

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
MARCH 19, 2007

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, March 19, 2007, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE and HINDMAN were present. Council Member NAUSER was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of March 5, 2007 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

Mr. Hutton made the motion that B118-07 be removed from the agenda. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

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

SPECIAL ITEMS

Citizen Lifesaving Award.

Mayor Hindman invited Bob Pruitt, Bob Sutherland, Barry Trader, Steve Wilson and Assistant Fire Chief Witt to join him at the podium. He explained the Life Saving Award was presented to citizens who either helped City firefighters in a life saving effort or who were involved in life saving at an emergency scene before fire crews could arrive. The four men, who were employees of the University Power Plant, performed life saving actions to help save the life of Howard Zumwalt on December 11, 2006. Assistant Fire Chief Witt explained the event and actions taken and noted that due to the quick response of these University employees and emergency responders, Mr. Zumwalt was given the chance for survival. Mayor Hindman and Assistance Fire Chief Witt presented each with the Life Saving Award. Mr. Sutherland commented that he was appreciative of the Fire Department's quick response to the call.

SCHEDULED PUBLIC COMMENT

Mike Holden – Fourth Ward Issues.

Mr. Holden withdrew his request to speak.

PUBLIC HEARINGS

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 read by the Clerk.

Mr. Watkins explained this proposal would allow for the construction of 32 two-, three- and four-unit structures and that a valid protest petition had been received. He noted the applicant was requesting this item be tabled to the April 2, 2007 Council meeting.

Mayor Hindman understood Council had received letters asking for the issue to be tabled for a longer period of time. Ms. Hoppe explained one of the concerns expressed by the neighbors was that April 2nd was the first night of Passover, so several people would not be able to attend the meeting that evening. They also wanted to table the issue to beyond the April 2nd date.

Mayor Hindman opened the public hearing.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was speaking on behalf of the applicant and explained they were requesting this issue be tabled to the next available meeting. He noted this was not being done for purposes of prolonging, but in view of the fact a protest petition had been filed. They wanted a full Council available to vote on the issue. They were asking that this be taken up at the April 2, 2007 Council meeting because they had spent a lot of time and money visiting with each of the current Council members and preferred not to start all over again with two, if not three, new Council members. He commented that they understood there was a possible hardship to some of the neighbors and were, therefore, willing to provide the technology for the neighbors to provide a video taped testimony. He noted they could also provide written testimony. He reiterated that they preferred not to start this process over again with a new Council. He stated that if they were not willing to table it to the next meeting, he would prefer they proceed with the issue tonight.

Victoria Riback Wilson, 3201 Blackberry Lane, noted the Council should have received an e-mail from her indicating April 2nd was the first evening of Passover, which was a significant religious holiday for her and, perhaps, others who might want to testify. While she appreciated the offer by the applicant to video tape her testimony, she felt that would not be sufficient because she would not decide her exact comments prior to hearing the applicant's presentation and was hesitant in making a comment without an opportunity to change it based on the presentation. She pointed out it had been a month since the last tabling and she had yet to see any changes she did not hear about before the meeting a month ago. In regard to the concern of new Council members, Ms. Wilson noted two of the people running were on the Planning & Zoning Commission and they had already heard this issue discussed extensively, so there would be at most two and, perhaps only one, new Council person that was not familiar with the issue. She commented that she was requesting the issue be tabled longer than the next meeting after Passover because this, the Hinkson area drainage, was a delicate area and the stormwater ordinance would be going into effect within six months. In addition, the natural resources survey would soon be done. She also noted there were two other items for Rock Quarry Road on tonight's agenda as well as one more pending. She felt

it was reasonable to table the issue to a time when the Council could take a comprehensive look at the entire area.

Mayor Hindman stated he thought the item should be tabled to a meeting beyond the next one. He understood there was a hardship due to a change in Council and suggested it be tabled to a later date to give the applicant the opportunity to meet with the new Council members.

Mr. Simon stated that if the Council was inclined to table the issue beyond the April 2nd meeting, he would prefer it be tabled to the second meeting in May.

Mayor Hindman made the motion that B497-06 be tabled to the May 21, 2007 Council meeting. The motion was seconded by Ms. Crayton.

Ms. Hoppe understood if the neighbors wished to have the issue tabled further, they could make that argument at the May meeting.

The motion, made by Mayor Hindman and seconded by Ms. Crayton, to table B497-06 to the May 21, 2007 Council meeting was approved unanimously by voice vote.

There being no further comment, Mayor Hindman continued the public hearing to the May 21, 2007 Council meeting.

B84-07 Establishing permanent C-P zoning on a strip of roadway located along the north side of Grindstone Parkway (State Route AC), between Grindstone Plaza Drive and Rock Quarry Road; approving a revision to the Grindstone Plaza C-P Development Plan.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposal would allow the upper floors of three eastern most mixed use buildings in the current C-P plan to be used for office space rather than residential apartments as originally proposed. It also entailed the establishment of C-P zoning on approximately 0.87 acre of recently purchased MoDOT right-of-way. The Planning & Zoning Commission recommended approval of the C-P zoning, but recommended denial of the C-P development plan revision. The Commissioners believed the original mixed use development was put together with neighborhood input and should only be amended after a similar engagement with the concerned neighbors.

Mr. Teddy noted staff viewed the property to be rezoned as an incremental change to the plan and stated they could not think of an alternative zoning for that strip. He pointed out the area where the three buildings being considered for office space would be located had not been developed yet. He stated a combination of about 36,000 square feet would be shifted from apartment use to office use per the proposal.

Mr. Loveless asked if the additional right-of-way purchased from MoDOT went into the area designated as the park. Mr. Teddy believed some of it did and noted applicant's testimony indicated the part that fronted the park site would be used for park purposes and the remainder, which fronted the planned development, would be used to expand some parking.

Mayor Hindman opened the public hearing.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, stated he was speaking on behalf of the applicant and was asking Council to address three issues. The first involved permission to substitute a dense hedge of vegetation for the black vinyl fence behind

Wal-Mart. This would require a modification of the development agreement. The second issue would allow them to rezone and modify the plan to incorporate the additional real estate acquired from MoDOT. He pointed out the additional real estate did not include any land adjacent to the park. It was strictly land adjacent to the area to be developed. The park area of 2.11 acres would remain the same. He noted that land had been deed restricted, so it could only be used for a park. He stated he believed the only controversial issue before the Council was whether or not to allow his clients to substitute office space on the second floor of the three buildings for apartments. He explained his clients were convinced they would have difficulty renting apartments at that location. They also felt using the space for offices would be more compatible with the neighbors because the people that occupied the offices as well as the retail area in those buildings would go home around 6:00 p.m. He commented that at the time of their request, they thought this would be an innocuous change and did not realize it might be deemed as a precedent, which would adversely affect the ability of the Rock Quarry people to fight the application the Council just tabled. He was not sure he could see that argument and provided the Council a copy of the Rock Quarry Special Area Plan with the definition of mixed use highlighted. He noted it did not say for mixed use to exist that it had to be apartments plus something else. He read the definition as indicating it could be “a mix of small scale compatible uses such as business and professional offices, retail shops and stores, branch banks, churches, day care centers....” They understood the concern of developers getting part of what they want and then coming back until they received everything they wanted and pointed out that was not the case here. They believed the second floor space would either be vacant or occupied by college students versus more sedentary people.

Mr. Janku understood, at the Planning & Zoning Commission meeting, there was discussion regarding the park and open space and asked about its status. Mr. Van Matre replied he had received a fax today from Julie Youmans, President of the Rock Quarry Neighborhood Association, laying out exactly what the neighbors wanted by way of a park. He explained they were going to comply with it to the best of their ability. The one thing they wanted, he thought they might have difficulty with, was a meandering sidewalk. Instead of the sidewalk running straight along the park, he understood they wanted it to meander into the park and then back out again. He stated he did not know if the Public Works staff could approve such a design or if he would have to go the Board of Adjustment. Other than the potential sidewalk issue, he stated they would be happy to build the park the way the neighborhood wanted.

Mr. Hutton understood Mr. Van Matre had canvassed realtors and determined that creating second floor residential space as planned would not work because of various market conditions and asked why that had not been thought of when this was being discussed a couple of years ago. Mr. Van Matre replied the focus at that time had been whether or not the site was suitable for a Wal-Mart and the issue of mixed use did not occur to them as being a problem until they actually got it built. His clients then realized they would have trouble renting those as apartments and thought offices would be more compatible for the neighbors. He understood they were now engaged in a symbolic struggle instead of one with more pragmatic consequences and since that was the case, he noted his clients would be

willing to compromise on the issue. They would be willing to have one or two buildings with offices and the third with apartments.

Ms. Hoppe wondered if they created other alternative plans that were more conducive to residential units. She noted the proposed plan showed three buildings in a mall set up with residential above and asked if other more creative plans, such as having the buildings face the park or north area, had been considered in order to be a good place for residential development. Mr. Van Matre replied those buildings were there from the early stages and no one had ever suggested changing the orientation of the buildings. It was supposed to be transitional between the neighborhood and the development. To achieve that, the Rock Quarry Road Plan called for mixed use that transitioned on the corner. Instead of building anything on the corner, they dedicated the 2.11 acres on the corner for a park, thinking it would provide a better transition and better buffer than a development on the corner.

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

Mr. Janku stated that assuming they could come to some kind of agreement on how to take care of the buffer/park, he was comfortable with the proposal. He noted when arguing against the Wal-Mart, he commented on the incompatibility of the Supercenter adjacent to residential. He agreed this would not be a very attractive place for people to reside because it was in the middle of a shopping center. He also noted that since the plan was approved, there had been a lot of rental housing developed in the area causing the market to change to some extent. In addition, those new developments had amenities, which made them more attractive to live in.

Mayor Hindman stated he was influenced by the idea of a mixed use development with apartments and stores and thought they would come up with a plan that was compatible with that idea. The proposed plan, which was not compatible with apartments, was a decision for the retail to trump everything else. He noted this was one of the agreements made at a time the very contentious issue was before them. He stated he could live with allowing one of the buildings to include office with the others having apartments above them, but would prefer they redesign it so the apartments would be attractive to prospective tenants.

Ms. Hoppe commented that she was not on the Council at the time this was discussed, but understood from reviewing the Special Area Plan and the Planning & Zoning Commission minutes that the intensely commercial area would gradually go into a less intense use and then into the park. She believed they anticipated retail that was compatible with residential, such as coffee shops or similar items. She thought the residents would view this as further eroding the Special Area Plan, which was impinged on quite a bit when the initial development went in. She felt the residential went with the park and the lesser use, so the developer needed to come up with a way to honor that commitment. It was part of the package that had been approved.

Mayor Hindman understood if they wanted to keep the plan as it was originally approved, they would need to amend the ordinance. Mr. Boeckmann replied that was correct. He pointed there were three issues. One was the rezoning and if they wanted to rezone it, they would pass the ordinance. If they wanted to keep the plan as it was, they needed to delete the section revising the plan from the ordinance. The other issue involved replacing the black vinyl fence with dense landscaping and a hedge that would be six feet in

height. If Council wanted to do that, they would have to amend the bill to authorize the City Manager to execute an amendment to the development agreement.

Mayor Hindman made the motion that B84-07 be amended by deleting Section 2 and deleting the language in the title related to approving a revision to the Grindstone Plaza C-P development plan.

Mr. Hutton stated he was concerned as it appeared to be a bait and switch where they promised one thing, but then wanted to amend the plan to change it a couple years later. He also thought Mr. Van Matre had a good point in that the Rock Quarry Area Plan included offices, retail and housing when discussing mixed use. He stated he was not enthusiastic about it, but would vote in favor of it if it was in the plan.

Mr. Loveless commented that agreed with Mr. Hutton in that it had the appearance of a bait and switch, but also believed the forces of reality dictated some changes. He stated they understood these things were never cast in concrete until everything was actually cast in concrete. He agreed that having office up above rather than apartments would lessen the impact of traffic on Rock Quarry Road.

Mayor Hindman stated he wanted to modify his motion in order to allow one building to include office and the other two to remain as apartments. He asked Mr. Van Matre which building he preferred office use to be within. Mr. Van Matre replied the western most building.

Mayor Hindman made the motion to amend B84-07 by adding “provided that the building notes on the plan shall be amended so that mixed use on the easternmost two buildings shall include residential use on the second floor” to the end of Section 2. The motion was seconded by Mr. Janku and defeated by voice vote with only Mayor Hindman voting in favor of it.

Mayor Hindman made the motion that B84-07 be amended by deleting Section 2 and deleting the language in the title related to approving a revision to the Grindstone Plaza C-P development plan. The motion was seconded by Ms. Hoppe and defeated by voice vote with only Mayor Hindman and Ms. Hoppe voting in favor of it.

Mayor Hindman made the motion to amend B84-07 by changing the title to include “authorizing an amendment to the development agreement with THF Grindstone Plaza Development, LLC”, by adding a new Section 3 reading “the City Manager is authorized to execute an amendment to the development agreement with THF Grindstone Plaza Development, LLC dated January 30, 2006 so that the developer may substitute dense landscaping and a hedge, which will grow to six feet in height, for the black vinyl fence required in paragraph 8.b.(6) of the agreement and by renumbering the existing Section 3 to Section 4. The motion was seconded by Ms. Hoppe.

Mr. Loveless asked if the motion could be modified to read “...an evergreen hedge....” so it was not one that lost all of its leaves in the winter. Mayor Hindman and Ms. Hoppe agreed to include that in the motion.

The motion, made by Mayor Hindman, amended by Mr. Loveless and seconded by Ms. Hoppe to amend B84-07 by changing the title to include “authorizing an amendment to the development agreement with THF Grindstone Plaza Development, LLC”, by adding a new Section 3 reading “the City Manager is authorized to execute an amendment to the

development agreement with THF Grindstone Plaza Development, LLC dated January 30, 2006 so that the developer may substitute dense landscaping and an evergreen hedge, which will grow to six feet in height, for the black vinyl fence required in paragraph 8.b.(6) of the agreement and by renumbering the existing Section 3 to Section 4, was passed unanimously by voice vote.

Mr. Hutton made the motion that B84-07 be amended by adding “provided that the building notes on the plan shall be amended so that mixed use on the easternmost building shall include residential use on the second floor” to the end of Section 2. He noted this would allow two of the buildings to include office, while still requiring one to have apartments. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku asked if there would be a sidewalk along the frontage of Rock Quarry as part of the development. Mr. Teddy replied yes and added sidewalks were required on the Rock Quarry and Grindstone frontages.

B84-07, as amended, was given third reading with the vote recorded as follows:
VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING
NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

B85-07 Approving the Timber Creek Community Building C-P Development Plan located on the south side of Timber Creek Drive, west of Stadium Boulevard (State Route E); approving less stringent screening requirements.

The bill was given second reading by the Clerk.

Mr. Watkins explained the proposed plan would consist of a 2,100 square foot recreation building and a 450 square foot outdoor swimming pool. The facilities were intended to be used by residents of the Timber Creek residential development, which was located just north of the subject site. The Planning & Zoning Commission recommended approval of the proposed development plan and variance request.

Mr. Teddy commented that relative to the site, this was a small area. It was over two acres of land with a 2,800 square foot building, pool and small parking lot. He noted they added bicycle parking to the parking facility. He pointed out this would be allowed without screening if it were within a PUD zoned area and the applicant was considering it as part of the PUD although it happened to be zoned C-P. Both staff and the Planning & Zoning Commission felt it was good rationale for a variance on screening.

Mayor Hindman opened the public hearing.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was speaking on behalf of the applicant and offered to answer any questions.

Mr. Janku noted the Planning & Zoning Commission meeting minutes indicated they had polled the unit owners. Mr. Simon replied that was correct. Mr. Janku asked if all of the unit owners had been notified and were aware of the plan. Mr. Simon replied yes and noted they were in support of the application because they wanted this amenity.

Ms. Hoppe inquired as to the number of units and to the number of owner occupied units. Mr. Simon replied there were about 150 units with some of them being individually owned, but most being owned by various groups. Ms. Hoppe asked how many units were currently occupied. Mr. Simon replied he thought a substantial percentage of them were

occupied. He explained they had a slow period for a while, but since the housing fair, the occupancy had picked up.

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

Mr. Janku explained he asked his question because this was this issue's second time through and during the first time, some of the unit owners voiced concerns.

B85-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

B86-07 Approving a revision to the M-R Development Plan for Missouri Book Services located between West Ash Street and West Worley Street, east of Fairview Road.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would amend the development plan for Missouri Book Services by allowing for some building additions and new parking. The increased building space would be about 50,000 square feet. He understood some of the building would be used for office. The Planning & Zoning Commission recommended approval of the proposed development plan and design parameters.

Mr. Teddy noted the actions requested tonight included increasing the square footage under the development parameters of up to 370,000 square feet. This would accommodate the two specific planned building additions and room for a future addition. The office and warehouse additions were within the envelope of existing development on the site.

Mr. Janku asked where the future addition would be located. Mr. Teddy replied he did not think an area was denoted on the plan. With a design parameter limit of up to 370,000, they would still be allowed about another 16,500 square feet. Mr. Janku asked if a future expansion would have to come before the Council if it was within their design parameter. Mr. Teddy replied no and added that if it was in the design parameters and no variance was required, it could be signed off administratively.

Mayor Hindman opened the public hearing.

John Simon, an architect with offices at 13 S. Sixth Street, explained he was responsible for the update of the M-R plan and offered to answer any questions.

Mr. Janku asked if he knew where a future expansion might occur. Mr. Simon replied it could quite likely be in the mezzanines within the existing building envelope. He noted they had not defined where the additional 16,000 square feet might occur. Mr. Janku understood the design parameters had height and other types of limitations and asked if it would be within those limitations that might impact the neighbors. Mr. Simon replied yes.

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

B86-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

B89-07 Approving the Engineer's Final Report; levying special assessments for the 2005 Annual Sidewalk Project.

The bill was given second reading by the Clerk.

Mr. Watkins explained this legislation would determine whether there were any special benefits to the adjoining properties and would levy a special assessment against certain lots and parcels of land abutting the recently completed sidewalks. He noted the sidewalks were along Bluff Creek Drive, Catalpa Court, Snowberry Circle, UMC Drive, Campusview Drive and Norman Drive. The ordinance would also accept the engineer's final report. The total project cost for all of the sidewalks was \$39,398.65.

Mr. Janku noted that one of the projects had been completed privately and asked if all of the property owners were notified and given time to do the same. Mr. Glascock replied yes and noted letters had been sent out notifying the owners of the City's intent to fill in the sidewalk gaps and explaining that they could do it privately or the City could do it and tax bill them for the work. Mr. Janku asked if these were required because of stipulations that went along with platting the property. Mr. Glascock replied yes.

Mayor Hindman opened the public hearing.

Pat Ryan, 2600 Pebble Creek Court, stated he was President of the Bluff Creek Homeowners Association and that early last week one of the neighbors abutting the sidewalk that was constructed in Bluff Creek received a copy of the letter sent to the Bluff Creek Homeowners Association notifying them of tonight's meeting. He noted it was addressed to a non-existent address and that this was the first time they had ever heard of this issue, so they were not notified and were not given the opportunity to privatize the job. Being a contractor, he commented that they would have done it privately for significantly less than the tax bill amount proposed. He understood there was about 700 running feet of sidewalk on the portion of Bluff Creek Drive, just south of the Cattlemen's Association Building, where the lots were not sellable. Due to the narrowness of the lot, there was a 35 foot ravine from the back edge of the sidewalk that was constructed. Also, the MoDOT right-of-way for 63 was at the bottom of the hill. He felt this was something the developer should have addressed at the time the subdivision was built versus being left to the homeowners. He pointed out they did not ask for the sidewalk to be built and noted it currently dead ended on both ends. In addition, the sidewalk was installed at a five foot width, which he understood was the new standard, but noted there was over 40,000 feet of four foot sidewalk within the subdivision. He believed that when they went into an existing area, they needed to use the four foot standard. That added 20% in terms of cost to this particular project. He commented that he had not had the chance to speak to the developers or anyone else because he found out about this two nights ago. He asked for some more discussion before voting on their portion of this issue, which was almost 50% dollarwise of what they would be voting on. Mr. Ryan explained staff had their address now, but suggested they use the return receipt requested process for notification in the future when it involved spending someone else's money. He noted they also had a problem with the quality of the sidewalk itself. They did not think they should have to maintain it because they felt it would have problems within 10 years.

Ms. Hoppe asked if they had initially received notice informing them the sidewalk was going in. Mr. Ryan replied no and noted they saw the sidewalk going in, but thought the developer was putting it in since the lots were shallow and would likely not sell.

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

Mr. Janku wondered why they never received notification and thought they might need some additional information. Mr. Glascock explained they contacted the developer and the Homeowners Association. The address on the deed of record was the address it was mailed to and it was never returned as being undeliverable. Two other property owners received the same notice and built their sidewalks privately. He believed they did all they could do. He noted he had personally talked to the developer last week to let him know about this public hearing.

Ms. Hoppe asked what the address was with the deed of record. Mr. Glascock replied as of December 9, 1999, it was transferred to the Bluff Creek Estates Homeowners Association with an address of 2705 E. Bluff Creek Drive. Mr. Ryan noted that was the address on the letter, but no such address existed. Ms. Hoppe asked what it should be. Mr. Ryan replied they had contracted with Diversified Management, so it would be whatever their address was.

Mayor Hindman asked if there was a registration of neighborhood association addresses in the Clerk's Office. Mr. Janku replied this was a homeowners association, not a recognized neighborhood association. Mayor Hindman asked if there was a registration of homeowners associations. Mr. Glascock replied he was not aware of one.

Mr. Hutton asked Mr. Glascock to address the quality issue. Mr. Glascock replied he looked at it himself and noted it was something they put in every day. The sidewalks leading up to it were in worse shape than those. He thought they were probably about ten years old. Mayor Hindman asked if he thought it met City standards. Mr. Glascock replied yes.

Ms. Hoppe commented that she had not looked at the quality of the sidewalk, but had talked to some people in this area about sidewalks in general and the people she had spoken with were happy with the new sidewalks. She stated she had not heard any complaints until today.

Mayor Hindman commented that he assumed the Homeowners Association address on the deed was that of the developer, who created the association. He asked if the letter was returned. Mr. Glascock replied no. Mayor Hindman believed the developer would have some responsibility to get that information to the Homeowners Association. Mr. Glascock explained they corrected some of this as they were now requiring the sidewalk be put in with the street for any unbuildable lot.

Mr. Hutton stated he was sure most people would opt to build a sidewalk privately if they had the choice. He was not sure half price was the correct number, but agreed it would certainly be less. He commented that he thought the City's process needed to be improved to ensure the right parties were contacted. Ms. Hoppe stated the developer should also have a responsibility to have the correct address on the deed. Mr. Hutton noted that would not help these people. Ms. Hoppe agreed, unless they had some cause of action against the developer. Mayor Hindman suggested amending the bill since there seemed to be some real equity issues with respect to the property owners.

Mr. Hutton made the motion that B89-07 be amended by reducing the tax bill associated with Bluff Creek Drive by 50%. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B89-07, as amended, was given third reading with the vote recorded as follows:

VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

B90-07 Authorizing Change Order No. 1 with J.C. Industries, Inc. for construction of Blue Ridge Road from Garth Avenue to Rangeline Road; approving the Engineer's Final Report; levying special assessments; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins stated this would accept the engineer's final report on the Blue Ridge Road improvement project that had been completed. The total project cost was about \$1,352,566 and funding for the project would come from adjacent property owners, the County Road Tax Rebate funds and Federal Surface Transportation Program funds. Mr. Glascock pointed out the maximum tax bill rate had been set at \$15.00 per abutting foot at the public hearing and the project came at \$12.00 per abutting foot.

Mr. Janku noted a drainage ditch on the north side of Blue Ridge, immediately east of Providence, and asked if that drainage area was the City's responsibility or if it was on private property. Mr. Glascock replied he was not certain, but did not think the City had an easement through the area. Mr. Janku wondered who was responsible for its maintenance and stated he would ask for a report at the end of the meeting.

Mayor Hindman opened the public hearing.

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

B90-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

B98-07 Authorizing a contract for sale of real estate with the Muriel M. Crane Revocable Trust and Crane Family Trust, Muriel M. Crane, Sydney M. Crane and Sue M. Crane and Ronald D. O'Neal for the acquisition of property located south of Gans Road, adjacent to the Philips Park and Rock Bridge State Park, for regional park purposes.

The bill was given second reading by the Clerk.

Mr. Watkins stated this would authorize the purchase of an approximate 320 acre tract of land south of Gans Road for a regional park. The property was adjacent to the Philips Park and the Rock Bridge State Park. Staff negotiated a contract price of \$8 million and if approved, closing would be scheduled in September. He pointed out funding for this project was coming from revenue sources that had to be used for parks. He noted this project had been in the City's Parks Master Plan since 2001 and had been a focus of the staff for a number of years.

Mr. Hood commented that he believed this property had outstanding potential for development of a regional park. The property had been in the Crane family for over 100 years and much of the property was open pasture land, which was very well suited for development with active use recreation features, such as athletic field complexes, tennis courts, etc. He noted the Gans Creek Watershed flowed through the property and this would give the City the opportunity to protect and preserve this critical portion of the watershed. He pointed out this would create a green belt or corridor around the southeast corner of the City

with a lot of potential for trail connections. It was very well placed with regard to access, which was a critical element for a regional park. The new Gans Road access off of Highway 63 would provide outstanding access as would the future extension of Gans Road to the west to connect with Providence Road. He noted, at this time, they did not have a development plan, but had done a conceptual vision of the property, which showed the numerous opportunities for development. He pointed out they anticipated a lengthy and thorough planning process, similar to the process used for the Stephens Lake Park property where they spent 12 to 18 months working with citizens and obtaining input before designing the property. He stated they thought the opportunity existed to use best management practices and outstanding techniques from throughout the Country in not only developing excellent recreational facilities, but in protecting and preserving the environment as well.

Mayor Hindman opened the public hearing.

Ken Midkiff, 1005 Belleview Court, stated he was speaking on behalf of the Osage Group of the Sierra Club and noted they were in support of the acquisition and would be involved in the involved in the planning process.

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

Mr. Janku stated he believed this was a great day for the City and thanked the Crane family for approaching the City in regard to this opportunity.

Ms. Hoppe commented that having a major southeast regional park had been on the Metro 2020 Plan and when she was involved with the parks tax issue, there was a lot of interest and support in having a southeast regional park. She was glad to see it was finally coming to fruition.

Mayor Hindman stated he also thought this was a wonderful opportunity for Columbia. When looking at the possibility of combining it with the other parks in the area, he believed it was a pretty spectacular opportunity.

B98-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

(A) Construction of street improvements on Vandiver Drive, from the U.S. Highway 63 interchange to Mexico Gravel Road, and Mexico Gravel Road, from Vandiver Drive to Route PP/Ballenger Lane, and construction of the Upper Hinkson Creek Outfall Relief Sewer.

Item A was read by the Clerk.

Mr. Watkins explained this was a public hearing in regard to the construction of street improvements on Vandiver Drive and Mexico Gravel Road and the construction of the Upper Hinkson Creek Outfall Relief Sewer. He noted the sewer project had been on the City's Master Plan for many years and was included in the 2003 sewer ballot issue. It was necessary due to the elimination a pump station, which was in the way of the road improvements. It would also provide additional capacity for north Columbia. He pointed out an interested parties meeting was held at Blue Ridge Elementary School in January and understood it was well attended. He explained the CIP suggested funding for the Vandiver Drive and Mexico Gravel Road projects at \$3.6 million and \$2.8 million, respectively. The funds would be derived primarily from the transportation sales tax approved by voters in

2005. Mr. Watkins noted it was the City's intent to build these sequentially with Vandiver Drive being first.

Mr. Glascock described the location of the two projects and the pump station using the overhead. He reiterated an interested parties meeting had been held in January and noted letters had been sent to the abutting property owners and a news release had been provided to the media. He described the route shown in the CATSO Plan, which included an extension to Mexico Gravel and the need for two bridges, on the overhead. He pointed out comments had been received from a nearby development in regard to where the road would be placed and connected. He described the initial alignment shown on the CATSO plan and explained they were involved in a FEMA study in order to attempt to shorten the bridge. He noted this layout did not take out the substandard bridge over the Hinkson on Mexico Gravel. After the interested parties meeting, he noted they were asked to look at an alignment on the west side of Hinkson Creek. They came up with a design with two dual lane roundabouts with a four lane facility connecting them. This design eliminated the need for one of the bridges and would also remove the substandard bridge. This design would allow the traffic two ways into Columbia. The old plan only allowed one way into Columbia. They felt this was significant since Route B at Vandiver was very congested at times and the intersection at Mexico Gravel and Route B was underutilized. He noted this would not preclude Creekwood Parkway from coming up and being able to cross at some point in the future. He pointed out they would have to cross two branches in order to get to the old original alignment. The width of the road was 36 feet on Mexico Gravel and Vandiver leading up to the roundabout at Mexico Gravel. They were proposing a four lane facility between the two roundabouts to move traffic in that commercially zoned area. He noted bike lanes and pedways would be on each side. He explained they were trying to center the road on Mexico Gravel in order to lighten the burden on existing houses. If they shifted from one side or the other, they would take out more housing than anticipated. With the road being centered, they were looking at major impacts to four structures. He thought they would probably have to take one structure, which was very close to the roadway.

Mr. Hutton stated he had heard comments in regard to whether the roundabouts were appropriate for major thoroughfares. He assumed the idea of the dual lane roundabout was more suitable for a higher traffic road. Mr. Glascock replied that was correct and explained how they worked on the overhead. Mr. Hutton asked if they had looked at this alignment with regular intersections as opposed to the roundabouts. Mr. Glascock replied he thought they did and felt they could not accommodate the need for keeping the traffic flowing on the arterial. He pointed out MoDOT was requiring that they ensure the Vandiver Drive overpass connected to the City system, so they ran the scenario through MoDOT to make sure it was in the ballpark and it was agreed it was.

Ms. Hoppe asked about a structure shown on the overhead. Mr. Glascock replied it was a house that was very close to the road. He explained a two lane wide road would probably not impact it greatly, but a four lane road in the future would.

Mayor Hindman opened the public hearing.

Ken Midkiff, 1005 Belleview Court, stated he was speaking on behalf of the Osage Group of the Sierra Club and explained he and others in Sierra Club had been involved in the

Vandiver extension issue for over two months. All of their concerns, primarily relating to the Hinkson Creek and its associated floodplain had been resolved to their satisfaction, so they were supportive of the recommendation of staff. He thanked the Public Works staff for listening to and addressing their concerns and the concerns of the Alspaugh's, who were the owners of the lands that would have been taken away in the original proposal.

Mr. Midkiff understood the City contracted with Allstate Consultants to make application with documentation to the Federal Emergency Management Agency (FEMA) for lowering the delineation of the floodplain in the Hinkson Creek Valley, just upstream of the U.S. 63 bridge and noted the cost of receiving the public records related to Allstate Consulting and FEMA were so prohibitive that public access to those records was essentially denied. He noted they had been given a cost of \$900 for the records, which they could not afford. He stated he did not think any citizen could pay \$900 for the records and suggested, if there was a policy regarding the cost of receiving public records, it needed to be reviewed.

Mr. Midkiff reiterated the Osage Group of the Sierra Club was supportive of the revised extension and urged the Council to vote favorably on this issue.

Rick Myers, 4508 Mexico Gravel Road, explained his home was one of the four that was due to experience a major impact and believed his was closer than the one that would be taken. He stated, if the 85 foot right-of-way came about, his front porch would be one foot from the end. This meant they would have to go to court to have their home condemned, which would be a tough thing for them. He noted he purchased the home about 34 years ago and in the intervening time, had added three rooms and a bath, had done major renovations and had planted about 250 trees on the property. The road would take at least 40 trees and most likely 60. The way the road would be raised at the peak of the hill from three feet to up to ten feet on the western part of his property would mean he would either lose a slope of about 35 feet into his yard or have a very tall wall. He did not like the idea of an 85 foot right-of-way and had always believed 66 feet would make sense in a narrow area like this. He also did not want the City to come back 10 years from now stating they wanted the 85 feet. He noted he had mixed feelings in regard to the situation. He would prefer it not happen at all, but understood the road needed to be fixed. He pointed out he and his family felt blindsided by this because they thought this was defeated when Proposition 5 was defeated. He now understood the Council approved proceeding with this in December of 2005, but noted the landowners had heard nothing about it until January of 2007, when they heard there would be a meeting to discuss the issue. He stated he did not think this process was very good. He also noted they looked for the specifics of this in Council minutes and had not found anything. He was concerned that the average person was not being paid attention to or being informed when it came to something that would dramatically affect their lives. He felt they deserved to be treated better than they were.

Rick Lee, 4610 Mexico Gravel Road, stated he was not affected as much as the property to his west, but would still be significantly affected. He explained he and his wife had lived at this location since 1984, when they moved to Columbia. They had enjoyed their relatively rural setting all this time. He pointed out he was not opposed to growth and development as he made his living by providing products for new home construction, but noted this project would negatively impact his property. He commented that his house sat 53

feet from the existing pavement and assuming the new road centerline would be in the same location as it was presently, his house would be 21 feet from the right-of-way if they went with an 85 foot right-of-way. He believed that would negatively affect his property in regard to use, safety, comfort and value. He noted a car hit his house just three years ago. When it became obvious improvements were needed on Mexico Gravel, it was his hope the primary artery would be at another location and Mexico Gravel would be a collector or dead end at the Alspaugh property.

Mary Daly, 4707 Mexico Gravel Road, stated she was not as severely impacted as Mr. Lee or Mr. Myers and explained she had lived at this location for most of the last 42 years. She lived there before the street was forceably annexed by the City in 1969 and the road was paved. That was all that had happened until 1979 when they put a centerline down the middle of the road. Since 1979, there had been no improvements made to the road and it was rarely maintained. She commented that it was surprising to her that they wanted to go from a road that was barely maintained to a four lane wide road. She noted she agreed it needed to be widened and that it needed sidewalks, curbs and gutters. She stated things moved slower in northeast Columbia and did not see the need to spend money on the extra right-of-way if full widening was not going to happen for years. She also did not understand the placing of a sidewalk 17 feet away from a road for approximately 20 to 30 years. She asked the Council to look at the long term impact to the people living in the neighborhood. She noted people in this neighborhood stayed for a long time and was not sure that would continue with a four lane road at that location. She understood the Vandiver portion was required due to agreements made with the State, but pointed out making Mexico Gravel four lanes wide was not required.

Mark Farnen, 103 E. Brandon Road, stated he was speaking on behalf of DDM Investments and noted DDM Investments was the developer/property owner in the southern part of the map area that would be impacted by the decision to change a route that had been understood to be in play for several years. He stated he was referring to the Hidden Creek project, which was a PUD 7.2 and would allow 402 new condominium units to be built in an area very near the original Vandiver extension. He pointed out this development was approved by Council in 2005 and at that time, a plan contemplated a connection to the Vandiver extension through a road called Riney Lane. Using the overhead, he showed the location of the project and the road they anticipated would have connected to their project. He also showed the previous configuration and commented that they believed it was a good idea and would relieve pressure from Clark Lane for that entire part of town in a very direct and manageable way. He displayed the new configuration and explained they did not know if it was right or better, but noted they would not be able to get across the Creek. There was nothing to connect to unless they went all of the way north to the original line. This meant his client would have a severe economic hardship because they almost abutted the road in its original confirmation. He noted they were not directly notified of the initial meeting and believed there were several questions that remained. They did not want to force all of the traffic that would have ordinarily used their road connection back down on Clark Lane and Ballenger. He pointed out the Council packet did not mention these problems and a traffic study was not submitted with the information. He noted a traffic study had been done for

their PUD, which indicated that 15% of current and future trips would use Riney Lane instead of Clark Lane, if that configuration were accepted, and an additional 7.5% of the trips that originated there would use Ballenger and go up from there. He stated they were not sure if this was wrong, but believed there was not enough information for Council to vote on this issue tonight. He asked that the issue be delayed for a significant amount of time, so everyone could review it.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was also representing DDM Investments and noted he expressed in an e-mail to Council that when the PUD was approved in October of 2005, staff and Council sought to require a traffic impact study. Allstate Consultants, who designed the new alignment for Vandiver, procured that traffic impact analysis from Crawford, Murphy & Tilly, which indicated that whether or not Hidden Creek was developed, it was important that Riney Lane be connected to Vandiver because it would relieve approximately 15% of the trips that were now on Clark Lane. He explained that not only would his client be severely impacted by this, but all of the people who now used Clark Lane and the at least 227 units that would be placed on their development, whether or not Riney Lane was built, would also be impacted by this. In addition, there were additional developments already underway that would be impacted by this. He noted that when this was discussed with the County Commission, Mr. Watkins advised the Commission that before any attempt was made to extend Vandiver and Mexico Gravel Road a traffic impact study would be done. He stated the traffic impact study had not been done and if it was done, he thought it would show there were a significant number of people who would have a substantial economic loss. These people, while maybe notified by the newspaper, were not notified directly of the interested parties meeting. Although abutting property owners were notified, DDM was not notified, nor were the two principles. He pointed he did not think the FEMA study was done either. He reiterated their traffic study, which was required by the City, indicated Riney Road was essential to the area whether or not Hidden Creek was built. By doing this, they were eliminating the possibility of that outlet. He commented that they felt this was being done primarily for the benefit of one property owner at the expense of a substantial number of other people. They were asking Council to take the time to study this issue fully before moving forward.

Karl Skala, 5201 Gasconade Drive, explained he was a Third Ward candidate, who lived on this side of town and believed this was a strange priority. He commended the Public Works staff for realizing the western alignment was probably the wise thing to do. He noted it was an environmentally sensitive area and it did not make a lot of sense to dig out a floodplain in order to build a road over it. He stated he agreed that the Vandiver extension needed to be done. He commented that he had been canvassing the Mexico Gravel Road area and there were a lot people who were concerned about this ingress and egress. He felt this was more of an ingress than an egress. He did not believe most of the people living in the area would travel too far north to get out. He thought they would go south and west and wind up at the Clark Lane interchange on I-70, which he believed was the product of bad planning that had been improved to some degree, but could not be improved upon any further. He spoke with an engineer at the interested parties meeting, who expressed the same concerns about not having this go all of the way through. Mr. Skala suggested dealing

with this issue in stages. He commented that as a result of the 2005 bond issue that failed, which he was involved with, two of the projects were dropped. One was Lake of the Woods from St. Charles to Keene and the other was the Ballenger Lane overpass, although it was still on the MoDOT schedule. He stated those were two to three year projects that were dropped in favor of a three to five year project, mainly Lemone Industrial Boulevard. He agreed Lemone needed to be improved, but was not sure he agreed with the Council's decision as he felt it needed to be further east. He stated he did not think Vandiver was the answer. He agreed it might be a priority, but did not feel it was the top priority.

Mayor Hindman asked if he was saying this project should not be done. Mr. Skala replied he was not saying it should not be done. He was saying that they needed to think about the whole area in terms of ingress and egress and maybe reconsider some of the outlets for Clark Lane. He thought this might be a way to bring traffic into the area and not necessarily only a way to get traffic out of the area. He also thought there were some other opportunities needed to relieve traffic on Clark and Ballenger. He noted Ballenger Lane was unimproved and understood the multi-jurisdictional involvement caused it to take some time before being done. He believed they needed to get some people to sit down to talk about priorities to help solve the problem.

Ms. Hoppe asked if he saying the preferred route would be worse for Clark Lane than the initial route. Mr. Skala replied no and stated he agreed with the preferred route. He thought it was a much better option to put it on the west side versus putting the road through the environmentally sensitive areas. He was suggesting they look at the area in total.

Mayor Hindman commented the previous speaker showed the proposed Riney Lane, which would have relieved a certain amount of traffic that would have otherwise gone to Clark Lane and asked if he preferred the west alignment even though that would cut off Riney Lane. Mr. Skala replied yes. Mayor Hindman asked if he still felt that way knowing it would put more traffic on Clark Lane. Mr. Skala replied he did not think it would put more traffic on Clark Lane. Mayor Hindman commented that some units would be built in the green patch on the overhead and understood, without Riney Lane, all of that traffic would have to go south to Clark Lane. Mr. Skala replied he was not sure and wondered if anyone had looked into whether or not there was some way to connect it. He thought the issue there had to do with the Ballenger overpass and the improvement to St. Charles Road, which the overpass was supposed to connect into.

Mr. Hutton pointed out that if the tax issue had not failed, they would have the Ballenger overpass and St. Charles Road being built as well.

Gary Naugle, Sr., 1700 Dozier Station Road, described the property he owned using the overhead and noted he owned two buildable lots plus about 11.75 acres in the big tract. He commented that there was an alignment that would shift Mexico Gravel Road to the south and he understood that could come about again. Mr. Naugle passed around a handout and stated there was a dip in the road across the front of his property. He understood they intended to fill it in instead of cutting off the knoll because that was where a neighbor's driveway came out and the fill would take a quite a bit of his property. He commented that the entire lot could be developed, but that was not his intent. He explained he intended to develop the highlighted area shown on the handout. The northern half of the property would

remain virgin forest and floodplain. He noted that did not leave much land to be developed, so anything taken away from the front portion would tend to make him want to develop the entire property rather than just doing a PUD and leaving the other portion vacant. He stated his project had already been through a concept review.

Mr. Janku asked, if a motion was made to proceed, if the design specifics would be discussed at a later public hearing. He clarified he was referring to fill and wall type issues. Mr. Glascock replied they would try to minimize those impacts. Mr. Janku understood that would be a later issue. Mr. Glascock replied they could bring that back.

Ms. Hoppe asked what the estimated cost was for the first proposed alignment with the two bridges. Mr. Glascock replied they had not looked at the two bridge system. He believed the new alignment would cost about the same as going across the floodplain because they would have had to mitigate. He believed it would probably be a wash because the roundabouts were also costly. He noted another issue was that they were building a four lane bridge structure instead of a five lane bridge structure, so they would be saving on the bridge width.

Robert Young, 4406 Mexico Gravel Road, commented that he had been watching this project since it inception with the CenterState development. At that time, he addressed the Vandiver extension and told the Council he thought it was a bad idea. He commended staff for their innovative thinking on the roundabouts, which would alleviate some of environmental and geological concerns regarding the floodplain. He stated he did not believe the floodplain was a geologically stable area to build upon. The burrow pits that were drawn in to get fill in order to raise the roadway was in a lost creek geological formation, so they would not be able to hold water. There would be nothing but wetlands. He commented that he believed the roundabouts on the west side were the best compromise. In regard to the Mexico Gravel expansion, he stated he was not as heavily impacted as his neighbor, Mr. Myers, but noted it would take about half of his circular driveway, which he could deal with since he had plenty of frontage on the road. He noted he did not think the 85 foot width was necessary and questioned who would maintain the two 17 foot grass strips inside the sidewalk and pedway.

Mr. Hutton understood under normal City policy, the area between the sidewalk and the curb was maintained by the property owner and asked if the property owners would be expected to maintain these strips. Mr. Glascock replied the City maintained some, like in Vanderveen, where no one wanted to do it. He stated the Public Works Department would do it, but it would not be maintained as a lawn.

John Alspaugh, 2809 Skyview Road, stated he owned a 200 acre farm on the east side of Hinkson Creek. He showed an alignment using the overhead and indicated that would have left him with over one-half of a mile of Mexico Gravel Road frontage on both sides. By his calculations, the road would take about five acres off of his farm, but he also thought it was a good plan. He noted it solved many of the environmental issues and stated that was one of their major issues with the original plan. He commented that the children that lived in northeast Columbia attended Blue Ridge Elementary and Oakland Junior High, so all of the school buses went east and west across Mexico Gravel Road and felt that was a major factor in constructing this and in this plan being better than the original plan. In addition, many of the neighbors in this area worked at Square D, 3M and Quaker Oats and this would

provide them with a better commute to work. He stated he believed this was a better road plan than the original in terms of serving the neighbors. He encouraged the Council to support it.

Brian Rees, 4008 N. Hinkson Creek Road, explained that his family owned 100 acres just north of Mexico Gravel Road and stated he agreed with Mr. Young's comments in regard to the geologic instability of the underlayment of the floodplain. He noted he was not fully aware of the Riney Lane access the developers had for Hidden Creek and commented that if they wished to build down the wetlands, he assumed they would have all the appropriate paperwork needed in order to do so. Using the overhead, he explained if one drew a line from the bottom roundabout, just off of Vandiver Drive, eastward to Route PP, it was basically about half the distance as going all of the way up and north across. He understood that had been considered in the past and would involve only one bridge. He thought that might allow them to get back and forth on Riney Lane from Vandiver down to Clark. He stated he wanted to commend the designers of diagram 3, which was the Vandiver Drive extension preferred alignment. He thought the roundabouts were a good idea and that people would quickly warm to them. He believed it would move traffic efficiently and safely. Using the overhead, he suggested having a straighter alignment from the center of upper roundabout to the Mexico Gravel Road project where a more even curve was proposed because the kink on the east end of the bridge could be eliminated providing a significant safety enhancement and more tillable land. He thought, due to the road grade, it would require less fill as well. He noted the old alignment would have destroyed the beautiful bottom.

Mayor Hindman asked if he was suggesting a curve be taken out of the present alignment of Mexico Gravel Road. Mr. Rees replied he was suggesting taking a direct line from the upper roundabout completely across that bottom and taking off the curve just off the end of the bridge. In essence, the bridge would be rotated closer to the existing Mexico Gravel Road. He thought it was a safety issue worth considering.

Dave Harr, 1313 Vandiver Drive, explained that he owned property in the area and commented that one of his major concerns was in regard to the sewer project going into the area. He understood the project would be stopped by the lower turnaround. He also understood a public line was located a bit north of that area as well. He stated when Highway 63 was built, the City dropped in some sleeves underneath the roadbed and he was hopeful they would do the same when completing the Mexico Gravel Road interchange. He understood a sewer was supposed to have been put under Highway 63, but it did not occur. He felt if this was taken into consideration, it would alleviate a lot of problems in the future and would help to hook up the lagoons and septic tanks in the area. He suggested making Mexico Gravel a three lane road as opposed to four lanes. He felt a center turn lane and two driving lanes, since it was a tight area with the potential of several homes being impacted, was appropriate. He also thought there was a need for the Ballenger Lane overpass because that would relieve a lot of problems on Clark Lane.

Noah Myers, 4508 Mexico Gravel Road, stated he had lived at this location for 18 years and commented that under the current right-of-way plan, his home would not necessarily have to be condemned, but it would be desirable since the road would be so close to the front of the house. He was supportive of the plan of the two roundabouts since

they took away some of the environmental concerns. In regard to Mexico Gravel, he noted they had slowly watched an enormous amount of development take place further out on Mexico Gravel Road toward the County line and Lake of the Woods and wished the City and County had addressed the infrastructural problems before approving all of the construction. Even with the development, he could not foresee a four lane road ever being necessary for that stretch of Mexico Gravel because there were never any traffic jams. He agreed the road should be widened to a certain degree because the edges were crumbling, but felt a 65 foot width would be sufficient to support any amount of traffic that would ever be on it, especially, if the City addressed some of the problems with the connection of Ballenger across 70 to alleviate traffic problems on Clark Lane. He reiterated he believed it would never be necessary for the road to be four lanes and if they did choose to take the right-of-way, it would degrade the lives of all of the people living along the road. He asked the Council to consider not widening the road as dramatically.

Cindy Dunn, 4401 Mexico Gravel Road, stated she agreed the road needed to be improved, but was concerned about having a major highway in her front yard. She would prefer anything narrower than four lanes and felt a 65 foot right-of-way would be wonderful. If the road was widened as proposed, it would take out all of the trees along the front of her property. She noted they had a lot of large and very mature trees. She stated she was also concerned about a buffer from the sounds coming off of the road and if the trees were removed, there would be no buffer. She asked if they planned to put something back for a buffer. She also wondered what the speed limit would be. She hoped it would not be 50 mph.

Nancy Turner Myers, 4508 Mexico Gravel Road, asked the Council to consider all of the different proposals that were provided tonight. She believed many conflicting ideas had been presented tonight and was asking the Council to not vote on this issue tonight and to reconsider their decision given all of the different ideas and questions that were raised.

Mr. Hutton understood her husband, who was the first speaker, to say the 85 foot right-of-way would be within one foot of their house. Ms. Myers replied that was basically correct. Mr. Hutton understood that even if it was a 66 foot right-of-way, it would not help dramatically since it would only be ten feet on their side. Ms. Myers replied it would not assist dramatically and commented that she agreed with her son in that there would never be enough traffic on the road to warrant having four lanes. She believed they just needed improvements made on the road since nothing had been done to the road since the late 1970's.

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

Mr. Hutton noted Mr. Glascock had mentioned four properties that would have had a major impact and asked if all four were present this evening and if those properties could be pointed out to him. Mr. Glascock pointed them out using the overhead. He noted this was not the final design. This would allow them to move forward with the final design. He emphasized that they would try to minimize the impact. In regard to a four lane facility, he believed that would be 20 to 30 years out. They were only trying to get the right-of-way today. He showed on the overhead the area they anticipated using the route.

Mr. Hutton noted Mr. Rees suggested drawing a line straight east from the southern most roundabout with a connection to Ballenger Lane at that point in order to help with Riney Lane. He understood that did not meet the City's needs in the sense that this would be a loop, which would extend further eastward where it connected with Ballenger Lane in the future. Mr. Glascock replied that was correct and stated he believed Route PP was the next Scott Boulevard because it was going to continue to develop and continue to need improvements and ways across it. He noted that building bridges across the Hinkson was very expensive, so they needed to make the best use of them.

Mr. Hutton asked what the speed limit was anticipated to be. Mr. Glascock replied he thought it would be somewhere around 40 to 45 mph.

Mr. Hutton understood that if the City removed trees as part of a project, they had to pay for them and asked if they expected the property owner to use that money to replace the trees or if they would do some landscaping. Mr. Glascock replied he would anticipate landscaping on this project.

Mr. Hutton commented that there had been a lot of discussion about Riney Lane and he wondered if it was even buildable due to the terrain. He understood one major drawback was that it would have to go across someone else's property, so there would be no guarantee they would ever be able to buy the right-of-way for the road or whether the City would participate. He also understood there were no off-site improvements required as part of the development plan for that PUD 7.2, so it was not their intention to pay for Riney Lane past their subdivision. Mr. Glascock replied he did not believe they had an agreement for that.

Mr. Hutton understood there was a question regarding the ballot issue and how this all came about. He recalled the Mexico Gravel/Vandiver extension being on the minimal amount side. He thought the ballot issue was structured showing a certain number of projects if one thing passed and an additional set of projects if the second one passed. Mr. Janku stated he believed they were all listed and they did not differentiate which part of the ballot issue would fund what and which part would be taken off if it did not pass. Mr. Watkins stated that was correct. Mr. Janku noted it was only after the one failed that they made the selection as to which projects would and would not go forward. Mr. Hutton stated that answered his question because Mexico Gravel was definitely on the original ballot issue. Mr. Loveless explained they had done that intentionally so they could pick and choose which projects they felt to be the most important given the money that would be generated by the tax issue.

Mr. Hutton asked if the City could acquire the 85 foot right-of-way, but build to the double lane standard with the sidewalks in their normal position as opposed to all of the way out. He understood if they widened it in the future, they would have the expense of tearing out the sidewalks and redoing them. Mr. Glascock believed they could do that if Council directed them to do so. Mr. Hutton understood it would be a waste of money to take out the sidewalks and pedway. Mayor Hindman suggested doing that when they were near the houses. Mr. Hutton stated he thought it was strange to have the 17 feet from sidewalk to curb and noted they were going to force the residents to maintain it, if they wanted it to look like a lawn because the City would only mow it every six months.

Mr. Janku noted one side of Providence Road, north of Bear Creek, was built, but not to the centerline. It was built all of the way to one side. He asked if they could look at the

same approach near the potentially affected homes to keep it away for a longer period of time. Mr. Glascock replied they looked at that, but noted going down the middle had a lesser impact on the houses because there were houses on both sides.

Mr. Loveless agreed with Mr. Hutton in regard to moving the sidewalks in during the interim. He noted it was advantageous to acquire the entire right-of-way now before it built up anymore, but the need for a four lane road was potentially 20 or 30 years from now. He pointed out the average life of a sidewalk was not a whole lot greater than that, so he was not sure the City would take an expensive hit by building the sidewalks in closer to the roadway. He suggested asking staff to go into the design stage with the idea of minimizing the impact to the existing houses to the extent possible given the need for two lanes now.

Mr. Janku commented that the Council was often criticized for not planning well and when they tried to plan out 20 plus years, it was still difficult.

Ms. Hoppe stated that even when planning for the future, things could change, so she felt this was a good compromise. She also believed the speed could be reduced where the road was closer to the homes.

Mr. Hutton commented that if they acquired the 85 foot right-of-way and built the whole thing, it might affect a property such that the City would have to take the whole thing. However, if they acquired the 85 foot right-of-way, but built it narrower and the property owner decided to stay, he asked if 20 years from now, when it was decided the road needed to be widened, if the property owner was out of luck. Mr. Boeckmann replied if they were to condemn the full width they believed was needed, the City would pay 100% of the value of what was being taken as though it was going to be developed. He noted the City would not have to pay more at a later date if they took the entire right-of-way now. Mr. Loveless understood there would be no future claim on the City from property owners. Mr. Boeckmann replied that was correct because the City would be building a road in the right-of-way they had. Mr. Hutton understood the people needed to protect their rights from the beginning.

Mr. Hutton stated this project was on the ballot because it was much needed. He believed the question was where the final design would end up. He noted he liked the new design with it being on the west side of the Hinkson Creek. He pointed out this was not intended to be the cure all for all of the traffic problems in northeast Columbia. It was one step. The Clark Lane extension to St. Charles, the Ballenger bridge over to St. Charles and the improvement of St. Charles Road with the extension over were other steps and all were meant to work together. He thought it would be silly to take traffic away from a bad traffic area and make a worse traffic area on another unimproved street. He reiterated this was an important project and was step one or possibly step two of the process with the improvements at the Clark Lane/63 intersection completed. He believed if that became a good road, people would drive an extra 1,000 – 2,000 feet north to go south if they were able to miss the Clark Lane intersection.

Mr. Janku stated he agreed with Mr. Hutton comments. He understood the Ballenger Lane overpass was estimated to cost about \$8 million and noted these two projects totaled about \$6.4 million. These were the ones they could afford to begin doing. In addition, many of the overpasses, such as Gans and Vandiver, were partly funded by developments in the area.

Earl Smarr stated he lived in the Mexico Gravel neighborhood his entire life and suggested that if they were going to take an 85 foot right-of-way, they go ahead and put in the four lanes because they would be combining three roads into one and there would be a certain number of people that wanted to get around others, regardless of speed.

Ms. Hoppe stated she agreed with the previous Council comments. She believed this was a good solution in terms of moving traffic and avoiding lowering the floodplain and the related environmental problems. She liked Mr. Hutton's proposal in regard to narrowing it for the time being while still obtaining the right-of-way for the future in order to have the least amount of impact on the affected homes.

Mayor Hindman agreed with Mr. Hutton's comments and commended him for an excellent job of setting it out.

Mr. Hutton asked how wide the right-of-way and pavement was on Forum Boulevard where it was two lanes. Mr. Glascock replied he believed it was 66 feet. He pointed out on this particular road, the standard was 110, so they were already narrowing it. Mr. Hutton commented that an argument could be made in favor of Mr. Smarr's point regarding building it to four lanes now because, when they decided to build it to four lanes in the future, they would have to get it on the ballot and go through the whole process again. He also noted that they did not calculate it being four lanes, so they probably did not have the money to do the four lanes now. He reiterated that he thought it should be built with the wide sidewalks, where possible, especially on the western portion where there were no houses.

Mr. Hutton made the motion that staff be directed to proceed with final plans and specifications with the caveat that the design should be such that the sidewalks were four to five feet off the curb as opposed to the 17 feet where houses were affected. He also believed there needed to be a consistency. He did not want it to be at five feet off the curb for one lot and then 17 feet for the next lot. He thought there was a point somewhere where it could be narrowed and would remain that way. The motion was seconded by Mr. Loveless.

Mr. Janku agreed with Mr. Hutton's comments and noted staff had listened to a lot of comments about design issues and understood they could take those into account. He noted that sometimes the sidewalks were setback further than four or five feet where street trees were planted to help with buffering. Mr. Loveless stated he did not think they wanted to put trees in between the sidewalk and this street if they planned on widening it to four lanes. Mr. Hutton understood the proposal was calling for five feet. He understood the standard used to be four feet from curb to sidewalk. Mr. Janku thought if they were that close to the house, they would need trees somewhere. He suggested they look at landscaping.

The motion, made by Mr. Hutton and seconded by Mr. Loveless, directing staff to proceed with final plans and specifications with the caveat that the design should be such that the sidewalks were four to five feet off the curb as opposed to the 17 feet where houses were affected was approved unanimously by voice vote.

(B) Construction of Fire Station No. 9.

Item B was read by the Clerk.

Mr. Watkins explained this was a required public hearing on a project approved by the voters in 2005. This station was projected to be staffed by the end of 2008 and in order to

meet that time frame, they believed they needed to determine the location and begin design for the station. The expected budget for this fire station was \$1.6 million plus the cost of the apparatus that would be put into the station. Staff was recommending the station be located at the corner of Blue Ridge and Providence on property that has already been acquired by the City.

Assistant Chief Witt showed the Council the last seven years of runs using the overhead. He noted they had a plateau in the first three years and a steady increase during the last four years. They believed they would see an increase over the next several years. He provided the incidents by stations and noted that Stations No. 1, 2 and 3 were two company stations, so there were two pieces of apparatus that handled the calls. Station No. 4 was also a two company station when they had the personnel available. He noted it was one company handling the majority of the runs for the most part. He commented that they had studied several different areas, such as Providence and Blue Ridge, Trimble and Broadway, WW at Legion Drive and Stadium and I-70. When looking at the 2006 numbers, the Stadium and I-70 location actually had about 50 more runs than the Providence and Blue Ridge area. Due to the uncertainty of the road net in the Stadium and I-70 area, the fact that the City already owned the property at Blue Ridge and Providence and the fact that Station No. 4 had the number of calls for service they had, staff felt they would have the biggest impact for their dollars if they located the next station at Providence and Blue Ridge.

Mr. Janku asked if Station No. 4 was the station on Oakland Gravel. Assistant Chief Witt replied yes.

Mayor Hindman opened the public hearing.

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

Mr. Janku felt, when it came to decisions regarding public safety, they needed to go along with the recommendations of the professionals.

Mr. Janku made the motion that staff be directed to proceed with plans and specifications for Fire Station No. 9 at Providence and Blue Ridge. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

R80-07 Approving the FY 2006 Consolidated Annual Performance Report.

The resolution was read by the Clerk.

Mr. Watkins explained this legislation would authorize the City Manager to submit to HUD the annual report of what the City had been able to accomplish towards the goals of the Community Development Plan. Prior to submittal of the plan, the City was required to hold a public hearing and to include any comments received from the public in the performance report.

Mr. Teddy noted this was the second year of the City's Consolidated Plan that they were reporting on. Last year, they filed a CAPER for the 2005 program year. This was data for the 2006 calendar year. They reported on the progress made for all activities funded with CDBG and HOME funds, the geographical location of the activities, the description of the project beneficiaries, matching funds received and a statement of compliance. It also included an accounting of expenditures of CDBG and HOME funds during 2006. They were also providing a description of actions taken by the City regarding furtherance of fair housing

and removing impediments to fair housing choice, actions taken to address homeless needs and to prevent homelessness and actions taken to address other underserved needs such as affordable housing. In addition, they completed a self evaluation regarding the City's activities, the institutional structure and changes and improvements that would occur in the future. He noted they were not just describing activities performed with the City's allocation of HUD funds, but also what other organizations had done. He stated the Community Development Commission reviewed the report and pointed out they would accept public comment through March 27, 2007.

Mayor Hindman opened the public hearing.

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

The vote on R80-07 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: NAUSER. Resolution declared adopted, reading as follows:

OLD BUSINESS

B330-06 Approving the Final Plat of Winchester Subdivision, Plat 1 located generally south of Mills Drive and Hatton Drive and north of Chapel Hill Road; authorizing a performance contract; authorizing a development agreement.

Mayor Hindman noted this bill was withdrawn by the applicant.

B93-07 Confirming the contract with Emery Sapp & Sons, Inc. for construction of street improvements to Chapel Hill Road from Scott Boulevard to Gillespie Bridge Road; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins stated this would confirm the contract with Emery Sapp & Sons for the construction of Chapel Hill Road from Scott Boulevard to Gillespie Bridge Road. Six bids were received with Emery Sapp & Sons providing the low bid of \$2,972,959.89. Funds for the project would come from tax bills, capital improvement sales tax, county road tax rebate funds, some Boone County grant funds and the developer of adjoining property per a development agreement.

Mr. Glascock pointed out they expected the project to be completed by the end of the year.

Mr. Loveless asked for an explanation of the impact this project would have on the intersection at Chapel Hill and Scott Boulevard. Mr. Glascock replied it would have a major impact. He noted they were trying to include any improvements they foresaw on Scott, so they would not have to come back and redo the intersection at a later time. He stated it would be signalized once the project was complete and would hopefully relieve some of the congestion at Gillespie Bridge Road and Scott Boulevard.

Mr. Janku stated he was hopeful the County would continue to work with the City on joint projects and believed another joint project in terms of participating in funding was Gillespie Bridge Road itself. He explained they would now have an improved street on the City's side of Perche Creek and the County built an improved street on the west side years ago. He thought it would be nice to have a decent bridge joining them. Mr. Loveless stated he believed the bridge was fine. The approach road from the top of the hill down to the

bridge was bad. Mr. Janku thought the bridge was very narrow. Mr. Loveless stated he did not think it was and noted it was a fairly new concrete bridge. The approach road from just past where one would enter into the City's wastewater treatment plant and further down was a tough road. Mr. Janku asked if that road would be improved as part of this project. Mr. Loveless replied no and noted he did not think that was presently on anybody's radar screen.

B93-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

B94-07 Authorizing a cooperative agreement with Boone County for 2007 revenue sharing funds relating to the Clark Lane improvement project; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize the City Manager to enter into a cooperative agreement with Boone County for some revenue sharing funds. He noted staff submitted a project and a grant application to the County every year for discretionary revenue sharing funds. He believed they previously submitted Chapel Hill, which was why the County was putting money into that project. This year, the City was requesting the maximum \$300,000 to be used for Clark Lane improvements. He noted they would start the design later this year. The expected total cost of the Clark Lane improvements was about \$3.2 million, with the County contributing about 10%. He thanked the County for their cooperation in this important road project.

B94-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

B87-07 Approving the Final Plat of Rockbridge Subdivision Plat 14 located on the northwest corner of Southampton Drive and Providence Outer Roadway; authorizing a performance contract; granting a variance to the Subdivision Regulations.

B88-07 Approving the Final Plat of Arbor Falls Plat 2, a Replat of Lot C9 Arbor Falls Plat 1 located on the north side of State Route WW, east of Cedar Grove Boulevard.

B91-07 Authorizing Change Orders No. 1 and 2 with J.C. Industries, Inc. for construction of the F-1 Relief Sewer - Phase 1 (UMC South Campus Relief Sewer) and Maryland Avenue drainage project; approving the Engineer's Final Report.

B92-07 Authorizing Change Order No. 1 with Kevin Rackers Excavating, L.L.C. for construction of the EP-1 Trunk Sewer, an 80-acre point sanitary sewer serving the Opal Smith property; approving the Engineer's Final Report.

B95-07 Amending Chapter 14 of the City Code to establish an all-way stop at the intersection of Ninth Street and Park Avenue.

B96-07 Accepting conveyances for drainage, sewer, street and utility purposes.

- B97-07** Confirming the contract with Emery Sapp & Sons, Inc. for 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.
- B99-07** Accepting an Enforcing Underage Drinking Laws Grant from the Missouri Department of Public Safety; appropriating funds.
- B100-07** Authorizing agreements with Central Missouri State University - Missouri Safety Center for the Youth Seat Belt Enforcement Program; appropriating funds.
- B101-07** Appropriating funds to the General Fund to close out the Cultural Affairs Fund Balance; restricting the expenditure of these funds for future arts purposes.
- B102-07** Appropriating fire equipment sale proceed funds for the purchase of five mobile digital radios.
- R70-07** Setting a public hearing: voluntary annexation of property located at 254 West Old Plank Road.
- R71-07** Setting a public hearing: construction of street improvements on Providence Road from its current terminus north of Vandiver Drive to Blue Ridge Road.
- R72-07** Setting a public hearing: construction of street improvements on Brown School Road from west of Highway 763/Rangeline Street to Providence Road.
- R73-07** Authorizing an agreement with The Curators of the University of Missouri on behalf of the School of Nursing to provide health clinic experience for nursing students.
- R74-07** Authorizing an agreement with Columbia Balloon Corporation for a balloon festival to be held August 24-26, 2007.
- R75-07** Authorizing a supplemental agreement with the Missouri Highways and Transportation Commission relating to the PedNet Project.

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

NEW BUSINESS

R76-07 Accepting the proposal of Virchow, Krause & Company, LLP for an electric, water and wastewater cost-of-service study.

The resolution was read by the Clerk.

Mr. Watkins noted a number of proposals had been received from firms that were interested in preparing a cost-of-service study for electric, water and wastewater services. The cost of doing the three utilities together was cheaper than doing each individually. He commented that he was particularly interested in adding a fourth and noted they would be doing a separate request for proposals for firms to look at our cost structures for the solid waste utility. They were proposing a process where the consultant would be meeting with the Council in public sessions to talk about how cost allocations were made and what implications they had on rate designs. He noted they would obtain public input at that time. They expected to receive reports back around July 1, 2007, at which point there would be an

additional opportunity for input. The objective of the July 1 timeframe was to allow time to incorporate Council recommendations and changes into next year's budget.

Ms. Hoppe noted item 10 indicated that the wastewater utility would be looked at for the equity-method of connection fee development and suggested this also be done for water and electric. Mr. Watkins replied they would incorporate that into the final contract. Mr. Hutton asked if that would affect the price. Mr. Watkins replied he did not think it would because he understood the consultant had agreed to do it anyway.

Mr. Janku asked what the equity-method was opposed to other methods. Mr. Watkins replied he thought it involved how much one should be putting in as equity. Mr. Janku asked if was similar to stock equity. Mr. Watkins replied yes and added it involved what one should put in to connect to it and what was one's share. Mayor Hindman understood it was one's capital contribution. Mr. Watkins agreed.

Ms. Hoppe made the motion to amend R76-07 by changing the last sentence of item 10 in the scope of services of the contract to read "...Specifically for the electric, water and wastewater utility, we will calculate and recommend connection charges using the equity-method of connection fee development." The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

The vote on R76-07, as amended, was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: NAUSER. Resolution declared adopted, reading as follows:

R77-07 Approving The PedNet Project Infrastructure Working Plan.

The resolution was read by the Clerk.

Mr. Watkins explained that in order for staff to move ahead with some of the design and preliminary engineering of the PedNet Project, they needed to obtain Council approval of the Plan. He noted this was a working plan as opposed to a final plan and would allow them to revisit or refine it if needed in the future.

Mr. Glascock stated they had more needs than money, so they wanted to move forward with projects they felt were a priority. If they ran into any obstacles that would prevent them from finishing a project on time, this would allow them to go to another project without redrafting the Plan.

John Schultz, 1301 W. Colchester, understood a pedestrian bridge was scheduled to be placed near Clinkscapes and stated he felt that seemed to be an ambitious place due to the T-intersection. He wondered if a pedestrian bridge over I-70, off of Stadium, would be a better location. He recalled the report mentioning that they wanted to improve the loop around the Columbia Mall/Bernadette area and wondered if that had been addressed. He believed there was a public perception that a lot of this was being federally funded, but understood approximately \$4.8 million would be from the City's capital fund for trails and sidewalks. He wondered if that money had already been budgeted by the City.

Mr. Janku stated he thought that reflected the money for trails and sidewalks from the ballot issue. He commented that this was a unified plan in the sense they were using the federal grant, money available from the parks sales tax for trails and the street money used for sidewalks.

Mr. Loveless noted that in reference to his comment regarding putting a pedestrian overpass at Stadium as opposed to Clinkscates, the bridge would have to be torn down and rebuilt when I-70 was widened. If they did it at Clinkscates, they could build it to City specifications knowing what the width of I-70 would be and not having to redo it. Mr. Schultz asked if any thought had been given to routing it from the north side of I-70 over to Cosmo Park. Mr. Loveless replied he thought that was on the Plan. Mayor Hindman pointed out that the Plan was available in the Public Works Department and on the City's website as well.

Mayor Hindman noted these were broad concepts and would allow people to comment and determine practicality, etc. It was a way of narrowing things down to the point where something could happen.

Mr. Janku stated there were a lot of great projects in the document, but thought there might be some changes, addition and modification, they wanted to suggest and wondered if they wanted to send those potential modifications to the Committee after accepting this report. After a review by the staff and Committee, it could be brought back to the Council. Mayor Hindman noted the Committee was always anxious to receive suggestions. Mr. Janku thought that could be a procedure to follow to ensure modifications were made. He understood public hearings would be held for all of the projects that would be coming forward when dollars were to be expended. As they started to move forward, he asked that they be provided some lead time in order to be prepared since some of these might be controversial.

Mayor Hindman commented that he agreed with the gentleman that spoke in regard to needing a way to get across I-70 at Stadium as well as Clinkscates.

Ms. Hoppe stated in general, she thought this was a great idea. She did not know enough about each and every plan and understood each plan would come before them after more information was given. She commented that particular plans might affect neighbors differently and understood there might be some issues in regard to eminent domain. She understood those plans would come before Council for approval and by approving this, they were not necessarily approving every project within the Plan. She also understood they would then have a better idea of the costs, where the routes would be and how it would affect the neighbors. In addition, she understood the neighbors could contact the engineers or PedNet Committee members to ask questions or to provide input on specific areas.

The vote on R77-07 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: NAUSER. Resolution declared adopted, reading as follows:

R78-07 Transferring funds for utility assistance funding.

The resolution was read by the Clerk.

Mr. Watkins explained they provided a report at the last Council meeting recommending an additional \$1,000 per month be put toward this program, and per Council direction, the money would come from Council contingency funds.

Ms. Crayton commented that a couple years ago she asked about St. Louis' Heat Up and Cool Down Program. She understood they matched funds. She did not recall anyone getting back to her on that issue. She noted they had a rough winter, but would likely have a rough summer as well. She wondered if the funding was separated and stated she believed

seniors needed assistance with their utilities in the summer. Ms. Worley replied she was not very familiar with the Heat Up and Cool Down Program in St. Louis, but could obtain some information and get back to her. In terms of utility assistance, they had two different programs. One was CASH and the other was HELP. The CASH Program assisted senior citizens and individuals with disabilities and the HELP Program assisted young families with children. In regard to the air conditioning replacement program they had last summer, they worked with the Central Community Action Center, who sent letters to all of their customers that had applied for utility assistance encouraging them to participate in the program. She noted they had a fairly good response and planned to continue the program this year, but would start earlier.

The vote on R78-07 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: NAUSER. Resolution declared adopted, reading as follows:

R79-07 Authorizing Amendment No. 1 to the agreement with ILINC Engineering Incorporated (D/B/A Intuition & Logic) for assistance in writing a Stormwater Management and Water Quality Design Manual.

The resolution was read by the Clerk.

Mr. Watkins explained this would authorize an amendment to the contract with ILINC, the consultant that was helping the City with the stormwater manual. The amendment would not exceed \$10,000 and would be paid for from stormwater utility funds. This would provide two training sessions for the engineers and the professional community in terms of how one could better meet the new standards. It would also provide 12 months of technical support for City staff to assist in issues and problems that might arise. Mr. Glascock noted training was due to begin April 18 and 19.

The vote on R79-07 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: NAUSER. 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.

B103-07 Approving the Final Plat of Rock Quarry PUD Plat 1A, a Replat of Lot 2A of the Administrative Replat, Lots 1 and 2 Rock Quarry PUD located on the north side of Rolling Rock Drive, west of Rock Quarry Road.

B104-07 Approving the Final Plat of Bellwood, Plat No. 1 located west of the intersection of Worley Street and State Route ZZ; authorizing a performance contract.

B105-07 Amending the FY 2007 Annual Budget to delete an Engineering Specialist I/Engineer I position and add an Engineering Specialist II/Engineer II position in the Public Works Department; amending the Classification Plan.

B106-07 Amending Chapter 14 of the City Code to prohibit parking along a section of Smiley Lane.

- B107-07 Authorizing application for Federal Aviation Administration capital assistance grants.
- B108-07 Authorizing an agreement with Crawford, Bunte, Brammeier for engineering services relating to evaluation of the West Broadway corridor from Garth Avenue to Fairview Road; appropriating funds.
- B109-07 Appropriating funds for a sanitary sewer cost-of-service study.
- B110-07 Amending Chapter 27 of the City Code as it relates to electric connection fees.
- B111-07 Amending FY 2007 Annual Budget to add an Engineering Specialist II/Engineer II position in the Water and Light Department; amending the Classification Plan.
- B112-07 Authorizing a local site generator agreement with MBS Textbook Exchange, Inc.
- B113-07 Confirming the contract with J.C. Industries, Inc. for the construction of a water main along the north side of Walnut Street, between Tenth Street and College Avenue.
- B114-07 Accepting conveyance for utility purposes.
- B115-07 Amending Chapter 6 of the City Code, as it relates to the 2006 Edition of the International Building Code, to add a new section on regulation of awnings in the Columbia Special Business District.
- B116-07 Adopting the City of Columbia Employee Medical Plan and the City of Columbia Employee Dental Plan.
- B117-07 Appropriating funds for the purchase of Looking Glass Viewer software for the Information Technologies Department.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Atkins property baseball fields.

Mr. Watkins stated they had been discussing the development of baseball fields on the Atkins tract with the County. Staff felt that if they were going to have the first set of fields ready for the 2008 youth baseball season, they needed to get started on the project.

Mr. Hood noted negotiations were continuing with the Mavericks and the American Legion in regard to the possibility of the development of a new minor league baseball stadium. If they assumed those negotiations reached a positive conclusion, the existing American Legion field would not be available for recreational play after this fall and in order to have replacement fields ready to shift the recreational leagues next spring, construction would need to begin by June of 2007. If the Council wanted them to have new fields ready by April of 2008, he suggested introducing an ordinance at the next Council meeting with final action at the April 16, 2007 Council meeting.

Mr. Janku understood the County received a grant to build two ball fields and this would assist in the implementation of that. He noted this was also consistent with the City's plan, although it was expediting it due to the potential Maverick stadium. Even if the

Maverick stadium did not pan out, they would have new ball fields they had planned to build. Mr. Hood replied that was correct and noted they were also working on developing a maintenance and operation agreement with the County. The draft agreement was being reviewed by the legal entities of both agencies and that would also be brought forward to Council for approval.

Mr. Loveless commented that he regretted that he would not be around to give final approval.

Mr. Loveless made the motion directing staff to bring back the appropriate legislation. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(C) Address on private streets.

Mr. Watkins explained they had formed a staff committee with the County, which included people from other communities within Boone County, in order to work on addressing issues. They now wanted to look at addresses on private streets, which was an issue in town, and if Council felt this was appropriate, they wanted Council directive to review the existing ordinance and prepare any necessary amendments to the Code along with any detailed analysis needed.

Mr. Janku made the motion directing staff to review the existing ordinance and prepare any necessary amendments to the Code along with any detailed analysis needed in regard to addressing on private streets. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

(D) Efficiency rebate program.

Mr. Watkins explained the Water and Light budget included \$50,000 for various efficiency projects and staff was proposing adding tools into the program in the way of rebates for high efficiency central air conditioners or heat pumps of up to five tons for a residential area, solar water heaters and solar photovoltaic systems in the range of 250 watts up to 10,000 watts. They wanted to encourage people to be more efficient because it was good for the entire system since it lowered the demand during peak periods.

Mr. Janku stated he was pleased the City was offering this program.

Mayor Hindman asked if it was possible to set up a solar photovoltaic system where they sold back to the City. Ms. Worley replied they had a public hearing regarding that issue in February and staff presented a position paper on how the utility should proceed with net metering. She noted a report would be submitted to Council at the April 16, 2007 Council meeting.

Ms. Hoppe commented that she thought this was a great idea. She understood there was a Renewable Energy Conference on March 28, 2007. Ms. Worley stated that was correct and noted Water & Light, the University and the Department of Natural Resources were sponsoring the conference. Ms. Hoppe asked if that was on the web if people were interested. Ms. Worley replied it was on the Water & Light website.

(E) Columbia Youth Basketball Association memorandum of understanding.

Mr. Watkins noted Council directed staff to prepare an outline of a memorandum of understanding (MOU) after holding a public hearing regarding the use of property near the ARC. Staff had met with Columbia Youth Basketball Association (CYBA) representatives on several occasions and had come up with a basic MOU in order for them to move forward with fundraising efforts. It was their intent to enter into a more detailed and permanent development agreement based upon the outline in the MOU at the end of two years or prior to then if funds were raised.

Mr. Loveless made the motion directing staff to prepare a resolution authorizing the MOU. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

MAYOR’S COMMITTEE ON PHYSICAL FITNESS

Woods, Brenda, 7250 North Shore Drive, County

BOARD OF PLUMBING EXAMINERS

Arms, Bret, 2506 Oakfield Drive, Ward 2 – Term to expire May 31, 2008

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Loveless understood they needed to address the Cultural Affairs fund balance. Mr. Watkins replied that was correct and stated staff was suggesting a motion directing staff to consider the uses as outlined in the memo from Ms. Hunter. Mr. Loveless understood it would divide the fund balance of about \$145,000 between annual arts funding of local organizations and public art projects.

Mr. Loveless made the motion directing staff to proceed with dividing the Cultural Affairs fund balance of approximately \$145,000 between the annual arts funding of local organizations and public art projects. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Crayton stated she appreciated and wanted to thank the residents in the community for their participation in the Saturday event at Douglas Park. She thought it was very successful. She suggested they have another similar event next year. She believed it removed a lot of barriers and was a diverse community event. She thanked the Police Department and Sheriff’s Department for their presence and support. She also suggested the public to watch the movie “Not in Our Town” to see the unique things other cities were doing. She commented that she was proud of the kids in the neighborhood for participating in the event. She also thanked the Parks and Recreation Department for their support. Ms. Hoppe thought that date might be a good anniversary date for future events. Mayor Hindman stated Ms. Crayton and the others who assisted with the event deserved a lot of credit as they did a terrific job.

Mr. Janku understood a public hearing would be held on the Providence Road extension on April 16, 2007 and the part north of Bear Creek, when built out, would be a true parkway with a landscaped median. He suggested naming it Providence Parkway or North Providence Parkway and the Vanderveen Neighborhood Association had requested that it be pursued.

Mr. Janku made the motion for a staff report from JCIC and those that evaluated street names to ensure it would not cause any problems.

Mr. Loveless asked if there were any lots that fronted Providence north of there. Mr. Janku replied there were none at this time, but he thought there would be some soon.

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

Mayor Hindman stated he had a petition from people asking that the City find a way to expand room in the ARC for more table tennis. He suggested talking to the CYBA representatives to find out whether or not they might be able to include space in the facility they planned to build.

Mayor Hindman made a motion for staff to research possibilities for finding more space for table tennis.

Mr. Janku asked if he wanted this limited to the ARC. Mayor Hindman replied no and noted they had proposed the ARC because that was the current location.

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

Ms. Hoppe commented a Council candidate had reserved time for public comment, but decided not to speak. She wanted staff to prepare legislation prohibiting Council candidates from using the public comment section of the Council meeting/agenda for espousing candidacy issues. Mr. Janku suggested asking for a report first. Ms. Hoppe replied she would be agreeable to either legislation or a report.

Ms. Hoppe made a motion directing staff to provide a report in regard to prohibiting Council candidates from using the public comment portion of the Council meeting/agenda for espousing candidacy issues. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Janku stated he wanted to know if there were issues with restricting comments. Mayor Hindman stated he did not believe there was a restriction because people had the right to speak at the end of the meeting.

Ms. Hoppe understood the Bluff Creek Homeowners Association did not receive notice of the sidewalk issue and wondered if they needed to do return receipts. Mr. Loveless stated the letter was received by someone. It just did not get passed on to the new officers of the Homeowners Association. Ms. Hoppe wondered how frequent that problem was. She noted the City lost approximately \$9,000 by adjusting it. She commented that another issue was whether the homeowners association addresses were on record with the City and suggested they find out how easy, convenient and helpful that would be.

Ms. Hoppe made the motion for a staff report in regard to whether homeowners association addresses were on record with the City and if not, how easy, convenient and helpful it would be for the City to have those addresses on record. The motion was seconded by Mr. Janku.

Mr. Janku stated he thought they needed to look into how homeowners associations were dealt with because in most new subdivisions they were automatically formed. He understood there were some professional organizations that managed a lot of them. In addition, a lot of neighborhoods did not take the next step of becoming a neighborhood association, which was what the City required to provide formal notice of rezonings and so forth. He thought it would help communications if they tried to seek out these homeowners associations. He understood many did not want to do the extra paperwork in order to become a neighborhood association. Mr. Loveless stated in some cases it required a considerable change. His neighborhood had a homeowners association, but to change to a neighborhood association would require a significant change. Mr. Hutton thought it was easy because the two could be one with two different names. Mr. Janku noted the other problem was that these positions turned over or were dormant. Mr. Loveless agreed that there were now professional management agencies that handled a lot of the business of the homeowners association and City correspondence could go to them to alert the membership.

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

Ms. Hoppe stated she wanted a report on the number of car and pedestrian accidents at the Trimble and Broadway intersection. Mr. Watkins stated they would provide that information.

The meeting adjourned at 11:23 p.m.

Respectfully submitted,

Sheela Amin
City Clerk