

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JANUARY 2, 2007

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, January 2, 2007, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON and JANKU were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of December 18, 2006 were approved unanimously by voice vote on a motion by Mr. Loveless and a second by Mr. Janku.

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

None.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B386-06 Amending Chapter 27 of the City Code as it relates to electric connection fees.

Mayor Hindman stated he understood staff was requesting this item be withdrawn.

Mr. Watkins explained they had dealt with this issue for the last six months. They initially proposed a fee of \$250 per new household, but after discussions with the development community, they were moving toward something structured substantially different than the flat \$250 fee initially proposed. He thought it would be easier to withdraw this bill, finish discussions with the community and bring something new to the Council in February.

Mr. Janku made the motion to withdraw B386-06. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

B494-06 Voluntary annexation of property located on the south side of Old Mill Creek Road and on the east side of State Route KK (4820 Old Mill Creek Road); establishing permanent R-1 and R-2 zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this involved the voluntary annexation of approximately 71.5 acres in southwest Columbia. The request was for primarily R-1 zoning with a small piece of R-2 zoning. The Planning & Zoning Commission recommended approval of the request. Mr. Teddy

noted Tract B on the location map was the proposed R-2 and was just over 3.5 acres. Tract A, which was the remainder of the property, was proposed to be R-1.

Mayor Hindman opened the public hearing.

Ron Shy, 5600 South Highway KK, stated he was available to answer questions.

Glen Strothmann, a managing member of Delta Springs Developments, the owner of the property, stated he was also available to answer any questions.

Mr. Janku understood the layout was described as being different. Mr. Strothmann explained the R-2 island of zoning, which was on the south side of the creek, was designed and intended for upscale single-family attached structures. This allowed flexibility as they moved around within that piece. He noted the vision of the project was an upscale planned development with a lot of conservation and the entire north side of the tract was intended to be at a natural state.

Mr. Janku asked if they would be asking for variances on the plat. Mr. Strothmann replied not to his knowledge and added that they had tried to follow staff recommendations to this point.

Ms. Hoppe asked how much of a buffer would be there because it appeared the R-2 was close to Mill Creek. Mr. Strothmann replied he thought they would be in compliance with the new stream buffer ordinance.

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

Mr. Janku understood if they approved the zoning and a plat was submitted later, the area between the creek and Mill Creek would be an open undeveloped space. Mr. Teddy replied they were reviewing a preliminary plat, which would soon come to Council, and it indicated a common lot around Mill Creek with a lot of open space, especially between Mill Creek and the road, and a street system to explain the shape of the proposed R-2. They anticipated a total of five buildings or ten dwelling units on the R-2 tract. The R-1 involved a range of lot sizes, from typical to estate size lots.

Mr. Janku understood if they did not ask for a variance, they would be required to put a sidewalk in along Mill Creek even though it was an unimproved street. Mr. Teddy stated the initial application had a subdivision regulation variance for sidewalk, but also proposed a path system in lieu of a conventional sidewalk.

The vote on B494-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B495-06 Voluntary annexation of property located west of Georgetown Subdivision and north of Westcliff Subdivision; establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Watkins noted an amendment sheet dealing with the trail issue and stated he thought it provided the appropriate easement for a Perche Creek trail at a future time. He explained this involved the voluntary annexation of approximately 31.5 acres in west Columbia. The Planning & Zoning Commission recommended approval of R-1 as permanent City zoning. He pointed out Boone County Public Works had expressed some concern regarding the impacts of future development on Boone County maintained local streets, especially by the temporary construction traffic. This would not be an issue until they looked at the street system during the

plat review. It was anticipated that a combination of City and County streets would be needed for access. Mr. Teddy noted Mr. Overton delivered signed copies of the trail easement agreement just prior to the meeting.

Mayor Hindman opened the public hearing.

Chris Sander, Crockett Engineering, 2608 N. Stadium Boulevard, stated he and Mr. Overton, the Vice President of Mill Creek Manor, were available to answer questions.

Ms. Nauser understood access would be through Fort Sumter Court and asked for clarification regarding which road would lead to the access of this property. Mr. Sander explained there were two cul-de-sacs on the west side of Georgetown Subdivision and the southern one was Fort Sumter Court. The street coming in from the north side out of Quail Creek West and three other points of access would be utilized. Due to the terrain, connecting streets throughout was not doable. He stated they anticipated streets coming in from the north. The preliminary plat for West Cliff Subdivision, which was to the south, showed a street stubbed to the north and they would be tying onto that. He believed they would only have one lot fronting onto Fort Sumter Court and would not be extending that street.

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

Mr. Janku made the motion to amend B495-06 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on B495-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B496-06 Rezoning property located on the northeast corner of Brown School Road and Derby Ridge Drive from PUD-10 to PUD-10.2.

The bill was given second reading by the Clerk.

Mr. Watkins explained this rezoning proposal of about 9.88 acres would adjust the allowed density from 10.0 to 10.2 to allow for an even 100 units. The Planning & Zoning Commission recommended approval.

Mayor Hindman opened the public hearing

Jay Gebhardt, a civil engineer with A Civil Group, 1123 Wilkes Boulevard, stated he was available to answer questions.

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

The vote on B496-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B497-06 Rezoning property located on the west side of Rock Quarry Road, north of Rolling Rock Road from A-1 to PUD-3.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would allow the construction of 32 two, three and four unit structures on approximately 10.9 acres in south Columbia. The Planning & Zoning Commission voted 4/2 to recommend denial of the proposed rezoning. In review of the minutes, a majority of the Commissioners were of the opinion that the proposed density was excessive for the site and that additional restrictions, such as limiting dwelling unit type to single family, were needed for

this stretch of Rock Quarry Road. Seven individuals spoke in opposition and based upon the minutes, the citizens and some Commissioners cited access difficulties, the lack of a site plan, environmental concerns and the intent of the Rock Quarry Road Special Area Plan as reason for concern. Mr. Teddy noted the PUD-3 designation and its conformance with the plan was an item of controversy at the public hearing.

Mayor Hindman stated they received a written request from the proponents to table this item.

Mayor Hindman opened the public hearing.

Julie Youmans, 2101 S. Rock Quarry Road, President of the Neighborhood Association, stated the PUD-3 was a controversial issue. They did not believe it was a PUD-3 and therefore questioned the purpose of tabling the item. She explained this was not a conventional piece of property. The topography was long and narrow with an end acreage dropping off into a rocky gully that could not be developed and was partially designated as green space in the Special Area Plan. It had been acknowledged as sensitive and was reflected by the Special Area Plan process many stakeholders participated in to find a different vision for developing that area of town. It fronted on Rock Quarry Road, which was protected by a scenic road ordinance. She stated she did not feel PUD-3 answered the vision in the Special Area Plan and did not believe that would change by waiting a month. They had not been provided details in terms of density and stormwater runoff into the Hinkson Creek. She noted the adjoining land had been rezoned for PUD-3, but that was a decision a lot of people wished they could redo because it had not turned out the way it had been discussed. The density was higher than implied because the tracts turned into student districts. She asked the Council to vote the proposal down.

Jan Pritchard, 3505 Rock Quarry Road, stated she felt it was incumbent upon the developer to show the Council why this should be changed. He was in attendance and could provide his reasons. She did not believe waiting another month would change the facts. She commented that if there was any doubt it should not be changed, she thought there was no reason to not go ahead and vote tonight.

Ron Shy, 5600 Highway KK, stated they were requesting postponement until February because one of the proponents, who would be testifying, was unavailable tonight and because he did not realize a protest petition had been filed until today.

Mayor Hindman understood the argument was that this was not suitable for PUD-3, so there was nothing that could be done to change that issue. Mr. Shy stated at the Planning & Zoning Commission meeting, there was discussion and testimony regarding the original overlay of the PUD-3 ordinance in that area. They had planned to testify as to the conditions surrounding that issue, but were not prepared to do so tonight.

Ms. Hoppe understood they were not requesting this be tabled because they were willing to come back with something different than PUD-3. Mr. Shy stated that was not his decision.

Glen Strothmann, the developer, stated they were requesting the tabling of this issue because of the protest petition they just became aware of today. As a result, he felt they would have to be more thorough in their discussions and wanted that opportunity since they would need five affirmative votes instead of four. Due to the extra burden put upon them, they wanted time to regroup and discuss what they wanted to do with the project. He noted staff's interpretation of the PUD-3 was that it was appropriate. They were not asking for any more or less than what the City ruled on about four years ago when the overlay district was done. They

wanted to set the development on a particular part of the tract and leave the other part of the tract untouched. He felt that was the nature of a PUD and thought it was in conformance with what the City had requested. He stated they wanted to meet with the neighbors again to explain what they were going to do in terms of the plat.

Ms. Hoppe understood the petition had been filed timely and commented that she had learned about it Friday by going on the City's website while she was out of town. Mr. Strothmann replied the protest petition was one of the issues, but they also recognized they had to get the plat farther along to answer the questions being asked. He stated he wished the Planning & Zoning Commission and the City Council would act only upon the matter of zoning, but that was not happening. In the Planning & Zoning Commission meeting minutes, it was noted they wished they could approve it, but without the plat and the plan, they could not do that. He stated he was confused as to whether they were supposed to be showing them a plat when they requested the rezoning or whether they should simply be requesting the zoning because many of the questions, such as site distance and street construction, involved issues handled in the plat. He noted a PUD-3 had the same density as an R-1. He also felt the applicant should be notified of a protest petition instead of having to continually check on-line.

Vicky Riback Wilson, 3201 Blackberry Lane, clarified there had been no talk about wanting to see a plat. The protest petition was filed based on what they believed to be inappropriate zoning. The Council was being asked only to vote on whether to table the request for the zoning. If the zoning was inappropriate and did not conform to the Rock Quarry Road Plan, which was unique and a result of a great deal of citizen participation, she thought they should not table it because their decision tonight was whether the zoning was appropriate. She noted that if they defeated the zoning request, the owner could come back with a more appropriate request, and they would then have plenty of time to negotiate while it went through the process.

Mr. Janku asked when the applicant was notified of the protest petition. Mr. Teddy replied he did not know and explained that when a petition came in, they took some time to verify it and to prepare the map exhibit.

Mr. Hutton made the motion to table B497-06 to the February 5, 2007 Council meeting. The motion was seconded by Ms. Nausser.

Mayor Hindman thought both sides made interesting points. He noted there was a good question as to whether PUD-3 was appropriate and understood it might be appropriate with proper planning. There were arguments indicating they should deal strictly with the zoning request without looking at the plat. He noted the zoning was the most important decision made because after receiving zoning, they could keep coming back with plats. He thought they should allow it to be tabled.

Ms. Hoppe stated she thought the argument was that PUD-3, regardless of what they came up with, was not in the spirit or the letter of the Special Area Plan, and therefore, the developer should have been prepared to make his case for PUD-3 zoning tonight.

Mr. Hutton noted he made the motion to table this item, not because he was necessarily in support of the ordinance, but due to procedure. He commented that it was the property owner's proposal before them and he was requesting it be tabled. He also noted that when they tabled proposals, they rarely came back the same way. They were generally tabled to make them more palatable.

Ms. Nauser stated due to the holidays, she did not feel they had sufficient notice to change the proposal or strengthen their argument. She thought it was only fair to allow them to table it.

The motion, made by Mr. Hutton and seconded by Ms. Nauser, to table B497-06 to the February 5, 2007 Council meeting was approved by voice vote with only Ms. Hoppe and Ms. Crayton voting no.

There being no further comment, Mayor Hindman continued the public hearing to the February 5, 2007 Council meeting.

B498-06 Rezoning property located generally in the south-central portion of the property located on the north side of State Route WW and east of Cedar Grove Boulevard from R-1 and PUD-10 to C-P.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would allow an expansion of the existing C-P zoning to accommodate the golf course clubhouse and associated uses, such as a pro-shop and locker rooms. The Planning & Zoning Commission recommended approval of the proposed rezoning.

Mayor Hindman opened the public hearing

Don Stamper, 2604 N. Stadium Boulevard, stated he was speaking on behalf of Old Hawthorne Development, LLC and commented that when they originally zoned this property, they knew some adjustment would be required. They found they had more building than acreage to support the clubhouse, so this was a modification to create more C-P space to allow the clubhouse and locker rooms to fall within that C-P space.

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

The vote on B498-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B499-06 Approving the Missouri Cotton Exchange C-P Development Plan; approving a revised statement of intent.

The bill was given second reading by the Clerk.

Mr. Watkins stated this involved the Missouri Cotton Exchange development and would allow expansion of the building from 10,000 to 10,500 square feet. The Planning & Zoning Commission recommended approval of the development plan and the revised statement of intent.

Mr. Janku wondered how this happened and asked if the architect failed to read the statement of intent as indicated in the Planning & Zoning Commission minutes. Mr. Teddy replied they designed a building that was more than 10,400 square feet and by procedure they had to amend the statement of intent. They were doing it concurrent with the development plan. He thought it was just the applicant's statement on why they were changing the building size. Staff did not feel it was a significant issue because they were still able to fit everything on the site.

Mayor Hindman opened the public hearing.

Jay Gebhardt, A Civil Group, 1123 Wilkes Boulevard, stated the 10,000 square foot size was determined by him and the applicant before the architect was engaged. The architect was not assigned to the project until after zoning was approved, but the area for the building had to

be determined before zoning was approved. They used what they thought the owner needed, but when the owner worked out the final plans with the architect, it turned out to be 400 square feet over what they thought they needed. He noted the owner was able to incorporate a bigger building on the site for the money he had budgeted. They did not feel it was a significant change to the statement of intent. He stated he jokingly made the comment regarding the architect at the Planning & Zoning meeting.

Ms. Hoppe asked if it still had 29 percent open space. Mr. Gebhardt replied yes. Ms. Hoppe asked if there were any adjustments for the additional impervious surface or additional stormwater controls. Mr. Gebhardt replied no. He explained it had 29 percent landscaping and since the minimum was 15 percent, they had extra. In regard to stormwater, it had such a minimal impact that there was no way to address it on the stormwater plan. He noted it was only a 20 x 20 area and was part of the building.

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

Mr. Janku stated he was concerned by the description of how this occurred because the statement of intent for a planned development was the guideline and parameter for development and was the reason they did not require the plan at the time of zoning. The altering of a statement of intent could make it significantly different. He noted they had negotiated and had significant discussions regarding square footage in some instances, so it concerned him that people might not be paying attention to the statement of intent. He commented that the statement of intent was an important, legally binding document and he thought it needed to be realistic when adopted.

The vote on B499-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B500-06 Amending Chapter 12A, Chapter 25 and Chapter 29 of the City Code to establish stream buffer requirements.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposed ordinance would add a stream buffer requirement to the City's land preservation ordinance. It was an outgrowth of the Boone County/Columbia Stormwater Task Force that first began its work in 2002. He pointed out Boone County was proposing to adopt similar regulations to help meet the new federal stormwater requirements. He noted a stream buffer was a regulatory zone and that it did not take property away. The proposed ordinance would require the zone to be 30-100 feet from the top of the stream bank depending upon the type of stream. Mr. Teddy stated the Planning & Zoning Commission held a hearing after conducting a work session to study the proposed amendment and recommended approval of the ordinance with one modification. They recommended the method of measurement of the buffer be changed from the centerline of type II and III streams to the top of the stream bank. Some housekeeping amendments to the subdivision regulations and the zoning ordinance to require individuals preparing plats and plans to show the stream buffer locations were also included. Mr. Boeckmann stated the changes in the zoning code were included in the bill before the Council, but the measurements from the stream banks were not, so if they wanted to follow the recommendation from the Planning & Zoning Commission, they would need to offer an amendment.

Mayor Hindman asked for clarification. Mr. Boeckmann replied it was normally a request from a property owner that went through the Planning & Zoning Commission and whatever the owner wanted was included in the ordinance. If he was willing to accept changes from the Planning and Zoning Commission, the bill was introduced with those changes. The feeling was that the applicant had the right to have whatever he wanted in the bill and the Council could vote it down if they chose. In this case, there were two bodies involved. One was the Stormwater Task Force and the other was the Planning & Zoning Commission, so it was a question of which one to follow. It was either presenting to the Council what the Planning and Zoning Commission recommended or what the Task Force recommended. Since the Task Force had spent more time on it, he decided to include what the Task Force recommended and was pointing it out, so they could amend it if they chose.

Mr. Hutton asked if the widths were the same, but only measured from the centerline, or if the widths were changed also. Mr. Boeckmann replied it depended upon the type of waterway. It was measured from the outer wet edge of the channel for type I waterways and the centerline for type II and type III waterways. He stated the motion would be to change the language in Section 12A-236(b) by deleting “for type I waterways and centerline for type II and type III waterways” and changing the language in Section 12A-237(a) by deleting “or centerline of channel.” With those changes, it would be measured from the outer wet edge regardless to the type of waterway.

Mayor Hindman made the motion to amend B500-06 by changing the language in Section 12A-236(b) by deleting “for type I waterways and centerline for type II and type III waterways” and changing the language in Section 12A-237(a) by deleting “or centerline of channel.” The motion was seconded by Ms. Hoppe.

Mr. Loveless asked if they changed outer wet edge in 12A-236(b) to the top of the stream bank. Mr. Boeckmann replied he used the language from the Task Force, “outer wet edge of the channel,” which he believed was the bank. Mr. Loveless understood that was in the ordinance as presented. Mr. Boeckmann replied yes. Mayor Hindman clarified it was for type I, but not for type II or III.

Mr. Janku commented that type I, II and III streams were defined and asked if the amendment should refer to streams instead of waterways. Mr. Glascock replied waterway was a more inclusive term because it included manmade or natural. Streams involving type I, type II and type III were more of a definition of what they were looking at on a USGS map. Mr. Teddy explained a type I stream involved the largest type of buffer and referred to a perennial stream. Type II and type III streams were intermittent or femoral streams that might not have a continuous flow all year long. He noted there was a provision allowing the buffer to be wider in cases of steep slopes, which were defined as slopes exceeding 15 percent gradient. It would add 25 feet, if it was a 15-25 percent slope. If the slope was extremely steep, i.e. over 25 percent, it would add 50 feet to the buffer because the erosion risk was more severe. He pointed out there was a table that summarized the uses allowed within the streamside zone and outer zone buffers. For a type 1 stream, there was a total buffer width of 100 feet with 50 feet being streamside and 50 feet being outer zone.

Mr. Hutton asked for an explanation regarding the difference between the streamside zone and the outer zone. He understood in a type 1 stream, they would have a 100 foot buffer from the edge of the waterway and the first 50 feet would be considered the streamside zone

and the next 50 feet would be considered the outer zone. Mr. Teddy replied that was correct and stated the streamside was the portion nearest the stream and the outer zone was measured from the outer edge of the streamside zone. This occurred on each side of the stream. For creeks such as the Grindstone and Hinkson Creeks, there would be a total buffer width of at least 200 feet.

Mr. Teddy noted there were some additional land use restrictions, such as the storage and use of hazardous substances, drain fields from on-site sewage disposal and treatment systems, which warranted a greater setback from the stream than the ordinary buffer required.

Ms. Hoppe asked for clarification regarding the exceptions. Mr. Teddy replied this applied to all land in the City with four exceptions. He noted land used for farming activities that were covered by an approved Natural Resources Conservation Service (NRCS) conservation plan that included the application of Best Management Practices (BMP's) and land included in a recorded plat before the effective date of the ordinance were exceptions. Ms. Hoppe asked for an example. She wondered if it would apply to an existing residence. Mr. Teddy replied there would not be a regulatory buffer if it was a platted lot or platted subdivision of record. Other exceptions included a portion of land for which a valid, unexpired building permit had been issued or for which the application for a building permit was pending on the effective date of the ordinance and land used for surface mining operations that was operating in compliance with a state-approved surface mining permit. He noted a civil engineer that worked with the City asked that some consideration be given to preliminary plats since those vested a design of a project and because it was conceivable to have some approved preliminary plats where structures had been allowed to be within some part of the buffer.

Mr. Janku noted Section 12A-237(b) and asked what would be a reason for decreasing the outer zone of the stream buffer. Mr. Glascock replied they discussed using buffer averaging for locations where it jetted in and out. Mr. Loveless thought a good example was in Chapel Hills Estate where there was a 50 foot limestone bluff on one side. They could build up to the edge of the bluff without significantly causing any harm to the stream since it was a limestone bluff. By ordinance, they would have to be setback 100 feet and he did not think it was applicable in that case. Streamside averaging would allow them to move closer to the edge of the bluff. He agreed there needed to be some flexibility. Mr. Janku agreed as long as the streamside zone was not narrowed by the area. Ms. Hoppe wondered if they should have specified criteria for deviation. She noted she would feel more comfortable with criteria indicating when averaging should be allowed.

Mayor Hindman commented that Section 12A-237(e)(3) referred to "gravel and stone paths and recreation trails" and he wanted to change that to "paths and recreations trails." Mr. Loveless understood he wanted to eliminate the surfacing material aspect of it. Mayor Hindman replied that was correct.

Mayor Hindman made the motion to amend B500-06 by changing the language in Section 12A-237(e)(3) by deleting "gravel and stone" so it would read "paths and recreation trails." The motion was seconded by Mr. Hutton.

Mr. Janku noted the ordinance provided for temporary markers, but not permanent markers. He thought this was a concern because the owners of lots abutting the creek might

not know where the buffer began and ended, so they would use it as their own. He thought there needed to be a way to let people know.

Ms. Nauser stated she thought they should add approved preliminary plats to the exemptions in Section 12A-232 because people could have approved preliminary plats outlining utilities, etc. She noted she was also considering deleting managed lawns in the outer zone because she wanted to see the outer zone left in its natural vegetative state.

Mr. Janku understood another issue was whether or not to change from a 50 acre point to a 25 acre point.

Ms. Hoppe understood there was discussion at the Planning & Zoning Commission meeting about the amount of utilities that would be allowed in the streamside zone and asked for clarification. Mr. Glascock replied if they were not allowed to put the sewer at the lowest point, they would be pumping and would not have gravity flow, so it would cost more to maintain. Ms. Hoppe understood it would primarily be sewers. Mr. Glascock replied that was where they liked to place the sewers. Ms. Hoppe asked if it would involve other utilities. Mr. Glascock could not think of any others required to be that low. Mr. Janku stated if a bridge or street was crossing a creek, utility lines might go above it and poles might be needed. Mr. Glascock agreed and stated crossings were allowed in the ordinance. Ms. Hoppe asked what protections the City took in terms of protecting the stream while the sewer was being placed. Mr. Glascock replied they followed State law, so they had to protect the stream with erosion control fabric, detention basins or whatever it took. They were allowed to cross the stream at certain points to put in crossings, but when finished, they had to restore it. Ms. Hoppe asked when putting in the crossings, if they took provisions so soil was not released downstream. Mr. Glascock replied yes. Ms. Hoppe noted she would like to see what other communities did to ensure the highest protection to the streams. Mr. Glascock commented that if they did not have to be there, they would not be there because they did not want to be in the stream either. Mr. Janku stated another example of a utility that had to cross a creek was the 36-inch water line coming out of the McBaine Water Treatment Plant.

Mayor Hindman opened the public hearing.

Scott Hamilton, 1110 S. College Avenue, stated he was an urban conservationist with Show Me Clean Streams and that the stream ordinance, which was long overdue, was a good thing for Columbia. He felt this ordinance would protect future homeowners from poorly sited houses located too close to the creeks. There were numerous homes with stormwater problems, which began after development occurred upstream. The buffer ordinance would protect homeowners from an uncertain future and save taxpayer's money since floodproofing measures would not need to be taken as often by the City. He noted this ordinance was identical to the one in Topeka, Kansas and both had flaws. He commented that one flaw was to allow lawns within the buffer. Lawns added to pollution with the various lawn chemicals that were added to keep them weed free and green. In addition, they did not stop water pollution and did little for erosion control or water quality. They would lessen the buffer to about one car length on the smallest streams. Another issue was allowing utility lines within the streamside buffer. The installation of utility lines and pipes meant tearing out the buffer they were trying to protect. He did not think it made sense to have utilities so close to the stream. He felt having a sewer line close to the stream was asking for trouble when it came time to maintaining the line or when the system failed so close to the stream. He noted he was just asking to keep the

sewer lines out of the streamside zone and did not believe they should have any structures lower than the streamside zone. He pointed out pumping would not be an issue if they were kept to the outer zone. He asked Council to pass this ordinance while looking at a couple of amendments to protect the stream and the homeowners.

Mr. Janku asked for his comments regarding the proposed amendment recommended by the Planning & Zoning Commission. Mr. Hamilton understood the measurement for type I was the outer wet edge, which was different than the measurement for type II and III. He understood with the amendment passed they were trying to get consistency, which would be from the top of the bank in all cases. He thought the amendment passed was only applicable to types II and III, so the type I measurement was still different. Mr. Janku stated he thought they were trying to be consistent by using the outer wet edge for the measurement for all three. Mr. Hamilton stated he was going for consistency and it being measured from the top of bank, so it would be easier from a regulatory standpoint. He stated he also preferred the ordinary high water, which was a federal regulation and something developers and others were familiar with.

Mr. Janku asked if there was a minimum he preferred in respect to the lawn issue or if 25 or 15 was sufficient. Mr. Hamilton replied that depending on what one read and the geographical region, most people thought a 50 foot buffer on a type III stream was appropriate and by buffer, they meant woody vegetation. He stated he would like to see lawns eliminated and that would provide a 30 foot buffer on the smallest stream.

Mayor Hindman asked for clarification regarding his comment about measuring from the ordinary high water mark. Mr. Hamilton replied the ordinary high water mark was used by the Corp of Engineers when doing 401 and 404 permitting and was generally the top of bank. When looking at a stream, one side would have a noticeable vertical bank on the outer edge and the opposite bank would be a gravel bar. This made the top of the bank more subjective. The Corp of Engineers looked at morphological things, such as the absence of vegetation, litter line and noticeable shelving, to define the ordinary high water mark. Mayor Hindman understood it was a definition issue and would not have a practical difference. Mr. Hamilton replied, generally speaking, it would not have a practical difference. On the outer bank of a meander, they would have a defined top of bank. The inner side of smaller streams involved a gray area because there would be a gentle slope, generally speaking. He understood the first drafts included the ordinary high water mark, but were subsequently taken out and he was not sure why. Ms. Hoppe clarified that the ordinary high water mark would be a more useful definition where the banks were sloped and there was not a clear top of stream. Mr. Hamilton replied that was correct.

Ms. Hoppe asked for his thoughts on managed lawns if they did not allow the use of pesticides. Mr. Hamilton replied lawns were a problem for a couple reasons. One was because people tended to add pesticides, herbicides and fertilizer to them. If they made an amendment indicating no chemical additives would be allowed within the buffer, it might help things, but would be hard to enforce. The root zone for a typical lawn was 2-3 inches and one of the goals of the buffer was to provide stability for erosion. He noted a lawn did not have that tensile strength in its root system that trees or native vegetation did.

Jeanine Pagan, 701 Bluff Dale, stated she felt the stream buffer was a good thing, but wondered if it went far enough. She referred to pages 6 and 7 and noted it was allowing quite a few things, such as roads, bridges, utilities, trails, clearing by the City, etc. When linking this to

the draft version of PedNet project, one portion just north of Stadium and Grindstone Park involved an area of the Hinkson Creek where there might be three bridge crossings. Currently, that area would be a perfect buffer because there was nothing but natural vegetation and the City's main line trunk sewer. She was concerned because the PedNet draft project showed a bike lane and a multi-use path going through there along with three creek crossings. She stated she wanted to see more in regard to the spirit of the buffer, so the City could not fill and dump. She commented that Flat Branch was a nice, but was not buffer and she did not want the Hinkson to die like Flat Branch.

Scott Boney, 1907 Hillcrest Drive, Missouri Department of Conservation, stated he echoed Scott Hamilton's comments about the stream buffer ordinance. He noted he had talked to a lot of individuals with homes too close to the stream where the stream encroached into their home or they had problems with flood damage. He thought the stream buffer ordinance would help with that problem. He stated he did not have a problem with paths going through the stream buffer, but noted if they used more impermeable surfaces, such as concrete and asphalt, it would cause more runoff into the streams. He understood the reason "gravel and stone" was included was to get more rain water to filter into the ground. He noted he also wanted to see the ordinary high water mark be the standard for measuring those distances because it was consistent in Missouri and in other states.

Mike Holden, 1207 W. Broadway, stated he was a member of the City's Planning and Zoning Commission and noted the reason the Commission voted to have the measurement for type II and III streams from the side of the bank rather than the centerline of the bank was due to the difficulty in locating the centerline of the stream. He noted type III streams were not located on USGS maps. An engineer would have to identify them. He could not comment on the high water mark versus the wet edge, but noted most the Commission felt the measurement should be the same for all three types of streams. He stated this ordinance mirrored the one in Topeka, Kansas, but another community they looked at in regard to using buffers for water quality was Silverthorne, Colorado. They encouraged development to use BMP's and allowed them to shrink the buffer, if they employed BMP's to filter run off. He commented they did not have a chance to make recommendations to put those kinds of things in this ordinance and felt this ordinance would need to be reviewed next year. He stated he was supportive of the ordinance with the change regarding the measurement from the creek, wanted to see it enacted as soon as possible, and wanted it to be reviewed in about a year to address some of the changes discussed.

Dorothy Kyger, 611 Bluff Dale, stated she had lived on the Hinkson for almost 40 years and had seen the intensity of the water and what it had done to the creek. She commented that her concern was in regard to how much control she would have over her property. She believed this was meant for the development of new lots, but thought she understood someone stated there would be changes. She questioned if it would include all property along the Hinkson in the future. She stated she did not want to see land erosion or her trees in the creek, but wondered if this would inhibit her in her use of her land. She commented that a 100 foot buffer would go to her back door. She questioned what "subsequent use" referred to in the ordinance. Mr. Boeckmann stated in regard to her question about the future, no one could answer that. Currently, it would not apply to existing property. He noted one of the exceptions was land included in a recorded plat approved before today, so assuming the property was a platted lot, it

would not apply to that property. Ms. Kyger asked what happened if she sold the property. Mr. Boeckmann replied that did not make a difference because the land was subdivided. Under the ordinance, as it was written, it would not apply to her property. Ms. Kyger stated she would apply all these practices, but understood the City had the right to build paths. She noted, at one time, the City was going to put a trail in this location. She thought that was against the good principles of disturbing the soil. Mayor Hindman asked if she was concerned about the trail going on her property. Ms. Kyger replied yes. Mayor Hindman stated that was not possible without condemnation of the property. Ms. Kyger indicated it was a good plan for someone in 1995 until it was decided it was not appropriate. Mayor Hindman pointed out this ordinance did not enable a trail to go through her property. Ms. Kyger stated she wanted to be assured that could not happen. Mr. Hutton noted she could not be assured since there was a new Council every year.

Sutu Forte stated she walked along the Hinkson Creek from 627 Bluff Dale to where the creek met Stadium Boulevard. She commented that she had seen the erosion of the creek and noted sewer lines had to be rescued with boulders since the creek was getting wider. She stated they were losing their back yards. She pointed out she was excited about the buffer plan, but was opposed to any kind of trail along the creek on either side. She thought it was the one remaining natural sanctuary left in Columbia and wanted it to remain that way.

Dee Dokken, 804 Again Street, stated she was concerned about trails being placed next to the creek because she felt it detracted from the buffer. If the City wanted to put trails in the streamside zone, she thought they needed to expand the buffer. She was also concerned with the City being exempt on so much. She understood the exemption for sewers, but thought if the Parks & Recreation Department was planning something, they should go through the same scrutiny and criteria as developers.

Jeff Barrow, 1007 Coats Street, stated he worked on this issue as a member of the Task Force and the Planning & Zoning Commission and thought the stream buffer ordinance was good thing. In 2004, there were six uncertain items and three had been addressed. Those not addressed involved the location of City and subdivision utilities, lawns and the classification. They moved it forward with a 50 acre point, but there was a lot of disagreement on whether that was adequate and whether there would streams that would fall through the cracks. He suggested the Council address these issues at a work session prior to voting on the issue. He pointed out the County was waiting to see what action the City took, so the two ordinances would be as close as possible, and felt the decision would have an effect throughout the entire County. He thought it might have an effect throughout the State as well, since only Independence, Missouri had adopted a similar ordinance.

Ms. Hoppe understood Mr. Barrow thought they should take additional time to look at the ordinance since it would be a model for other communities rather than passing it at a lower standard and revising it later because it could have bad implications for Columbia and other communities. Since they had waited so long and because new development was constantly occurring, she thought it would be better to have something in place that could be improved upon later. Mr. Barrow stated he thought they should get the best they could at this time. He thought it could be done within three months and if sent to the Task Force, he felt it could be done within six months.

Steve Kullman, 205 S. Garth, stated he was in support of the motion to allow flexibility in trail options. He did not think it should be limited to gravel and stone. If they wanted the PedNet project to succeed, they needed to have flexibility on the alignment and surfacing of those trails. He noted paved trails were compatible with greenways and necessary for the PedNet project. The hard improvements could also be used to prevent erosion and encourage vegetative growth.

Dave Harr, 1313 Vandiver Drive, stated they requested C-P zoning on a piece of property on Hinkson Creek about a year ago, but did not have it as a recorded plat. He asked them to consider changing the exemption from a recorded plat to a letter of intent that had already been filed. He noted they harvested some wild ground cover that fell within the 100 foot area off of that land and wanted to continue harvesting it. Mayor Hindman asked if he was farming it. Mr. Harr replied they were not farming it, but using it for horticulture purposes. Mr. Loveless asked what they were harvesting. Mr. Harr replied periwinkle. Ms. Hoppe asked if he had a suggestion regarding the wording to allow that. Mr. Harr thought if people came forward saying they were presently using the property in a certain way, they should be exempt. Ms. Hoppe thought they could include horticultural uses. Mayor Hindman pointed out that they might be getting into a big issue in regard to the County.

Tim Turpin, 717 Bluff Dale, stated the Hinkson Creek was in his back yard and noted he agreed with the buffer program. In regard to the issue of unpaved gravel paths and Section 12A-237(g)(2) referring to hard surfaced biking/hiking paths in the outer zone, he thought the purpose of the buffer was to stop runoff from going into the creek. If they allowed a hard surface, they would be allowing that much more impervious surface for runoff directly into the creek. He understood someone indicated it could be used as a buffer or to help with runoff, but felt for every linear foot of paved trail, water would be running off directly into the creek causing a faster flush to the streams in Columbia. He suggested they not vote on the issue tonight. He thought they needed to do a further review. He also suggested they amend it to state it could not be changed or that they could not go back in time. Mayor Hindman stated they could not do that because they could not bind a future Council.

Ben Londeree, 2601 Chapel Wood Terrace, stated he was a member of the Task Force and commented that although he agreed with some of the modifications suggested, he noted they had gone through a process and did not believe it should be sent back to the Task Force. He thought the differences between some of the members of the Task Force were intractable. He felt other forces would need to resolve those differences. He agreed with others in that it was not 100 percent right, but noted it was better than anything they had now. He suggested they review it soon to see if it needed tweaking.

Steve Pagan, 701 Bluff Dale, stated he bought his home 21 years ago because the Hinkson Creek was in the back yard. He disagreed with allowing impermeable surfaces next to the creek due to runoff.

Karl Skala, 5201 Gasconade, stated he agreed with Mr. Londeree's statements in that something was needed. He pointed out a large development was going in near the headwaters of the Hominy Branch. He noted there were a lot of competing interests and thought some of these competing interests required a compromise. He reiterated they needed something soon.

Don Stamper, 2604 N. Stadium Boulevard, Executive Director of the Central Missouri Development Council (CMDCC), asked the Council not to wait on voting on this issue because

they would continue to disagree. He stated the CMDC supported the document as presented and forwarded to the Planning & Zoning Commission. He agreed it was not perfect and would never be perfect. He asked them to avoid making changes to it because many of those issues, such as lawns, had been debated. He noted the lawn issue involved the ability to enforce it. He commented that they had to allow the opportunity for utilities to be in the buffer because the sewer had to go there in most cases. He did not think they should shrink it from the 50 acre down to 25 or 5 acres because it had been debated and discussed. In regard to the surface of trails, he noted pervious concrete was being used in many places. He urged the Council to change the wording of the ordinance to include preliminary plats since it was bond between the public entity and the development application. Another area of concern was the ability to establish detention facilities in the waterways because BMP's could deem that necessary. With the way the ordinance was worded, they would be prohibited from putting the BMP within that waterway. He reiterated that the CMDC was encouraging the Council to accept the ordinance as presented with a couple of adjustments.

Mr. Janku asked for clarification regarding the detention facilities. Mr. Stamper referred to 12A-237 and stated he thought the construction of detention or retention structures should be added to the allowed uses in the streamside zone. He noted one of the obligations of the stormwater utility was to develop regional storm water detention facilities. In addition, if a BMP called for a detention facility, the most economical way to construct the facility would be to utilize some damming or slowing of the water within that waterway area and the language in the ordinance currently prohibited that.

Ms. Hoppe understood he mentioned allowing sewers in both buffer zones and referred to 12A-237(e)(2). She noted Mr. Hamilton mentioned that in many cases, it could be constructed in the outer zone instead of the streamside zone. Mr. Stamper replied he thought they were trying to engineer with a legislative document. He thought those decisions would be made by the engineering process, so they could not be broadcasted across every development. He noted in some cases, developers were doing the right thing. With Old Hawthorne, they had a choice to put the sewer behind the lots, while going through the waterways and destroying the foliage, or to spend the extra money and place them next to the street. Ms. Hoppe asked about including language reading "in the outer zone wherever possible." Mr. Stamper stated he felt that was feel good legislation.

Tim Riley, a streams biologist with the Missouri Department of Conservation, stated he wanted to echo the statements made by Mr. Boney and Mr. Hamilton with respect to streams. In regard to managed lawns, he noted the above ground vegetation for managed lawns did not slow the water down. If they wanted to slow the water down to protect downstream development and erosion, they needed natural vegetation. Lawns did not provide the resistance natural vegetation provided.

Johann Holt, 1108 Pannell Street, stated he was involved with natural landscaping for several years and worked with lawns to prevent stormwater runoff and instill native landscaping and rain gardens. Many of the lawns he worked with were on soil heavily compacted by power equipment, so they could not differentiate the soil from the concrete. He felt they should not allow any managed lawns in this buffer zone due to chemicals, trash, etc, but if they did allow managed lawns in the buffer zone, he thought they needed to require more restrictions and guidelines, such as rain gardens, rain barrels, aeration of soil, native plants, etc.

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

Mayor Hindman stated one of the amendments on the table involved making the measurements consistent. He noted at the time of the amendment, they did not include the ordinary high water mark because they were not aware it. The amendment involved the outer wet edge, so he proposed changing it to the ordinary high water mark. The other amendment involved removing the gravel requirement from paths.

Mayor Hindman commented that he agreed they needed to get something on the books and wondered if they should minimize the amendments and work on this during a special council meeting or work session. He noted they would have to decide on the issues that could not be agreed upon and questioned whether they could give it proper attention tonight.

Mr. Janku stated he wanted to see it passed tonight with any amendments they felt were appropriate. Since there was a lot of development going on and because the Task Force had worked on it for the last four years, he thought they should get as much done as they could tonight.

Mayor Hindman amended his original motion involving Sections 12A-236(b) and 12A-237(a) by replacing “outer water edge” with “ordinary high water mark”. Ms. Hoppe seconded the amended motion.

Mr. Janku asked Mr. Glascock for his thoughts in regard to streams versus waterways. Mr. Glascock replied he thought waterway was the correct term because they might have a manmade waterway requiring a buffer. Mr. Hutton asked if he was okay with using the ordinary high water mark. Mr. Glascock replied ordinary high water mark by his definition was where the vegetation began.

The motion to amend B500-06 by changing the language in Section 12A-236(b) to read “...measured from the ordinary high water mark of the channel during base flows” and in Section 12A-237(a) to read “...and extend away from the ordinary high water mark a distance as shown in Table III...” made and amended by Mayor Hindman and seconded by Ms. Hoppe was approved unanimously by voice vote.

Mayor Hindman stated the other proposed amendment involved Section 12A-237(e)(3) and would remove “gravel and stone” so it read “paths and recreation trails”. He noted there were situations where trails might cross or where there was no other place to put them. Also high waters would wipe out some of the surfaces mentioned. He understood pervious concrete and other things could be used. In addition, in many cases, trails did not have gutters and would have very little impact. He felt, in most cases, trails would not be in this area because of the possibility of flooding, but thought it was an option that should be left available.

Mr. Janku stated he was initially concerned about this change, but then thought about some of the crossings they had that entered into the streamside zone as they went underneath the roadway and at that point, they needed a hard surface due to its contact with water. He thought that was an appropriate situation. In regard to other situations that might not be appropriate, he noted any project that involved public funding had a public hearing, so there would be plenty of opportunity for review. Mayor Hindman stated another example would be the trail that went into the Grasslands where they built a low water bridge.

Ms. Hoppe stated she wanted to see something that indicated trails should be in the outer zone wherever possible and feasible. She suggested amending the motion to state “paths and recreation trails wherever it is not possible or feasible to put them in the outer zone.” She

felt that would accommodate the concern that in some areas it might have to be in the streamside zone. Mayor Hindman stated he would be willing to change it to read “paths and recreation trails (but the use of the outer zone is preferred).” He thought “wherever possible” was pretty strong. Mr. Hutton questioned what defined possible because some might argue the cost would not make it possible.

Mayor Hindman amended his motion involving Section 12A-237(e)(3) to read “paths and recreation trails (but use of the outer zone is preferred).” Mr. Hutton seconded the amended motion.

Ms. Hoppe stated if they had paths and recreation trails in the streamside zone she wanted them to be gravel wherever possible rather than paved because it contradicted the impervious surface concern. Mayor Hindman commented that he preferred to leave it as it was.

The motion to amend B500-06 by changing Section 12A-237(e)(3) to read “paths and recreation trails (but use of the outer zone is preferred)” made and amended by Mayor Hindman and seconded by Mr. Hutton was approved by voice vote with only Ms. Hoppe voting no.

In order to be consistent, Mr. Boeckmann suggested Section 12A-237(g)(2) reading “hard surfaced biking/hiking paths” be removed and the remaining items be renumbered.

Mr. Loveless made the motion to amend B500-06 by deleting Section 12A-237(g)(2) and renumbering the remaining items. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

In order to be consistent, Mr. Boeckmann suggested changing the wording in Table III from type I stream, type II stream and type III stream to type I waterway, type 2 waterway and type 3 waterway.

Mr. Janku made the motion to amend B500-06 by changing the wording in Table III from type I stream, type II stream and type III stream to type 1 waterway, type II waterway and type III waterway under the streamside zone and outer zone categories. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Ms. Nauser made the motion to amend B500-06 by changing Section 12A-232(2) to read “land included in a preliminary or final plat approved before January 2, 2007.” The motion was seconded by Mayor Hindman.

Mr. Hutton asked if that included plats being passed tonight. Mr. Boeckmann replied no. If they wanted to include tonight, they could change the effective date. Mr. Hutton stated he did not think anything approved tonight should be affected by this ordinance. Mayor Hindman noted there was a danger in setting a date beyond today. Mr. Teddy noted they only had final plats tonight, so the preliminary plats were already approved. Since preliminary plats were covered, Mr. Boeckmann did not think they needed to change the date.

The motion to amend B500-06 by changing Section 12A-232(2) to read “land included in a preliminary or final plat approved before January 2, 2007” made by Ms. Nauser and seconded by Mayor Hindman was approved unanimously by voice vote.

Mr. Loveless thought Section 12A-237(f)(5), which referred to subsection (b)(6), should refer to subsection (e)(6). Mr. Hutton agreed noting there was no (b)(6).

Mr. Loveless made the motion to amend B500-06 by changing “(b)(6)” to “(e)(6)” Section 12A-237(f)(5). The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mr. Loveless asked if it was clearly understood the “Director” was the Public Works Director. Mr. Boeckmann replied it was defined in the definitions for the chapter.

Ms. Hoppe stated she wanted to make an amendment in regard to the trails so it was preferred that trails stay out of the streamside zone where possible and if the trail was paved in the buffer zone to require a larger buffer zone. Mr. Janku thought there might be a problem because the buffer would already be established before it was decided to put a trail in the area. Ms. Hoppe understood and decided not to pursue that amendment. Ms. Hoppe made the motion to amend B500-06 by adding a statement reading “trails should be placed in the outer zone rather than the streamside zone wherever possible.” Mayor Hindman thought the issue had been adequately dealt with by the amendment previously passed. The motion made by Ms. Hoppe died due to the lack of a second.

In regard to the issue previously mentioned involving the lack of markers, Mr. Janku suggested changing Section 12A-239 by replacing “temporary” with “permanent” and by inserting “throughout the development activities, the markers shall be joined by marking tape or fencing.” He thought an iron rod, such as one that defined a property line, would be sufficient. Mr. Glascock stated if they were going to allow managed lawns, they would have a sign in their yard. Mr. Janku noted he did not need a sign. It could be a marker such as what was used when surveying. Mr. Glascock questioned how they would ensure they were put in. With a temporary fence, they were trying to keep people out while it was being developed. He noted they did not place markers in other areas, such as the floodplain overlay district. He thought this was similar in that it was an overlay. He stated he would not recommend it. Ms. Nauser asked if the stream buffer would be shown on the plats. Mr. Glascock replied yes. Ms. Nauser did not think it would be any different than utility easements and boundary lines in that it would be up to the individual owner to make note of it and to be in compliance with the plat. Mr. Glascock noted if they drove pins, it might confuse the surveyors in that they might think it was a property corner.

Mayor Hindman pointed out other items mentioned included the periwinkle situation and detention facilities. Mr. Glascock noted Section 12A-237(f), which involved exceptions for the City, included this because anytime they did regional detention, it would be held by the City.

Mayor Hindman stated another issue involved the natural vegetative state. Ms. Nauser commented she had a creek behind her home and had already seen deterioration within the year she lived there due to new development upstream. The function of outer zone was to protect key components of the stream and to filter and slow the velocity of water runoff and she did not think managed lawns met that objective. She also agreed with the comment made by Mayor Hindman regarding looking at some of these issues in detail down the road. She thought it was a good idea to delete managed lawns from the outer zone or to restrict managed lawns to a smaller area, but felt she did not have enough information. She stated she would not make that motion at this time, but wanted to review the other community ordinances mentioned in regard to this issue.

Mr. Janku asked if they wanted to request a staff report or wanted to refer these unresolved issues to the Planning & Zoning Commission. Mr. Loveless noted the Commission already reviewed it. Mayor Hindman thought it was something the Council needed to review and decide. He suggested they ask for a staff report in the comment portion of the meeting.

Mayor Hindman noted other issues mentioned involved a 25 acre point versus a 50 acre point and utilities in the corridor. Mr. Janku stated that language read “utilities where no practical alternative exists” and thought that was a pretty tough standard.

The vote on B500-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B507-06 Authorizing construction of sidewalk improvements on the south side of Business Loop 70 West from I-70 Drive SW to Sexton Road; calling for bids through the purchasing division.

The bill was given second reading by the Clerk.

Mr. Watkins noted this sidewalk project would affect two property owners on the south side of Business Loop 70, U-Haul and Econo Lodge. The proposed plan was to construct a five foot sidewalk and a three foot strip. The estimated cost was \$35,000 and would be funded with the transportation sales tax. Mr. Glascock pointed out they already had the right-of-way for this project and it was being bid through the Purchasing Department.

Mayor Hindman opened the public hearing.

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

Mr. Janku stated he was pleased to have the support of the property owners and wanted to stay within the spirit of what they understood would happen in regard to the trees, but commented that if there was any way to do some modest landscaping with native grasses, he thought they should. He suggested approaching them with an adopt-a-spot.

The vote on B507-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Adopting the Sewer Utility Master Plan.

Item A was read by the Clerk.

Mr. Glascock explained they started this process a few years ago, received a draft report from Black & Veatch in November of 2004 and associated funding with the Plan so Council could see its impacts. They also held two interested parties meetings in December and had limited participation.

Mr. Hunt explained the Master Plan was a long range plan, which identified the City’s needs in regard to treatment and collection. It was intended to be a flexible document that would provide the City with some guidelines for making future decisions. The Plan they were currently working under had been provided by Black & Veatch in 1973 and its main focus was to establish a surface area and to regionalize some of the City’s wastewater treatment facilities. He displayed a map on the overhead showing the current City limits in comparison to the service area defined in the 1973 Master Plan and noted the City limits were beyond the service area. Although adopted in 1973, the Plan had been modified several times due to the constructed wetlands and other sewer extensions.

Mr. Hunt noted the need for the new Master Plan was due to the flows and loadings of the existing Wastewater Plant because they were at or near the design criteria for the system and due to the City limits being beyond the service area of the existing Plan. In addition, as they

moved forward, the City would be faced with some regulatory issues, such as disinfection, nutrient removal and biosolids disposal. They also wanted to continue working with the Boone County Sewer District to eliminate treatment facilities surrounding Columbia. He displayed a map showing the current location of wastewater plants owned and operated by the Sewer District and noted the facilities to the east and north of Columbia discharged to streams that ran through the City, which was why they wanted to continue working with the District to get the facilities connected to the City's system. The Master Plan covered three main areas, which included treatment, the collection system and a financial analysis. In regard to treatment, the main topics included population and flow projections to the design year, which was 2030. They also evaluated the existing Wastewater Treatment Plant and determined the most desirable solution for future treatment needs. In regard to collection, it involved extensive flow monitoring of the entire system, the establishment of design flow criteria for sizing system improvements, the development of a computer capacity model of the entire collection system and the development a preliminary plan for future sewer extensions. On the financial side, they looked at the impact of the proposed improvements and prepared user rate and connection fee rate increase recommendations.

Mr. Hunt displayed a diagram that showing the current and future service area and noted it consisted of three major watersheds, the Perche, Hinkson and Little Bonne Femme watersheds. Currently, the wastewater treatment facility was located at the confluence of the Hinkson and Perche Creeks. Ninety percent of flow to the Wastewater Treatment Plant came from these two watersheds by gravity, which was the most cost effective conveyance method. He displayed other slides and noted the current connected population was about 110,000 and the projected connected population was around 175,000 in the year 2030. The current flow to the plant was around 15 million gallons per day and was projected to increase to about 28 million gallons per day in the year 2030. He explained there were two main constituents in wastewater, the solids and the BOD. He noted the influent TSS and influent BOD levels had tripled since the Plant came on line in 1980 and was projected to double over the next 25 years. He stated the existing Plant was constructed in 1983 and was built to have a capacity of 13 million gallons per day. It had been expanded several times to today's capacity of 20.6 million gallons, which included the four wetland units. The overall recommended option for treatment was to continue using the existing wastewater treatment facility and wetlands. They identified a need to increase the mechanical capacity by 12.6 million gallons, do some biosolids and wet weather upgrades and rehabilitate the existing facility. The overall cost for the Wastewater Treatment Plant improvements was estimated at \$89.6 million. He pointed out they were proposing a multi-phase approach in making the improvements. The first phase would include adding 6.3 million gallons of treatment capacity, rehabilitating the existing facility, implementing a program for chemically enhanced primary treatment, upgrading the biosolids facility, upgrading the wet weather treatment facilities and continuing to monitor the performance of the wetlands as the flows and loadings approached the wetland design values. The cost of first phase improvements would be approximately \$54.5 million. Phase two would be implemented at a future date as the flows and growth of the City required and would involve adding a second train for additional treatment capacity, adding a biosolids heat drying and continuing the rehabilitation of the existing Wastewater Treatment Plant. This phase would cost approximately

\$35 million. He noted these improvements could take place on the existing property housing the wastewater treatment facility.

Mr. Hunt explained they used a two step process to determine the best solution for wastewater treatment needs. The first step involved site selection and they looked at three alternatives. It was determined the best location for the future treatment needs was at the existing facility site because it offered a capital savings of approximately \$9 million, allowed them to continue using the wetlands and minimized their pumping requirement. He noted they also looked at two alternatives for the treatment method selection and due to the operating challenges and costs involving the wetlands, it was determined that expanding the mechanical facility was the most desirable option.

In regard to the collection system, Mr. Hunt noted the main recommendations included conducting additional inflow and infiltration studies in some of the older areas of town, doing some field work to better the sewer capacity model, installing relief sewers, eliminating some pump stations, installing pump stations in the Little Bonne Femme Watershed, and continuing the City-wide sewer line rehabilitation program. The overall cost for the collection system was approximately \$84.1 million.

Mr. Hunt displayed slides involving the financial analysis and explained it was performed based upon the assumption that all of the improvements would be funded by the year 2030. They would be looking at rate increases of 6-8 percent to the year 2014 and 2-3 percent to the year 2030. In 1980, the average sewer bill was \$5.00 per month. Currently, the average sewer bill was \$11.50 per month and in the year 2030, the projected average bill would be approximately \$27.00 per month. He noted the rates projected out to the year 2017 would still be somewhat competitive in comparison to other Midwestern communities. The current connection fee was \$500 and was recently increased from \$400. The Master Plan recommended an increase of 25 percent in 2009 and another increase of 25 percent in 2011. In comparison to other communities, Columbia's rate was in the middle. In regard to future ballot issues, the first priority would be the phase one improvements to the Wastewater Treatment Plant. The next steps would be the rehabilitation of the existing collection system, the increase of relief sewers and the inflow and infiltration removal projects. The final priority would be the second phase of the wastewater treatment facility as determined by growth.

Ms. Hoppe asked if the cost and rate increases took inflation to the year 2030 into account. Mr. Hunt replied it took into account the growth of new customers and increased operation costs. He noted it was an in-depth financial model which took those things and inflation into account.

Ms. Crayton asked if that rate was passed on to the consumer. Mr. Hunt replied yes. Ms. Crayton asked how much was passed on to the consumer and if it differed between newer and older neighborhoods. Mr. Glascock replied that everyone in the City would pay the same rate on their sewer bill and noted the connection fee only applied to new connections.

Ms. Hoppe asked how much of the total cost of the treatment plant expansion was due to new development. Mr. Hunt replied the existing facility, even if the City did not grow anymore, would still have a lot of needs. He explained they did not review new growth versus existing needs. They looked at the overall package as the City moved forward. Mr. Glascock commented that if the University told them they wanted to increase by 30,000 students, they had to take that into account and that was part of the growth. In addition, if the hospital wanted

to expand, they would have to run an extension to them. He noted it did not only involve new houses. Mr. Hutton pointed out it also included taking in the Regional Sewer District plants that were currently dumping in the streams. He stated it was growth in the sense they were taking on more gallons of wastewater.

Ms. Hoppe asked if they had a total for the connection fees so she could see what that was in comparison to the total cost of the project. Mr. Glascock replied it was based on history and projected out. Mr. Hunt thought they generated about \$1 million per year in connection fees. He noted the connection fees proposed were only projected out to 2011 and pointed out it was dependent upon how many new homes were built or how many new businesses connected to the sewer. The connection fees were not necessarily set up to pay for Treatment Plant improvements. Their purpose was to recoup funds spent for trunk sewers. Ms. Hoppe understood and stated the increase in treatment was partly due to development. Mr. Hunt noted the Treatment Plant was built in 1983, so every home and business built since then could be attributed to the need for a new plant. Ms. Hoppe understood a good estimate for the connection fees was under \$35 million. Mr. Hunt stated he thought they had about \$30 million in future sewer extensions identified.

Mayor Hindman opened the public hearing.

Ben Londeree, 2601 Chapel Wood Terrace, provided a handout and understood a question had been raised regarding how much of this cost was related to growth versus meeting the needs of current customers. He stated he took the numbers that were presented in the Black & Veatch report and by reading through the document, he tried to determine which of these costs should be allocated to older customers, which should be allocated to newer customers and which should be shared. He noted the totals were the same, but the allocations were different. He explained the Plan indicated some of the sewer system was already loaded to its capacity or exceeded capacity where raw sewage was backing up into basements and up through manholes during storm events. About \$26 million would be allocated to those sewers that were already overloaded and the rest would be allocated to the needs of growth that would occur. In the biosolids area, it was difficult to know so he assumed that would be a 50-50 proposition. The improvement in the handling of biosolids would benefit all of the customers. He noted, if his analysis was correct, about 42 percent of the costs would be to meet the needs of current customers, primarily in solving problems that already existed and routine maintenance that needed to be done, and 58 percent would be due to new customers and some of those new customers would be other than new development as had already been pointed out.

Mr. Loveless asked for clarification regarding the purpose of his comments. Mr. Londeree replied there were a number of people in the community who were concerned with the cost of growth and who was paying for it, and the amount of the development fee was related to how much the development was paying for the growth component. Mr. Loveless asked if he worked with Public Works to determine whether his assumptions were correct. Mr. Londeree replied no, but noted he gave a copy of his projections to Mr. Glascock this evening. Mr. Loveless stated he did not see anything dealing with revenues that might have been generated by the new growth as an offset to some of the costs and felt that should be part of the analysis. Mr. Londeree agreed that was an important consideration and noted he did not have time to include that. He commented it was his intent to work with the Public Works Department to follow up on the numbers. He just thought it would be helpful to consider these things when

presenting this as a Master Plan for the next 25 years. Mr. Loveless agreed, but felt it would have been more helpful if they had received this prior to the final stages of the Plan being approved. He thanked Mr. Londeree for doing the work. Ms. Hoppe also thanked Mr. Londeree and commented that this was the kind of analysis she wanted and would have appreciated receiving from staff.

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

Mr. Janku made the motion to adopt the Sewer Utility Master Plan. Ms. Crayton seconded the motion.

Mayor Hindman asked what it meant to adopt the Master Plan. Mr. Glascock replied he thought they were committing to the direction they were headed in regard to the sewer utility and what they were concentrating on as far as expansion or rehabilitation of the facility. He noted anything that came before the Council now would be as a result of following this Master Plan. Mr. Watkins explained this was a guideline and staff would bring back to Council, on a periodic basis, potential funding issues that would then have to be taken to the voters. The Plan in and of itself did not commit anyone to any rate increase or collection charge increase. Later this year or next year, when they brought forward the first piece of the first phase, they could talk about what needed to be included and the appropriate way to fund it. Passage of this Master Plan did not commit the Council to any construction of any project or any financial rate increase or connection fee increase. That would come at the implementation point. Mayor Hindman understood by adopting the Master Plan, they were not accepting any type of financing, even though they were presented with various funding techniques and costs, because they would be reviewed at a later time. He understood they were basically stating these were the City's needs and that they should be planning to meet them somehow. Mr. Watkins replied he thought that was a good explanation. Mayor Hindman thought there would be a lot of community discussion regarding the financing technique.

Ms. Hoppe stated she understood the Council had discussed looking at the 80 acre sewer point to see whether that needed to be changed to 100 or 120 acres. She thought that would change the costs to the City and understood that could still be done after adopting the Master Sewer Plan. Mr. Watkins replied that was correct. He noted they were looking at the Springfield sewer extension ordinance and were considering doing something similar with sewer as they did with green lines for water. He stated they were looking at lots of techniques in terms of financing.

Mr. Janku pointed out there was a community benefit to the proposed improvements and in the past, they, as a community, had been willing pick up part of the cost to do that. He recalled when they discussed the extension of the Grindstone sewer in the north, a gentleman stating he was a farmer noted the sewer line would go through his farm and that he was in support of it because the water coming through his farm from northern Boone County was so polluted, it was making his cattle sick. He wanted the lagoons cleaned up. Mr. Janku commented the water he was referring to was also flowing through the City in the Grindstone and Hinkson Creeks. He noted these were the types of things sewer policies accomplished. It would not only take care of current needs and problems within the City, but would also clean up pollution throughout the area.

Ms. Hoppe stated she took a tour of the Plant and saw the methane generator that produced \$6-7,000 worth of energy a month. It would be expanded and increased. She was

pleased with the site selection because they were not recommending a second treatment plant in the Bonne Femme area as she felt that could have been detrimental to the area. She thought there were some wonderful things in the Plan and had a high regard for the people working at the Plant.

The motion made by Mr. Janku and seconded by Ms. Crayton to adopt the Sewer Utility Master Plan was approved unanimously by voice vote.

OLD BUSINESS

B501-06 Approving the Final Plat of Eastland Hills Estates Plat 1 located at the intersection of Maple Leaf Drive and Copse Court, north of St. Charles Road; authorizing a performance contract; granting a variance to the Subdivision Regulations.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposed final plat that would create 42 R-1 lots including a 3.5 acre common area, which would allow for a future trail on the Hominy Branch. With the exception of the variance request regarding the length of a proposed cul-de-sac, the plat met all subdivision regulation requirements. The Planning & Zoning Commission recommended approval of the variance request. Mr. Teddy stated there was an easement commitment for a future trail, which had a total width of 50 feet and was indicated by note 6 of the final plat. He noted Copse Court needed a variance for the length of a cul-de-sac.

Mr. Hutton stated when looking at this development and the entire area, especially going westward, he assumed that eventually there would need to be another way in and out and hoped there would not be any more plats going west from here that did not include another exit. Mr. Teddy noted there was a preliminary plat on file for the whole development, which extended as far west and possibly beyond the Ballinger extension, and right-of-way was denoted on that plat for the future. Mr. Hutton asked if the next tract was being preliminary platted. Mr. Teddy replied he was not sure if the next subphase would cover all of that, but the ultimate build out of the project would include right-of-way set aside for a future Ballinger. Mr. Hutton asked if it would include an attachment to St. Charles. Mr. Teddy stated he was not sure whether that could be done within that right-of-way from the development to the south. Mr. Hutton commented that currently, this was the western end of a big development with only one road in and out. Maple Leaf Drive ended in a cul-de-sac and going east, there was several thousand feet with one way in and out. He did not recall the rule on the number of entrances and egresses in relation to the number of lots that could be platted. Mr. Teddy stated they would look at the street Maple Leaf connected to, which he thought was a local street, because they did not want to go too far beyond 50 lots that were exclusively served by that street. Mr. Hutton understood Maple Leaf connected to Upland Creek and Upland connected to St. Charles and I-70 Drive. Since Maple Leaf was several thousand feet and only connected to one road, he did not see how they could continue funneling all of the traffic back that way. He noted the only reason this was before them was because it had a variance. Mr. Teddy noted it had been overlooked during the preliminary plat review process. Mr. Hutton understood staff had missed it and stated he thought the applicant should be responsible for pointing out variances to staff. Mr. Teddy commented they traditionally did through their cover letter. He was not sure of the circumstances surrounding this issue.

The vote on B501-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B503-06 Approving the Final Plat of Auburn Hills Plat 13, a Replat of Lot 601 of Auburn Hills Plat 6 located on the northeast corner of Brown School Road and Derby Ridge Drive.

The bill was given second reading by the Clerk.

Mr. Watkins stated this proposed final plat would create 100 lots for attached residential housing and included a common area. Earlier tonight, Council passed B496-06, which rezoned this area allowing for two additional units. The Planning & Zoning Commission recommended approval of the rezoning.

Mr. Janku noted a City park was to be built to the north and asked whether the public meeting for the neighborhood to design the park had been scheduled. Mr. Watkins replied it would be scheduled in the spring.

The vote on B503-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B508-06 Amending Chapter 6 of the City Code relating to adoption of the 2006 International Building Code.

B509-06 Amending Chapter 6 of the City Code relating to adoption of the 2006 International Code Council Electrical Code Administrative Provisions.

B510-06 Amending Chapter 6 of the City Code relating to adoption of the 2006 International Plumbing Code.

B511-06 Amending Chapter 6 of the City Code relating to adoption of the 2006 International Mechanical Code.

B512-06 Amending Chapter 6 of the City Code relating to adoption of the 2006 International Residential Code for One- and Two-Family Dwellings.

B513-06 Amending Chapter 6 of the City Code relating to adoption of the 2006 International Property Maintenance Code.

B514-06 Amending Chapter 6 of the City Code relating to adoption of the 2006 International Fuel Gas Code.

B515-06 Amending Chapter 9 of the City Code relating to adoption of the 2006 International Fire Code.

The bills were given second reading by the Clerk.

Mr. Watkins explained this was a series of updates in order to adopt the most recent Codes available. Currently, the City was using the 2000 version of the Codes because they elected not to adopt the 2003 version. Last April, they began working through the Building Construction Codes Commission on the adoption of the 2006 version, which were the most current available. He noted a lot of work, a number of meetings, some public hearings and a Council work session with the Codes Commission had gotten them to this point. He pointed out the County Commission was currently working on adopting the 2006 version as well, so both entities would be working under the same Codes.

Mr. Sudduth explained this was a long process with the contributions of many. They looked at the 2000, 2003 and 2006 versions of the Code in order to come up with the final proposed ordinances. He noted the Building Construction Codes Committee developed a subcommittee process in review of the Codes. He stated they tried to make the International Building Code more user friendly because it was complicated and had a lot of maps, charts and areas that were not defined on the community's design standards. Per the suggestion of some architects and engineers, they included the design criteria for the area to make it simpler for people unfamiliar with Boone County and the City of Columbia. He explained the design criteria involved wind load, snow load, ground snow load, etc.

Ms. Hoppe asked if there were provisions or new standards helping or encouraging more energy efficient buildings. Mr. Sudduth replied there were standards that exceeded most acceptable codes and it primarily involved R-38 in the ceilings R-15.5 in wall assembly. He stated they had criteria to exceed what would normally be required in an energy efficiency code. They stopped at that point in regard to building construction. He explained they were involved with insulated and uninsulated duct requirements, HVAC requirements, etc. He thought they had a good set of standards in regard to building construction.

Ms. Crayton stated she was not concerned about newer buildings due to today's standards. She was more concerned with old houses with old fuse boxes and furnaces because people died due to those situations. She commented that last year they talked about inspections, but noted the Section 8 program did not use City inspectors. She thought it was a matter of time before something happened. Mr. Glascock stated the older homes fell within the International Property Maintenance Code. Ms. Crayton stated she did not feel it was enforced. Mr. Watkins explained they made a proposal to the Housing Authority for the City to take over the Section 8 inspections, but they indicated the City's costs were too high. Mr. Sudduth stated the International Electrical Code essentially adopted the 2005 National Electrical Code. It addressed ground fault circuit interrupters by continuing to require them to protect personnel. In addition, they were being seen in more areas. He explained the Code emphasized Schedule 80 PVC conduit, which was about twice the thickness and cost of a Schedule 40 PVC conduit. Through the committee process, they looked at the degree of safety received, the hardship it would cause, and whether it was something that needed to be done in this area and determined the Schedule 40 had and would serve the community well. He noted this was an International Code, so they were looking at areas that were subject to colder weather and the freezing of the conduit. There was also a requirement for additional protection of things, such as electrical cables, in walls to prevent a screw from going into the conductors, so either steel plates would be required or it would be set further inside the stud cavity.

Mr. Sudduth explained one of the biggest changes in the International Plumbing Code was to allow mercantile occupancy of 100 or less to have one unisex bathroom. He noted this came up routinely to the Building Construction Codes Commission because the Code required two separate bathrooms on small developments and renovations, which was a hardship. The other changes were ones the International Plumbing Code Committee felt would be better as far as today's standards, such as increasing the working pressure for water pipes from 160 PSI to 200 PSI. They were things being done routinely, so they felt those should be incorporated into the ordinance.

Mr. Hutton asked if one unisex bathroom met ADA standards. Mr. Sudduth replied the ADA was more concerned on how it was constructed and would require two separate bathrooms. Mr. Watkins stated he did not think ADA applied to a private facility.

In regard to the International Mechanical Code, Mr. Sudduth explained they expanded the physical protection against damage for piping. It involved nail guards, installation, etc.

Mr. Sudduth stated a lot of time was spent on the International Residential Code and thought they had come up with a good Code that was enforceable and that everyone could live by. They kept the current stair and riser profile because everyone was comfortable with it. The 2006 Code gave a lot of different standards where there used to be one standard. Alternate designs were created in regard to unbalanced backfill which involved a basement wall with no reinforcement requiring backfill in order to make it stronger.

Ms. Hoppe asked if the Codes provided standards for straw bale houses and if the City allowed the building of straw bale houses. Mr. Sudduth replied they allowed anything accepted by Code, so if one had an alternate design or an alternate method of construction, the design would be submitted for review and they would look at anything that had a design and anything with a past history of being accepted. They would look to see if it was something they could allow. Ms. Hoppe understood the International Building Code had specific recommendations and requirements for straw bale houses. Mr. Sudduth replied it incorporated it this time. He pointed out if one had an alternate method of construction that had been accepted and tested and a design engineer/architect licensed to practice in the State of Missouri, they would look at the design. If it was not approved, it could be taken to the Building Construction Codes Commission for another review.

Mr. Sudduth stated the International Property and Maintenance Code lowered the temperature for hot water from 120 to 110 degrees and included other areas to protect individuals.

Mr. Sudduth commented that one of the biggest issues with the International Fuel Gas Code was that copper pipe would no longer be allowed for fuel gas piping. The sulfur impacted the copper pipe creating a green flakey material, which was released into the safety valves of the fixtures. If someone had LP gas, they could go to the Building Construction Codes Commission for approval of the copper pipe.

In regard to the International Fire Code, Mr. Sapp explained they added a section pertaining to fire performance art for groups that used flaming batons and other types of equipment with live fire for entertainment.

Mr. Janku asked what the fee associated with the permit would be. Mr. Sapp replied the permits issued through the Fire Department did not have an associated fee. It just involved an application that was kept on file.

Mr. Sapp stated the next item of interest involved commercial hood systems in restaurants and the fire protection system in them, which was known as a hood suppression system. They were adding a section requiring existing fire suppression systems not meeting UL 300 criteria to be upgraded to a UL 300 compliance system within three years of the adoption of this Code. He noted the cost of the upgrade was dependent upon the size of the system, age of the system and what components needed to be replaced. He explained the old systems used a dry chemical powder extinguishing system that could not extinguish fires with the new cooking oils and new heat limits. The UL 300 system was a liquid fire suppression that put a coating

across the top and was more effective in extinguishing the fires. There were approximately 100 hood systems in the City that did not meet the UL 300 requirement. The three years was added to the ordinance to allow for the planning and installation of the hood systems.

Mr. Sapp stated another section of interest involved the requirement for fire sprinkler systems in the A-2 use group, which included restaurants, night clubs and bars. The 2000 Code indicated they had to be over 5,000 square feet and have an occupancy load of 300 or more, but the 2006 Code suggested an occupancy reduction down to 100. The Subcommittees of the Fire Code and the Building Code compromised with a 200 occupancy load, so smaller restaurants with a small occupancy would not need a sprinkler in an existing building.

Mr. Sapp explained another change dealt specifically with fraternity and sorority houses and would require an automatic fire sprinkler system to be installed in all existing fraternity and sorority houses by December 31, 2012. They had identified a number of target groups that needed more protection than were afforded in the Code and the sororities and fraternities came into play there. He noted a number of other communities defined as college towns had enacted very similar ordinances to provide better fire protection in those types of buildings. He stated they visited with the Office of Greek Life and had meetings with presidents and house directors, so he felt they did due diligence in communicating with the appropriate groups.

Mr. Loveless understood the sprinkler system requirement did not apply to University dormitories. Mr. Sapp replied he was technically correct, but noted the University of Missouri had taken a 15 year plan approach, in which they were half of way through, to install sprinklers in all new residence halls being built and retrofitting all of the residential halls. Stephens College was in the process of finishing up the standpipe and sprinkler systems on their existing residential halls and Columbia College was moving forward with installing sprinklers in their residential halls as well.

Annie Pope, 204 Peachway, stated she was representing the Home Builders Association, who participated in the Code review process and were actively involved in the consideration of the International Residential Code with some members also participating in the Plumbing, Mechanical and Electrical Codes. In any situation in which Code requirements were such that it placed an extreme burden on cost, the process allowed for alternative methods if such methods would accomplish the same structural or physical integrity needs. She noted the process was very open and the needs of all the stakeholders in the community were being served well. She stated they supported the adoption of the Building Codes as presented.

Jeffrey Beeson, A017 Brady Commons, stated he represented the Interfraternity Council, which was the governing body for all 29 fraternities, and that they supported the idea behind the bill. The problem they were having was with the proposed five year period. They did not feel five years was enough time for them to raise that kind of money. He noted they were non-profit organizations with the goal of giving to charities. In 1993, the Lawrence, Kansas City Council passed a similar bill, but gave their fraternities and sororities seven years to complete the process. As the Fire Chief mentioned, Residential Life at MU was doing the same thing with dormitories and were being given 15 years to complete the process. He commented that they were only open eight months out of the year and their houses closed down during the summer and during breaks, so they were only around for about 40 of the 60 months in the five year period. He asked the Council to amend the bill in order to give them a 7-10 year period, so they could do it right and still be able to contribute to the other organizations that counted on them.

Ms. Hoppe asked how they would raise the money. Mr. Beeson replied if they were required to have it completed in five years, many of their houses would close. Over a 7-10 year period, they would go to their fundraisers, housing boards, alumni and internationals to possibly get some loans or they would make drastic cuts within their budgets in order to comply.

Mr. Hutton asked how they calculated the cost. Mr. Beeson replied they understood through the papers and in discussions with some builders, the cost would about \$3.00 per square foot for a newer building. He noted their houses were old and that one person suggested it would be cheaper to tear down and start over, so they thought the cost would be higher for their type of structure.

Larry Schuster, 3109 Hill Haven Lane, stated he was the agent of record for the properties at 502 Rollins and 407 Burnam and was actively involved in the rental conservation program, in which they had made about \$1 million worth of improvements over the last ten years. He agreed with the previous speaker in that the five years requirement was onerous. After checking with a mechanical firm involved with this, he was told for new construction, they budgeted \$4-4.50 per square foot and for existing construction the cost could be from \$5-7.50 per square foot. For his two properties, he guessed the cost would be at least \$100,000 or \$20,000 per year. He noted they were one of the largest fraternities in about a half dozen throughout the United States and only had 54 members. As a result, this would raise the cost to where it was prohibitive to be able to run the facility. Over the years, they had updated fire alarm systems, hard wired systems and fire doors. He stated Mr. Sapp was incorrect in saying he contacted all of the house directors and felt that was a trend with the City in recent times. He provided the Special Business District coming forward with sign ordinance revisions, the City in regard to the electric rates and the City in this case with the sorority and fraternities as examples of times they failed to meet with industry representatives. He stated they were not opposed to safety and employing safety, but felt there needed to be a cost-benefit relationship, it had to be a reasonable cost and the people living there needed to be involved. He understood Mr. Sapp indicated the national average was around \$1.50-2.50 and felt those numbers were in error. He suggested leaving this portion out of the Code in order to fine tune it after meeting with the groups involved. He noted these were major capital improvements and from a business point of view, they should be able to amortize and depreciate these kinds of improvements over a minimum of 10 to 15 years. He stated it would be hard to raise those kinds of funds within 5 years.

Ms. Crayton recalled a young man dying at an UMSL fraternity recently. Mr. Schuster stated one died on the MU campus as well. Ms. Crayton wondered how much longer they should wait and whether they would have to call another mother because they did not have a simple sprinkler system. Mr. Schuster stated sprinklers were a good system, but they did not do everything. The death they had was from a student who fell asleep in a canopied his bed with his candle and many of those fires did not create the open flames that would set off sprinklers right away. They would set off fire detectors and smoke detectors, but many times people died in those instances from smoke inhalation before the fire was able to get to a flame point. Mr. Schuster noted a lot of these homes were older and historic homes, so the costs were higher because they could not place a pipe at any location.

Mr. Loveless asked if he had a suggestion. Mr. Schuster replied he wanted it pushed out to a minimum of 10 years.

Vanette Hamilton, 1201 W. Haven Road, states he was representing Sphere of Prometheus, a non-profit fire performance group. The only difficulty they had with the ordinance involved the area of space limitations. It stated they had to maintain ten feet between any fire implement and the audience. Even with roping off the sidewalk at a downtown event, it was difficult to meet the ten foot criteria without being in the street. They could handle the ten foot width along the store front, but ten feet out from the building was a problem. At this time, the only solution they had been able to come up with was to station a couple of their members at the corners or along the curb as human buffers. She asked for some consideration regarding this issue.

Donna Henson, Kansas City, Missouri, stated in the early morning hours of May 8, 1999, they received a call telling them her son, Dominic Passantino, had been killed in a fraternity fire at the Sigma Chi house at the University of Missouri. In order to spare other parents, she asked for the Council's support in the adoption of the 2006 Fire Code. Since January 2000, there had been 94 deaths in college living quarters and countless others had been injured. There was an average of 180 fires per year, which was one fire every other day in Greek housing. Those fires caused an average of \$3.2 million in damages each year. She stated this was a life and death issue. Sprinklers were recognized as the single most effective method for limiting the spread of fires in their early stages, preventing death and injury and reducing property damage. She noted the candle in her son's room that ignited the bedding would have triggered a sprinkler head. When sending children away to school, parents expect to get them back in four years. She stated prevention was key and early suppression by a sprinkler system often within seconds or minutes would stop the spread of the fire beyond the room of origin and would stop the smoke production. She stated a majority of fire deaths in all occupancies were from smoke inhalation, which meant anything that stopped the smoke would save lives. She felt it was their duty to provide a safe environment and agreed there was a cost involved in installing sprinklers, but asked them to compare the cost of a sprinkler system to the cost of a child's life. The number one cost was the loss of a life. It was their responsibility to ensure children were safe and protected from fires in college living quarters. Due to the attitudes and activities of students, a higher degree of danger existed in college living quarters and the level of safety afforded students should be the number one concern. She felt they needed be more diligent in protecting the lives of students because students did not always make the right choices. Sprinklers acted independently of human action, and thus took away the human element. She felt educating students about fire safe action and providing them with a fire safe environment while in school would make them more aware of the dangers of fire after graduation. She stated she, her family and friends dealt with this monumental loss everyday and as a result, she was committed to ensure no other parent received a call notifying them that their child had been killed in a fire. She questioned why they would allow their children to be housed in conditions that did not meet the minimum fire safety standards.

Cameron Emmett, stated he was in support of the National Fire Code and told a story of two young men, a MU freshman and a high school senior visiting the MU freshman on the MU freshman's last day of class. After a full day, they went to the Sigma Chi fraternity house. During the night, a lit candle ignited a fire and only one of the two young men walked out the next day. He explained he was the high school senior and the last person to be rescued from that fire. His friend Dominic did not make it out. He noted there were endless scenarios that

could have saved his life and he felt a sprinkler system would have allowed both men the ability to walk out the next day. He stated he thought this amendment would, from experience, save lives.

Luke Miller, A01 Brady Commons, Interfraternity Council Executive Board, stated he was the Vice President for recruitment and agreed a fire suppression system needed to be in place in every chapter, but felt the time frame being offered was too short. After speaking with his alumni board, which was already in the process of looking at retrofitting the original site of his chapter house, he understood it would cost about \$10 per square foot to have the work done. He was told some estimates were as low as \$3, but thought those were for new complexes. Retrofitting was a more expensive and complicated process and most of the houses on campus were built in the early twentieth century. In reality, these systems took hundreds of thousands of dollars and did not factor in the other improvements and sacrifices the chapter would have to make. To raise \$100,000, they would have to increase chapter dues, eliminate philanthropic events, use fund that would otherwise be reserved for house maintenance, social events, scholarships and many other things. Small chapters, with about 30 members, were already paying high dues, about \$4,000 per semester. With hiring a contractor and completing the actual work, he noted they really only had four years to raise funds, so it would be another \$5,000 per person and was the equivalent of an entire semester. This would be a \$625 increase per semester per member and was about \$1,250 per month since they were around only eight months per year. This would make the fraternity less attractive to new members and could result in the loss of the fraternity. He reiterated he was not against the ordinance, just the financial burden inflicted upon the members. He asked the Council to extend the time frame to December 31, 2017.

Adam Horwitz, 901 Maryland, President of Alpha Epsilon Pi Fraternity, stated he was in favor of taking action toward fire safety. He felt the issue was the time restraint. He explained his fraternity had 35 members, was the smallest on campus and had housing dues that were already high due to the low membership. They were consistently under pressure to find new members or to fold as a fraternity. He was assured by his property owner that implementing the fire system would involve significant costs. He commented that the costs could be offset internally or obtaining alumni support, but that was a time consuming process, which required more than five years. He explained Alpha Epsilon Pi was a national Jewish fraternity and the only one on campus.

Dave Bowman stated he was the Great Plains Regional Manager for the National Fire Sprinkler Association, Kansas City, Missouri and noted the Council did not have the luxury of time when talking about fire deaths. He explained the United States was the leading industrial nation in the world and the leading country in regard to loss of life by fire. They had more than 35 years of experience in fire service and urged the Council to consider passage of this ordinance as he felt the time frame was reasonable.

Mr. Hutton asked if he had knowledge of costs. Mr. Bowman replied from his experience, it was \$2-3 per square foot nationally. Mr. Hutton asked if that included an old application where they might have to do some soffiting to cover it up. Mr. Bowman replied he fully sprinklered his residence, which was an older home, and paid \$3 per square foot. He thought that was comparable to what would be seen in a fraternity or sorority. Mr. Hutton asked if they had to run

a new main in. Mr. Bowman replied no and added that it was his understanding the City had planned for that over the years.

Mr. Janku asked for clarification regarding the two amendment sheets. Mr. Sudduth explained with the International Building Code, they removed “QCR” from the application for permits because no one would know what that meant and replaced it with “review.”

Mr. Janku made the motion to amend B508-06 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

In regard to B512-06, Mr. Sudduth explained the changes made were minor and technical in nature.

Mr. Janku made the motion to amend B512-06 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Loveless asked how the schedule for implementation of sprinkling the fraternity and sorority houses was determined. Mr. Sapp replied it was a combination of looking at other ordinances, such as Lawrence, Kansas and Champagne, Illinois, and noted this ordinance actually gave them closer to six years as it was January 2007 and the changes were needed to be made by December 31, 2012. Most of the other communities offered anywhere between 5 to 10 years. They felt the need to install sprinkler systems in these buildings had become somewhat accelerated due to the fire deaths and fires in fraternities and sororities on campuses across the country, so they looked at what it would take to plan the implementation, get some financial backing and not tax the current number of installers available. He pointed out they worked through the Office of Greek Life to notify the fraternities and sororities of items of interest to them. They sent an e-mail, through Greek Life, in August to all house presidents and to all house directors in early September informing them of the proposed Code amendments. In addition, they made sure the Code amendments were posted on the website.

Ms. Hoppe asked if other communities had a tiered system for the size of the fraternities. Mr. Sapp replied he had not seen that in the ordinances he reviewed.

In regard to the water main, Mr. Sapp stated they worked with Water Engineering to make sure the infrastructure was in place, so the fraternities and sororities did not incur any infrastructure charges to increase main size. He understood there were two small sections of piping that were the last two remaining mains to be upgraded in the area and they expected to have those mains completed by early summer. Mr. Hutton stated he was referring to the feeder line into the building itself because many times the service to the property was not large enough to sustain a sprinkler system. Mr. Sapp agreed and commented that most sprinkler standpipe systems required the water main provided by the City's infrastructure be tapped with a minimum of a four inch fire main, so there would be a fire main from the City's main into the fraternity or sorority house.

Mayor Hindman asked for the time frame allowed by the ordinances for Champagne and Lawrence. Mr. Sapp replied both allowed a 7-10 year period. It varied by community. The longest they saw was 10 years and one community had a five year program. Mayor Hindman understood the University was on a 10-15 year program to finish sprinkling the dorms. Mr. Sapp replied all of the residence halls, new and existing, were being retrofitted with fire sprinkler systems. They were about half way done and had another 6-7 years before they expected to be done.

Mr. Hutton commented that this was a tough dilemma because they were trying to balance the potential loss of life versus the cost of the sprinkler system. He explained he just completed a renovation project that involved the installation of a new sprinkler system with a cost of about \$1.25 per square foot, but the building had been totally gutted, so it made the installation easier. In addition, they did not have to cover the pipes or run a new service line to the building. He thought it would probably cost about \$3.00 per square foot, which was in the range of the national average. It basically came down to cost versus safety and he did not want something to happen between year 5 and year 10. He stated if he was involved with a fraternity or sorority, he would have started thinking about this a few years ago. Even if they were not able to donate to charities or had to borrow the money, he felt it was the right thing to do and stated he would not extend the time frame.

Ms. Hoppe agreed it was a tough call because they wanted to give the fraternities and sororities enough time to raise the funds, but they also did not want someone to die during the extra years they might provide. If they raised fees \$100 per year, a 54 member fraternity or sorority could raise about \$5,000 annually, which was more than a quarter of the total cost. She felt there were alternative ways to raise funds. She commented that she would not mind extending it by about half of a year.

Mr. Janku stated these groups had alumni and national boards and he thought alumni, who had their own children, would likely be strong supporters. If he had been involved on a board, he would have worked aggressively toward getting this done after seeing the national trends because the risks were too high. He agreed with the comments made by Mr. Hutton.

Ms. Crayton stated she appreciated the concerns, but felt they could not put a price on safety.

The vote on B508-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B509-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B510-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B511-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B512-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B513-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B514-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B515-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B517-06 Amending Chapter 14 of the City Code as it relates to recognized City holidays and parking meter enforcement.

The bill was given second reading by the Clerk.

Mr. Watkins explained this amendment would add Veterans' Day to the current list of non-metered enforcement days. In addition, the current ordinance referred to all City holidays and listed some, but did not list Martin Luther King, which was a City holiday, so they were adding it as well. He noted the idea came from a woman, who received a parking ticket and was confused about Veteran's Day since it was a federal holiday.

Mr. Janku commented he was not against this, but felt they should be careful because he did not think they wanted to head down this trend due to what other entities were doing. He agreed it was nice to wave fees, but the parking meter fees allowed for the construction of parking structures, so he did not want to extend it to other holidays other entities might have.

Ms. Nauser stated she agreed with Mr. Janku. She felt if they were going to have parking fees, they should collect them. She questioned why they gave people holidays from parking meters because half of downtown still worked and came to do business. It was usually only government employees that received the holidays off.

The vote on B517-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B528-06 Appropriating funds to the FY 2006 operating budget.

The bill was given second reading by the Clerk.

Mr. Hutton made the motion to amend B528-06 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Watkins explained this was a housekeeping budget amendment to authorize additional appropriations in three areas. One was the fleet operations area where they sold gasoline to the City, another was the purchase power where they sold more electricity and needed a budget amendment to cover the cost of purchase power and the third dealt with the early payoff of bonds.

The vote on B528-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, JANKU. VOTING NO: NO ONE. ABSENT: CRAYTON. (Ms. Crayton stepped out during the discussion for B528-06 and did not return until after the official vote was taken.) Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B471-06 Approving the Final Plat of Steeplechase Estates, Plat No. 1 located on the east side of Howard Orchard Road, north of State Route KK; authorizing a performance contract.**
- B502-06 Approving the Final Plat of Centerstate Plat 11 located on the southeast corner of Woody Lane and Amron Court.**
- B504-06 Vacating sidewalk easements located within Madison Park Plat 1 Subdivision.**
- B505-06 Vacating a portion of a drainage easement located within Arbor Falls Plat Subdivision Plat 1.**
- B506-06 Authorizing an annexation agreement with Michael S. and Robin L. Kruse.**
- B516-06 Authorizing an agreement with Bartlett & West Engineers for engineering services for the H-21B Sewer – Lake of the Woods Mobile Home Park Lagoon Interceptor project.**
- B518-06 Authorizing Change Order No. 1 to the agreement with Ecton Construction, Inc. for construction of sidewalks on portions of Edenton Boulevard, Derby Ridge Drive and Interstate Drive in Auburn Hills Subdivision; approving the Engineer’s Final Report.**
- B519-06 Approving the Engineer’s Final Report for the C-3 Trunk Sewer, an 80-acre point sanitary sewer serving the Bristol Lake Development.**
- B520-06 Accepting a conveyance for utility purposes.**
- B521-06 Amending Chapter 22 of the City Code to adopt a relocation policy for condemnation proceedings.**
- B522-06 Authorizing an agreement with Columbia Public Schools to provide a crosswalk guard at Grant Elementary School; appropriating funds.**
- B523-06 Accepting and appropriating federal forfeiture funds for the purchase of portable radios for the Police Department.**
- B524-06 Appropriating funds received from The Missouri Foundation for Health relating to the 2006 Tobacco Prevention and Cessation Initiative – Community Grants for Workplace Programs.**
- B525-06 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Community Pandemic Preparedness Planning program; appropriating funds.**
- B526-06 Authorizing an agreement with Boone County for JCIC clerical services.**
- B527-06 Appropriating funds to provide reimbursement to the Boone County Community Partnership for services provided to victims of Hurricane Katrina.**
- B529-06 Authorizing a communication equipment reimbursement agreement with Boone Hospital Center and The Curators of the University of Missouri on behalf of University Hospital; appropriating funds.**
- R1-07 Setting a public hearing: voluntary annexation of property located on the south side of Richland Road at its intersection with St. Charles Road (4102 E. St. Charles Road).**
- R2-07 Setting a public hearing: voluntary annexation of property located on the north side of State Route K, along both sides of Scott Boulevard, extended.**

- R3-07 Setting a public hearing: construction of Louisville Drive from north of Whitefish Drive to Smith Drive.
- R4-07 Setting a public hearing: construction of water mains along Holly Avenue from Parker Street to Oakland Gravel Road and Oakland Gravel Road from Paris Road to Grace Ellen Drive.
- R5-07 Authorizing a transportation enhancement funds program agreement with the Missouri Highways and Transportation Commission relating to construction of a sidewalk and pedway along State Route 763 (Rangeline Road) between Big Bear Boulevard and Smiley Lane.

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

NEW BUSINESS

- R6-07 Authorizing an agreement with HDR Engineering, Inc. for engineering services relating to the reconfiguration of eight intersections to enhance pedestrian, bicycle and vehicular travel and safety.

The resolution was read by the Clerk.

Mr. Watkins stated this was an engineering agreement with HDR in the amount of \$205,000 to provide professional services for concept design, surveying, the final design of improvements at three intersections and some preliminary work at five intersections. He pointed out this included the Rollins and Providence intersection, which was a ballot issue project.

The vote on R6-07 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- B1-07 Approving the Old Hawthorne Clubhouse C-P Development Plan located north of State Route WW and east of South Cedar Grove Boulevard; approving less stringent screening requirements.
- B2-07 Approving the Final Plat of Dysart’s Subdivision Plat 1, a Replat of Lot 1 and Part of Lot 2 of Dysarts Addition to Columbia located on the northwest corner of Washington Avenue and Dysart Street; granting a variance to the Subdivision Regulations.
- B3-07 Approving the Final Plat of Shalom Subdivision located on the south side of Green Meadows Road, east of Eastham Drive; authorizing a performance contract.
- B4-07 Approving the Final Plat of Gold Star Farms – Plat 2 located on the north side of Thompson Road, across from Beechwood Drive; authorizing a performance contract.
- B5-07 Approving the Final Plat of Hyde Park Block 4, a Replat of Part of Lot E9 of the Administrative Plat of Hyde Park Block #3-A located on the southwest side of

Nifong Boulevard, south of Grindstone Parkway; authorizing a performance contract.

- B6-07 Approving the Final Plat of The Clubhouse at Old Hawthorne, Plat No. 1 located on the north side of State Route WW, east of South Cedar Grove Boulevard; authorizing a performance contract.
- B7-07 Approving the Final Plat of Old Hawthorne, Plat No. 3 located on the south side of Old Hawthorne Drive East, east of South Cedar Grove Boulevard; authorizing a performance contract.
- B8-07 Vacating sanitary sewer and drainage easements located on Lot 1 within Lutheran Senior Services Subdivision.
- B9-07 Appropriating grant funds from the Nonmotorized Transportation Pilot Program to hire temporary employees to assess, plan and coordinate bike lane and bike route striping and marking.
- B10-07 Authorizing construction of street improvements to Chapel Hill Road from Scott Boulevard to Gillespie Bridge Road; calling for bids.
- B11-07 Authorizing acquisition of easements for construction of a sidewalk along the south side of Business Loop 70 West between I-70 Drive Southwest and Sexton Road.
- B12-07 Authorizing construction of water mains along Holly Avenue from Parker Street to Oakland Gravel Road and Oakland Gravel Road from Paris Road to Grace Ellen Drive; calling for bids.
- B13-07 Accepting conveyances for construction of a 161 Kv transmission line from the intersection of Rolling Hills Road and Sugar Grove Road to the Grindstone Substation located on Grindstone Parkway.
- B14-07 Accepting conveyances for utility purposes.
- B15-07 Amending the FY 2007 Pay Plan and Classification Plan to adjust the public communications officer classification; amending the FY 2007 Annual Budget to change a position in Public Communications – The City Channel.
- B16-07 Accepting a donation from TSN Sportscentre for the purchase of digital cameras and equipment for the Police Department; appropriating funds.
- B17-07 Calling a municipal election to elect Council Member-at-large (Mayor) and Council Members for Wards 3 and 4.
- B18-07 Extending the term of the cable television franchise held by MCC Missouri, LLC (Mediacom).
- B19-07 Extending the term of the cable television franchise held by Falcon Telecable, a California limited partnership (Charter Communications).

REPORTS AND PETITIONS

- (A) Intra-departmental transfer of funds.

Report accepted.

- (B) Water line differential cost payments.

Mr. Watkins explained this report was requested by Council. In FY06, developers contributed about \$2.4 million for new water lines into the system and the City paid slightly under \$200,000. He stated staff felt the current policy was appropriate and a reasonable approach to funding the water line extensions required by growth.

Ms. Hoppe asked what the costs were to the City in FY05. Mr. Dasho replied the City paid about \$170,000 and developers contributed almost \$2.5 million in FY05. He explained the costs were dependent on where they needed to put in differential lines.

Ms. Nauser stated she understood the first person, who had to put in the larger line, was not putting it in for themselves. It was for the people that developed beyond that point. She had a problem with taxpayers paying the differential because once the large sized main was installed, the City would continually pay the differential on that line. She felt it needed to be relative to the development at hand. Mr. Hutton stated it was a ratepayer expense, not a taxpayer expense. In addition, he thought the purpose was not only to provide oversized lines to feed new developments, but also for the City's own infrastructure system, so they could have looping and provide service from two different directions.

(C) Tammy Lane vacation.

Mr. Watkins explained this would allow for additional property at the Health Department.

Mr. Janku made the motion for staff to proceed by bringing the appropriate legislation forward. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

(D) Trail alignment/right-of-way studies.

Mr. Hood explained staff was suggesting the City proceed with a series of design studies that would result in a recommended alignment and definition of easements needed for trails. The Trail Master Plan showed the alignments for many of the proposed trails, but they were conceptual in nature. It was basically a line that followed drainageways. More and more development was occurring within stream corridors and there had been a lot of discussion as to whether the developers needed to set aside easements for trails. The development community wanted to know where the trail was specifically planned to be and where the easement would be needed. With the County House Branch, Council directed staff to bring back an ordinance authorizing acquisition of right-of-way for the section between Twin Lakes and Stadium Boulevard. In order to do that, they needed to determine a final alignment for the trail and obtain a legal description for the right-of-way needed. Staff was suggesting they begin a series of design studies on the trails that would ultimately result in a recommended alignment and the survey work necessary to define easements. He recommended using some of their pre-qualified consulting firms. They would need to meet with them, develop specific proposals and get cost estimates.

Mayor Hindman made a motion directing staff to proceed with the trail alignment studies. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(E) Daniel Boone Building Percent for Art.

Mr. Watkins noted several years ago, the Council put the City office building expansion on the eligibility list for Percent for Art. It would be a fairly large allocation of about \$200,000. Part could be used for art outside the building in terms of a plaza. If they were to move forward with a plaza, as was called for in the Eighth Street design study as well as the preliminary design of this building, they needed to determine what it would look like and what the shape it would be. Staff was suggesting they moved forward with the hiring a design professional to help

them look at the plaza as well as the streetscape on Eighth Street, Broadway and the area around the Gentry and Howard Buildings. He noted this was a slightly different process than had previously been used with Percent for Art. They had been in discussions with the Standing Committee on Public Art as well as the Committee on Cultural Affairs. It was also his intent to work with the New Century Fund to raise additional money for additional features.

Ms. Hoppe stated the summary indicated the plaza design person would pre-select a pool of potential artists to compete in regard to the outside art. She understood it indicated working with the City and asked if it would also include the Percent for Art Committee. Mr. Watkins replied the Standing Committee on Public Art would direct this. They were only trying to use some professional expertise to help narrow down the potential artists due to the size of the commission.

Mr. Janku stated the City Hall for Jefferson City had art work by Sid Larson, a Columbia artist, and hoped they would allow people outside the corporate limits of Columbia to qualify as local. Mr. Watkins understood he was suggesting a standard of Mid-Missouri artists, so it would be greater than Columbia. Mr. Janku replied yes and noted artists in Boone County who did not reside in the City of Columbia. Ms. Hoppe suggested Boone County and adjacent counties. Mr. Watkins noted this issue could be referred to the Committee on Public Art.

Mr. Loveless made a motion directing staff and the appropriate committees to begin the selection process as outlined in the report. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(F) Library proposal - North Columbia.

Mr. Watkins stated they had been in contact with the Boone County Library, who planned to move a proposal to build a library in north Columbia forward. They identified a remnant of Atkins property, which was jointly owned by the City and County, as the preferred location. They were asking for the right to buy approximately ten acres. He noted he had an informal discussion with the County and they had two concerns. One involved the extending utilities at City cost, which they did not feel was appropriate. He noted they would be getting the ten acres for their cost of extending Waco Road. Mr. Hutton asked if this was Waco Road just across their property. Mr. Watkins replied yes. Mr. Watkins stated that while they agreed to do any surveying, there was actually more engineering that would be required because it would have to be platted in order for it to be sold. They wanted to ensure all of those costs would be included. Other than those issues, staff could recommend proceeding with this proposal. The next step would be to draft a contract which would be brought back to Council for review.

Mr. Loveless made the motion to proceed by directing staff to draft a contract for Council review. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mayor Hindman made the motion for the City Council to adjoin to closed session on Monday, January 8, 2007, immediately following the 6:00 p.m. work session in the 4th floor conference room in the Daniel Boone Building to discuss personnel matters as authorized by

Section 610.021(3) of the Revised Statutes of Missouri. The motion was seconded by Mr. Hutton with the vote recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE.

Ms. Nauser commented that they just approved the annexation of property on Old Mill Creek Road. As the area near its intersection with Nifong and Vawter School Road grew, they were seeing increased traffic with only a standard stop sign. She wanted staff to look at that intersection in order to potentially provide a signal. With the Copperstone and Old Mill Creek development, they would potentially add a couple hundred new homes and traffic was already backed up past the country club at times.

Ms. Nauser made the motion directing staff to review the situation and provide a report. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Nauser stated she begrudgingly voted in favor of a development off of Georgetown. She commented that she was trying not to vote in favor of annexations that had access through other subdivisions due to their lack of access because she felt it was hard to plat access when it was not available. These new homes would be filtering through the Georgetown subdivision. The reason she did not vote against it was because no one spoke against it. She felt part of the problem was that there was no new road vision for this area and thought the township line might make a good future north/south road because everything on this side of town was dumping onto Scott Boulevard. Mr. Janku noted Louisville would be constructed in that area. Ms. Nauser understood, but stated they were still lacking another major roadway for the future. She thought they tended to turn subdivision streets into collector streets. She wanted another street designation similar to Scott Boulevard. Mr. Loveless noted the creek posed a problem in creating another north/south street. Ms. Nauser thought they should look to see where an optimal point would be to have another north/south corridor. Mr. Loveless thought it would have to be west of the creek. Ms. Nauser understood. Mr. Janku thought Louisville would carry a lot of that traffic. Ms. Nauser did not think when people bought their homes, they anticipated it would be another Green Meadows due to development occurring around it. Mr. Janku noted Green Meadows was a collector street. Ms. Hoppe suggested staff review the situation and provide a recommendation. Ms. Nauser was agreeable to that. She just wanted staff to start looking at road development to the west in the unincorporated areas. Mr. Hutton agreed with Ms. Nauser because in lots of places within the City, they were paying today for poor planning 40 years ago. He noted the streets shown as cul-de-sacs in Georgetown should not be cul-de-sacs. They should have been dead ended and planned to be built into a street. Mayor Hindman thought Ms. Nauser had some very good points and part of it was the inevitable consequence of having so many cul-de-sacs because there were then a limited number of choices. The developers and home owners wanted cul-de-sacs, but they also did not like the busy streets that resulted from them. Mr. Loveless agreed. He noted the CATSO Plan laid a lot of this out, however, funding the CATSO Plan and correctly anticipating the placement of the collectors were challenges.

In regard to the issue of managed lawns and buffers, Ms. Nauser noted she had previously asked for ways to encourage people to plant natural vegetation in their yards and wanted to again ask for a report on how they might be able to encourage people to do that in the

buffer areas. Some thoughts she had included credits in regard to stormwater fees, education through pamphlets in utility billings or a program on the City Channel.

Ms. Nauser made a motion directing staff to provide a report regarding potential incentives.

Mr. Loveless stated they might have to consider how that would conflict with the weed ordinance. Mr. Watkins noted they already had those problems in that the health inspector had to determine whether it was a native plant or weed. Ms. Nauser suggested having a registry and defining the types of plants that would be allowed.

The motion made by Ms. Nauser was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Hoppe stated she was following up on Ms. Crayton's concern regarding the International Property Maintenance Code and wanted a report on when inspections were done, how often, how many per year and the results of those inspections.

Ms. Hoppe made a motion directing staff to provide a report with that information. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Hoppe made a motion directing staff to provide recommendations on incentives for encouraging builders to start LEED certification. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Crayton made the motion to direct staff to put notices in utility billings to remind senior citizens about the circuit breaker program and to remind low income families about the earned income credit program. She also asked for a list of locations providing free income tax services to be included. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Janku commented that he would not be at the next Council meeting when they would be voting on the water main construction along Oakland Gravel. He understood during the budget process, they talked about coordinating that with the sidewalk construction in that area and hoped that would be accomplished.

Mr. Janku noted he recently became aware of a program called Project Life Saver, which helped track people with Alzheimer's, so if they wandered off they could be easily located. He understood it was run in conjunction with police departments.

Mr. Janku made the motion for a staff report regarding the City's participation in the Project Life Saver program. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

As follow up to one of Ms. Nauser's comments regarding vegetation and discussions on the stream buffer, Mayor Hindman understood one of the speakers mentioned the City of Independence's ordinance was slightly more progressive than Columbia's ordinance and thought a report noting the differences would be helpful.

Mayor Hindman made the motion directing staff to provide a report regarding the differences between the City of Independence's ordinance and the City of Columbia's ordinance in case they wanted to make any amendments. The motion was seconded by Ms. Hoppe.

Mr. Janku asked that it also include a review of the 25 acre point issue. Mayor Hindman and Ms. Hoppe agreed to include that topic in the motion.

The motion made by Mayor Hindman, amended by Mr. Janku and seconded by Ms. Hoppe was approved unanimously by voice vote.

The meeting adjourned at 1:08 a.m.

Respectfully submitted,

Sheela Amin
City Clerk