

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
OCTOBER 17, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, October 17, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members CRAYTON, JANKU, HUTTON, LOVELESS (arrived at 7:47 p.m.), NAUSER, ASH and HINDMAN 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 3, 2005, were approved unanimously by voice vote on a motion by Mr. Ash and a second by Ms. Crayton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENTS

Louis Wappel - Personal trainer at the ARC - benefits.

Mr. Wappel was not present.

PUBLIC HEARINGS

B217-05A Rezoning property located on the south side of Clark Lane, east of Crump Lane from R-2 and O-P to C-P.

Mayor Hindman noted a request for withdrawal had been received and made the motion that the withdrawal request be accepted. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

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

The bill was read by the Clerk.

Mayor Hindman noted a request had been received by the applicant to further table this item.

Mayor Hindman made the motion to table B248-05 to the November 7, 2005 Council meeting. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B354-05 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.

Mayor Hindman noted a request to table had been received. Mr. Boeckmann explained the applicant was requesting the item be tabled so Council could amend the bill, hold it over and vote on it at the next meeting. The amendment would add the approval of the preliminary plat

with the idea that the annexation, zoning and preliminary plat would all be considered at the same time. Mr. Ash asked why they wanted to amend it, if they were going to table it. Mr. Boeckmann replied if a substantive change was made, it had to be held over for another meeting. He suggested opening the public hearing as advertised and then consider amending the bill to add the preliminary plat. He noted the applicant did not want to be annexed unless the preliminary plat was also approved.

Mr. Teddy explained this property consisted of approximately 82 acres and was located across from the Worley Street and Strawn Road intersection. The request was for annexation and permanent R-1 zoning. It was currently zoned RS, which was equivalent to the City's R-1 district. The Metro 2020 Plan showed this as a neighborhood district. Access would be off Strawn Road, a MoDOT maintained arterial. The Major Roadway Plan showed the extension of Scott Boulevard across the eastern edge of the site. Staff felt an engineering study should determine a final alignment of Scott Boulevard before there was consideration of a final plat. Staff recommended approval of R-1 as permanent City zoning as did the Commission. Mr. Teddy noted the preliminary plat included a request for a variance to the sidewalk construction along the Strawn Road frontage. He stated the right-of-way that would make allowance for the extension of Scott Boulevard on the eastern portion of the site was depicted on the plat. There was only one public street access for the 82 acres and there were two pedestrian accesses to the north boundary by easement off of cul-de-sacs, which would both lead to the nearby City-owned property. He commented that there were two stub streets to the south and an intermittent stream running down the middle of the property. Staff recommended an additional pedestrian easement to the southeast between two lots to allow the extension of a pedestrian access. They also recommended another pedestrian easement across lot 170, a common lot, to serve as access to the Perche Creek greenbelt and, potentially, to a future trail. He reiterated that an engineering study to determine the future Scott Boulevard alignment needed to be done prior to final plat approval. Mr. Teddy pointed out that staff did not recommend approval of the sidewalk variance, but did recognize difficult topography in the area, particularly a creekway adjacent to the road. The concern was with connecting the entrance street to the subdivision and the Worley/Strawn intersection with some sort of sidewalk in anticipation that there might be a desired pedestrian movement to connect neighborhoods and provide a route to school in the future. The Planning and Zoning Commission recommended approval of the preliminary plat and sidewalk variance subject to the conditions that the applicant make a payment in lieu of sidewalk construction and that they perform a horizontal and vertical alignment study demonstrating the compatibility of the Bellwood Subdivision, as proposed, and the future Scott Boulevard extension, as planned.

Mayor Hindman opened the public hearing.

There being no comments, Mayor Hindman continued the public hearing to the November 7, 2005, meeting.

Mr. Hutton made the motion that B354-05 be amended per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Janku made the motion that B354-05, as amended, be tabled to the November 7, 2005 Council meeting. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

B373-05 Approving the Fairview Market Place C-P Development Plan; granting a variance to the Subdivision Regulations.

The bill was given second reading by the Clerk.

Mr. Teddy explained that approximately 23 acres of the site was zoned C-P, another portion, which was zoned R-1, was to remain R-1, and a very small, almost negligible, portion of the site was zoned C-1 and would retain that zoning. The proposed development included a Wal-Mart store consisting of 173,000 square feet and the total commercial development, inclusive of the Wal-Mart, would be 220,000 square feet in three buildings. He stated access to

the site was off of West Broadway and there would be a three-quarter access at Broadway into the development. It would be a no left out movement intersection, but would allow left turns in as well as right turns in and out of the facilities. There would be two full accesses on Fairview Road. One would be a main access to the shopping center and the other would be primarily for deliveries. There would also be one full access into the site on Park deVille Drive. In addition, there would be a new alignment of West Ash Street. Ash where it terminated today at Fairview would be extended to create a four-way intersection and would run to Park deVille Drive. Mr. Teddy pointed out that improvements would be required to all adjacent roads to accommodate the additional traffic and the turning movements anticipated. For pedestrian circulation, sidewalks would be required along one side of all adjacent streets and along both sides of all internal streets. He noted a number of pedestrian crosswalks at intersections and a mid-block raised crosswalk in the plans in the far northwest region of the plan. Not including the public school parking lot, the on-site parking consisted of 1,027 spaces and was sufficient to meet minimum standards. There was also 50 bicycle parking spaces proposed. Lighting would consist of 52 pole lights that were 25 feet in height and had full cut off fixtures. The lights would be dimmed between the hours of 11:00 p.m. and 6:00 a.m. He pointed out open space on the plan and stated it would be mainly used for screening and buffering. Both a landscape plan and a conceptual stormwater management plan were tentatively approved. There were two types of freestanding signs proposed. The main monument sign was a 30 foot tall shopping center master sign, which consisted of 256 square feet. The 10 foot signs were proposed for the side streets and would be 28 square feet. Mr. Teddy also noted there were a number of wall signs proposed. He commented that staff recommended approval of the C-P development plan, which also functioned as the preliminary plat. They also recommended approval of the variance requested for a reduction of the requirement for a tangent between reverse curves on West Ash Street. He noted the recommendation was based on a number of conditions. Mr. Teddy explained the Commission also recommended approval of the C-P development subject to 22 conditions. Two of those conditions were eliminated per City Counselor recommendation, therefore 20 were included in the ordinance. One that was eliminated stated the C-P plan would also function as the preliminary plan. Because it was already identified as a preliminary plan, that was a redundancy. The other was a condition stating the vacated right-of-way on a portion of existing West Ash was to be conveyed to a property owner north of the right-of-way in its entirety, meaning all 60 feet of the right-of-way would go to the property owner. He noted that Mr. Boeckmann advised they could not do that legally. Mr. Teddy summarized the remaining 20 conditions. He pointed out Council would have to determine, by resolution, that the applicant had the resources to make the improvements required and that necessary governmental approvals had been obtained prior to issuing a building permit. In addition, an occupancy permit could not be issued for any building on the property until the Council determined, by resolution, that there had been completion of the improvements or there were adequate assurances, financial and otherwise, that they would be completed in a timely manner. He pointed out the improvements included turn lanes on Fairview, the realignment of Fairview where it intersected with Worley, turn lanes on Broadway, intersection improvements, turn lanes on Park deVille to accommodate movements in and out of the center, and various pedestrian oriented improvements. Also, a development agreement, addressing all off-site improvements, needed to be executed in conjunction with the final plat.

Mr. Hutton asked about the street right-of-way vacation that could not be done. Mr. Teddy replied the City could vacate the right-of-way, but it would normally be assigned half and half to property owners north and south. The thought was to assign the entire 60 feet to the abutting owner on the north side. He was told that when vacating a street, it had to go back to where it came from, which was typically half to the north and half to the south. Mr. Hutton understood they were talking about the Old Ash Street on the east and west. Mr. Teddy replied it was just west of Orleans. He explained the plans showed a section east of Basin Drive to Fairview actually being removed so there was not an additional street intersection. Basin Drive

would still connect to old Ash, but there would no longer be a direct outlet to Fairview. There would be an outlet to Orleans. Mr. Hutton understood the part of West Ash in the middle would stay intact and would connect Basin and Orleans. Mr. Teddy replied that was correct.

Mr. Hutton noted that later this evening they would be considering an ordinance that would change a stormwater detention facility that he thought would be on both sides of the intersection of Worley and Fairview and asked if that stormwater basin change would affect their ability to realign the intersection. Mr. Glascock replied that he did not believe it would. He stated they would have to take that into account once the design was underway, but he thought it could be handled. Mr. Hutton asked if staff had considered that when looking at the stormwater detention facility. Mr. Glascock replied, yes.

Mr. Hutton understood the Paxton Keeley parking lot was to remain R-1 even though it was part of this plan. He questioned the legality of a commercial developer building a parking lot on a R-1 property, which he would own until the School District took over. Mr. Teddy replied it was the zoning that governed its use and parking lots were required to reflect the use that generated them. Mr. Hutton understood that it would be legal because it would be under the control of the School District even though they did not own it. Mr. Teddy stated without rezoning the parking lot, it could not be used as an accessory parking area for the Wal-Mart Center. He pointed out the development agreement would address the R-1 area improvements, so that could be revisited with the final plat.

Mr. Hutton noted discussion about the inability to vacate right-of-way because of a sliver of R-1 having to be accessed and asked for clarification. Using the overheard, Mr. Teddy explained the parcel, bounded by Fairview and existing Ash, was zoned R-1. The concern was that if the City vacated the right-of-way, they might put that property into a difficult position. He explained that by ordinance direct access for R-1 and R-2 properties were to be restricted on Fairview Road, so it could not be replatted into single family lots. He noted it would not be an easy parcel to develop in any form, but the suggestion was to leave the Ash right-of-way in place, terminate it at Fairview so the street would no longer connect, and perhaps put in a cul-de-sac or some form of turnaround at the end of it. That would allow, at least, a small amount of frontage at the south end of the parcel so it could remain as R-1. The condition to terminate Ash on the east end was not recommended by the Commission and was not in the ordinance. Mr. Hutton understood the ordinance, unless amended, would remove West Ash and vacate the right-of-way. Mr. Teddy replied the City would keep the right-of-way in place, but West Ash would be removed. Mr. Hutton pointed out the plan denoted the removal of pavement and vacation of right-of-way. Mr. Teddy noted the City had control of the vacation and that it would have to be done by separate ordinance.

Mr. Janku understood the west end was where they were talking about tearing up the asphalt and vacating the right-of-way to be split between the two property owners. Mr. Teddy explained there were two lots of record north of Ash and west of Orleans. Ordinarily, the additional property would be owned by owners of those lots. On the east end, starting at Basin Drive, Mr. Janku understood that portion of Ash would be torn up. Mr. Teddy replied that east of Basin and west of Orleans, there would be removal of the street improvements. Although the plat indicated the vacation of right-of-way, Mr. Janku understood the City did not want to do that because they wanted to maintain the right-of-way. Mr. Teddy clarified between Basin and Fairview, so there was a local street access to the R-1 piece. On the west side, the plan was still to remove the street between Orleans and Park deVille. Mr. Janku understood the street would be removed on the east side also, but the City would anticipate keeping the right-of-way. Mr. Teddy stated the right-of-way west of Orleans would be vacated, but east of Basin, between Basin and Fairview, the City would retain the right-of-way and the street would be removed.

Mayor Hindman opened the public hearing.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, passed out copies of his presentation and stated he was speaking on behalf of the applicant. He noted the plan and the conditions were wholly consistent with the representations made to Council in late 2004 and on

January 3, 2005, when zoning was granted. He stated the 20 conditions were acceptable to the applicant. Using the overhead, Mr. Van Matre noted the Broadway and Park deVille intersection would incorporate an Australian right turn. He also pointed out the pedestrian refuge and crosswalks. He commented the truck entrance was a right in right out only. Mr. Van Matre noted the Broadway-Fairview intersection was attempted to be as equally well planned as the Broadway-Park deVille intersection, but because of the enormous amount of underground cable, they could not get any closer to the general telephone building than what was shown and because of a residence, they could not make it symmetrical to the one at Park deVille. Nevertheless, he thought it was well designed and felt it would function well for traffic in the area. He noted they agreed to make the school safety improvements, including the parking lot discussed earlier, at the time they did the development. He stated the open area north of the site would be greenspace and bermed and landscaped to insulate and shield this development from the Park deVille Neighborhood to the north. They had been using Basin Drive as the east-west component from Orleans over to existing Basin Drive. He commented that they had asked the neighbors for input, but none had been received in regards to the name of the street. A recommendation made by Planning and Zoning was that the sidewalk be continued all of the way to the east to connect to Fairview. He stated they would form a transportation development district for the area to pay for the transportation improvements. He showed slide depictions of the main building, the retail buildings, aerial views looking at the site from different directions and street views looking toward the project from various angles.

Mr. Janku asked about the pedestrian refuge issue at the entrance of Park deVille that came up at the Planning and Zoning meeting. Julie Nolfo, a traffic engineer with Crawford, Bunte, Brammeier, thought there were two questions that had come up in regards to that intersection. One involved the pedestrian crossing itself and whether it was too long or if there was some merit to putting a refuge in the middle. She stated that both she and Public Works felt they could go either way on that issue. The other issue had to do with the radius. She stated there was some discussion about using an even tighter radius than proposed to help slow traffic coming in and out of the driveway. She commented that both she and staff felt 30 feet to be a good compromise between allowing traffic flow in and out of the Center as well as being accommodating of pedestrians. To go tighter than that, she felt would potentially create hazards. Mr. Janku asked if the pedestrian refuge was in the design. Ms. Nolfo did not recall reaching a resolution on that issue. Mr. Janku asked for it to be shown on the overhead. Mr. Glascock explained that normally the pedestrian refuge would be where the left turn lane and the end was. He thought they would be too far in the middle of the intersection to have it. Ms. Nolfo replied that was correct.

Anthony Barbis, 201 Orleans Court, noted that many of his concerns had been addressed, but he was still bothered about the commercial vehicle delivery times. He felt limiting noise generating activities should include delivery. He asked that the delivery hours be limited from 7:00 a.m. to 9:00 p.m. In regards to the area to be vacated on West Ash, he understood one of the reasons it was to be deeded to him was so he could do some sort of landscaping to block his property from the parking lot. With 30 feet, instead of 60, he was not sure what kind of room he would have to work with. He stated that he would like to see some effort made for the landscaping in between that lot and the other area to be more of a screening type of landscape. He also wondered if the detailed plans included the runoff conditions for the school parking lot and if they met the same conditions as the commercial lot. He noted the topography was very steep and stated the runoff could flow directly into the two neighboring properties, if there were no mitigating efforts made to limit it.

Terry Baker, 304 Vieux Carre Court, spoke on behalf of Community First and stated they were in support of the Planning and Zoning Commission recommendations, but had a question regarding number 15 on the list of conditions. She explained a statement had been made that restaurants with take out would be allowed where there was a special area and food was taken out to the cars. During the conversation about drive-thrus, things like a Starbucks came up

where cars would be idling and waiting to get to the window verses some sort of take out service like an Applebee's or an Outback. Ms. Baker stated they preferred there be no idling if there was going to be a restaurant type tenant in that area. Enforcement of the conditions, she reported, had also come up, as a concern, in discussions at the Planning and Zoning meeting. She stated that they wanted to see specific disincentives for the developer as well as the tenants should there be any violations of the ordinance. Ms. Baker commented that they would also like to see consideration for traffic calming devices on surrounding streets that were currently used as cut-thru streets. She noted the TDD could be a potential funding source for such devices.

Lori Matthews stated she was the owner of 104 Park deVille, which was one of the five houses that would be torn down. She felt the plans presented looked like this would be the nicest Wal-Mart she had ever seen. She was appreciative of everything that would be done for the school. She noted her granddaughter would still be going to that school and that three of the five owners had just moved down Broadway a bit. Her point was that they would still be using the street and that it would continue to impact their lives.

Alan Burkfield, 116 Park deVille, asked the Council to approve the plan. He noted the City would receive several needed infrastructure improvements in a rapidly growing area of the City. He commented that the property owners and developers had fulfilled the environmental and construction concerns of the City.

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

Mr. Janku asked if any of the runoff from the school parking lot would be going toward the properties to the north. Mr. Glascock replied that he had not seen the grading plan for the parking lot, but assumed that some of it would go to the north. Mr. Janku asked how we could make sure it would not adversely impact the properties. Mr. Glascock assumed there would be some type of inlet structure that would take it underground to a drainage system.

Mr. Ash asked how the conditions would be monitored once the store was opened and what the penalties would be if the conditions were not followed. Mr. Boeckmann explained it was difficult to keep track of, but assumed a lot of it would be complaint driven. He noted noise violations were typically enforced by the Police Department and they would not know about it unless it was brought to their attention. He commented that the zoning ordinances were enforced by Protective Inspection. Mr. Ash asked if they should build more specifics into the ordinance to make it easier to enforce. Mr. Boeckmann stated he did not think they should. Mr. Beck noted a lot of the conditions would be enforced through building and occupancy permits, but once it was opened, he thought it would be complaint driven. He wondered if they could be taken to court. Mr. Boeckmann stated he was not sure. He did not think they had ever tried to do that as an enforcement mechanism. He pointed out the zoning ordinance violations could be prosecuted in Municipal Court, but at this level, the penalty provision pre-dated the kind of things the Council had been doing the last 10 years. He thought it was probably something they should look at to make sure they could prosecute violations in Municipal Court.

Mayor Hindman felt the major issue with deliveries was the noise. He asked if the noise ordinance would apply when the noise could be heard beyond the property line. Mr. Boeckmann thought that provision of the noise ordinance only applied to the one section that dealt with musical instruments and radios. It was not a general provision that had that distance. He felt these kinds of things could be dealt with by general ordinances that dealt with noise. He noted our noise ordinance had been amended from time to time to deal with specific problems. He thought the Council could address it, if it became a problem.

Mr. Loveless assumed if we found delivery trucks were taking a route that interfered with traffic flow, they could restrict whether or not trucks could travel on that street by a separate ordinance. Mr. Boeckmann stated that was correct and added that Chapter 14 had several ordinances that restricted trucks on certain streets.

Mr. Janku stated he had talked to Mr. Van Matre about the possibility of moving the school parking lot entrance further south. He asked if the ordinance could be amended to

reflect an adjustment to the plan. Mr. Boeckmann felt a condition could be added stating the entrance to the parking lot shall be moved to where ever they wanted it moved. Mr. Janku stated the other issue that came up was the landscaping of the school parking lot, particularly now that some of the right-of-way that was going to be transferred to the property owner was going to be retained by the school. He thought they could ask for more landscaping there.

Referring to the Planning and Zoning Commission minutes, Mr. Loveless asked about the wrought iron fence proposed on the south side of the new Ash Street and whether or not it was still planned. Mr. Van Matre replied it was.

Mr. Ash commented that it appeared a very visual presentation had been given to the Planning and Zoning Commission, but in reading the minutes, he had no idea what they were talking about.

Mayor Hindman assumed the traffic calming on surrounding streets mentioned could be dealt with as the issues arose. Mr. Glascock replied, yes. Mr. Janku felt that until the traffic patterns occurred in the area with the new street connections and the new businesses, they could not tell what was needed. Mayor Hindman asked if those costs could be paid by the TDD. Mr. Beck assumed the TDD could be amended. Unless it was put in the ordinance, Mr. Janku did not think we could charge it to the TDD. Mayor Hindman stated he wanted to be assured the traffic calming would be accomplished if it was decided it was needed. Mr. Van Matre stated they could put that in the development agreement and escrow funds in the TDD.

Mr. Janku asked if Mr. Boeckmann had suggested language for the school parking lot entrance issue. Mr. Boeckmann suggested stating the entrance/exit to the school parking lot on Orleans Drive shall be moved approximately 120 feet south of the location shown on the Development Plan. Mayor Hindman asked what the purpose of this was. Mr. Janku explained that people coming from the north would use Basin, but if the entrance was moved to the south, it might be more convenient to use Fairview to Ash. The purpose was to keep traffic out of the neighborhood. Using the overhead, Mr. Van Matre pointed out the location where they could make it work. He was not sure what the exact distance was. Mr. Janku explained it was north of the berm. Mr. Van Matre agreed.

Mr. Janku made the motion that B373-05 be amended by adding a condition stating the entrance/exit to the school parking lot on Orleans Drive shall be moved south of the location shown on the Development Plan to a location just north of the berm. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Janku noted a request that the developer plant a minimum of eight, ten foot tall white pine trees or comparable evergreens between the school parking lot and the adjacent neighborhood. Mr. Van Matre commented that Mr. Mardis, their landscaper, indicated he thought spruce trees would look and do better in that location. Mr. Janku stated that was fine.

Mr. Janku made the motion that B373-05 be further amended by adding a condition stating the developer shall plant a minimum of eight, ten foot tall spruce trees between the school parking lot and the adjacent neighborhood. The motion was seconded by Mayor Hindman.

Mr. Loveless pointed out the neighbor was going to gain 30 feet when they vacated the road, yet we were going to ask the developer to put in additional landscaping for one person so he did not have to look at a school parking lot which would be empty most of the time. He thought that was going too far. He felt the neighbor had an additional 30 feet on which he could plant whatever he wanted.

The motion to amend, made by Mr. Janku and seconded by Mayor Hindman, was approved by voice vote with only Ms. Nauser and Mr. Loveless voting against it.

Mayor Hindman felt the developer had done everything he promised to do and that an excellent job had been done with the design.

B373-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B386-05 Authorizing Change Order No. One; approving the Engineer's Final Report; levying special assessments for the 2003 Annual Sidewalk Project.

The bill was given second reading by the Clerk.

Mr. Beck explained the purpose of the public hearing was to determine special benefits accrued to property owners prior to issuing tax bills against them for sidewalks contracted for construction by the City. The total cost of the project was \$128,881.55 for 3,825 feet of sidewalk work. Approximately \$12,000 would be paid by the City because of ownership of one of the properties. The per foot costs were different for each street.

Mayor Hindman opened the public hearing.

Patrick Cronan of Rocheport, spoke on behalf of the Fairview United Methodist Church and asked the Council to follow the ordinance saying the property must abut the improvement. He stated the land on both sides of the sidewalk was owned by the City, not the Church. He pointed out the ordinance also stated tax bills could be issued against State owned property. He felt the expression of one excluded the others, such as charity owned property, County owned property and church owned property. Mr. Cronan pointed out the ordinance was drafted well before this project started and before the Charter was adopted. He commented that it was written at a time when we did not have a policy of tax billing non-adjacent properties and there was not a policy of acquiring the fee title underneath our rights-of-way. He commented that the policies had changed gradually, but the ordinance had not been changed. He felt Fairview United Methodist Church should not be issued a tax bill.

Ben Miller, 2608 Johnson, spoke on behalf of Mr. Wong, who owned property at 812 Shakertown Way. Mr. Miller explained Mr. Wong was upset when he received the notice of the public hearing because he knew nothing about the assessment having purchased his property in June of this year. When the house was issued an occupancy permit, it did have a sidewalk on the front side, which was on Shakertown Way. The back side of the lot abutted Southampton and they missed that the sidewalk was not constructed there. In 2002, the City realized it had been missed and it was placed in the 2003 program. The owner at that time, Mr. Gowella, was aware this was going to occur. He sold the property to another owner about a year ago and Mr. Wong purchased the house in June, so this was a surprise to him. Mr. Miller stated there was really now way the title company could be aware of this because it was not a matter of public record until it was tax billed. Because of the two year delay between project completion and tax bill issuance and the fact that the City missed the section the first time, Mr. Wong wondered if anything that could be done to lessen the shock.

Mr. Loveless asked for the amount of the tax bill. Mr. Miller stated it was \$2,052.01.

Mayor Hindman asked if Mr. Wong was aware the bill could be paid over a ten year period. Mr. Miller replied he was. He noted that Mr. Wong was a full time student at the University and worked part time and had not budgeted for the expense, so it had been a shock. Mayor Hindman asked if Mr. Wong had mentioned this to the seller. Mr. Miller pointed out the person that purchased the property before Mr. Wong was also unaware of the situation because the sidewalk had already been constructed when he bought the house. Mr. Miller stated Mr. Gowella was the person he felt was responsible and we could not be located.

Ms. Nauser commented that when property was purchased, the buyer was provided with title insurance. She explained that the seller would have to sign a disclosure stating there were no taxes or special assessments. Unfortunately, if something was not of public record, the title companies would have no knowledge and would have to rely upon the affidavit signed by the seller of the property. She thought if he took his claim to a title company, he might have some recourse through them, but he would have to contact his title company and make claim on his title policy. Mr. Miller stated he had talked to them today and their position was how would they know something like that.

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

Mr. Janku asked if the vote on the assessment was the point where it became public record. Mr. Boeckmann replied it became public record when the tax bills were issued in the Finance Department. He stated that when the title companies checked, they also checked the records in the Finance Department. They did not look at the minutes of the Council meeting. Mr. Janku asked if there was any way we could legally put some kind of notice in the record that a particular piece of property was subject to a public hearing. Mayor Hindman asked if they could record an ordinance. Mr. Boeckmann thought they could record an ordinance which had the legal descriptions and asked if the title companies would pick that up. Ms. Nauser replied, yes. She thought the City could also notify the title companies that an ordinance was getting ready to be initiated for streets or sidewalks and that could be entered into their data. Mr. Boeckmann thought they might want to look into that for future projects.

Mr. Hutton felt it was problematic on our part that sidewalks were being billed two years later. He noted the property could have changed hands several times during that period. Mayor Hindman asked why it took so long. Mr. Beck explained there were many steps involved. Mr. Hutton stated he saw no benefit to Mr. Wong in this case since the sidewalk was there when he bought the house. Mr. Janku felt he did receive the benefit of the sidewalk.

Ms. Nauser asked if the work had been done for two years or if this was something that had taken place over the course of two years. Mr. Glascock replied the public hearing on the project had been held June 16, 2003, so he thought they would have been constructed late in 2003.

Regarding the Church property, Mr. Hutton asked if Mr. Cronan was talking about regular right-of-way because the sidewalk was on the right-of-way. He assumed their property abutted the sidewalk. Mr. Boeckmann stated as far as he knew it did. Mr. Hutton understood the right-of-way line was one foot inside the sidewalk. Mr. Boeckmann agreed, but stated the City did not own it in fee. The City had a right-of-way interest. Neither Mr. Glascock nor Mr. Boeckmann knew of any reason why the church property would be treated differently from any of the other properties.

Mr. Ash asked if Mr. Cronan had a legitimate point about churches not paying tax. Mr. Boeckmann replied the City had been tax billing non-profits and that had not changed. He was not sure what ordinances Mr. Cronan was referring to because he was referring to one that predated the Charter, which was adopted in 1949, and the tax bill ordinances were redone around 1985.

Mr. Janku asked if in the case of Mr. Wong, the City could go after the money from the title insurance company if he assigned his claim to the City. Mr. Boeckmann replied that he was skeptical that would work. Mr. Janku thought it was unlikely Mr. Wong would be able to recover \$2,000, but felt if the City filed suit, things might come out better. Mr. Boeckmann did not think claims could be sold like that. Ms. Nauser stated she had never heard of anything like that.

Mayor Hindman asked if they could pass this ordinance without Mr. Wong's property being included and then explore the idea of some sort of settlement.

Mr. Ash felt they would end up spending more in man hours. He suggested meeting Mr. Wong half way since it took so long for the City to tax bill.

Mr. Hutton made the motion that B385-05 be amended by omitting Mr. Wong's tax bill from the ordinance and acting on it separately. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B386-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B387-05 Calling for bids for construction of roofing over the stairwell in the southwest corner of the City ramp facility adjacent to the Police Department.

The bill was given second reading by the Clerk.

Mr. Beck explained that problems had been occurring with this stairwell and it was

suggested that it be covered. The estimated cost was \$30,000 and would be paid out of the parking utility.

Mr. Ash commented that he could not visualize what they were doing. Mr. Glascock explained it was the ramp across the street known as the Police building ramp. He stated they would enclose the stairwell so when one walked in the doorway rain and snow would not fall and deteriorate the inside.

Mayor Hindman opened the public hearing.

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

B387-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: CRAYTON (Ms. Crayton stepped out during the discussion of B387-05 and did not return until after the official vote was taken). Bill declared enacted, reading as follows:

B390-05 Authorizing construction of water main serving Trail Ridge, Block 3; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Beck described this as a relatively small project and in accordance with City policy, the City would pay the difference in cost between a six and eight-inch line. The project was 245 feet in length and the estimated cost was \$1,386. The project would be paid from Water and Light funds.

Mayor Hindman opened the public hearing.

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

B390-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

R233-05 Adopting revisions to the Parks and Recreation Master Plan, 2002 Facilities Needs Update relating to neighborhood parks and trails.

The resolution was read by the Clerk.

Mr. Beck explained Council asked staff to look at the neighborhood park situation and trail and greenbelts, particularly in growing areas of the City. The suggested revisions included the addition of eight neighborhood park sites. Mr. Hood showed the location of the suggested parks on the overhead.

Mayor Hindman opened the public hearing.

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

Mr. Janku stated the staff report for the Bellwood preliminary plat, which was tabled earlier, noted the Parks and Recreation Master Plan did not identify the area as a site of a proposed neighborhood park service area and that this locale would eventually need neighborhood parkland as it was beyond the service areas of nearby neighborhood parks. He commented that there was a piece of City-owned property immediately to the north and suggested it be identified in the Plan since they would most likely be moving forward with a neighborhood park in that area. Mr. Hood stated they could identify that as an additional site. He commented that staff had recognized there was City-owned property in the immediate area, which they anticipated would meet the neighborhood park needs. That was why they had not specifically showed a neighborhood park in that area. He stated it would be a simple thing to make that amendment to the proposed plan.

Mr. Janku made the motion to identify that piece of City-owned property as an additional site in the Plan. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mr. Janku noted the potential of the Harmony Branch Trail in the area near City owned property around Fairview and Worley and asked Mr. Hood to comment. Mr. Hood showed the property on the overhead and stated it was located at the intersection of Worley and Fairview,

just east of the Smithton Neighborhood Park. He thought it could be linked over to the Harmony Branch Trail System leading from Cosmo Park down to the Perche Creek Greenbelt. It would simply be a connector from the Smithton Neighborhood Park over to the trail system. Mr. Janku felt that would fit well within the plan.

Mr. Janku made the motion that they add a connector from the Smithton Neighborhood Park to the trail system into the Plan. The motion was seconded by Mayor Hindman.

Mayor Hindman noted there were acquisition targets listed as primary, secondary and tertiary acquisition targets. Mr. Hood explained that was their attempt to identify which trails should be prioritized first, second and third. Mayor Hindman assumed that was subject to change and noted the County House Branch was marked tertiary. He thought it should be higher and felt the City might have the access without having to make acquisitions. Mr. Hood stated this draft was brought to the Council to provide input on the priorities and if the Council believed the priorities should be different, they just needed to let them know. Mayor Hindman felt there needed to be interconnection through the whole area. He noted the creek took one to the entrance of the Twin Lakes area and that it would connect College Park and the whole area of Twin Lakes and would go through a private park to get there. He believed the landowners were willing, so he felt it should be moved up. Mr. Hood stated it could be moved up, although there were no funds that had been identified other than in the ballot issues where there was some funding for undesignated priority projects.

Mayor Hindman made the motion that the County House Branch be moved up to the primary acquisition list. The motion was seconded by Mr. Loveless.

The motion to add a connector from the Smithton Neighborhood Park to the trail system made by Mr. Janku and seconded by Mayor Hindman was approved unanimously by voice vote.

The motion to include the County House Branch trail on the primary acquisition list made by Mayor Hindman and seconded by Mr. Loveless was approved unanimously by voice vote.

The vote on R233-05, as amended, was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE.

Resolution declared adopted, reading as follows:

R234-05 Approving the FY 2006 Annual Action Plan and Anti-Displacement and Relocation Assistance Plan.

The resolution was read by the Clerk.

Mr. Beck explained an amendment sheet had been prepared having to do with two exhibits. He noted the City was required to keep the Annual Action Plan updated in order to receive federal funding for CDBG and HOME programs. It was suggested that CDBG entitlement communities update their Residential Anti-Displacement and Relocation Assistance Plan to comply with new federal regulations.

Mr. Teddy explained the amendment sheet would replace pages 3 and 4 of Exhibits A and B. The amendment to Exhibit B made it clear that the City did not have first responsibility in all cases and that sometimes there could be a sponsoring agency that would be responsible for displacement of a housing unit. He pointed out that Exhibit A was amended only because pages 3 and 4 of Exhibit B were unintentionally inserted into Exhibit A.

Ms. Crayton asked how the City would safeguard a displaced person if it was up to a sponsoring agency and that agency did not accept responsibility to relocate and rebuild. Mr. Teddy replied this would be a requirement of all agencies that were running projects overseen by the City. He stated they would be subject to our monitoring of them. Ms. Crayton felt that was something that needed to be made clear.

Mr. Janku asked if this would apply to property currently being occupied only or if it would apply to property that had not been occupied for a significant period of time. Mr. Teddy explained there were two categories of displacement; permanent and temporary. Temporary would occur if a person needed relocation while a building was being rehabilitated and permanent would be the loss of the housing unit. Mr. Janku asked if it would apply if the

structure was removed. Mr. Lata explained there were two rules. There was the Uniform Act, which guaranteed that any agency receiving HUD funding got benefits. The other was Section 104 D and there were two parts to that plan. One was one for one replacement of housing and he thought that was what Mr. Janku was referring to. He pointed out it covered CDBG and HOME funding only. If CDBG or HOME funding resulted in the demolition, conversion or rehab of an affordable housing unit to the point it was no longer affordable or was demolished, the house had to be replaced. It could apply to a house that could feasibly be rehabilitated if it had been occupied in the last 90 days. Mr. Janku stated there was a project on our CDBG list for this year where apparently a structure was being removed to put in a playground. Mr. Lata stated they had gone through the house using \$25 per square foot for the level of infeasible to the City's Housing Maintenance Code. After going through the house, it was determined it would cost more than that to rehab it. Mr. Janku understood the rule would not apply in that situation and they would not be required to replace the house. Mr. Lata stated that was right.

Mayor Hindman opened the public hearing.

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

Mr. Hutton made the motion that R234-05 be amended per the amendment sheet. The motion was seconded by Mr. Ash and approved unanimously by voice vote. The vote on R234-05, as amended, was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

(A) Voluntary annexation of property located on the southeast side of State Route KK, west of Red River Drive.

Item A was read by the Clerk.

Mr. Beck described this as approximately three and one-half acres located in south central Columbia. The applicant was requesting R-1 zoning for this undeveloped property.

Mayor Hindman opened the public hearing.

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

(B) Voluntary annexation of property located at the north terminus of Beacon Falls Drive and east of Howard Orchard Road.

Item B was read by the Clerk.

Mr. Beck described this as approximately 20 acres located in the southwest part of the City. The applicant was requesting R-1 zoning.

Mayor Hindman opened the public hearing.

Gene Basinger, Land Surveyor, spoke on behalf of the property owners and explained this would be an extension of the Thornbrook Subdivision. It would contain a maximum of 24 lots, basically equal to what was in Thornbrook Subdivision.

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

(C) Voluntary annexation of property located on the east side of Maple Bluff Drive, south of Grant Lane (2940 S. Maple Bluff Drive.)

Item C was read by the Clerk.

Mr. Beck described this small tract as consisting of one and one-half acres of land and being located south of Grant Lane. The request was for R-1 zoning and the property contained a single family structure.

Mayor Hindman opened the public hearing.

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

OLD BUSINESS

B374-05 Renaming a section of the old alignment of Sinclair Road to Stanley Pitts

Lane.

The bill was given second reading by the Clerk.

Mr. Beck explained there was a realignment of the road which caused the same name for two roads in the area and the neighboring property owners had sent letters requesting the renaming of a portion of the realigned Sinclair Road to Stanley Pitts Lane.

B374-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B388-05 Authorizing acquisition of easements for construction of the H-17 S Extension - South Grindstone Outfall Sewer Phase 1, El Chaparral Lagoon Interceptor.

The bill was given second reading by the Clerk.

Mr. Beck explained this to be a follow up of a previous hearing regarding the construction of the project. This would authorize the purchase of right-of-way for the project.

Mr. Hutton made the motion that B388-05 be amended per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B388-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B389-05 Authorizing an amendment to the agreement with Larkin Group, Inc. for engineering services relating to the design of the Harmony Branch Detention Project; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Beck explained that when the City updated the Stormwater Utility Plan, it indicated a stormwater detention facility. It was moved up closer to the intersection of Fairview and Worley. This ordinance would amend an existing contract with the Larkin Group to complete the concept work. The cost was \$20,120 and it would be paid for by Stormwater Utility funds.

Mr. Loveless asked if this would affect the cost of realigning Fairview. Mr. Beck thought that was why the two studies, street work and stormwater detention, needed to be looked at together. He pointed out there was a jog in the street, which had been put there intentionally because of the cost of a direct alignment and because the neighborhood concept provided for a jog in a collector type street.

B389-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. 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.

B375-05 Amending Sec. 1-11.161 of the City Code to correct the legal description of property annexed into the city limits.

B376-05 Vacating unbuilt street right-of-way in conjunction with the proposed Final Plat of Walnut Brook Subdivision Plat 5.

B377-05 Approving the Final Plat of Walnut Brook Subdivision Plat 5; authorizing a performance contract.

B378-05 Approving the Final Plat of Stratford Chase; authorizing a performance contract.

B379-05 Approving the Final Plat of Longview Acres Plat 1; authorizing a performance contract.

- B380-05 Approving the Final Plat of Mid-City Lumber; authorizing a performance contract.**
- B381-05 Approving the Final Plat of Madison Park Plat 2; authorizing a performance contract.**
- B382-05 Approving the Final Plat of CenterState Plat 9; authorizing a performance contract.**
- B383-05 Approving the Final Plat of Eastport Village Plat 7; authorizing a performance contract.**
- B384-05 Vacating a sewer easement located within Woodland Springs Subdivision.**
- B385-05 Vacating a sewer easement located within La Grange Place Subdivision.**
- B391-05 Accepting conveyance; authorizing payment of differential costs for water main serving Vanderveen Crossing, Plat 14; approving the Engineer's Final Report.**
- B392-05 Accepting conveyances for utility purposes.**
- B393-05 Accepting and appropriating federal forfeiture funds for the purchase of equipment for the Police Department.**
- R225-05 Setting a public hearing: voluntary annexation of property located at the terminus of Sandker Lane.**
- R226-05 Setting a public hearing: consider Amendment No. 9 to Planning Report (201 Facility Plan) relating to sewage improvements.**
- R227-05 Authorizing an agreement with Lincoln University to provide public health experience for student nurses.**
- R228-05 Authorizing an agreement with the Missouri Department of Health and Senior Services for maternal child health services and the local sanitation inspections for child care facilities program.**
- R229-05 Authorizing the University of Missouri to temporarily close a portion of Fifth Street to allow for steam tunnel repairs.**
- R230-05 Authorizing a Restrictive Covenant for City owned property located in Stonecrest, Plat No. 2.**
- R231-05 Authorizing an agreement with First Night Columbia, Inc. for support of the New Year's Eve celebration.**

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: HUTTON (Mr. Hutton stepped out and did not return until after the official vote for the Consent Agenda was taken). Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

- R232-05 Providing notice of prepayment of the Certificates of Participation (Stephens Lake Park Property), Series 2001.**

The resolution was read by the Clerk.

Mr. Beck explained the City issued \$7 million in Certificates of Participation for the purchase of the Stephens Lake property. It was decided, if we could do a prepayment for the debt, the City could save \$418,250 in interest. This resolution would authorize the prepayment.

The vote on R232-05 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. 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:

- 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.
- 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.
- 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).
- 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.
- 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.
- 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.
- 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.
- B401-05** Rezoning property located on the south side of West Worley Street, east of Clinkscales Road from R-2 to PUD-6.5.
- B402-05** Approving the Woodland Springs Lot 106 C-P Development Plan.
- 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.
- B406-05** Calling for bids for construction of a 36-inch water transmission main from the McBaine Water Treatment Plant to Scott Boulevard.
- 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.
- B409-05** Authorizing an agreement with the Columbia School District for a playground improvement project at Shepard Elementary School.
- 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.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Flat Branch Park - Phase II donations.

Mr. Beck noted there had been two significant proposed donations toward the development of Phase II of Flat Branch Park. The first was from The First National Bank and was a donation of two pieces of public art. Council policy on art donations was that they be reviewed by the Cultural Affairs Commission. The other proposed donation was from the Chamber of Commerce in celebration of their 100th anniversary and was a fountain/water playground. The Flat Branch Committee, he noted, had been working to raise money for phase II.

Mr. Janku felt that both the art and the fountain would be excellent additions to the Park.

Mr. Janku made the motion that the public art proposed by the Bank be referred to the Cultural Affairs Commission for their review. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Janku made the motion that staff be directed to continue work with the Chamber to complete plans for the playground. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Ash liked the idea of allowing more private donations and the fact they were allowing the Chamber to put their logo on it. He wanted to encourage more private participation in the future to cut back on public dollars needed, whether it was advertising on the sides of the buses or paying for art.

Mayor Hindman thought using the Chamber logo was different from someone putting a Dr. Pepper sign on the side of a bus.

(C) Neighborhood Pride Volunteer Program.

Mr. Beck commented that a few years ago, there had been a lot of concern about litter in the community and the Volunteer Office started the annual Clean Up Week. A year ago money was budgeted in the Public Works Department to have a staff look for crooked signs and etc. During the budgeting process this year, Council brought up the idea of a more aggressive program.

Ms. Nutter explained, as a response to the budget meeting, they went back and put together a program which was renamed Neighborhood Pride in order to include the Police and Health Departments and also to report other issues the volunteers might find in addition to picking up litter. She stated the program encouraged people to walk in their neighborhood, pick up litter, observe any suspicious activity or other things City staff should know about and ask them to report back to City staff.

Mr. Ash noted that some people might have an issue with the word "Pride" and asked the opinion of the other Council Members. Mr. Janku thought the name was much better than Litter Patrol. Mayor Hindman stated he was also inclined to leave it as was suggested.

(D) First Christian Church parking lot.

Mr. Beck explained staff had been negotiating with the Church to continue the lease

program of their property for parking. He noted substantial changes had been proposed in the overall cost of operations by the Church. For the City to charge a higher rate than what was charged for other surface lots raised questions. His suggestion was that they look at the parking utility as a total utility and establish surface parking rates the same for all lots. He felt the rates should be left as they were for now.

Mr. Janku was alright with keeping the rates the same and stated if they decided to raise rates, he would suggest doing it gradually. He noted the precedent of the street meters varying in cost throughout the City, depending upon demand. He stated it did not bother him to have differentials on these lots. He also thought it was important to maintain control and he did not want to drive off some of the customers in the area with a substantial jump.

Mr. Ash thought the intermediate step of going from 35 to 45 cents would help us break even and if it had to be revisited later, they could. He did not like the option of trying to turn a profit, but felt if our costs were higher, we could easily justify the reason for charging more. He commented that he could go either way.

Mr. Beck was concerned about competition for lots. Mr. Ash asked when the amounts were all even, if someone specified a lot where they wanted their permit. Mr. Beck replied they did. He pointed out the differential was how far someone was willing to walk.

Mr. Loveless preferred not changing the rate at this time, but wanted to review the total utility in six months or a year.

BOARDS AND COMMISSIONS

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

BICYCLE/PEDESTRIAN COMMISSION

Purves, Patty M., 4702 Garden Grove, Ward 5 - term to expire 7/31/08

BOARD OF ADJUSTMENT

Hancock, John R., 3707 Woods Edge, Ward 5 - term to expire 11/1/10

COMMUNITY DEVELOPMENT COMMISSION

Kelley, Patricia A., 1007 Grand, Ward 1 - term to expire 11/1/08

Schepers, James D., 4009 Beach Pointe, Ward 5 - term to expire 11/1/08

INTERNET CITIZENS ADVISORY GROUP

Barnes, Eugene A., 3511 Rutledge, Ward 3 - term to expire 10/15/08

Sapp, Elena J., 2013 Oak Point, Ward 4 - term to expire 10/15/08

MAYOR'S COMMITTEE ON PHYSICAL FITNESS

Donelson, Tery L., 3201 Kunlun - Ward 4

SUBSTANCE ABUSE ADVISORY COMMISSION

Mulkey, Carrie M., P.O. Box 1664, Ward 2 - term to expire 10/31/08

Vinson, Daniel C., 2604 Hillshire, Ward 4 - term to expire 10/31/08

Yoakum, Michael S., 4802 Thornbrook Ridge, Ward 5 - term to expire 10/31/08

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Janku reported a call from a constituent concerned about the lack of progress on the Business Loop sidewalk. He understood we were in the acquisition stage and had discussions with MoDOT about improving the pedestrian crossing at Garth and the Business Loop. If we could not get the type of crossing Public Works recommended, he stated he wanted to see a

countdown timer there.

Mr. Janku made the motion that staff be directed to report back with a time line on the Business Loop sidewalk project and on the pedestrian crossing issue. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

In regards to the tax bill issue earlier, Mr. Janku thought a report was needed. He wondered if that was just a sidewalk issue or if it applied to other street improvements as well.

Mr. Janku made the motion that staff be directed to report back on the tax billing notice situation that was discussed earlier with suggestions of how to better address the issue.

Mr. Ash felt the main thing was to flag these kinds of things as early as possible in the title search process.

Mr. Hutton asked if Mr. Janku's motion included doing anything about Mr. Wong's situation. Mr. Janku stated he would include that as part of the motion as a separate report.

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

Mr. Janku remembered Mr. Boeckmann mentioned looking at our zoning enforcement provisions earlier. Mr. Ash asked if that was related to the Wal-mart issue. Mr. Janku replied yes, but he wanted this review in general.

Mr. Ash stated he would like to see some kind of simplified fine structure discussed, so it would be more clear as to who enforced what and what the penalties were if it was not followed.

Mr. Janku made the motion that staff be directed to report back on the zoning enforcement provisions. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mr. Ash asked that staff avoid using small fonts. He noted that B395-05 and B396-05 were both difficult to read because of the small print. He stated he preferred multiple pages to small fonts.

Mr. Hutton noted three or four lots designated as "not for development" on the Bellwood Plat. He did not think they could be developed anyway because of the terrain, but asked if it could be a policy for when Planning received a replat that they also be required to bring the original plat to the Council. Mr. Janku was concerned that one of the lots might be a four-lane road. He stated he would hate to have a property owner come back to them, whose house backed up to it, saying the plat designated it as "not for development". He thought it might need clarification before the next meeting. Mr. Loveless suggested a conservation easement. Mayor Hindman felt that would imply no four-lane road also. Mr. Janku did not think they wanted a conservation easement on that stretch, but wanted to preserve it for the roadway. Mr. Hutton thought that was a separate issue from what he was saying. He noted that Mr. Boeckmann had pointed out several times that they did not have any protection if someone said "not for development" on a plat and then a year later they came in, replatted and took it off. Mayor Hindman understood a conservation easement was a fairly simple way of handling that issue. Mr. Boeckmann replied that was true, unless they said no because they did not want to give the City an easement. Mayor Hindman assumed they would not have to approve the plat in that case. Mr. Boeckmann stated they would if it met all of the ordinance requirements, but in that case, he thought they could require the developer to take that note off of the plat.

Mr. Hutton made the motion that staff be directed to report back on some way to handle situations like this.

Mr. Janku thought that motion had already been made. Mr. Teddy did not think there had been a request on that topic, but stated they would be glad to do it. Regarding the four lots shown as "not for development", Mr. Teddy stated there was also a note on the plat indicating that in all cases, those went to the homeowner association. In that particular subdivision

example, he thought they just needed something that compelled them to follow through when they recorded the plat to make sure it became common property. Mr. Janku asked about the road issue. Mr. Teddy stated there was a note on the right-of-way indicating there was a possibility, on the edge of the property, it could be used for grading for a Scott Boulevard extension.

The motion, made by Mr. Hutton to report back on the issue, was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman made the motion that the Council hold a closed meeting on October 24, 2005, at 5:30 p.m., in the fourth floor conference room of City Hall to discuss pending litigation, the purchase of real estate and personnel matters and that the meeting be closed as authorized by Section 610.021 (1), (2) and (3) RSMo. The motion was seconded by Mr. Janku with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Motion passed.

The meeting adjourned at 10:11 p.m.

Respectfully submitted,

Sheela Amin
City Clerk