clarification regarding the process when a trail was not anticipated in the area of a new sewer. Mr. Glascock did not think Parks and Recreation had any money to buy trail easements for this particular line. He added that if the Parks and Recreation Department decided a trail was needed, they tried to help accommodate that. If they decided it was not needed, they, in the Public Works Department, did not pursue it or spend any more time on it.

Mayor Hindman opened the public hearing.

Deborah Booker, 6395 N. Oakland Gravel, explained her property was impacted by the sewer line. She gave a history of the area and stated REA had been wonderful as was the City as far as doing what they said they were going to do. When UE showed up, they started having problems. Ms. Booker stated she lost 60 trees and a piece of their equipment got buried in the mud. Her fence was cut and if she had not been nearby her horses would have gotten out. In addition, her neighbor across the road experienced the same thing with his fence and cattle. They were told the fences would be repaired, but they were not. Ms. Booker felt the problem was due to a lack of supervision. She noted the people at the City they were talking to were not giving them answers about a great many things. She understood this sewer was going in because the land was about to be heavily developed. Ms. Booker stated she would like to hook up to the sewer, but was told she did not want to hook up to this sewer coming through her land. She inquired as to the time of year the project would be built because if it was during a wet period, machines would get buried again. She asked if there would be a City supervisor on the job daily to deal with contractors or if she would have to stand over them again like she had to with UE. She noted fencing had been discussed and asked if they would fix the fence, deal with the ruts, and reseed it. Some of the neighbors had been told they would be compensated for the use of their land and some had not. She wondered if they would all be compensated in a fair manner. If trees

were to be cut, some had been told if they were 12 inches and bigger, they would be compensated and others had not. Ms. Booker was hopeful to get some answers to questions she had not been able to get.

Mr. Hutton asked Mr. Glascock to get in touch with Ms. Booker in the morning. Mr. Glascock stated he would.

Donald Dix, 6190 Oakland Gravel Road, explained this would go through his front yard and stated was not interested in having a trail with bikers and hikers going through his yard and having that liability. He was willing for the sewer to go through his property, but was concerned about a large shade tree in his front yard. He was assured they could fence around the drip line, save the tree and not cause any damage to it. He was concerned about a septic field they would be near and commented that he had no need to hook to the City sewer because his system was in compliance, but as a landowner, he thought he should have the choice as to whether or not he wanted to hook to the sewer. The engineering company, when they started out, told him they would have a 20 foot easement for a two foot diameter pipe with the trench being deeper than the creek bed. He stated they mentioned one year care of the easement and noted that Boone Electric commonly used five years. He did not think one year was adequate. Mr. Dix noted the size of the easements kept going up as they were now telling him 75 feet. He was concerned about them getting out of the easement and into his septic field and ruining his yard. He was also hopeful there would be an on-site City inspector. He explained that was the problem with UE. Mr. Dix noted he also wanted his property to look like it did before the project began.

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

Mr. Janku noted they were only approving proceeding with the final plans and specifications tonight and that another ordinance would come back for discussion when they were ready to bid the project. Additional comments could be made at that time.

Mr. Hutton asked about the permanent easement. Mr. Glascock stated it would probably be 20 feet. Mr. Hutton assumed when they were talking about 75 feet, they were talking about a construction easement. Mr. Glascock replied, yes and added he guessed manholes would be going in there. Mr. Beck stated it would be spelled out in the easements.

Mr. Ash stated he would like a report regarding neighborhood concerns and how staff planned to address them. Mayor Hindman thought the first step should be a meeting with Mr. Glascock. He noted they would have the opportunity to raise their concerns again if they were not satisfied. In all likelihood, he thought the concerns would be resolved. He thought a lot of it was about wanting information. Until the plans and specifications were drawn, no one could be sure where the easements were needed. Mr. Ash asked how Mr. Glascock saw the process working and how the Council could be assured these concerns would be addressed. Mr. Glascock replied the next step, after Council approval of plans and specifications, was to come back with an ordinance to acquire the easements. They would then contact the people with a better description of what it was they were going to do and where all the manholes and structures would be put in. He stated they would be meeting with them to assure them their trees that could be saved would be saved. Mr. Glascock stated their land would be put back as it was today as much as they could. He noted they would not leave any ruts.

Mr. Beck explained there were standard policy issues regarding hooking to the sewer line and Mr. Glascock had that information.

Ms. Booker stated the Rice's were told the 75 feet was to get the trucks in and out of his property as well as the Dix property to get the materials to the site. She understood it would also mean taking out the trees. Mr. Hutton assumed they would be looking at that to determine where the best option was that would cause the least amount of disruption. Mr. Beck stated they could only work within the easement that was signed by the property owners. They had no right to get outside the construction easement. He did not think the staff was in a position to discuss much at this point until the sewer line was designed, but when they were ready he was certain staff would go over it with them.

Mr. Glascock reiterated his willingness to get in touch with Ms. Booker.

Mayor Hindman made the motion that staff be directed to proceed with final plans and specifications for the Bear Creek Outfall Sewer Extension project. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

OLD BUSINESS

B463-05 Approving the Final Plat of Williamson Place Plat 4; authorizing a performance contract.

The bill was given second reading by the Clerk.

Mr. Teddy described this as one of several phases of Williamson Place with one already in the ground with street improvements to the west of this plat. This site was located south of Route K and immediately west and adjacent to High Point Lane. He noted High Point Lane was an unimproved roadway and shown as a future collector on the Major Roadway Plan. The site consisted of slightly under 9 acres and approval of the plat would create 31 R-1 zoned lots with 29 being residential and two as common areas. Both were quite large on the east side of the plat abutting High Point. It was staff's understanding there was an easement for the electric utility over the common lots. That easement extended partly onto the abutting residential lots. The staff recommendation was for approval as it was consistent with the approved preliminary plat and also met all Subdivision Regulation requirements.

Rob Wolverton, 2504 St. Regis Court, the developer of the property, offered to answer any questions.

B463-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B474-05 Authorizing acquisition of easements for construction of a water main from the water treatment plant at McBaine to Star School Road.

The bill was given second reading by the Clerk.

Mr. Dasho explained this project was for the purpose of providing a second way of getting water into the Water Treatment Plant from our well field in the McBaine area. It would consist of the construction of a 36-inch main coming through the area. Their intention was to get the easements for the property. He noted a crossing of the Katy Trail as well as a crossing of some Conservation land owned by the State of Missouri.

Realizing it was early in the project, Mr. Loveless asked how deep the line was likely to be and asked if shallow and seasonally impounded water above it would be a problem. Mr. Dasho replied that would not be a problem and the depth would vary depending on where it was in relationship to a creek. He thought most of the depth would be six feet.

B474-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B478-05 Authorizing an agreement with SEGA, Inc. for design-build services for a new 161 Kv transmission line.

The bill was given second reading by the Clerk.

Mr. Dasho explained this transmission line would be built in the southeast part of Columbia at the Southeast Farm of the University of Missouri. The arrangement was to have SEGA do an engineering procurement and construction project for this 161 Kv line that extended approximately 2 ½ miles from an existing 161 Kv transmission line into the Grindstone Substation. The project cost was approximately \$2.8 million. Mr. Dasho noted

they were trying to move forward quickly because of the need to get the addition in place prior to the summer of 2006.

Mr. Hutton asked about the significant difference in the two bids. Mr. Dasho explained that one firm really wanted the project and they were able to make an arrangement with the steel company for the poles, which helped keep their prices low.

B478-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B481-05 Appointing Hiram William Watkins III as City Manager for the City of Columbia; authorizing an employment agreement.

The bill was given second reading by the Clerk.

Mr. Beck explained this would authorize the Mayor to execute an employment agreement with Mr. Watkins.

B481-05 was given third reading with the vote recorded as follows: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

Mayor Hindman congratulated Mr. Watkins and stated the Council was looking forward to working with him.

CONSENT AGENDA

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

- B462-05 Approving the Final Plat of Williamson Place Plat 3; authorizing a performance contract.**
- B464-05 Approving a Replat of Lot 3, Rockbridge Subdivision Block V; authorizing a performance contract.**
- B465-05 Approving a Replat of Lot 98, Eastland Hills Plat I.**
- B466-05 Changing the street name of "Gold Eagle Drive" to "Golden Eagle Drive".**
- B467-05 Vacating various easements within Oak Forest Subdivision Block I.**
- B468-05 Confirming the contract with C.L. Richardson Construction Company for construction of sewers in Sewer District No. 150 (Mexico Gravel Road).**
- B469-05 Authorizing acquisition of easements for construction of the EP-1 Trunk Sewer, an 80-acre point sewer serving the Opal Smith property.**
- B470-05 Accepting conveyances for drainage, sewer and utility purposes.**
- B471-05 Amending Chapter 27 of the City Code relating to water rates at Columbia Regional Airport.**
- B472-05 Amending Chapter 27 of the City Code to establish rates to be charged for water temporarily supplied by an adjoining water district.**
- B475-05 Accepting conveyance; authorizing payment of differential costs for water main serving Trail Ridge Subdivision, Block 3; approving the Engineer's Final Report.**
- B476-05 Accepting conveyance; authorizing payment of differential costs for water main serving Brookside Square, Plat 1; approving the Engineer's Final**

Report.

- B477-05** **Appropriating funds for replacement of secondary superheater tubes in Boiler #7 at the Municipal Power Plant.**
- B479-05** **Accepting conveyances for utility purposes.**
- B480-05** **Appropriating funds for the Columbia Values Diversity Celebration.**
- R279-05** **Setting a public hearing: levying special assessments for the Sunflower Street improvement project.**
- R280-05** **Setting a public hearing: construction of improvements to the Armory Sports Center.**
- R281-05** **Authorizing an agreement with Pyramid Homemaker Services, Inc. for homemaker/personal care and respite care services.**
- R282-05** **Authorizing the City Manager to make FY 2006 Certifications and Assurances for Federal Transit Administration assistance programs.**
- R283-05** **Amending the City of Columbia Employee Health Care Plan.**
- R284-05** **Declaring intent to reimburse certain project costs with proceeds of bonds.**

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

NEW BUSINESS

- R285-05** **Authorizing an agreement with Bucher, Willis and Ratliff Corporation for engineering services relating to rehabilitation of the general aviation apron and connecting Taxiway A-4 at Columbia Regional Airport.**

The resolution was read by the Clerk.

Mr. Beck explained that rehab work for the Airport had been included in the budget this year in the amount of \$750,000. This would hire an engineer to do the plans and specifications in accordance with FAA requirements since they would be paying 95% of the project cost.

The vote on R285-05 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

- R286-05** **Adopting a list of recommended priorities for Missouri Department of Transportation roadway improvement projects in the Columbia area.**

The resolution was read by the Clerk.

Mayor Hindman noted staff requested that this issue be tabled.

Mr. Beck explained he discussed the list with MoDOT representatives last week and they suggested the projects be prioritized to some degree, at least in blocks of roads that the City felt most significant, if not one, two, three, etc. Rather than determining that now, Mr. Beck suggested they table the issue to give the Council an opportunity to determine priorities.

Ms. Crayton made the motion to table R286-05 to the January 3, 2006 meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

- R287-05** **Approving the Preliminary Plat of Forest Ridge Phase 4.**

The resolution was read by the Clerk.

Mr. Teddy described this recently rezoned property as being located in north Columbia. This R-1 zoned property containing about 9.25 acres would authorize 30 R-1 lots and one common lot. The common lot was located on the west side of the north/south road. He stated it was very narrow and its purpose was to provide a landscape transition between existing lots and the subdivision to the west, which were already served by a public street. Staff recommended approval of the plat as did the Commission. There were two directions of access to the site by means of Sandker to and from the west and Murphy to and from the north.

Mr. Ash asked about a narrow strip ending in front of lot 43. Mr. Teddy replied it was wider at the north end and continued south. Mr. Ash asked if it continued all the way. Mr. Teddy replied that although it was narrow, it extended all of the way along the existing lots. Mr. Ash asked if there was a sidewalk running along Nordic Drive. Mr. Teddy stated the sidewalk would be within the right-of-way, not within the common lot. Mr. Ash asked if they created a narrow strip to avoid there being sidewalks along lots 43, 44, 45, 46 and part of lot 47. Mr. Teddy noted sidewalks would be on both sides of the street. He pointed out there were no variances requested.

The vote on R287-05 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. 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:

- B482-05** Rezoning property located on the east side of Rock Quarry Road, south of Grindstone Parkway from A-1 to PUD-6.1.
- B483-05** Rezoning property located on the north side of Mexico Gravel Road, along both sides of Wellington Drive from R-1 to PUD-2.5.
- B484-05** Approving the Spring Creek C-P Development Plan.
- B485-05** Approving the St. Charles Landing Townhouses PUD Development Plan.
- B486-05** Amending Chapter 25 of the City Code as it relates to the definition of "lot" and as it relates to services and permits.
- B487-05** Amending Chapter 29 of the City Code as it relates to the definition of "lot".
- B488-05** Approving the Final Plat of St. Charles Landing Plat 1; authorizing a performance contract.
- B489-05** Changing the street name for a portion of "Button Buck Circle" to "Spike Buck Drive".
- B490-05** Authorizing Change Order No. Two; approving the Engineer's Final Report; levying special assessments for the Sunflower Street improvement project; appropriating funds.
- B491-05** Amending Chapter 14 of the City Code to remove parking from a section of Fifth Street.
- B492-05** Confirming the contract with Joshua Excavating, LLC for construction of the H-21 Relief Sewer, Hominy Branch Relief Sewer.
- B493-05** Authorizing a PCS tower agreement with Alamosa Missouri Properties, L.L.C. to lease City property for installation of a cell phone antenna tower

at 1808 Parkside Drive.

- B494-05** Authorizing an agreement with the Federal Aviation Administration for lease of space in the North Terminal Building at Columbia Regional Airport.
- B495-05** Authorizing a pipeline license agreement with the Missouri Department of Natural Resources to allow the construction of a water main across the Katy Trail State Park in the McBaine bottoms.
- B496-05** Accepting conveyances for utility purposes.
- B497-05** Authorizing construction of improvements to the Armory Sports Center.
- B498-05** Accepting a donation for the purchase of track uniforms for the Community Recreation Blue Thunder Track Program.
- B499-05** Authorizing an agreement with Boone County for JCIC clerical services.
- B500-05** Amending Chapter 2 relating to the Cultural Affairs Commission.
- B501-05** Accepting a grant from the Missouri Department of Transportation - Highway Safety Division for traffic enforcement in construction work zones; appropriating funds.
- B502-05** Extending the term of the cable television franchise held by MCC Missouri, LLC (Mediacom).
- B503-05** Extending the term of the cable television franchise held by Falcon Telecable, a California limited partnership (Charter Communications).

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Sanitary Landfill Cell 4 Design and Planning.

Mr. Beck explained studies were made to put in a bioreactor cell and it looked like it was potentially feasible. The cell would cost \$2,328,000 versus a regular cell which would cost \$1,858,000. It had been determined we might be able to get a payout of this over a five year period with the saving of space at the landfill. DNR was excited about the possibility of Columbia building this relatively innovative way of generating gas that would be used by our Water and Light Department and considered green power. He pointed out they evaluated the sale of the gas to companies in the area. The Water and Light Department would pay the Solid Waste Utility. He noted both operated as separate enterprise accounts.

Mr. Loveless made the motion that staff be directed to proceed as indicated in the staff report. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(C) Bicycle/Pedestrian Commission Report on Problem Intersections; Smiley Lane Bicycle Lanes.

Mr. Teddy explained the Commission had been surveying problem intersections over the course of several meetings this year. In March of 2005, there had been a list submitted to the Council by the Commission they considered to be priorities for some sort of future design treatment to improve conditions for cyclists, pedestrians and users of wheelchairs. This report went into more detail. Staff was suggesting the Council simply accept the report at this time and keep it for future reference. Mr. Teddy noted they reviewed an add on item, Smiley

Lane, west of Rangeline, at the request of the Council for its potential for street bike lanes. The Commission recommended that be considered for bike lanes due to its width, classification and proximity to parks and other activity generators.

Mr. Beck thought this could be very helpful to the Council next year as they started working toward the CIP.

Mayor Hindman agreed and stated he would like to see them make sure they looked at the intersections and started trying to do something with them.

Mr. Janku stated he was glad to see the Smiley issue and stated it was not a CIP issue, but simply a matter of putting down stripes. The area was developing and at this time there was no on-street parking or residential driveway access.

Mr. Loveless noted the Council action suggested they just accept the report.

Mr. Janku made the motion that staff be directed to implement the Smiley Lane bike lanes and that staff prepare the appropriate legislation. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(D) City Projects and Programs in the First Ward/Central City.

Mr. Beck noted this report had been prepared at the request of the Council. From time to time, the question had come up about money being spent on the outskirts of the City where most of the growth was occurring. He noted the City spent substantial funds on upgrading facilities that were built many years ago and did not have very good standards when constructed. A lot of storm drainage work and street work was occurring in the older part of the City.

When large funds were spent on areas, Ms. Crayton believed a change or difference should be visible. She stated the streets and sidewalks might look better, but if houses were falling down on them, it was like throwing money away. She felt the quality of life needed to be improved by both the government and people living there. She also noted they needed to address the situation where people could not afford to live there. Ms. Crayton understood the City had a program for police living in the neighborhood as well as teachers in the neighborhood, but stated she would like to see the same type program be made available to other City employees.

Mr. Janku commented there was a program on the issue at the National League of Cities meeting. He explained City employees could be singled out and noted we did had a City Employee Home Ownership Program. He did not see why we could not set up a program targeted at City employees similar to those we had for CDBG. If it was City money, he understood it did not have to be tied to income as tightly as the federal CDBG programs.

Mr. Loveless noted the Council action suggested they accept the report.

(E) Sidewalk Plan - 2005 Update Progress Report.

Mr. Beck stated a Sidewalk Plan update was sent to the Council several weeks ago and they also talked about the variance policy Mr. Ash brought up. The Council had indicated they wanted to see the various commissions involved review the updated Sidewalk Plan.

Mr. Loveless asked about making additions. Mayor Hindman stated he thought any ideas they might have should be submitted along with the Plan. Mr. Loveless commented that he would like to add a stretch of sidewalk that would be beneficial to the Rock Bridge High School students. Mayor Hindman thought that was a very good candidate for the \$25 million program.

Mr. Ash asked if #14 included that area. Mr. Beck thought it did. Mr. Loveless agreed.

Mr. Janku suggested adding Vandiver, east of Route B, I-70 Drive, west of West Boulevard, I-70 Drive near Keene Street, Bernadette, near the ARC and connecting to the Mall, the east side of Forum, south of Nifong, and Stadium, north of I-70.

Mr. Janku made the motion that the above suggestions be added to the list. The

motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mayor Hindman suggested if anyone had other recommendations to forward them to the staff.

(F) Special Assessment Interest Rate of 9%.

Mr. Hutton made the motion that an ordinance be drafted amending the Code to indicate the change as per the Finance Director's suggestion and that another report accompany the draft ordinance showing the interest rate differences between the various publications that put out interest rates. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

BOARDS AND COMMISSIONS

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

C.A.R.E. ADVISORY BOARD

Omar, Brooke V., 3511 I-70 Drive SW, Ward 2 - term to expire 3/1/07

COMMUNITY SERVICES ADVISORY COMMISSION

Calloway, Stephen M., 3900 Sherman Ct., Ward 5 - term to expire 12/31/08

Camp, Amy E., 1308 Willowcreek Ln., Ward 5 - term to expire 12/31/08

Patterson, Shirley, 4202 Brentwood Dr., Ward 5 - term to expire 12/31/08

FINANCE ADVISORY & AUDIT COMMITTEE

Tarwater, Douglas J., 1701 Oak Cliff Pl., Ward 4 - term to expire 12/31/08

FIREFIGHTER RETIREMENT BOARD

Dykhouse, Charles J., P.O. Box 145, Ward 6 - term to expire 12/31/07

HISTORIC PRESERVATION COMMISSION

Harris, Trevor N., 1201 B Sunset Ln., Ward 4 - term to expire 9/1/06

POLICE RETIREMENT BOARD

Orzeske, Benjamin A., 507 A High St., Ward 6 - term to expire 12/31/07

SPECIAL BUSINESS DISTRICT BOARD OF DIRECTORS

Lockhart, Leigh A., 406 W. Walnut, Ward 1 - term to expire 1/1/09

Wilms, Chuck E., 3460 Woodrail Terrace, Ward 5 - term to expire 1/1/09

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Janku understood the Airport had an offer for some kind of Wy-Fi hot spot. Mr. Glascock replied they did a RFP, received one response for free Wy-Fi and were proceeding with it.

Mr. Janku commented the developer of Vanderveen had expressed a willingness some time back to give the City trail easements. Recently he received an e-mail from the President of the Vanderveen Neighborhood Association expressing interest in the Council pursuing the issue. Mr. Janku made the motion that staff be directed and authorized to pursue the easements. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mr. Loveless noted they had talked about reconvening the group that did the space

study and asked if that happened while he was away. If not, he wanted to see the group get back together. Mr. Beck stated before they got together, they needed updated estimates on the building so the group would have those figures.

At the NLC meeting he recently attended, Mr. Loveless stated he had listened to a woman from Mission, Kansas who had talked about how they had been dealing with big box stores. Mr. Loveless made the motion that staff be directed to locate the big box store ordinance from Mission, Kansas and provide it to the Council for review. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mayor Hindman thought they had asked for a report on big box stores. Mr. Loveless replied this was a specific ordinance he wanted to see. Mr. Teddy noted they had done a couple of versions of a report on it and were still working on it. He stated they had a number of sample ordinances and thought might very well have the one Mission.

Mr. Ash reported a concern voiced by a gentlemen living on Cliff Drive regarding Boone Hospital employees parking in front of his house and blocking his driveway. Staff had taken the approach of contacting the Hospital and having them ask their employees to not park there. He did not think that was going to work. Mr. Ash noted there seemed to be a reluctance to paint the curbs in front of the driveways because of the maintenance involved. He did not see how it could be that great. Another option he suggested was posting signs and issuing parking tickets. Mr. Janku asked if he was suggesting no parking being limited to 8:00 a.m. to 5:00 p.m. and noted the problem with that was guests would not be able to park in front of the house they were there to visit. Mr. Ash stated he would leave that up to the staff. Mr. Ash made the motion that staff be directed to look into the situation and report back on possible solutions. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Ash noted staff reports regarding rezoning to PUD's mentioned how, in the past, developers had signed an agreement regarding a seven year cut-off where we improved the road and if we did not, the money was refunded to the developer. He did not like the seven year restriction because he felt it put pressure on the Council to bump up a road project when there was no necessity for it yet. He asked staff to omit it from future reports and stated if developers wanted to bring it up, that was one thing, but he did not think it should be part of the staff report.

Mr. Ash stated he was not sure how often they would get 150 year old homes, but reiterated his willingness to exchange additional square footage or amenities for development or more intense uses if it meant someone committing to preserving an existing historic structure. Mr. Janku suggested asking staff for policies from other communities to see how they handled the situation of encouraging preservation. He felt it was a reoccurring issue and maybe it was time to see what other communities did. Mr. Ash made the motion that staff be directed to investigate the issue and report back. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Janku reminded Council they referred the building codes back to the Building Codes Commission because they were going to be updated anyway. He wanted to make sure they were considering energy conservation issues in their review of the building codes. Mr. Janku made the motion that his suggestion be passed along to the Building Construction Codes Commission. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman thought they had asked for a report on what incentives or rules they could put in place to encourage landlords to improve insulation and weather tightness for their

rental properties and asked if he was correct. Mr. Dasho indicated the Mayor was correct.

The meeting adjourned at 10:46 p.m.

Respectfully submitted,

Sheela Amin
City Clerk