

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
NOVEMBER 7, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, November 7, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN and CRAYTON 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 October 17, 2005, were approved unanimously by voice vote on a motion by Mr. Janku and a second by Mr. Hutton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

R254-05 Accepting the gift of an ambulance from Boone Hospital Center for use by the Fire Department; authorizing a waiver of liability.

The resolution was read by the Clerk.

Mr. Beck commented that this donation would help the Fire Department to not only operate better, but more efficiently. He expressed appreciation to the Boone Hospital Center for making the ambulance available to the City. He noted the budget contained adequate funding to convert the ambulance for the Fire Marshall investigative response unit.

The vote on R254-05 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. Resolution declared adopted, reading as follows:

Chief Markgraf introduced Mary Beck and Ralph Lee from Boone Hospital. Ms. Beck presented Mayor Hindman with keys to a 1994 E350 Wheel Coach ambulance and Mr. Lee presented him with the title to the vehicle. Mayor Hindman thanked them and Boone Hospital for its long standing cooperation with the City of Columbia. Ms. Beck commented that they were honored to be able to contribute to the community.

(A) National Purchasing Institute Achievement of Excellence in Procurement award.

Mayor Hindman explained the award was designed to recognize organizational excellence in procurement and was achieved by those organizations that demonstrated excellence in procurement by obtaining a high score on a rating of standardized criteria. The program was designed to measure innovation, professionalism, e-procurement, productivity and leadership attributes of the procurement function. He noted the City of Columbia earned

the 10th Annual Achievement of Excellence in Procurement Award for 2005 and was in the top ten of all cities for total points achieved.

Mr. Beck commented that the integrity of a purchasing department was an important part of any city's operation. He noted the City's Purchasing Division and Finance Department had done an outstanding job and he was proud to see their work acknowledged.

Mayor Hindman presented Lori Fleming, Finance Director, and Tony St. Romaine, Purchasing Agent, with the award. Mr. St. Romaine thanked the Mayor and recognized his staff. He commented that they spend about \$40 million throughout the year in a very open, honest, ethical and fair manner.

PUBLIC HEARINGS

B248-05 Approving the Providence and Third Avenue C-P Development Plan.

The bill was read by the Clerk.

Mr. Teddy explained this request had been tabled several times and noted a revised plan had been received. Now proposed was a 6,882 square foot auto parts store with street access off of Providence Road indirectly and directly off of Third Avenue and a public alley located north of the site. The revised plan illustrated an L-shaped building with a projection on the north end of it. He noted a reduction in the parking lot size and spaces. Mr. Teddy stated that Public Works reviewed and approved the plan for conceptual compliance with stormwater management and landscaping. The plan included more landscaping along Providence Road than what had previously been shown. He noted the alley would be improved sufficient to provide a dustless access drive to the site. The overall open space would remain the same. In reviewing the previous plan, staff recommended approval and the Commission recommended denial. He pointed out the Commission had not reviewed the revised plan and stated that staff supported the request even more so due to the changes that had been made. He noted the plan met zoning ordinance standards.

Mayor Hindman opened the public hearing.

George Smith, an attorney with offices at 717 Cherry Street, spoke on behalf of Tom Kardon, the applicant. He thanked all of the parties involved and noted everyone had worked very hard on this. He stated they had given all Council comments serious consideration. They looked at a number of different plans in regards to the parking configuration, but could not come up with something acceptable with parking in the rear. He pointed out about one-third of the frontage on Providence would now be landscaped, not parking area. With the large trees and the fact that the parking area would have an elevated berm with shrubs, he felt cars would be shielded from view. He explained the building would be brick with large windows, columns and a pitched roof. Mr. Smith felt it would be an aesthetically appealing building and one that would fit well with the other businesses up and down Providence Road. He stated they decided they did not need a dumpster, but noted an area on the southwest corner of the lot that would be suitable if they ever found it was needed. Mr. Smith noted the revised plan met all the preferences of the Providence Road Corridor Plan with the exceptions of B and H. He explained that B had to do with the parking and H dealt with mixed uses.

Mr. Ash asked what the alley would be used for and what improvements would be made to it. Mr. Smith understood the plan was to pave it to the back property line. He noted the Association was concerned that the alleyway would become a through-way for traffic. He stated as one would exit the parking lot on the north side, there would be a no left turn sign. It would be an improved area, but not one that would facilitate or encourage traffic to move up and down it. Mr. Ash asked if it would be used for delivery trucks or for people exiting the parking lot and turning right and then on out to Providence. Mr. Smith did not know what it would be used for. Mr. Ash did not think it was a good idea to have any more people pulling on to Providence Road from the alley. He thought it would be better to funnel the traffic on Third Avenue. He asked if the entrance was actually needed.

Thomas Kardon, 1909 Jackson, explained it would be nice to have two points of access for emergency purposes. He felt it would be good for the business as well as the customers.

Mr. Ash asked if it would be possible to make it a right in/right out entrance at the alley. He was concerned about someone trying to turn left on to Providence. He suggested a triangular median that would force a right in/right out. Mr. Kardon did not think that would be a problem.

John McFarland, 903 Jewell, Secretary of the Ridgeway Neighborhood Association, spoke in favor of the revised plan. Although there were some that would push for apartments overhead and/or have less parking in front of the new building, he felt in view of the time already taken to get this far, it would not be fair to Mr. Kardon to press those issues. He commented that they did, however, plan to make them key to any future application for development on the Ridgeway side of North Providence. Mr. McFarland noted this application was only one of the issues facing their neighborhood. Another was collaboration with the City, MoDOT and North Central on bringing North Providence into the twenty-first century as a mixed use arterial road for pedestrians and cyclists as well as drivers.

Pat Kelley, 1007 Grand Avenue, commented that a lot had changed in last several years and an important change was the Providence Road Corridor Plan. She stated they used it as a guide in all of their meetings with Mr. Kardon. She noted they had made some compromises, such as parking in the rear, but were satisfied with the L-shaped building so there would be a portion that did not have parking in the front. They agreed that a dumpster would not be needed. She asked the Council to approve the precedent they hoped to continue where the neighborhoods worked closely with the developer on what was happening in their neighborhood. She thanked everyone involved for the time spent on the issue.

Linda Rootes, 811 N. Eighth Street, a North Central representative, thanked Ridgeway for hosting the meetings and commented that she had seen firsthand how hard they worked with Mr. Kardon and his staff. She stated their board voted to support whatever Ridgeway decided, so they were in support of this plan. She noted a couple things had come up, which she felt the Council might want to look at for the rest of the Corridor. At the current time, it was very difficult to arrange for parking in the rear if one had to have a large fence barrier between the business property and the residential property because the residents could not watch the business. Parking in the rear, she thought, was not recommended by the Police Department because they could not supervise it while driving down the street. She felt they

needed to come up with a way to have parking be more attractive and less intrusive, while still being safe so community eyes could be on it. She also commented on the residential form and stated that if they wanted the businesses to look more like residential buildings, it was obvious that pitched roofs did not make them look residential. She felt other criteria should be discussed in regards to what comprised the residential form.

Karen Cupp, 117 Fourth Avenue, addressed the alley question and commented that it was already heavily used by the people living on Third Avenue. Immediately north of the alley, she explained, was the parking lot for the apartments that faced Providence. Those people were already exiting at that very spot and it was not a concern to the neighborhood.

John Clark, 403 N. Ninth, expressed appreciation for improvements to the plan, but did not think it should be approved because he felt it did not comply with the Corridor Plan. He was hopeful the Council looked at Dan Burden's information on corridors and felt we had yet to address what it took. Parking in front versus behind was one of the core issues in creating the building line and building the corridor. He asked Council to think carefully about the idea of a corridor, what it would take to make it and whether or not this would sink all the efforts up front. He encouraged the Council to have the applicant keep working on the plan.

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

Mr. Janku felt significant improvements had been made to the plan. He assumed any development north of the alley could also use it or the parking lot as a second way out, if some kind of mutual access agreement was given by each party. Mr. Teddy replied there was a smaller O-1 tract to the north and noted they had not studied the cross-access alignment. Mr. Janku noted they had discussed interconnection on other commercial properties to cut down on people having to go out on major thoroughfares. Mr. Teddy thought that would require bringing the two property owners together. Mr. Janku thought it could be a condition of rezoning. His concern was that MoDOT would put in a median, which would take away Mr. Kardon's second access. Mayor Hindman understood he was saying that Mr. Kardon should give an easement through his parking lot in case the alley was closed. Mr. Janku stated that was correct and added the next person would reciprocate for interconnectivity. He was concerned that some day MoDOT would keep the alley from being full access. He thought interconnection would be to the benefit of both groups. Given the narrow size of the parking lot, Mr. Loveless thought inviting access through the parking lot to get to Third Avenue from the north would be a disaster. Mr. Ash stated he did not think it was a bad idea, but felt it was not something they should push for right now.

Mayor Hindman assumed the property to the north would have a parking lot on Third Avenue. Mr. Janku thought it would go on to Forest. Mr. Teddy explained Forest was the street north of the O-1 lot and commented that he would be concerned with the access route being compatible with development of the O-1 piece, as shallow as it was.

Mr. Ash stated he was appreciative of the drawings because they needed to see documentation other than only words.

Ms. Nauser thanked all of the parties for working together. She felt it was another example of how when developers and neighbors got together, they could come to some kind of cohesive agreement.

Mr. Loveless stated he agreed with Mr. Clark in that he felt they were not promoting the visual image of the North Providence Corridor, which they all talked about being desirable, by allowing the parking in the front. While he appreciated everyone's efforts, he did not feel this followed through with the spirit of what they were trying to do on North Providence Road and stated he did not intend to support it.

Ms. Nauser understood the Corridor Plan was only a concept at this point. Mr. Loveless replied they just had guidelines. Mayor Hindman stated they had not adopted the Corridor Plan, which put them in an awkward position.

Mr. Loveless commented that he had looked at the Burden presentation again and felt if they approved this building, they were probably looking at a minimum of 25 years of building life and this was diametrically opposed to the concept Mr. Burden was promoting.

Mr. Ash stated he thought the argument might have more merit, if this was all open pasture and this was one of the first buildings being put up. He noted many buildings on Providence that did not fit the concept.

B248-05 was read with the vote recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, ASH, CRAYTON. VOTING NO: LOVELESS, HINDMAN. Bill declared enacted, reading as follows:

B354-05A Voluntary annexation of property located on the west side of Strawn Road, across from the Worley Street intersection; establishing permanent R-1 zoning; approving the preliminary plat of Bellwood; granting a variance relating to sidewalk construction.

The bill was read by the Clerk.

Mr. Teddy explained, at the request of the applicant, the Law Department prepared an ordinance which included annexation, zoning classification and preliminary plat approval. The Metro 2020 plan designated this as a neighborhood district and street access was off of Strawn Road, a MoDOT major arterial street. He noted City owned property was located to the north and that the City designated Perche Creek as a greenbelt. The City property was a potential, long range neighborhood park site and the petitioner illustrated a couple of pedestrian access easements to prepare for that possibility. The Major Roadway Plan showed the extension of Scott Boulevard as a major arterial across the eastern edge of the site. He commented that detailed engineering studies would follow. Mr. Teddy stated staff was not recommending this applicant determine the exact alignment; however, they did feel some form of a vertical and horizontal alignment study should be performed prior to final plat approval. The applicant had submitted such a preliminary alignment study, which was a profile of Scott Boulevard as it was shown on the Major Roadway Plan and which indicated the type of grading needed if Scott Boulevard was built at that location. Staff recommended R-1 as the permanent zoning classification upon annexation and the Commission concurred with that recommendation. The submitted plat included 170 lots on 82 acres with a variance request from the sidewalk requirement along the Strawn Road frontage. He pointed out only one street access, a street extending at a right angle from Strawn Road to enter the site, was shown on the preliminary plat. He noted no more than 100 lots could be served by a single access to a roadway and thought this would be final platted in stages. There were two pedestrian access points to the north and northwest, two stub streets to the south for

vehicular access into a large tract and a large open space down the middle of the property with an intermittent stream that would be reserved as open space and drainageway. Recently, they received correspondence from MoDOT requesting the drainage from Bellwood be detained on-site in the form of a detention basin to address concerns regarding existing flooding and drainage problems along Strawn Road (ZZ). He stated he was not sure that was staff's opinion as to how the issue should be handled. Staff made a number of recommendations on the plat, including additional pedestrian easements. One was toward the southeast corner and one was to the west in the southwesterly corner of the property that would cross lot 170 to allow access to a future Perche Creek greenbelt and future trail system. Staff recommended denial of the sidewalk variance. After a hearing on the preliminary plat, the Commission recommended approval of the preliminary plat with a payment in lieu of sidewalk construction on Strawn Road rather than relief from the sidewalk requirement altogether. They recognized difficult conditions along the frontage in terms of drainageways between the subdivided lots and the road. They also concurred that some sort of vertical and horizontal engineering alignment study should be submitted to demonstrate the Bellwood Subdivision and the future Scott Boulevard extension would be compatible improvements.

Mr. Janku asked about the vertical alignment study and what it meant. He understood there to be two possible routes for the Scott Boulevard extension. From a Planning perspective, Mr. Teddy stated they had shown two general possibilities, although there was probably any number of routes in between. One alternative involved running through this tract in a kind of ridge top to ridge top configuration. He thought that would require grade separation over Strawn Road. The other would be to follow, more or less, Strawn Road. The actual alignment, shown in the Major Roadway Plan, followed a section line. Mr. Janku wondered if they would be making a decision on the alignment tonight and asked if it was conceivable that even though the preliminary plat seemed to preclude the one option of extending Scott Boulevard due north, they could come back and end up with that as the alignment. Mr. Teddy thought that would depend on how far along development was. He felt, by approving the preliminary plat and giving them the ability to build 170 lots, the City would be saying that it was going to focus on the other alternative. Mr. Janku thought they would, in effect, be choosing the Strawn Road route that would tee into Broadway by this decision. Mr. Glascock stated that was correct and added the western alignment shown in their packet was probably not feasible to build. It was something Planning came up with to go down. He noted some serious slopes and felt it would be almost impossible to do unless a bridge was put in. Mr. Janku asked if this would be confirmed when they came back with the study. Mr. Glascock replied they were doing a vertical alignment to make sure they graded their lots because they did not want to have something in place when they were finished which would preclude the City from building the road. Mr. Janku clarified it would be on the east side of this property. Mr. Glascock agreed it was the east side, not the west.

Mayor Hindman asked if that was the staff recommendation. Mr. Glascock replied that going up the Strawn alignment gave them more options in the future.

Mr. Loveless asked where the CATSO Committee stood on the alignment. Mr. Glasock replied that neither alignment had been adopted and added that what was on the Major Roadway Plan was going straight up the section line.

Mayor Hindman understood the Planning staff had not altered their recommendations with respect to the sidewalk waiver or the accesses in the corners. Mr. Teddy replied that staff felt it was important to have a sidewalk from the entrance street to the Worley intersection, so there was some neighborhood to neighborhood connectivity. Mayor Hindman thought it looked like the sidewalk situation would be very difficult on their side of Strawn Road, especially in the lower northeast corner. Mr. Teddy agreed there were some difficult conditions there.

Ms. Nauser asked about staff disagreeing with MoDOT's request for having the runoff detained in a detention basin. Mr. Teddy stated the engineering staff talked to them about it. Generally, when stormwater was running into a receiving stream that was nearby, rather than detaining it, one wanted to get it off the site and into the receiving stream, so as it concentrated further upstream, one was not interfering and adding to the peak. Mr. Glasock explained about one-third of the runoff for this particular site went to the north, some went to the west and approximately another one-third went toward the road. At no time did it cross the road, so it did not particularly induce flooding. He noted it was so close to the 100-year floodplain that trying to detain it did not have any benefit. Where one wanted to detain water was when it was quite a bit upstream. That was what they were looking at in the Harmony Branch on City property near Fairview. Ms. Nauser asked if they were requesting the detention because of the flooding problems on Strawn Road. Mr. Glascock replied, yes. Ms. Nauser asked if this would add to that flooding problem. Mr. Glascock replied that it was their opinion it would not. Mayor Hindman asked Mr. Glascock to explain why it would not. Mr. Glascock stated it was all west of Strawn Road. It would go toward the Perche. He noted most of the flooding was caused by backwater on the Perche that could not get out. For that reason, detention would not provide a lot of benefit. While it would keep the peak the same, it would still flood. It was like doing detention next to the Missouri River where it would not do a lot of good.

Mayor Hindman commented they had been shown pictures of incredible water coming down and across Strawn Road. Mr. Glasock pointed out that had been coming from the east side and that all of this development was on the west side of Strawn Road. Mayor Hindman thought the water that would run off this site would join the water coming off of Harmony Branch creating an even greater problem. Mr. Glascock explained that with the water being so far upstream, this water would be out before that water even got to Strawn Road. If they detained it, the peak would stay there longer. What they were trying to do was to get it out quicker on this particular piece. Mr. Beck stated it could cause more flooding if the two emptied at the same time.

Mr. Janku asked about redirecting some of the stormwater through the piping system or something further to the west, rather than having it come toward the road. Mr. Glasock stated he was sure it could be done, but added that he did not know if the consultant had taken that into account. He noted a lot of it drained down the middle branch and into the City property, which was not even close to the road. Draining to the west, would mean having to

overcome a lot. Mr. Janku did not mean directly to the west. His concern was to the extent it drained right toward Strawn Road. Even though it was a drainageway, it looked as though it was coming in right where the other water was coming from and joining up just south of the school property. Using the plat, Mr. Glascock described the water flow in accordance with the contours of the map.

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney with offices at 111 S. Ninth, spoke on behalf of B & E Investments, the contract purchaser. He explained the reason the developer requested approval of the preliminary plat along with annexation and zoning was because he did not want to purchase the property if he was not able to develop it in accordance with concepts he felt were best for the land. He pointed out that while there were 170 lots in the preliminary plat, there were only 165 residential lots on 82.2 acres of ground. He noted it was about 2 units per acre and there were 17.5 acres of common area in five lots. They accepted the fact they could not finally plat more than 100 lots until they had a second way in. The preliminary plat anticipated there would be other accesses to the south through the neighboring property to the south. There were two stub streets going along the ridgelines along the southern boundary that could provide future access for the remaining lots. The sidewalk variance was requested to eliminate the need for a sidewalk along Strawn Road. He noted Sections 25-20 and 25-35 of the City ordinances anticipated that sidewalks might not be appropriate in some circumstances and that Council should waive the requirement for a sidewalk. One circumstance the Council should consider was the terrain over which the sidewalks might otherwise pass making construction of the sidewalk not feasible. A second reason was if there was a likelihood that any sidewalk which was installed might ultimately have to be removed and reconstructed at a later time. Mr. Beckett stated they felt both considerations applied in this case. On the east boundary of this property, to the north of the proposed entrance, was a wide, gravel bottom creek bed that meandered east and west flowing to the north along the eastern boundary of the property. They simply could not construct a sidewalk in that area. South of the main entrance, they did not run all the way along existing Strawn Road. This property ran almost due south from the entrance after a little bend and headed right along a very steep embankment that proceeded up to where this development was going to be. They did not think either location was conducive to installing a sidewalk and felt the ordinance implied the Council should waive any requirement that a sidewalk be installed. Mr. Beckett noted Section 25-48 authorized the Council to grant a variance and require a payment in lieu of the sidewalk construction, but he stated they felt that section of the ordinance assumed the circumstances were not such that they should waive installation of the sidewalk in the first place. Even though they felt they ought to be entitled to a waiver, he pointed out the developer was proposing to make a payment to the City in the amount of \$15,000 in lieu of sidewalk construction. Mr. Beckett noted there was about 1,100 feet on the east boundary of the property that ran along Strawn Road where they thought the \$15,000 could be spent constructing a sidewalk on the east side of Strawn Road over flat terrain. They felt that would make sense and would serve some useful purpose. Staff also recommended pedestrian accesses in the southeast and southwest corners of the property. He pointed out the one in the southwest corner dropped 110 feet down to Perche Creek and

the one on the east also hit steep terrain. They did not feel they were necessary and did not think approval should be conditioned on them. Staff also recommended approval be conditioned on submission of a Scott Boulevard extension alignment study. He noted the study had been submitted and added that he felt it showed this development was compatible with the only realistic alignment for Scott Boulevard being the existing Strawn Road right-of-way. If approval was conditioned on any further alignment studies for Scott Boulevard, Mr. Beckett stated they did not want approval of the ordinance. They also did not think it should be conditioned on any further pedestrian accesses.

Mr. Loveless understood that normally sidewalks were within the City right-of-way along the street. Mr. Teddy stated that was correct, but noted there were some exceptions where they meandered partly outside of a right-of-way. Mr. Loveless noted that lot 1 was a relatively long, narrow lot that ran along Strawn Road. He could see it being very difficult to build a sidewalk close to the road, but wondered if the developer would be willing to build it on the west side of the lot where they would be out of the floodplain. Mr. Beckett stated that if they went anywhere along there to get out to Strawn Road, they would run over awfully steep terrain. He felt it was not practical to put anything in there. He pointed out they had stub streets heading to the south that would ultimately provide a second way out of the development. Sidewalks within the interior would lead to those stub streets and the other streets would lead back out to the Scott Boulevard extension. He felt they could ultimately get back out. Mr. Loveless stated he was concerned the kids in the subdivision would not be far enough away from school to be eligible to ride the bus. Those kids would have to get across the road and up Worley without sidewalks. Mr. Beckett noted they could cross at the main entrance of the subdivision to the east side and take a sidewalk down to the Worley Street intersection. Although they did not own the land across the street, he pointed out it was extremely flat and perfect for a sidewalk. Any money spent would be better spent on the other side. Mr. Loveless noted Worley was several hundred feet southeast of where Creek Stone Drive came down on to Strawn Road. He felt there needed to be some connection from the sidewalk that was going to come down Creek Stone to the southeast to pick up at Worley. He understood the kids would still need to get across Strawn Road, but felt there needed to be something there to get the kids from the entrance of the subdivision down to Worley Street. Mr. Beckett stated they thought the crossing should be directly in front of Creek Stone Drive and the sidewalk would take one down to Worley Street. He noted it would only be a few hundred feet of sidewalk on the east side of the road and would be flat.

Tim Crockett, Crockett Engineering Consultants, 2608 N. Stadium, used the plat to describe where the kids would cross and stated they were suggesting the City take the \$15,000 payment in lieu of sidewalk construction to construct a sidewalk on the opposite side of the road to tie into the Worley Street system. Mr. Loveless thought there was a ditch at that location. Mr. Crockett stated there was a small road ditch that could be handled by crossing it with a small culvert pipe and a sidewalk extension. Mr. Loveless thought the contour lines from Worley Street up to Creek Stone on this development pretty much followed the line of lot one and he felt the sidewalk could be tucked in along the contour line without a major amount of work. Mr. Crockett stated that he respectfully disagreed and noted significant terrain issues in a couple of areas. He pointed out they would still have the

problem as to how they would cross the creek. They were already looking at a bridge structure to cross it for Creek Stone Drive. He commented that they could expand the bridge structure to allow for sidewalks as well, but would end up with a situation where they had a pedestrian access being a bridge structure, which was expensive. He noted an element that might be removed in the future.

Regarding the manner in which water drained on the lots that were east of Woods View Drive and north of Creek Stone, Mr. Loveless asked if Woods View Drive could be sloped in such a way that the water could be carried in the curb and gutter down to the drainage between lots 59 and 60, so it would be carried off to the north and away. Mr. Crockett thought they could take a portion of the water around the curve in the final design stages. Using the plat, he pointed out a route they could try and stated they would do their best to bring as much of the water around the curve to the west as possible. He noted there was other criteria they had to take into consideration and added they could not flood the street.

Regarding the stormwater detention situation, Mr. Crockett explained the flooding on Strawn Road was caused by backwater from Perche Creek. At the convergence of Harmony and Perche, there was a watershed of 177,000 acres or 280 square miles. This development was 82 acres, which was 5/100ths of one percent. Although it could be said this could contribute to the problem by a very small percentage, the peak flow from this site after development at the time of concentration would be about five minutes due to the proximity of this development being so close with the convergence. He noted the water would be collected from this site, discharged to the tributaries leading to Harmony Branch, discharged into Harmony, discharged into Perche and then discharged on down stream prior to the peak of the 177,000 acres coming to the location. He explained that if they had a two inch rainfall, the flooding on Route ZZ did not happen immediately. It took several hours for it to all materialize. The discharge from this site would have left the site prior to that happening. In essence, detention on this site would slow the discharge and would compound the problem. He felt putting no detention on the site was better for the flooding situation than putting detention on the site. He did not believe MoDOT engineers thoroughly looked at the situation.

Mayor Hindman referred to a CD that showed fast running stormwater and flooding from the east. Mr. Crockett thought that was coming from the Harmony Branch and noted they were discharging downstream from that location. Mayor Hindman felt that was coming soon after the rain. Mr. Crockett did not think it was coming within five minutes after the rain and reiterated they would be discharging downstream from that situation. Their water was intercepting at the Harmony Branch, which was below that situation. He noted it looked like it was a lot of water because it was a lot of water. He explained the Harmony was an extremely large watershed and the structures that were built too close were built in the floodplain, which had consequences.

Mr. Loveless pointed out a pipe underneath the road and explained that was where it flooded. There was so much water from the east, the water could not get through the pipe all at one time. He felt water from this development would contribute to that situation. Mr. Crockett stated they would do as much as they could to take water away from that location.

He explained the flooding situation in that particular location was due to a constriction in the roadway itself, which they were not contributing to. Once the water went through the constriction and got downstream, there was no flooding problem. Mr. Loveless understood the water that ran from the east side of the development and along Strawn would not join the water that was trying to run over Strawn and back up somewhat to the east. Mr. Crockett replied that was correct. Mr. Loveless asked where the water would go in regards to the lots to the east and south of that location, lots 18 through 12 and 70 through 65. Mr. Crockett replied that water would remain on the west side of Strawn Road and added it would not join with the water on the east side until the water on the east side made its way through the constriction.

If the constriction were to be removed, Mr. Janku asked the way the water interacted would be impacted. Mr. Crockett replied, no.

Mayor Hindman asked about the access that was to go to the City property in the area of lots 121 and 122. Mr. Beckett explained staff had initially talked about putting a pedestrian access in the southwest corner, across lot 170, to get down to the Perche Creek proposed trail easement, which they voluntarily agreed to provide. To get from street level down to the easement was a 110 foot drop in elevation over about 250 or 300 feet of distance. At the Planning and Zoning meeting, there had been discussion about taking something a little farther north into the City property. He stated they had already done that. There was a pedestrian access easement at the end of the cul-de-sac to get into the City property to the west. Mr. Beckett commented that they did not feel any other pedestrian access was necessary or practical. Mayor Hindman asked about an access easement between lots 122 and 123. Mr. Beckett replied they would still be faced with an enormous drop at the end of the easement. Mayor Hindman asked about the applicant being opposed to a trail easement going through the common area. Mr. Beckett stated the Parks and Recreation staff was not fired up about any kind of easement through those common areas. Mayor Hindman asked about access between lots 19 and 20 because he thought it looked like the alignment of Scott Boulevard was likely to come very close to that corner and the people living in that area would be able to get down to Scott Boulevard without having to go around over to Creek Stone Circle. Mr. Beckett stated they felt the more meaningful access was through the sidewalks. In addition, this was also steep terrain and presently it would be a pedestrian easement to nowhere. He pointed out they did not own the property to the east. Mayor Hindman did not think the grade looked much steeper than that on Creek Stone Drive. Mr. Crockett pointed out that the alignment shown on the Major Roadway Plan might not be the location of the road. If Strawn Road did stay in its current alignment, it would go nowhere and would have to cross the major drainageway again. More importantly, with the granting of pedestrian access easements, the design engineers were at a loss on the design standards, meaning were they trails or sidewalks and did they have to be handicapped accessible. If they did have to meet the ADA requirements, it would be expensive and could require handrails through residential lots.

Mr. Loveless did not believe they were asking for anything to be built. Mr. Crockett pointed out the Subdivision Regulations indicated that if a pedestrian access easement was granted, the facilities within those easements must be constructed prior to an occupancy

permit being granted on a home on either side of the easement. Mr. Loveless asked if trails were required to be built before occupancy permits could be granted for residences on lots on either side. Mr. Glascock replied sidewalks had to be built, but he did not believe that to be the case in a trail situation. Mr. Loveless assumed that trails did not have to comply with ADA requirements. Mr. Boeckmann noted that trails were covered by ADA. Mayor Hindman asked if they would be able to meet ADA requirements on Creek Stone Drive. Mr. Crockett explained that a handicapped accessible sidewalk could not be more than one in twenty, or a five percent grade, without handrails. They could go up to one in twelve with handrails, unless it followed a public street. When it followed a public street, it can follow the grade of that street. That was how they would go about getting down Creek Stone and across the creek. Mayor Hindman asked if they could waive the building of the trail until Scott Boulevard was installed. Mr. Beckett stated they worked with the staff on the kind of trail easements that were needed and in putting the pedestrian easements off the end of the two cul-de-sacs to the north. He did not think any other pedestrian access was needed other than the interior sidewalks that were going to serve the subdivision. Assuming the property to the south was ultimately developed, which they needed in order to develop more than 100 lots, there would be adequate sidewalks to get anywhere. They were not inclined to go along with any condition that required them to grant any more pedestrian easements than they had because they felt it would be impractical and unnecessary.

Mr. Loveless asked how they could be assured the five lots labeled "not for development" would not end up being used for another purpose in the future. Mr. Beckett anticipated they would be dedicated to the homeowners association and stated they would agree to that condition.

Mr. Janku asked if the part saying "not for development" could conceivably become part of the right-of-way. Mr. Beckett stated that was part of the method behind the configuration of the common lots. The idea was to pull the development back even further than the additional 23 feet of half-widths the plat showed, in case it was ever needed. They would be building a road in a creek bed if they did that, but it was intended as common area to be deeded to the homeowners association as well. Mr. Janku understood it was not anticipated that it be part of the right-of-way. Mr. Beckett stated the idea behind granting an additional 23 feet was to make a total of a 53 foot half-width in anticipation of needing a 106 foot right-of-way for a four-lane road. Mr. Janku understood that was taken care of without the common lot. Mr. Beckett replied that was correct.

Russ Duker, 502 Strawn Road, passed around handouts.

Rachel Duker, 502 Strawn Road, showed a video which depicted drainage running across Strawn Road and through yards. It illustrated the location of the drainage pipe going underneath Strawn Road where a large vortex was created by a three inch rain after 45 minutes. The video also showed water running down from the Vintage Falls silt pond.

Mr. Duker stated he thought Mr. Sapp was a quality developer and he was pro-development, however he felt there were a few reasons Columbia was not ready for Bellwood. He commented that there would probably be 80 to 120 children that would reside in the first phase and they would need to get across the road to get to school with only one way in and out. Due to a blind curve, he noted there would only be three to four seconds

from the entrance for traffic to see the kids crossing the street and to react and stop. People making a left into the subdivision from the north would cause traffic to back up, putting them closer to the blind curve and giving them only one to two seconds to react and stop. Using the overhead, he showed an aerial photograph of the blind curve. He pointed out City ordinances stated a sidewalk variance should not be recommended unless there was not a safety issue and that sidewalks and pedways should not be located between the street and an open channel. He felt there was a safety issue and sidewalks were needed. In addition, he felt the ordinances meant that pedestrians could not be put between traffic and flood waters. In order to follow the ordinance, he suggested the developer consider a box culvert or some other non-traditional means of pedestrian transportation. If a sidewalk was to be built on the other side of the road, as suggested by the developer, he noted a sidewalk would be built in the floodwaters. He also pointed out the location of a large drainage ditch on that side of the road. Using an aerial photograph, Mr. Duker described access locations that he felt would be better than the proposed access on Strawn Road. He commented that the water from Vintage Falls needed to be diverted to the west side and this development needed to accommodate that as well. He pointed out City ordinances indicated that if flooding or improper drainage was recognized, property should not be subdivided nor developed. He also noted the Commission should require a detailed development proposal sufficiently safeguarding the inhabitants that lived there prior to subdividing. He pointed out MoDOT stated they needed on-site stormwater detention, access approval from them and a traffic study for off-site improvements. He felt the traffic study was warranted and there needed to be a minimum of a detailed plan before the Council proceeded tonight. He felt the Vintage Falls water needed to be redirected under the road to the west.

Mayor Hindman asked where the water from Vintage Falls was coming out. Mr. Duker explained it came out a few feet north of Worley. Mayor Hindman understood it was above the Creek Stone Drive entrance. Mr. Duker replied it was upstream and the engineer was correct in that he would not be draining to the east on the east side of the road. He felt the problem was that the water from the east needed to be conducted over to the west, which would increase flooding on the west side of the creek, because it was better than the alternative of flooding the homes. He noted the water to the west did affect the water to the east.

Mayor Hindman asked if the water running off of Vintage Falls was there before the subdivision went in. Mr. Duker replied there was a creek there, but there was not nearly the amount of runoff that was there now. He felt it would be relatively easy for them to detain water on site. He did not think they needed to speed the water flow up. He felt they needed to maintain the same velocities of stormwater runoff.

Mr. Hutton asked if the water on the west side got over the road or if it was just the water on the east side that went over. Mr. Duker replied there were two problems. One was the back up issue with Perche Creek and that water got over the road. Mr. Hutton thought that was the opposite of a flash flood. Mr. Duker agreed and stated it was backing up through the large drainage basin. He noted it was only about one foot below the road and by the time they took the water from the east side and added it to the west, it would be less than

one and one-half feet below the road. He recommended this not be done at this time and noted there was more land available with other entrances and safer places for the kids to go.

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

Mr. Hutton understood if this were approved the next step would be for the developer to work with MoDOT on the entrance issue. Mr. Glasock stated that was correct. He also understood MoDOT could also require a traffic study at that time. Mr. Glascock stated they could. Mr. Hutton asked if they could also require the developer to put in a left hand turn lane. Mr. Glascock replied they could.

Mayor Hindman asked if MoDOT could require surface drainage be detained on the site. Mr. Glascock thought they could ask that their pipe not be inundated, which was on the downstream side of the pipe, but he did not think they could require detention. Regarding Vintage Falls, Mr. Glascock pointed out the sediment basin would be changed over to a detention basin once the development was finished, so there would be detention upstream of this property. Mr. Hutton asked if it was not detention at all at this point. Mr. Glascock replied that was correct and noted it was a sediment basin. Mr. Hutton asked what percentage of the subdivision had to be complete before the basin converted to a detention basin. Mr. Glascock replied there were a set number of lots, but he did not have those figures with him. Mayor Hindman felt they needed to get moving on the stormwater ordinances.

Mr. Janku asked if anything needed to be added to the ordinance regarding MoDOT's comments. Mr. Glasock replied they were the jurisdiction for them to get a permit for street access to the road, so they would have to abide by MoDOT's requests.

Mr. Hutton asked if there were any requirements in our ordinances that would address Creek Stone Drive and the design of it where it was actually going over the creek on the west side of Strawn Road. Mr. Hutton understood the City would have design approval. Mr. Glasock replied that we did to some extent. Mr. Hutton understood it would have to be something large enough to handle the volume of water they just saw on the film. Mr. Glasock stated the pipe would have to carry a 25-year storm. Mr. Hutton asked what year storm the video showed. Mr. Glascock thought it was greater than a 25-year event.

Mr. Hutton was concerned about the design of a bridge, if it was to be a bridge, over the creek on the west side of Strawn Road. If our ordinances allowed water to run over the road for certain peak storms, he noted people would be trapped until there was a second way in and out.

Mr. Crockett explained the 10-year rainfall event was the standard storm they designed for on residential streets. A large drainageway did not mean they designed on a different type rainfall event. They still designed on the 10-year. He noted many entrances in Columbia were designed on a 10-year rainfall event that might still get topped with a greater storm. Mr. Hutton inquired about there being other ways in and out of those subdivisions. Mr. Crockett stated there were not in the first phases for some of them.

Ms. Crayton was worried about both sides of the road. She understood that even if a sidewalk were to be built, they would still be walking in water running parallel to the street.

Mr. Janku wondered how difficult it would be to make it a higher standard. He asked if it would be prohibitively expensive or physically impossible. Mr. Loveless stated it would

require an ordinance change. Mr. Janku pointed out that a 10-year event was not that infrequent.

Mr. Janku stated he was willing to accept what was already included in regards to the trail and pedestrian easements, but noted if he was developing the property he would want to split off the pedestrian and bike flow through more than two because some of the people might get tired of 100 lots accessing only two easements. He recognized the difficulty of putting in a sidewalk on the west side and thought the idea of the payment in lieu of sidewalk construction made sense so one could be put in on the east side. He realized there was a crossing issue, but stated that would probably still be an issue at Worley. At some point, he felt, people would be crossing a busy road. He noted he was troubled by how much access would be lost during floods to vehicular traffic and how frequently that might occur.

Mayor Hindman thought they would be making a mistake by not having more pedestrian accesses, but he was most concerned about the stormwater situation. He stated his confidence in the City's stormwater ordinance was going down hill fast. He felt he had too many questions to be able to vote on the issue.

Mr. Ash agreed and stated he could not vote yes at this point, but would favor tabling the issue. In regards to the argument that locations are too rugged and sidewalks are not feasible, he felt our ordinances were there for a reason, such as providing a way for kids to get to school safely. If they were being asked to waive them because it was too difficult or too expensive, he thought perhaps those properties should not be developed.

Ms. Crayton agreed with Mr. Ash and stated she did not want to vote against the development, but did want to see detention of the water. She thought the issue should be tabled.

Mr. Janku reiterated his concerns about the 10-year standard. He stated they did not know what was going to happen with the property to the south and Scott Boulevard was still in a very tentative phase. It could be ten years before there was any major improvement there.

Ms. Crayton made the motion to table B354-05A. The motion was seconded by Mr. Janku.

Mr. Hutton asked about the purpose of tabling the issue. He felt the scary part was viewing the film and actually being able to see what it would be like to put children on unimproved streets without sidewalks. He noted they had approved many subdivisions like this already where the main accesses were off of unimproved streets.

Ms. Nauser pointed out they were always hearing about the issues with Scott Boulevard. She understood it would be extended through Highway 70 and wanted a more definitive idea of where it was going to go. She did not want to be in the same predicament that they were in with other areas south of Scott Boulevard.

Mayor Hindman asked Mr. Beckett if they were interested in having the issue tabled. Mr. Beckett replied that they preferred the Council vote on the issue.

B354-05A was read with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. Bill defeated.

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 noted a request to table this item had been received.

Mr. Hutton made the motion that B394-05 be tabled to the December 19, 2005 meeting. The motion was seconded by Mr. Loveless.

Mayor Hindman opened the public hearing.

Mayor Hindman continued the public hearing to the December 19, 2005 meeting.

The motion, made by Mr. Hutton and seconded by Mr. Loveless, was approved unanimously by voice vote.

B395-05 Voluntary annexation of property located at the north terminus of Beacon Falls Drive and east of Howard Orchard Road; establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Beck described this as a 20 acre tract in southwest Columbia and noted the Planning and Zoning Commission voted unanimously to approve the R-1 zoning.

Mr. Teddy pointed out the access to the site was off of Beacon Falls Drive, which was in the northwest section of the Thornbrook Subdivision. Beacon Falls was a local street and in its present condition, it resembled a cul-se-sac with a full turnaround curb and gutter. As platted, it was a stub street, so there was a right-of-way that extended all of the way to the property line that would enable it to be extended to this tract. Staff recommended the R-1 zoning. At present, he pointed out there only appeared to be one way in and out, Beacon Falls Drive. The Subdivision Regulations had provisions in regards to the number of lots that could be platted. Mr. Teddy noted they did not have a preliminary plat yet and access would be addressed at that time.

Ms. Nauser asked about the configuration of Beacon Falls with the bulb at the end and questioned why it looked like a cul-de-sac when, in fact, it was a stub street. Mr. Teddy agreed it did look like a terminal street out in the field, but noted there was a right-of-way which extended all of the way to the property line and was at the required diameter for a local street. The turnaround was probably a matter of getting a vehicular turnaround established at the dead end, so service vehicles and others passing by the homes would have an opportunity to turnaround without turning into driveways or making awkward three point turns. He explained the purpose for stubbing out the street was to provide for potential future access to adjacent tracts. Ms. Nauser asked if that configuration was part of our ordinances. Mr. Teddy replied it was just the design of the plat. He thought the turnaround was something clearly useful and the fact that it had a curb all of the way around it was probably done to control the drainage.

Mayor Hindman opened the public hearing.

Gene Basinger, the land surveyor, passed out a draft of the preliminary plat showing the lot configurations and the roads and explained the terrain would only allow for approximately 24 residential lots. He stated it was nothing more than an extension of Thornbrook Subdivision and thought the sizing and pricing would be comparable. In regards to the cul-de-sac at the end of the street that existed at this time, he suspected the cul-de-sac design made it possible for them to squeeze in an additional lot. Also, if they stubbed the

street off clear to the property line, as it was normally done, stormwater would run out the end of the street onto the other property. He noted an inlet in the cul-de-sac that was catching all of the water. They were going call this another plat of Thornbrook, but it was his understanding the Homeowners Association did not like that idea. The name on the draft plat was not the name they would end up with. He explained what was shown on the draft was very close to what would be on the preliminary plat.

Brett Crist, 5208 Beacon Falls, commented that there had been a lot of speculation of how the end of Beacon Falls was designed with no one seeming to know why the curb was poured completely into a cul-de-sac design even though the plat showed there was room for a through street. He clarified this would not be an extension of Thornbrook, but a separate subdivision. Mr. Crist did not think all of the issues had been worked out by the Homeowners Association as indicated. He explained that he purchased a home on that street, as advertised as a cul-de-sac lot. He thought the whole notification process of annexation or adding on to pre-existing streets needed to be rethought. He suggested a mandatory one month notification prior to the annexation meeting. He stated he was not against developing the land, but thought it would be nice to be notified before hand, so they did not have to react after the fact. He noted that he probably would not have purchased his house if he had known it was not going to be on a cul-de-sac.

Stacy Bryant-Wimp, 4911 Silver Cliff Drive, a member of the Homeowners Association for Thornbrook, stated they had met with the developer and were surprised because they were not notified of what was going on. Although they realized property owners had the right to develop and understood the need for interconnecting neighborhoods, they were concerned about their road safety. The current infrastructure, she pointed out, was not built to support this amount of development. Although this was only 24 lots, in a few weeks the Council was going to hear about another subdivision whose exit and entry would also be going through Thornbrook onto Scott Boulevard. Ms. Wimp noted that this section of Scott was not scheduled to be worked on for another 8 years and explained it was a rural road with no shoulders, lines or lights. All of this development made two roads in their neighborhood, Thornbrook Parkway and Thornbrook Ridge, major thoroughfares and they were concerned with the safety of their children. She noted that although they were in the City, they were covered by the Boone County fire protection. She wondered if the County would be able to take care of the area with all the development that was being added in the area.

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

Mr. Ash understood there had to be a certain number of entrances and exits and asked if adding these extra homes pushed the number over any type of limit. Mr. Teddy replied that the preliminary plat had not yet been submitted for review, but noted there were several rules that would come into play, like the 100 lot limit. He understood there was only a single access to the tract and pointed out there was also a rule for any local street segment that said the number of lots that had access to a single, local street segment should not exceed 50. That was in place so the combined trip generation did not exceed 500 in a 24 hour period. Another item that would come into play was the maximum length of a terminal street. If they were extending Beacon Falls as a terminal or a dead end street, there was a 750 foot rule.

B395-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B396-05 Voluntary annexation of property located on the east side of Maple Bluff Drive, south of Grant Lane; establishing permanent R-1 zoning (2940 S. Maple Bluff Drive).

The bill was given second reading by the Clerk.

Mr. Beck described this as a one and one-half acre tract of ground, which had been recommended for approval by the both staff and the Commission.

Mayor Hindman opened the public hearing.

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

B396-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B397-05 Rezoning property located on the north side of Rain Forest Parkway, between Rangeline Street (Route 763) and White Tiger Lane from M-1 to C-3.

The bill was given second reading by the Clerk.

Mr. Beck described this tract as being about one acre located in north central Columbia. Staff recommended approval as did the Commission on a 6 to 0 vote.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering Consultants, 2608 N. Stadium, stated he felt this to be a straight forward down zoning request. The request was due to an existing daycare, just west of the property, expanding due to the existing subdivision. They were not allowed to build a daycare on industrial zoned property, thus the down zoning to commercial was being requested.

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

Mr. Hutton asked why they would not hold out for C-P and wondered if it was because it was down zoning with M-1 all around it. Mr. Teddy replied yes and noted the application indicated the reason for the request was to add on to the daycare. He noted M-1 to the north and south of this location and pointed out the M-1 parcels located to the east were commercial center and commercial and service type uses. There were not any M-1 uses in the immediate vicinity.

Mr. Janku agreed with Mr. Hutton's suggestion that C-P would be preferable, but noted he had contacted the Neighborhood Association and was told they were comfortable with the C-3. Mr. Hutton commented it would always be C-3, whether it was a day care or not. Mr. Ash stated as long as they were down zoning, he did not have a problem with the open zoning.

B397-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, LOVELESS, NAUSER, ASH, CRAYTON. VOTING NO: HUTTON, HINDMAN. Bill declared enacted, reading as follows:

B398-05 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 C-P.

The bill was given second reading by the Clerk.

Mr. Teddy explained that this case number had two tracts identified as A and B and 1 and 2, respectively. Tract A was west of U.S. Highway 63 and consisted of approximately two and one-half acres. The original zoning request in the application was C-P, but since the public hearing, it had been amended to O-P. He noted an existing house on the tract and that access would be off of Mexico Gravel Road, which was classified as an unimproved major collector street. According to the Master Parks Plan, additional neighborhood parkland was needed. Staff recommendation, based on the amended application, was to approve O-P zoning for the tract. A later amendment was also received where they agreed to amend their letter of intent to specify not greater than 20,000 square feet of O-P approved development. He noted the Commission did not have an opportunity to review the amended application; however, after a hearing they did recommend denial of the C-P zoning request that was heard last month. He pointed out tracts A and B should have been filed as separate applications because they are separate owners. They had already been set for public hearing before this came to his attention.

Mr. Ash asked since the request was being switched from C-P to O-P, if it should go back to the Commission. Mr. Janku commented it was a down zoning and felt it was more like a use restriction. Mr. Hutton stated he did not have a problem with continuing forward with it.

Mr. Boeckmann pointed out this would need to be held over for another meeting after the Council amended it.

Mayor Hindman opened the public hearing.

Ron Hensley, 3701 Mexico Gravel, stated he submitted a revised statement of intent on November 1, 2005, which addressed the opposition to C-P and the opposition to the square footage. He noted there was a valid legal protest petition received by the Arbuckles, who owned the property surrounding his land. They talked to Mrs. Arbuckle regarding their plan and she released it. He explained the reason he and Mr. Harr put this together was because they both joined on 63. Because of the neighbors' concerns regarding C-P, they agreed to take out all types of retail. Mr. Hensley pointed out they had initially filed for putting in a bed and breakfast, but due to health conditions, they were unable to do that and were also unable to keep the property. Mr. Hensley explained that he was an unemployed Veteran applying for disability. He noted the property had been on the market since June and no one had given them a contract, except for one person whose contract had a stipulation indicating Mr. Hensley had to stay there, get it rezoned commercial and then they would take it over after 30 days. At the time, it was not feasible for them to do that. The 150 year hold home sat at the corner of Mexico Gravel and 63. It was a very dangerous place to be and if the house were one-half mile away from where it was located, it probably would have sold within 30 days. He explained that they wanted as broad a zoning classification as possible within O-P for potential buyers and added that they did not have a plan to develop the land.

Robert Swearingen, 2908 E. Henley Drive, stated he was speaking partly on behalf of the Neighborhood Association and partly on behalf of himself. He noted he and the Association President had talked to the people on E. Henley Drive and found the further they got from the Hensley's original home on the corner of E. Henley and Mexico Gravel, there was zero support for any change at all of rezoning. The major problem was that Mr. Hensley was not the developer, which meant they did not know what would be going in. Just to the south of this, they had at least 20 acres of O-P in CenterState Properties, who worked very well with the City and would be happy to satisfy anybody's needs for office zoning. He noted that office did not sell very well. Mr. Swearingen pointed out that the neighborhood had been very receptive to both commercial and office zoning, but they had a line in the sand drawn in that the existing properties were to remain residential. He explained this parcel was on the wrong side of the line. Personally, he recommended it not be approved. The Neighborhood Association was not taking any formal position because it was split at almost 50/50.

Mr. Ash asked where of the line in the sand was located. Mr. Swearingen replied it was Mexico Gravel and down Woody Lane. The existing houses their neighborhood had would remain as residences. He explained any attempt to encroach north of Pioneer, west of Woody Lane, and north of Mexico Gravel with anything other than residential would be resisted.

Mr. Hutton asked Mr. Swearingen if he thought it was reasonable to be up against 63 and still be residential. Mr. Swearingen pointed out that the Hensley's purchased this property on August 20, 2004 and that 15 months ago they thought it was an outstanding location. He felt there had been no major disruptions or differences in the last 15 months. He stated they were also looking at Mexico Gravel and if they did up-zone, the City would be required to upgrade the street. He pointed out there was no developer on the hook right now to agree to help pay for any improvements. He noted the small bridge across the Hinkson Creek was sturdy and good for low density traffic, but not high density.

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

Mr. Ash made the motion that the issue be referred back to the Planning and Zoning Commission for input. The motion was seconded by Mayor Hindman.

Mr. Ash felt there was a reason they had Planning and Zoning and because the zoning request had changed, he thought it would be helpful to obtain their input.

Mr. Janku asked what the time frame was if they sent it to Planning and Zoning. Mr. Teddy commented that it would be about 30 days from filing. Mr. Boeckmann noted an alternative approach would be to table this to a date certain, so Planning and Zoning had a chance to make comments without having another public hearing.

Mr. Ash changed his motion. His motion now was to table B398-05 to December 19, 2005 Council meeting. The amended motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku made the motion they reconsider their motion to table B378-05. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

Mr. Loveless made the motion that B398-05 be amended per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Ash made the motion that B398-05, as amended, be tabled to the December 19, 2005 Council meeting. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Teddy understood the Council was asking the Planning and Zoning Commission for their recommendation on the amended application.

B399-05 Rezoning property located on the north side of Mexico Gravel Road, adjacent to the east side of U.S. Highway 63 (Tract 2) from A-1 to C-P.

The bill was given second reading by the Clerk.

Mr. Teddy noted this was on the east side of U.S. Highway 63 and described this as an approximate 10 acre tract. The Commission's recommendation was for approval of C-P with conditions. The applicant wanted to develop the property as a retail garden center/nursery. One condition was that the uses be limited to a garden center, plant nursery, open air bulk sales and related uses. A second was that a maximum 100,000 square feet be under roof on the site and of that amount, a maximum of 25,000 square feet be permitted for the retail garden center. The remaining 75,000 square feet would be green house or shade type structures for nursery stock. The third condition was the completion of a traffic study with the developer being responsible for any needed off-site improvements identified in the study. The final condition was that no driveway access be allowed on to Mexico Gravel Road and that all access to the site must be off Hinkson Creek Road.

Mr. Hutton understood that access would be off of Hinkson Creek Road and assumed the developer would be responsible for improving the road. Mr. Teddy thought that portion that would be from an entrance to a parking lot would have to be a dustless surface. Mr. Hutton asked if that meant the developer would not have to improve it to standards. Mr. Teddy thought it would be a surface that would be adequate for the task of handling commercial traffic. If they platted the site, that might trigger improvement. Mr. Glascock stated that if platted, the road would become internal to a subdivision, so they would have to improve it.

Mayor Hindman opened the public hearing.

Dave Harr with offices at 1313 Vandiver Drive, explained that he met with the Neighborhood Association to discuss possible uses of the property, who voted in favor of the request. He asked the Council for approval of the project.

Robert Swearingen, 2908 E. Henley Drive, spoke on behalf of the Mexico Gravel Neighborhood Association and in favor of the nursery plan. He stated they felt it would be a great addition to the neighborhood.

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

B399-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B400-05 Rezoning property located on the northeast corner of Grindstone Parkway (State Route AC) and Bearfield Road from R-3, O-1 and C-3 to C-P.

The bill was given second reading by the Clerk.

Mr. Beck described this as three tracts containing 6.93 total acres. The Commission voted in favor of the request.

Mayor Hindman opened the public hearing.

Don Stamper, 2502 Hollyhock Drive, spoke on behalf of Property Development, Inc. and Billy and Glenda Sapp and explained their intent was an upscale, retail development. He pointed out there were approximately 1,000 apartment style living units in the area with an average occupancy of 3 persons per unit. He noted their request matched the Land Use Plan and stated they had completed site preparation with fill, storm sewer installation, sewer installation and a permitted right in/right out was currently being built per MoDOT specifications. Mr. Stamper commented that a statement of intent had also been provided.

Mr. Loveless asked about the location of the right in/right out. Mr. Stamper explained that it was approximately where the old gas station was located on Grindstone. He noted some right-of-way was vacated in exchange for the large right in/right out.

Mr. Ash noted Old 63 used to connect to Bluff Creek and asked if it would be possible to remake the connection to alleviate cut-through traffic in Bluff Creek. Mr. Stamper replied there was a second tract consisting of 3.95 acres, which they recently sold and in their discussions with staff about that property and the vacation of the right-of-way, they talked about a potential roadway along the lake on the north border being a way to accomplish that.

Mayor Hindman asked about the location. Using the drawing, Mr. Stamper showed where it fronted on Chinaberry. He stated the City documents showed a roadway through the area, which would come at the time a plan was filed on the 3.95 acre tract. Mayor Hindman thought Mr. Ash was asking about going from the roundabout through the subject property to Bluff Creek. Mr. Stamper stated there were no plans for a roadway through there, nor were they thinking about one from their tract. The time for that would have been when the vacation occurred.

Mr. Ash explained the problem to be that the residents of the new units liked to get to the commercial just on the other side, to the east of Bluff Creek Drive, by cutting through the Bluff Creek neighborhood because even though it would make more sense to take Bearfield up to AC and cut over, it seemed as one was going west before going east. He realized it would take up some developable land, but thought a connection and having a lot of traffic through the commercial development would be a good thing for them. Mr. Stamper noted some issues with elevation in the area. He also pointed out the right-of-way had been vacated because the City and MoDOT both decided they had no future use for it.

Mr. Janku noted that the Commission had recommended that adult entertainment be excluded, but did not see it in the list of exclusions. Mr. Stamper stated his understanding was they could not have adult entertainment because it was too close to residentially zoned property. Mr. Boeckmann pointed out it was not a permitted use in C-3. It was a conditional use.

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

B400-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B401-05 Rezoning property located on the south side of West Worley Street, east of Clinkscales Road from R-2 to PUD-6.5.

The bill was given second reading by the Clerk.

Mr. Beck pointed out the request was in conformance with the overall Land Use Plan for the area. Being planned was to build two duplexes. Staff and Commission both recommended approval of the request.

Mr. Ash asked about the PUD equivalent of R-2. Mr. Teddy stated this site could accommodate four lots for R-2 development.

Mr. Janku thought duplex zoning required 10,000 square feet. Mr. Teddy replied the lot size would be 10,000 for a two-family residence. The land area in this case was two-thirds of an acre, which was just under 30,000 square feet.

Mayor Hindman opened the public hearing.

Carol Unsicker, 815 S. Greenwood, explained she was one of the owners and offered to answer any questions. Mr. Janku asked if he understood they would be putting in two units. Ms. Unsicker replied they would be putting in two duplexes with four total units.

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

B401-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: JANKU. Bill declared enacted, reading as follows:

B402-05 Approving the Woodland Springs Lot 106 C-P Development Plan.

The bill was given second reading by the Clerk.

Mr. Beck described this as an approximate 2.3 acres located on the south side of Clark Lane. It would allow for construction of a 16,646 square foot retail building. Both staff and the Commission recommended approval.

Mayor Hindman opened the public hearing.

Neil Slattery, A Civil Group, 1010 Fay Street, appeared on behalf of the developer and offered to answer questions.

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

B402-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located at the terminus of Sandker Lane.

Item A was read by the Clerk.

Mr. Beck described this as 5.4 acres on the north and west side of the current City limits. The applicant was requesting R-1 zoning.

Mayor Hindman opened the public hearing.

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

OLD BUSINESS

B406-05 Calling for bids for construction of a 36-inch water transmission main from the McBaine Water Treatment Plant to Scott Boulevard.

The bill was given second reading by the Clerk.

Mr. Beck explained this to be a component of a 2003 ballot issue, which consisted of expanding the Water Plant with a new 36-inch line from the plant. It would increase the capacity over the northeast Columbia pressure zone area. The estimated cost was \$3,769,980.00 and would be paid from Water and Light funds.

B406-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B409-05 Authorizing an agreement with the Columbia School District for a playground improvement project at Shepard Elementary School.

The bill was given second reading by the Clerk.

Mr. Beck explained this program was initiated between the School Board and the City in 1998. Since that time, projects had been completed at seven schools. In this case, the City budgeted \$15,000 and the Shepard Elementary PTA would match the funds.

B409-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. 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.

- B403-05 Vacating unbuilt street right-of-way within Madison Park Plat 2.**
- B404-05 Authorizing a Right of Use Permit with Quail Creek Neighborhood Association to allow the maintenance of a subdivision sign and installation of landscaping, an irrigation system and lighting within a portion of the Rainbow Trout Drive right-of-way.**
- B405-05 Accepting conveyances for drainage, sewer, street and utility purposes.**
- B407-05 Authorizing payment of differential costs for water main serving Mill Creek Manor, Plat 2, approving the Engineer's Final Report.**
- B408-05 Accepting conveyances for utility purposes.**
- B410-05 Authorizing an agreement with the Missouri Department of Health and Senior Services for the LPHA teen outreach program; appropriating funds.**
- B411-05 Authorizing an agreement with the Missouri Foundation for Health for reimbursement of medical and dental related services provided to Hurricane Katrina evacuees; appropriating funds.**
- B412-05 Authorizing a grant award agreement with the Missouri Foundation for Health for the healthy and active communities project; appropriating funds.**
- B413-05 Authorizing an agreement with Russell-Marti Conservation Services, Inc. relating to the repair and conservation of the Martin Luther King Memorial; appropriating funds.**

- R235-05 Setting a public hearing: voluntary annexation of property located on the north side of State Route KK and on the east side of Howard Orchard Road.
- R236-05 Setting a public hearing: special assessments for the Sixth Street improvement project.
- R237-05 Setting a public hearing: construction of the C-3 Trunk Sewer Extension serving the University of Missouri South Farm property.
- R238-05 Setting a public hearing: construction of the Bear Creek Outfall Sewer Extension project.
- R239-05 Setting a public hearing: construction of water main serving Brookside Square, Plat 1.
- R240-05 Setting a public hearing: construction of water main serving Quail Creek West, Plat 4.
- R241-05 Setting a public hearing: construction of water main serving Forest Park South, Plat 1.
- R242-05 Setting a public hearing: construction of water main along Brown Station Road to Route B.
- R243-05 Authorizing an agreement with Saint Louis University School of Public Health to provide health clinic experience.
- R244-05 Authorizing an agreement with the Central Missouri Humane Society for animal control services.
- R245-05 Authorizing an agreement with the U. S. Department of the Interior, U.S. Geological Survey for groundwater monitoring in the wetlands area.
- R246-05 Authorizing an architectural agreement with Peckham & Wright Architects, Inc. relating to renovation and additions to Fire Stations No. 1 and No. 2.
- R247-05 Authorizing application for a Land and Water Conservation Fund grant from the Missouri Department of Natural Resources for partial funding of the Stephens Lake Park amphitheater.
- R248-05 Adopting the Disadvantaged Business Enterprise (DBE) program.

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

NEW BUSINESS

R249-05 Authorizing an amendment to the agreement with Ragtag Programming for Film and Media Art for a human rights enhancement program.

The resolution was read by the Clerk.

Mr. Beck explained the Human Rights Commission was recommending an amendment to the Ragtag contract for the Israeli/Palestinian Cultural Film Event.

Mr. Steinhaus stated the contract amount was \$400 and part of the Human Rights Enhancement Program designed to help promote Human Rights activities and educational programs in the community. Originally, two other films were proposed for this event and quite

a bit of community groundwork had been laid including a Studies Circle Program called Descendants of Abraham, which involved 36 participants from our Jewish, Muslim and Christian communities. He noted they had met twice to engage in discussion designed toward better community understanding. This film was chosen by the staff at Ragtag because they felt it would be a good starting point for discussion, not as a political discussion, but more as how walls separate people, cultures and religion. The idea was to bring people together in discussion about the film, *Wall*, in substitution for the other two films they previously planned to show. Mr. Steinhaus explained they would also be bringing in the filmmaker to discuss the film afterwards. The Commission was planning a follow up Community Circle to continue community discussion. He understood there was concern in the community that this film was actually being promoted as more of a political event than an event to promote understanding and discussion. The Commission held a hearing on the issue and a number of people attended. They received two letters in opposition and four people spoke in support of it, including staff from Ragtag. He noted there were a number of other people in the audience, both from the Muslim and Jewish faith communities, that supported having the event. The Commission voted to recommend amending the contract to allow the financial support for the film.

Mike Perkins, 1304 Teal Drive, spoke as a member of the Jewish community and asked that the showing of the documentary, *Wall*, requested by the Human Rights Commission, not be approved. He was also opposed to the additional \$500 requested for the event. He credited the Commission with nothing but the best intentions, but protested the use of public funds for the event. He thought the Commission had been poorly advised on the issue by too narrow of a constituency. He felt the topic to be inflammatory and pointed out that no one in the room had seen the film. It was his position that the film was biased.

Jim Krueger, 350 E. Old Plank Road, explained he had done a Google search using the words pro-Palestinian movies, which netted him a review of this movie. He read the review, which stated it was a documentary about a security fence the Israeli's built to keep Palestinian suicide bombers out. The reviewer found the movie to be exceptionally anti-wall and basically pro-Palestinian. Having been a participant in the various speaking circles in town, Mr. Krueger did not feel this film would be one that would foster communication. He saw no reason for the City to spend money to bring what he considered propaganda into the community. He felt it to be propaganda because there was only one view being shown.

Brad Jacobsen, explained that he had volunteered in Israel for the past 20 summers and understood what it was like to walk on the soil there. He felt this film was showing one side and stated there were people that would be attending the film that were gullible and would believe any information given to them. Mr. Jacobsen thought it was unfair for the City to spend money on a one-sided event.

Yossi Feintuch, 105 DeFoe Court, stated he was opposed to using taxpayer dollars to sponsor the film, *Wall*. He felt the screening would not benefit the cause of truth, justice and peace in Columbia or elsewhere. His concern was not with what the film would show, but with what it would not show. He stated the film represented the Palestinian side and asked what film would represent the Israeli view. He did not understand why the City would help

finance the screening of a divisive and controversial film to include the travel cost of its director to Columbia.

Marie Glaze, Chair of the Human Rights Commission, explained that in May the Commission had agreed to co-sponsor two films, *Another Road Home* and *Paradise Now*, the first by an Israeli film director and the latter by a Palestinian film director. She pointed out neither of those films had been seen by anyone in the City. She noted they had a healthy debate about the films, particularly *Paradise Now*. Because the directors were not able to be here for the event, the folks from Ragtag came to the Commission and asked to amend their contract to show the film, *Wall*. She agreed that none of them had seen the film, but stated they had all read different reviews, some glowing and others not so glowing. Ms. Glaze noted there were people at their meeting who spoke in favor of it and there was no one that spoke against it. The people who spoke in favor of it were members of the Jewish community. She wanted to make sure that was the case because they wanted to have a balanced approach. They were not interested in being a part of something that would create controversy, although they did enjoy discussion and were particularly proud of the "Let's Talk Columbia" series. The differences between the Israelis and the Palestinians was something they felt was worthy of discussion and that was why they made the recommendation to amend the contract. It was not to offend anyone or cause hurt.

Mr. Hutton asked Ms. Glaze how she would respond to the statement about the fear of this being divisive as opposed to bringing the two sides together. Ms. Glaze stated she was not sure why that fear existed. She noted they lived in a free society and talked about these kinds of things all the time.

Ms. Nauser understood the reason they were recommending the change was because the directors of the other two could not attend. Ms. Glaze replied that was correct. Ms. Nauser asked if she felt having the directors present would add to the discussion. Ms. Glaze replied the Ragtag people felt strongly that having the individuals here would enhance the discussion and she thought they were right.

Mr. Loveless asked Ms. Glaze how she would respond to those saying the nature of this had been changed from an Israeli/Palestinian cultural event to a pro-Palestinian film only. Ms. Glaze pointed out it was written and directed by Simone Bitton, who was an Arab-Jew. She thought she had a dual perspective, but understood that might not be the case.

David Wilson, 1810 Riback Road, spoke as Vice-president of the Ragtag Board of Directors, the sponsoring organization for the event, and stated they were approached with the idea of doing an event about peace between Israel and Palestine. It was to be a coming together that would feature discussions. The event, at its conception, was to feature two films. Mr. Wilson stated he did not write the grant and if he had this might not be an issue because they almost never specify names of films with events like this and The True/False Film Festival. When the directors of the first two films fell through, they looked for films that would still satisfy what they felt to be the intent of the project. Based on their experience, they felt having a director in house for an event like this to be critical. He pointed out it raised public awareness and interest. Having the director talk about his/her film was one of their criteria. They found the film, *Wall*, and a director who was self-identified as being from two cultures, an Arab-Jew, and who had made a film about a dividing line between two cultures

that lived on either side of a space. He noted the movie was about interviews with people who lived alongside a security fence with parts of it being a wall. Either way, it was a barrier, mental or physical. When they heard about the film and the director, they thought it was a film that embodied the spirit, if not the letter, of what they wanted to do with this event, which was to bring people together and have discussion groups. He pointed out there were many different facets to the event and they would love to have the support of the Commission and the City for the event, but it was not essential. Mr. Wilson stated they would do the event either way, but thought it was something the City should take part in.

Mr. Ash stated he did not want to have to pick sides and therefore did not want to have anything to do with it. He felt when dealing with public dollars, there needed to be a broad appeal. He was not trying to censor it or stop it, but did not think public dollars should be involved with something as controversial as this.

Mr. Janku did not think controversy was the key because if it was a local controversial event, he would not shy away from it. He felt it was the international aspect that bothered him. He understood it could be viewed from a cultural standpoint.

Ms. Nauser commented it was one movie and thought it would be hard to have two opinions within one movie. She did not think they should use City funds to show one movie and run the risk of not being objective.

Mayor Hindman felt the idea of presenting different ideas seemed like a good one. On the other hand, it hurt to see people taking the approach that this was unfair.

Mr. Janku commented that they could show two movies and it could be argued that it was not balanced. He did not think it was the role of the Council to figure out if discussions were balanced. He stated they did have issues with international events and politics and people wanting the Council to be involved and he felt that was where this was headed. If this was part of the Ragtag Film Festival, which the City supported, Mr. Janku did not think they would object to it.

Mayor Hindman did not think this corresponded to taking a position on some kind of international type of issue, which they were constantly being asked to do. Diversity and getting along, which he felt was valuable, was a City related issue.

Mr. Hutton thought it would be a mistake to support something that was one sided. Even though this might not be, he felt no one really knew because no one had seen the film.

Mayor Hindman commented that this issue should not be in front of the Council because they were supposed to be working out policy for the City, not trying to figure out whether or not a film should be shown. He pointed out they budgeted for a program where there would be efforts to try to bring people together and now all of a sudden they had the question of whether or not they should be showing a particular film, which none of them had seen. Mayor Hindman felt they were in no way qualified to be doing this.

Ms. Crayton pointed out that Mr. Wilson stated the film would be shown regardless. She did not think the City should have to take sides nor should they pay for the divisive film.

Mr. Janku asked when the film was scheduled to be shown. Mr. Wilson replied it was set to show on Wednesday, November 30. He suggested, if this was a difficult decision to make, the Council follow the Human Right Commission's recommendation. He pointed out

they voted unanimously to go ahead with the event and spoke glowingly about how good they felt about bringing such an event to Columbia.

Yossi Feintuch stated he was told by one of the organizers that she was going to withdraw the request that the City not fund the event since there was only going to be one film and that was why he only gave the Commission written remarks. He later found out the Commission's request to withdraw had not been turned in.

Mr. Janku was not comfortable with the Council being in this role of trying to manage this type of discussion. Mayor Hindman agreed and pointed out they had not heard the discussions that lead to the decision to do this by the people involved.

The vote on R249-05 was recorded as follows: VOTING YES: NO ONE. VOTING NO: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. Resolution defeated.

R250-05 Authorizing an agreement with the Curators of the University of Missouri, Truman School of Public Affairs for evaluation of city funded social services.

The resolution was read by the Clerk.

Mr. Beck explained this would authorize evaluations of social service programs receiving City funding.

Ms. Crayton asked how this evaluation would be done and if people in the community would be interviewed. Mr. Steinhaus replied they would meet with agency staff to talk to them about the services and review their records depending upon the various services they were providing and what there anticipated outcomes were. They would then report back to the Commission with regards to what outcomes that agency was currently able to document about the program services they were providing. They would also provide recommendations on how the agency could improve its measurement of the outcomes and conduct training with staff from those agencies in order to improve their long range outcomes and measurement systems.

The vote on R250-05 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R251-05 Authorizing the purchase of William "Blind" Boone and Thomas "Blind Tom" Greene Wiggins documents; authorizing an agreement with The Curators of the University of Missouri for the preservation and storage of the documents.

The resolution was read by the Clerk.

Ms. Steiner explained they had the opportunity to purchase a relatively large collection of documents relating to the life of Blind Boone and Blind Tom. It was assumed to be the largest collection in private hands in the Country. Ms. Steiner felt it was important to Columbia on several levels. He was a very important historical figure and because he spent most of his productive years here, she felt it would be nice to have as much as possible relating to his life for the public to see. When the house was completed, it would give us something to display.

The vote on R251-05 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R252-05 Authorizing an agreement with The Curators of the University of Missouri for support of the Missouri Film Office.

The resolution was read by the Clerk.

Mr. Beck explained this would provide a one time financial support for the Missouri Film Office, which had recently moved to Columbia.

Ms. Steiner pointed out there was tremendous synergy in Columbia right not with regards to film. She noted Stephens College, the University, The True/False Film Festival and now the Film Office. She thought was an emerging industry that they would be able to develop over the next decade.

The vote on R252-05 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R253-05 Approving the Preliminary Plat of a Re-Subdivision of Lot 3, Rockbridge Subdivision Block V.

The resolution was read by the Clerk.

Mr. Teddy described this 13.5 acre tract as being located north of Nifong Boulevard between Bethel Street and Santiago Drive. The property was divided into two parcels separated by a street. The street would delineate a zoning boundary as well, with C-P zoning on the south and R-3 on the north and larger portion of the site. Access would be off of the extension of Diego Drive, which was a new local street, and would be dedicated as part of the plat. The driveway accesses to lot 3A would be off of that street. Mr. Teddy noted five foot sidewalks shown along Nifong, Santiago and Diego. There was also a five foot sidewalk on Nifong, which curved out at the southwest corner. After much discussion, they agreed to run the sidewalk directly to the intersection of Nifong and Bethel. Staff and the Commission recommended approval.

Mr. Ash asked about the cantilevered walkway. Mr. Hutton explained that it would hang over without any visible support.

Bill Marshall, Marshall Engineering and Surveying, 300 St. James, explained the cantilevered sidewalk, in this case, would be constructed and attached to the culvert. Mr. Ash asked if it would be attached on one side. Mr. Marshall replied it would be attached on one side and on both ends.

Mr. Janku stated he appreciated the applicant stepping forward to address the situation. He understood it cost the applicant extra to handle the sidewalk situation. As they moved forward with amending sidewalk policies, he suggested they develop a policy where the City picked up the difference when unusual features were called for, just like they did for streets.

The vote on R253-05 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. 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:

- B414-05 Voluntary annexation of property located at the terminus of Sandker Lane; establishing permanent R-1 zoning.
- B415-05 Rezoning property located along both sides of Clark Lane, approximately 1,200 feet east of Ballenger Lane from A-1 and C-P to PUD-8; approving the PUD development plan of The Links of Columbia; granting variance to Subdivision Regulations relating to sidewalk construction.
- B416-05 Approving the Corporate Lake, Plat No. 14, Lots 1 and 2 C-P Development Plan.
- B417-05 Amending Chapter 25 of the City Code relating to driveway access for single-family and two-family developments.
- B418-05 Amending Chapter 25 of the City Code relating to sidewalk construction along common lots and other non-buildable lots.
- B419-05 Vacating a sanitary sewer easement within West Lawn Subdivision Plat 2.
- B420-05 Authorizing Change Order No. One; approving the Engineer's Final Report; levying special assessments for the Sixth Street improvement project; appropriating funds.
- B421-05 Authorizing an agreement with First Christian Church of Columbia, Missouri for lease of parking facilities.
- B422-05 Amending Chapter 14 of the City Code relating to parking in the First Christian Church lot.
- B423-05 Appropriating SEMA grant funds for the purchase of electronic gate card readers at Columbia Regional Airport.
- B424-05 Authorizing acquisition of easements for construction of the South Grindstone Creek Trail.
- B425-05 Authorizing a Right of Use Permit with WJP Properties, LLC to allow the installation of landscaping within portions of Rosedown Drive and Longwood Drive rights-of-way.
- B426-05 Authorizing construction of water main serving Brookside Square, Plat 1; providing for payment of differential costs.
- B427-05 Authorizing construction of water main serving Quail Creek West, Plat 4; providing for payment of differential costs.
- B428-05 Authorizing construction of water main serving Forest Park South, Plat 1; providing for payment of differential costs.
- B429-05 Authorizing construction of water main along Brown Station Road to Route B.
- B430-05 Accepting conveyances for utility purposes.
- B431-05 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Immunization Rate Improvement Project; appropriating funds.

B432-05 **Accepting a juvenile justice and delinquency prevention grant from the Missouri Department of Public Safety; authorizing subgrant agreements; appropriating funds.**

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mayor Hindman made the motion that Council hold closed meetings on November 10, 2005 immediately after the conclusion of the already posted 6:00 p.m. open session in the Fourth Floor Conference Room, City Hall; November 11, 2005 at 8:00 a.m. in the Activity and Recreation Center (ARC) and at 6:00 p.m. in the City Room of Boone Tavern and Restaurant, 801 East Walnut; November 12, 2005 at 8:00 a.m. in the Fourth Floor Conference Room, City Hall; November 13, 2005 at 9:00 a.m. in the Fourth Floor Conference Room, City Hall; and November 17, 2005 at 6:00 p.m. in the Fourth Floor Conference Room, City Hall, as authorized by Section 610.021(3) RSMo. The motion was seconded by Mr. Loveless with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Motion passed.

Ms. Nauser felt the Beacon Falls issue with the cul-de-sac bulb was misleading. When it was a straight street and ended, she thought there was no doubt that it was a stub street into another subdivision, but when streets were depicted on plats as a bulb and then the streets are curbed and guttered, she felt any layperson would think it was a cul-de-sac. She stated it was very disturbing to people, when they thought they lived on a cul-de-sac, to begin hearing trees being knocked down with that being their first indication of annexation or development behind them. She asked for a report about adding a stipulation to the ordinances to require that the plat specifically indicate a stub street as a stub street or if a street was depicted as a bulb, that wording be provided stating that was not a cul-de-sac.

Mr. Ash thought Ms. Nauser was saying they should learn from this mistake and in the future figure out a way to make it as obvious as possible for everyone, so people understood that even though it looked like a cul-de-sac, it would some day be a through street.

Ms. Nauser was concerned about the notification process itself. She stated they seemed to often hear that people did not receive notification. She thought there was a committee already working on this and she thought they were discussing the possibility of extending the 185 feet. Mr. Teddy replied there was a stakeholder group that had been meeting. Ms. Nauser asked how far along they were in the process. Mr. Teddy noted they were far enough along that they had a number of ideas about enhancing public notice, including making it earlier in the process. Ms. Nauser stated she would also like to see larger signs. Mr. Janku pointed out that the signs had recently been made smaller because they were difficult to handle.

Ms. Nauser made the motion that staff report back on the stub street/cul-de-sac/bulb issue. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Regarding notification, Ms. Crayton commented that everyone needed to do a better job notifying people, and not just particular people within the neighborhood groups. Ms. Nauser noted some neighborhoods did not have neighborhood associations, but did have homeowner associations. Mr. Janku stated the homeowners associations needed to become recognized as neighborhood associations by the City because until that happened they were not on the City list for notification. Mr. Hindman pointed out the City did not even know about the homeowners associations.

Ms. Nauser brought up Scott Boulevard near Vawter School Road and stated there seemed to be a lot of development going on in the area and there were no stripes on the road or anything to delineate between roadway and ditch. She asked that the issue be taken into consideration as they annexed and begin to grow in the area south of Scott Boulevard.

Mr. Ash provided a letter to Mr. Beck regarding East Campus and on-street parking blocking driveways. He stated they were asking to have their curbs painted in front of their driveways and asked Mr. Beck to let him know what the policy was in regards to the issue.

Mr. Ash brought up pedestrian easements and how developers were hesitant to grant them because they were afraid they would have to build it before they could obtain their occupancy permits on either side. If that was truly a hurdle that was holding back developers from granting pedestrian easements, he thought the hurdle should be removed.

Mr. Ash made the motion that staff be directed to report back on the pedestrian easement issue with suggestions on alleviating the issue. The motion was seconded by Mayor Hindman.

Mayor Hindman suggested they look into all of the issues that went with the pedestrian easements, such as ADA and whether they were sidewalks or not and etc. He thought they should be pushing for much more interconnectivity by sidewalks. Mr. Hutton suggested adding notification to future property owners about these things or they would find themselves in the same situation Ms. Nauser was talking about with the cul-de-sac bulbs. Mayor Hindman thought maybe they should require that the sidewalk be built. He thought they were not so much concerned that the sidewalk had to be built, but whether or not it had to be built to certain standards.

The motion made by Mr. Ash, added to by Mayor Hindman and Mr. Hutton, was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku pointed out the Missouri Employees Mutual Building on Old 63 was a beautiful building. He added that the entire area, to include the High School building and Boone Landing, was looking very nice.

Mr. Janku stated earlier he had discussed the Yarco letter and the fact that they would be filing for tax credits. Mr. Janku made the motion that the Mayor be authorized to submit a letter to the MHCD in support of Yarco's application.

Mayor Hindman stated he wrote those types of letters routinely when asked by the applicant and after checking with staff to make sure there was no reason it should not be done. Mr. Janku noted he had spoken with a Yarco representative, who indicated he would like a letter of support.

As Broadway was being completed and the new alignment of Trimble was being put into place, Mr. Janku wondered if there would be any pedestrian crossing devices at Trimble, including count down timers. He stated it was a very wide road, across the street from the apartment complexes, and it seemed to be an appropriate place for them. He asked if there had been any consideration given to a roundabout at Brickton and Trimble. He asked for a report regarding the issue. Mr. Hutton thought there was too much traffic for a roundabout. Mr. Janku thought whatever was needed in the area could be folded into the TDD. Mr. Hutton understood the intersection had been part of the traffic study for the entire Broadway redesign. Mr. Glascock stated it had. They wanted to see how traffic was going to be handled before they started making changes to the intersection. Mr. Hutton asked if it would be left as a four-way stop for the time being. Mr. Glascock replied yes and added that they would be doing some restriping on Brickton to handle some of the turning movement into the new mall area. Mr. Loveless asked what would happen with the intersection of Broadway and Brickton when everything was completed. Mr. Glascock replied it would turn into a right in/right out and a left in. Mr. Loveless understood the light would be moved considerably to the west, which he thought might relieve some of the traffic congestion. Mr. Glascock agreed. Mr. Janku stated that instead of a lot of straight ahead traffic from Brickton, they were getting a lot more left turn movements and cross traffic. He explained, previously, when coming in on Brickton, one could take a right and follow the common road around to get to the stores down at the other end. Now one had to cross over the intersection and go straight or take a left. He felt it was not functioning quite as nicely as it used to. Mr. Glascock explained the Brickton intersection was closed right now, but noted it would not be closed in the future. He pointed out people would still have a right in. He explained the signals were also temporary right now because the developer had to order new mast arms. There would be count down timers, but not until the permanent signals went in. Mayor Hindman commented about the width of the new street and stated the time allowed to cross it was not enough for him to get across on his bicycle. He thought an elderly person trying to cross might not make it.

The meeting adjourned at 12:30 a.m.

Respectfully submitted,

Sheela Amin
City Clerk