

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**MARCH 5, 2007**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, March 5, 2007, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER and HOPPE were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF MINUTES**

The minutes of the regular meeting of February 19, 2007 were approved unanimously by voice vote on a motion by Ms. Crayton and a second by Mr. Janku.

**APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA**

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

**SPECIAL ITEMS**

None.

**SCHEDULED PUBLIC COMMENT**

**Timothy Terrell – Renewable Resources Act**

Timothy Terrell, 6600 S. Maple Meadows Drive, owner of an electrical company, stated he was thankful the Council passed a renewable resources initiative and noted he was the only company in Columbia qualified to do solar installations at this time. With the current state and federal programs in place, Mr. Terrell felt it would behoove Columbia to use them on infrastructure and government facilities. He understood last year, the City spent \$1,358,000 for wind energy and \$1,243,000 for bio-mass diesel energy. If they did not use anymore than last year, in 20 years, the City would spend \$56 million. If the school to solar program would pay about 80% of the cost of installing solar on schools, it would take some demand off of the infrastructure causing electrical costs to be less. He noted the California Energy Commission had a 50,000 square foot warehouse where the monthly electric bill had been \$1,500. After putting a 500 kW system on the building, the average monthly bill was \$12. With Columbia being progressive, he thought the City could utilize state and federal funds to assist with costs, which would save the citizens money.

**Darrell Black – Mexico Gravel Road**

Mr. Black was not in attendance, and therefore, did not speak.

## PUBLIC HEARINGS

### **B444-06A Amending Chapter 23 of the City Code as it relates to signs in the Columbia Special Business District.**

### **B445-06 Amending Chapter 6 of the City Code as it relates to building code regulation of awnings in the Columbia Special Business District.**

The bills were read by the Clerk.

Mr. Watkins stated these bills were held over in order to give everyone another opportunity to review them. In addition, the Council asked staff to clarify two issues. One dealt with the sign areas of awnings and the other involved the Providence Road exemption area. He noted staff had two recommended amendments for clarification.

Mr. Hutton made the motion that B445-06 be amended per the amendment sheet. The motion was seconded by Mr. Janku.

Mr. Janku made the motion that B444-06A be amended per staff's recommendation regarding sign areas of awnings. The motion was seconded by Mr. Hutton.

Mr. Hutton made the motion that B444-06A be amended per staff's recommendation regarding the Providence Road exemption area. The motion was seconded by Mr. Janku.

Mayor Hindman opened the public hearing.

John Ott, 212 Bingham Road, a downtown property owner and Chairman of the Special Business District Board, stated many discussions had taken place with the primary opponents of these bills and he understood staff had worked out the technical issues. He was hopeful everyone had been given enough time to digest the proposed ordinances and that Council would approve them.

Phebe LaMar, an attorney with offices at 111 S. Ninth Street, stated she was speaking on behalf of a number of business and property owners who had expressed substantial opposition to the ordinances in the past. She noted, at this time, they were withdrawing their opposition of the bills as amended by the amendment sheet and the proposed amendments from City staff.

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

Mr. Hutton noted he would support the amendment to B444-06A regarding the awnings because it addressed having a repeat sign on each awning as long as it did not exceed a certain number of square feet. Mr. Janku stated he agreed and understood the basic idea was that signage on the awning was limited to equivalent signage for an alternative sign, so awnings would be on a level playing field with other signs.

The motion to amend B444-06A made by Mr. Hutton and seconded by Mr. Janku so Section 23-12(b)(2) would read "the total area of awning signs for street level businesses shall not exceed thirty-two (32) square feet and the total area of awning signs for lower, second level or upper level businesses shall not exceed eighteen (18) square feet" was approved unanimously by voice vote.

Mr. Janku stated he disagreed with the proposed amendment regarding Providence Road. He felt if there was a hardship or a unique situation, an appeal could be made to the Board of Adjustment rather than drafting an ordinance for every piece of property. He noted the Board of Adjustment could place conditions unique to the property, if needed. He was not

sure how the 150 feet was determined and wondered if a sign on a property, which was now vacant but was built upon, would remain in place or if it would be illegal.

Mr. Hutton understood, if they passed these ordinances, anything that was currently there would remain and was grandfathered. Mr. Boeckmann replied that was correct and added, in the example given, if the property was no longer vacant, the sign would become a non-conforming sign. He noted it could remain, but it could not be enlarged or altered. Mr. Janku reiterated he felt unique properties should be dealt with by the Board of Adjustment.

Mr. Hutton understood the properties within the SBD that were right on Providence were basically exempt from these ordinances and would follow the rules of the regular sign ordinance. Mr. Boeckmann replied if they fit within the exception noted in the ordinance, they would follow the rules outside of the SBD. Mr. Hutton understood property that fronted on Providence Road and did not have intervening property was not subject to the new ordinance. Mr. Boeckmann replied that was correct.

Ms. Hoppe asked if this was designed for a particular piece of property. Mayor Hindman replied he thought it was developed for the Ice Plant. Mr. Teddy explained the owner of the property at the corner of Broadway and Providence requested this flexibility because they had a building with an elevation adjacent to Providence Road, but the property line was not adjacent to Providence Road due to City-owned property, which was purchased in case future right-of-way was needed for a corner truncation at the intersection. He noted there was also a very small piece of private property between the building's Providence facing elevation and the roadway right-of-way. The idea was to treat that one elevation as if it was equivalent to all of the other properties on Providence Road between Elm and Ash because all of those properties that had frontage on Providence were exempt. Mr. Teddy stated it was a way to write into the ordinance what they would expect the Board of Adjustment to conclude without putting them on the spot. Mr. Janku felt it was more appropriate for the Board of Adjustment because they were designed to deal with these types of issues. Mr. Hutton believed this was a fairness issue, so he had the same rights as other property owners along Providence Road.

Mr. Loveless asked how they had arrived at the 150 foot depth figure. Mr. Teddy replied it was just over half of the block depth. They wanted construct the exemption so it was applied generally versus singling out a particular piece of property. He thought it could be 100 or 150 feet. He thought 150 feet was about the deepest parcel one would have along Providence. Mr. Hutton asked what the depth was for the property in question. Mr. Teddy replied it was less than 150 feet from the road. Mr. Janku asked if this would apply to any other properties. Mr. Teddy replied he looked at a GIS map and did not see any others this would apply to from just looking at how the properties were mapped. Mr. Janku understood there could be properties that had gaps some distance back from Providence Road because there might be gaps in the buildings along Providence Road, so those might now come forward asking for larger signage. Ms. Hoppe pointed out the amendment would show Council's intent.

The motion to further amend 444-06A made by Mr. Hutton and seconded by Mr. Janku so Section 23-12(b)(9) would read "signs on any building elevations that would be adjacent to Providence Road but for City-owned property or vacant property no greater than one-hundred

fifty (150) feet in depth between the elevation and the road right-of-way shall be subject to the Sign Regulations applicable outside the central business district” was approved by voice vote with Mr. Janku and Ms. Nauser voting no.

B444-06A, as amended, was read with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The motion to amend B445-06 per the amendment sheet, made by Mr. Hutton and seconded by Mr. Janku, was approved unanimously by voice vote.

B445-06, as amended, was read with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B53-07 Authorizing construction of improvements at Nifong Park, Valley View Park and Hickman Pool; calling for bids through the Purchasing Division.**

The bill was given third reading by the Clerk.

Mr. Watkins explained a public hearing had been held at the last meeting, but due to an advertising glitch, it had to be readvertised making a second public hearing necessary.

Mr. Hood explained they were proposing funding three projects with 2007 annual park improvement funding. The first involved Nifong Park where three different improvements were being proposed in conjunction with the Historical Society in regard to the Nifong Park Historical Village. The improvements included a gravel walkway to serve the Village, renovation of the lake and installation of security lighting. The second project involved replacing sections of the gravel trail, which continually washed out, with concrete at Valley View Park. The third improvement was to replace the sign at the Hickman Pool with a new aluminum extruded sign.

Mayor Hindman opened the public hearing.

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

B53-07 was read with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B54-07 Authorizing development of Longview Park; calling for bids through the Purchasing Division.**

The bill was given third reading by the Clerk.

Mr. Watkins stated a public hearing had been held at the last meeting, but due to an advertising glitch, the hearing had to be continued to tonight. He noted the development plan had been discussed and worked out with the neighbors in the Gillespie Bridge Road area. The total project cost was estimated at \$124,000 with \$89,000 coming from the quarter cent sales tax and \$35,000 coming from force account labor. Construction for the project could begin in the spring.

Mr. Hood noted development would involve the standard neighborhood park facilities. There were some property line issues. They worked out the major one, which provided

access from the west. As the park continued to develop, they would try to work out the other issues with adjacent property owners.

Mr. Loveless understood they were going to drain the existing pond, remove the dam and replace the dam lower in the drainage. Mr. Hood replied that was correct and explained the way the lake was currently located, the water actually extended off of the park property. They felt it was important to have the lake entirely on park property so users of the park could have access around the entire lake. He noted they planned a trail system that encircled the lake. The primary purpose of shifting the dam to the south was to get the lake entirely on park property. Mr. Loveless asked if there was an opportunity to acquire the small piece of property on the north side of the dam. Mr. Hood replied they had been in discussions with the property owner regarding that access issue for over two years and he did not believe there was an opportunity for acquisition at this time.

Mayor Hindman opened the public hearing.

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

B54-07 was read with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B63-07 Voluntary annexation of property located on the east side of Scott's Boulevard, south of Thornbrook Ridge; establishing permanent R-1 zoning.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this voluntary annexation consisted of approximately two acres and was essentially an island. The petitioner was requesting R-1 as permanent City zoning and the Planning & Zoning Commission recommended approval. The tract was included within Wyndham Ridge, a preliminary subdivision plat currently pending Council approval.

Ms. Hoppe noted the need for parkland in the area and asked if there were any plans for a park. Mr. Hood replied they had been looking in the area, but did not have a specific piece of property in mind at this time.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering, 2608 N. Stadium, offered to answer any questions.

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

B63-07 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B64-07 Voluntary annexation of land located southeast of Oakland Gravel Road, east of Teresa Drive; establishing permanent R-1 zoning.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this voluntary annexation included about 62 acres in northeast Columbia near the Fairgrounds and noted a trail easement was included. The Planning & Zoning Commission recommended approval of the R-1 zoning as requested.

Mr. Teddy stated, at Council direction, City staff discussed a future trail easement along Bear Creek with the applicant. The applicant signed an agreement that would commit

them to providing the easement at the appropriate time. He noted it was conditioned upon the City adding this segment of Bear Creek to its Trail Master Plan.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering, 2608 N. Stadium, reiterated the trail easement agreement had been signed and noted the preliminary plat, which would come before the Council in the near future, would include a large lot of several acres they intended to give the City for green space.

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

Mr. Janku made the motion that B64-07 be amended per the amendment sheet. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mr. Janku stated he was pleased to see this being brought forward and understood the City was moving toward getting this added to the Trail Plan to meet the condition.

B64-07, as amended, was given third reading with the vote recorded as follows:

VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE.

VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B65-07 Rezoning property located north of the intersection of Scott's Boulevard and State Route KK from R-1 to C-P and R-2; setting forth a condition of approval.**

The bill was given second reading by the Clerk.

Mr. Watkins explained a request to amend the proposal by dropping about ten acres of R-2 had been received. The effective request was to rezone about 3.3 acres to C-P. The Planning & Zoning Commission recommended approval of the C-P zoning subject to four conditions involving the amount remaining in landscaping/open space, a total amount for non-residential uses, the traffic plan being followed at the time of C-P plan submittal and signs in the C-P area being in compliance with the C-3 district and restricted to monument signs. The applicant was agreeable to the four conditions.

Mr. Janku understood the ordinance read "...the property may be used for all permitted uses in District O-1 and the following uses..." and asked if O-1 would permit R-3 and R-2 uses due to pyramidal zoning. Mr. Boeckmann replied he thought it would. Mr. Janku noted it would then allow duplexes and apartments at that location.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering, 2608 N. Stadium, stated the C-P portion was 3.33 acres, but noted they were committed to only allowing about two acres to be usable. This would make it more in line with the Metro 2020 neighborhood commercial district. In regard to the concern involving duplexes, he pointed out they did not intend to build duplexes at that location and because it was a planned district, they would have to come back to Council for approval. He noted they pulled their R-2 request, so the remaining portion would be R-1. They felt they made the list of allowed uses for C-P more neighborhood friendly and stated they worked with Planning & Zoning on that as well.

Mr. Janku understood the developer of this property was also developing the R-1 nearby. Mr. Crockett replied that was correct.

Linda Coats 5901 S. River Hills Road, stated her property was located southwest of the property in question and noted she was pleased to see the R-2 had been removed. She

felt there was already too much traffic on Scott Boulevard and was concerned for everyone's safety. She was in opposition to rezoning the R-1 to C-P. She felt people who bought property in this area did so because they wanted to live in a country atmosphere, away from businesses and congestion. She agreed a neighborhood common would be much better than a neighborhood marketplace, but wondered why either was needed when those amenities were only three or four miles away. People in her community did not expect to walk to service businesses. She believed commercial zoning would ruin the intersection just as it had done at the corner of Vawter School Road and Scott Boulevard where a gas station was built adjacent to two upscale residential neighborhoods. Ms. Coats felt families moving into this residential development would rather see more single family houses or green space than a commercial development. She suggested the Council read "The Last Child in the Woods: Saving our Children from Nature Deficit Disorder."

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

Ms. Nauser made the motion to amend B65-07 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Janku commented that he appreciated the applicants coming forward early to let people know commercial was planned for the area. The fact that the applicant was developing the R-1 to the north meant the people buying those lots would know there was a C-P zoned property nearby. He thought the property near Vawter School was similar in that the zoning was put in place before the people bought their homes in those surrounding neighborhoods. He stated he would feel better if the R-2 and R-3 uses were removed, even though he understood it was not the developer's intent to make it an R-2 or R-3 use.

Ms. Nauser understood tract B would remain R-1. Mr. Janku replied that was correct. He understood tract A could have R-2 and R-3 on it due to the way it was drafted. Mr. Boeckmann pointed out it was pyramided in, but noted for planned districts to have residential, it was usually a PUD. He was not sure they had examples for properties zoned C-P with apartment buildings or duplexes on them. Mayor Hindman stated he would not object to having apartments above the stores. Ms. Nauser understood tract A was approximately 3.5 acres. Mr. Loveless noted only two of those acres would be developable with the way the agreement was structured. Ms. Nauser could not see duplexes going in on the two acres. She felt an apartment would be an underutilized development for the corner. When the Vawter School and Scott Boulevard property was annexed for the gas station, she understood there was considerable discussion about that not being an appropriate place. However, a lot of people in the area were now looking forward to the convenience store and gas station there. She did not think this was something that was going to happen in the immediate future and stated she planned to support the request. She thought C-P zoning for that small tract was okay.

Ms. Hoppe stated she was hopeful it would be well landscaped, so it continued to have as much of a rural atmosphere as possible.

B65-07, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE.  
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B66-07 Rezoning property located on the southwest corner of Grindstone Parkway (State Route AC) and Rock Quarry Road from A-1 to C-P.**

The bill was given second reading by the Clerk.

Mayor Hindman noted they received a request to table this item.

Mr. Watkins explained this C-P rezoning request would allow up to 15,800 square feet of commercial development. The Planning & Zoning Commission recommended denial of the request.

Mr. Loveless made the motion that B66-07 be tabled to the April 2, 2007 Council meeting. The motion was seconded by Mr. Hutton.

Mayor Hindman opened the public hearing.

Richard Simpson, 7110 River Oaks, explained he and his wife owned the property in question. He passed around pictures of what the property used to look like and what it looked like now. He noted they had purchased this house on the three acres in the early 1980's and had lived there for about 20 years. It was essentially considered to be in the country when they moved there. When the four-way intersection was constructed on the east side along Rock Quarry Road, his front yard and many trees were taken and the driveway at that location was removed. On the north side, the new Grindstone Parkway also took a lot of trees away. He noted they had a prospective buyer who wanted to put in neighborhood type friendly businesses and possibly a bank on this tract. He felt that would be a good use because there could be no good quality of life in a dwelling on this property now.

Mr. Janku understood the applicant made a request to table the issue and the neighbors were notified so they would not show up since requests for tabling were generally honored, but the applicant still made a presentation. He did not think that was within the spirit of what they were trying to accomplish. If the applicants were requesting the tabling of an item, he did not think they should be allowed to make a presentation. Although he understood Mr. Janku's point, Mayor Hindman thought it was hard to say for an advertised public hearing that people were not going to be allowed to make comments, even if they made the request for the item to be tabled. Mr. Janku stated he felt it took away the idea the neighbors did not have to show up. Mayor Hindman thought they could review the rules.

The motion, made by Mr. Loveless and seconded by Mr. Hutton, to table B66-07 to the April 2, 2007 Council meeting was approved unanimously by voice vote.

There being no further comment, Mayor Hindman continued the public hearing to the April 2, 2007 Council meeting.

**B67-07 Amending Chapter 29 of the City Code as it relates to conditional uses in R-3 and R-4 zoning districts.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposed change would amend conditional uses in R-3 and R-4 districts and was suggested after quite a bit of consultation with the Housing Authority because they were looking for an opportunity to provide some ancillary tenant based businesses within the complexes they owned and operated. Last October, the Council directed the Planning & Zoning Commission to review the issue. At their February meeting, the Commission recommended approval of the proposed revisions.

Mr. Teddy pointed out this would add some flexibility in the ordinance in regard to R-3 and R-4 districts, which were generally thought to be purely residential environments. He explained there were institutions and certain types of organizations that had facilities such as the Columbia Housing Authority. They thought of this ordinance as having general application, even though it began as a request from the Housing Authority.

Mayor Hindman opened the public hearing.

Phil Steinhaus, 106 E. Alhambra, CEO of the Columbia Housing Authority, explained this arose after the Housing Authority built a couple of laundromat facilities on their properties and within those spaces incorporated small mini-mart type operations to serve their residents and to provide employment opportunities for them as well.

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

B67-07 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B68-07 Approving the 2007 Columbia Sidewalk Master Plan.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was an update of the Sidewalk Master Plan, which was something they had been working on for about two years. They had held a number of interested party meetings in several of the neighborhoods. After reviewing the proposed document, the Planning & Zoning Commission made three suggestions, which staff concurred with and which were being brought forward as part of the Plan.

Mr. Teddy noted the reason for the Sidewalk Master Plan was due to a 1991 Policy Resolution, which required the City to develop and maintain a Sidewalk Master Plan. Accordingly, staff and various commissions developed and reviewed the Sidewalk Master Plan for Council consideration. It included 48 projects and all were new construction sidewalk projects. Generally speaking, they were all on high volume roadways in existing developed or mostly developed areas and on local streets considered as important routes to schools.

Mr. Janku asked if incremental requests could be evaluated and included as additions to the Plan prior to the five and ten year review periods. Mr. Teddy replied he would encourage it.

Ms. Hoppe understood the sidewalk on East Walnut from William to Old 63 would be on the north side of the street and the area near the Stephens Riding Stables was five or six feet above the road. She wondered why the north side was chosen versus the south side where the land was flat. She also noted that area was lighted and had trees. Mr. Teddy replied there was a large berm on the hospital property, so there would have to be some regrading on the south side as well. In addition, they were anticipating platting and development on the south side, so a sidewalk would be included as part of that. They did not believe there was a similar prospect for getting a sidewalk on the north side. The grade issue in the area of the stables would have to be looked at as part of the design process.

Mayor Hindman opened the public hearing.

Mitch Moore, 1210 W. Broadway, explained his property of mostly wonderful grass stretched approximately 300 feet along W. Broadway. He understood the Plan was proposing a sidewalk across his property and that the City would pay the cost of constructing the sidewalk. He noted the sidewalk would not be built for his benefit, but to facilitate the transportation of pedestrians and bikers who had little or no interest in his property except as it benefited them as a throughway. Because his residence sat close to the street, the sidewalk would negatively impact his property by increasing traffic noise and decreasing privacy and safety. In addition, the concrete sidewalk would create a huge amount of impervious surface, which would negatively impact the environment of County House Branch, the creek which ran behind his property. He noted having sidewalks on both sides of the street conflicted with the goals of the Stormwater Management Plan. He felt a glaring problem with the Sidewalk Master Plan had to do with maintenance of those sidewalks and felt the issue of maintenance needed to be addressed before the Plan went forward. Present ordinances requiring owners to maintain sidewalks no longer made sense when the City was seeking to use those sidewalks to create a transportation network that had little benefit and, in many cases, was a detriment to the property owners. He felt that if the City built it, the City should maintain it. He stated the principle maintenance issue was requiring owners to keep the sidewalks clear of ice and snow and believed that ordinance needed to be repealed. He noted removing ice and snow could be physically dangerous and subjected the property owner to more liability because people were more likely to have their guard down and slip on black ice. He felt the Master Plan put the cart before the horse and hoped the Council would address the maintenance issue.

Karl Skala, 5201 Gasconade, understood there were no sidewalks planned for the Ballenger Lane corridor. As a candidate for the Third Ward, he repeatedly heard about the need for improvements on Ballenger Lane to include sidewalks and the ability for people to travel from Mexico Gravel to the Highway 63 interchange.

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

Mayor Hindman asked why Ballenger Lane was not included. Mr. Teddy replied Ballenger was considered an unimproved road and parts of Ballenger were also in a developing area. They tended not to include roadways that had a high proportion of subdivision activity on them because those subdivisions would add sidewalks. They also tended to avoid roads where there was a significant cost involved such as putting in sidewalks on unimproved roads. He noted, per Council direction, it could be examined and rated through their criteria. Mayor Hindman commented that in many cases, they ran into the issue where a sidewalk needed the most was also the most expensive to put in. With unimproved roads, they had the situation where they were unsafe for pedestrians, but the City still allowed a certain amount of development to occur. He thought that might be one they should look at and suggested it be brought up at the end of the meeting if they agreed.

Mr. Janku agreed with the Mayor's comment about unimproved streets and noted that at times when the sidewalk was in place, it obviated the immediacy of actually widening a street because the pedestrian/vehicle conflicts, which oftentimes motivated them to try to move up a project, were eliminated. He stated staff had done a good job in evaluating

projects and coming up with numbers in terms of costs. He noted he had others options he wanted evaluated, but would wait until the end of the meeting to discuss those.

Mayor Hindman understood this was a living document that could be modified as they went along and suggested passing the ordinance and making other recommendations at the end of the meeting.

B68-07 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B71-07 Amending Chapter 12A of the City Code as it relates to land preservation and stormwater management.**

The bill was given second reading by the Clerk.

Mr. Watkins noted this was the stormwater ordinance, which would partner with the stream buffer ordinance the Council approved earlier this year.

Mr. Glascock explained this was a public hearing on Minimum Control Measure No. 5 - Post Development for NPDES Permit Phase II which was an EPA directive that required the City to develop, implement and enforce a program to address stormwater runoff from new development and redevelopment projects that disturbed greater than one acre. In addition, they had to ensure controls were in place to prevent or minimize water quality impacts. It also indicated they had to develop and implement strategies, which included a combination of structural and non-structural best management practices appropriate to the community, they had to use an ordinance or regulatory mechanism to address the issues and they had to ensure the long term operation and maintenance of the best management practices.

Mr. Glascock noted in 2002, the City and County created a Storm Water Task Force, and in 2004, the City's Public Works Department adopted APWA 5600 for use as design guidelines for City projects. In 2007, the stream buffer ordinance was adopted by the Council, and today, they were discussing the stormwater manual and ordinance. In late 2005, they informed the Task Force they wanted to start the process for adoption of the new manual in order to comply with the timeline provided to DNR. In early 2006, Council approved the use of a consultant to help draft the ordinance. In June of 2006, the draft stormwater manual was presented to the Task Force and in July of 2006, staff and the consultant made a presentation to the Task Force and other invitees. In August of 2006, a meeting was held with the consultants to address any technical issues with regard to the manual and the comment period was extended to the end of September. In September of 2006, there was another meeting with the consultants to address any further issues. In addition, letters were sent to groups and agencies notifying them the comment period was ending. They also provided received comments to the Task Force. In February of this year, a recommendation with caveats was received from the Task Force.

Mr. Glascock explained the major changes and issues involved addressing the quality and quantity of stormwater, stream assessments, stormwater management on every site, maintenance of best management practices (BMP's), the effects of changing the criteria and City staffing. The BMP's were needed to capture pollutants and to protect streams and property from erosion. Stream assessment looked at the stability of the stream in the pre-

development stage. If stream crossings or major encroachments in the stream buffer were needed, this would help show and maintain the stream stability. He noted this was a reduction from current 5600 requirements. They felt if the developer was not impacting or crossing the stream, it could be reduced. They would require stormwater management on every site because regional detention did not work. It did not help with water quality or with stopping stream erosion. He stated this would have an impact on how developments were designed from this day forward. In regard to the maintenance of BMP's, they would require annual documentation by the BMP owner and conduct random inspections. Failure to maintain the BMP's would be declared a nuisance. Mr. Glascock noted he was also recommending the City maintain any complex stormwater BMP's. He clarified he was talking about a treatment train that had many BMP's together. He was not talking about rain gardens. The BMP's would be put in an easement for the City to maintain. He pointed out there would be an increase in up front design costs associated with the changing criteria. A local engineer review of a subdivision in the Rock Bridge State Park area indicated an impact of about \$6,000 per lot. He noted eight of the lost lots were due to the stream buffer, while only two were lost to the stormwater ordinance. He understood there could also be some savings due to the reduction in sizes of pipes. There would also be a reduction in later costs to property owners because the City would not have to come back and replace things, but there would be an increase in regular maintenance costs. Mr. Glascock stated their goal was affordable housing and an affordable community. The manual would decrease costs to taxpayers through flood protection, ground water recharge, pollutant removal and stream channel stability. He noted the problem was that they continued to create new stormwater issues because the current manual was simply inadequate. He explained this would create a two pronged approach. Everyone was assessed, through stormwater utility, so existing problems could be corrected. The new design standards would apply to new developments, so future problems would not be created. He displayed a map showing where stormwater issues had been reported over the last four years. He noted many involved newer subdivisions and pointed out those situations were what they were trying to correct. He displayed various slides showing situations that needed to be fixed and noted regional detention did not address these situations, which was why they felt the stormwater manual would be a good fit. He then showed slides of wet detention cells, which were smaller in nature, and what they wanted because they captured a lot more of the pollutants that degraded the water. Mr. Glascock pointed out that due to curb cuts being involved, they would need to address some of the street standards again to accommodate a type of development with curbless streets running into swales to help with pollutant removal. In addition to the cost to the developer, there would also be more costs to the City. The City would need additional staffing for review, inspection and maintenance. He understood some questioned why they did not just address quantity and noted if they did quantity, it did not involve much more to add quality. In order to implement the changes, amendments would be needed to Chapter 12A of the City Code. If approved, this plan would be in effect June 4, 2007. Mr. Glascock explained the manual was a technical document to be used by design engineers and they would meet with the engineers and others to discuss further changes as needed. They would supply training to staff and anyone else wanting to participate, prior to

the effective date. Mr. Glascock emphasized the flexibility of this and stated if a developer could show he was doing what was being asked by doing it in another way, they would allow it.

Ms. Hoppe asked for the rationale for having this effective June 4, 2007 instead of immediately as was done with the stream buffer ordinance. Mr. Glascock replied that was the timeline typically used for such things and noted the training would be accomplished during that period of time. Ms. Nauser asked if 90 days would be adequate for training. Mr. Glascock replied yes.

Ms. Nauser asked what they were trying to accommodate with these standards. She understood they currently built for a 10-year event. Mr. Glascock replied they were trying to reduce the runoff to post development standards and increase water quality. Ms. Nauser thought the current manual addressed a 10-year flood. Mr. Montgomery explained the current manual, when detention was needed, required tenation of peak flows for the 2-, 10-, 25- and 100-year events. The proposed manual would ask that the 1-year storm be looked at in addition to the 2-, 10-, 25- and 100-year storms. On the water quality side, the water quality volume storm for this area was 1.3 inches and was the quantity that needed to be addressed in terms of water quality BMP's. The reason to go to the 1-year storm, which was being done in many areas, was because addressing just the 2-year storm, pre- and post-development, for detention purposes was not protecting streams downstream from the developments. Streams were still being ravaged from the 2-year post-development storm. Using a smaller storm was found to prevent that occurrence. Ms. Nauser asked for a rough estimate of what would be contributed to existing subdivisions and what was being added to it from new developments. Mr. Montgomery replied if they just protected to the level of a 2-year event, it would roughly be a channel forming flow in most smaller streams, and even though one reduced or matched the peak flows pre- and post-development, the frequency and duration of that peak flow would increase and cause the stream to adjust itself in a rapid manner. This would cause the stream to unravel and become very unstable as a result of the new development, whether residential or commercial.

Mr. Hutton asked for the size of the current stormwater staff. Mr. Glascock replied there were 2.5 full time engineers and about ten maintenance staff. Mr. Hutton understood they were potentially adopting an ordinance that referenced the manual, but the manual was not actually part of the ordinance, and the manual could be adjusted by staff as needed. Mr. Glascock replied that was correct. Mr. Hutton asked Mr. Glascock if he was confident staff would be ready to handle this in June. Mr. Glascock replied yes.

Mayor Hindman opened the public hearing.

Dave Griggs, 6420 Highway VV, referred to the February 14, 2007 letter and stated he would explain some of the reservations of the Task Force when recommending transmittal of the ordinance to the City. He noted there were numerous references in the proposed ordinance to the Water Quality Design Manual and there was great debate as to whether the ordinance was actually linked to the manual and/or whether the manual was actually linked to the ordinance. They wanted Mr. Boeckmann to look into it and to make sure they were separate, so the ordinance was the ordinance and the manual was the "tool box" of things that could be used to actually impact stormwater quality and as issues changed and science

changed, staff could use the “tool box” to take care of those issues and update the manual without having to come back to Council every time. He commented that the Task Force forwarded the ordinance to the Council for consideration with the explicit understanding the City would establish a public review process on a regularly scheduled basis in an effort to offer modifications and revisions to the design manual, including a level of service required. An example would be to compare the 50-year event to the 100-year event because it could mean dramatically different cost models in a design standard required to address the stormwater issue. They felt this was important because new technology in stormwater practices were constantly being developed and introduced. Because every subdivision plat, lot and tract of land was different, they felt this ordinance needed to be able to address all of those differences. He noted an immediate result of the passage of the ordinance would be an avalanche of work for the Public Works Department. With a significant amount of new regulations to learn, staff would need additional personnel to keep up with the work load. Failure to increase staffing would not only jeopardize staff morale and efficiency, but the resulting delays could exacerbate development woes and expenses. They hoped staff would consider various ways of adjusting cost factors by perhaps modifying the way the ordinance and the manual were enacted on varying properties. He explained for a high density, lower cost home subdivision, the requirements might be less stringent, so it would have a lesser impact on the developer’s cost and would address affordability issues. They felt a comprehensive review of the City’s stormwater ordinance was very appropriate. With on-site detention, which was a new concept, they got into who would maintain those facilities. In discussions with the Task Force, Mr. Glascock indicated the best way to take care of those facilities was with City maintenance. The Task Force felt the cost of that maintenance would be significant and on-going. The ordinance suggested the facilities should be inspected after each heavy rain. Depending on what was considered a heavy rain, there could be several per year, so it would require a great deal of staff to adequately inspect and maintain the facilities. He pointed out the Task Force felt the word “may” should be changed to “will” in the ordinance where it read “...the director, in lieu of a maintenance covenant, may accept dedication of stormwater management facilities for City maintenance....” They felt neighborhood associations and property owners would not want the responsibility of maintaining stormwater detention facilities or the liability that went along with them. They also felt it was important to note this ordinance would not impact all of the things out there that needed to be fixed today. It was their opinion the stormwater utility needed to be reviewed in an effort to try to impact those issues.

Joe Bindbeutel, 1701 Gans Road, thanked staff for their hard work and commitment in not only explaining and walking them through the design manual and the more difficult aspects of the stormwater ordinance, but in being receptive to other tools in the “tool box” in terms of changing the design manual, being creative or coming up with new tools on a continuing and moving forward basis. In regard to the cost issue, he stated the City made a very compelling presentation with respect to the costs being borne by those with flooded basements, those with ditches in their yards and those that were receiving inadequate stormwater treatment and service from the community at this time. Some of those costs would be recovered and prevented in the future. He felt they were shifting costs, not creating

new costs. He noted a lot of the complexity of the ordinance was due to an effort to give the designers of these facilities variability and the ability to be creative.

Ms. Nauser noted the letter referred to recommendations that had been ignored and asked what those recommendations were. Mr. Bindbeutel replied they were still in the process of pulling those together. Mr. Griggs explained, over the course of the years, they had passed several motions and made several recommendations and one of the Task Force members agreed to compile that list to forward to the Council.

Mr. Griggs noted they made several recommendations for “tweaking” Chapter 12A in terms of more strict enforcement to address mud in streets and other similar issues and felt they made a significant impact in causing improvement in those situations. The stream buffer ordinance, he thought, would have a significant impact on water quality, which was a major concern of EPA. It would just take some time to prove itself. Mr. Bindbeutel pointed out the Task Force was evenly divided in terms of this issue, but early on, they reached a consensus in regard to the County needing to adopt similar controls. They did not want to have a situation where they were encouraging leap frog development out into the County. Due to many different factors, a lot of those controls were winding through the County processes. He noted they would be encouraging the County to pick up the pace. Mr. Griggs pointed out they recommended to the County a stream buffer ordinance which was very similar to the City’s. They also recommended a land disturbance ordinance to the County, but understood the County was ill-equipped to staff those situations because they had no current mechanism for enforcement.

Ms. Nauser asked how far ahead the City was compared to the County with respect to the stormwater manual. Mr. Bindbeutel replied that all of the feedback they received from County staff and the Commission had been positive, but he was not sure where they were. Mr. Griggs stated he would guess they were two or three years behind.

Mr. Hutton asked how leap frog development would be prevented in that time period. Mr. Griggs replied he did not have an answer.

Mr. Loveless referred to the first bullet point in the letter and asked for a definition for the level of service between a 50-year storm versus a 100-year storm and a clearer understanding of what they were addressing in that statement. Mr. Griggs asked Mr. Glascock to define the level of service and stated he would then explain what they were requesting. Mr. Glascock noted many people confused a 100-year storm with a 100-year flood. They were designing for a 100-year storm. If they had a plot of land where a 100-year storm was a little excessive and saw that a 50 year storm would do the same thing without being excessive, it would be something they could allow. Mr. Loveless asked if the design manual that served as the “guiding light” used a 100-year storm event as its primary design criteria or a lesser event. Mr. Montgomery explained the level of service, which was in Chapter 6 of the design manual, described a process by which one evaluated and designed water quality best management practices. Those were based on soil conditions before and after development. He reiterated they were talking about a 1.3 inch rainfall event, which was calculated using rainfall and intensity curves on 30 years of data. The detention part of the manual addressed storms varying in intensity from 1-year up to and including the 100-year in order to evaluate peak flow conditions. Typically, the 100-year event would be the driver for

the size of the facility, but they were looking at the 1-, 5-, 10-, 25- and 100-year. The outlet structure was designed in such a way that it had the ability, either through different piping systems or a v-notch, to evaluate the flows before and after development and let the peak flow runoff occur at the same rates after development for those four or five different storm events. Mr. Griggs stated the reason it was there was because their ultimate goal was to not continue to have the kind of problems they had in the past. The question was what level of design criteria and BMP's were truly necessary to achieve the goal. The manual offered all types of things and perhaps designing to a 50-year event would achieve 75% or 90% of the goal and be far less costly. As the process developed, this needed to be looked into. Mr. Bindbeutel reiterated that was why the flexibility was assumed. He noted it was represented to staff that when they made changes to the design manual or provided exceptions to the design manual, such as a different BMP or storm event being used, they would notify Council.

Ms. Nauser understood the detention portion of the manual was requiring development to a 100-year event. Mr. Bindbeutel replied that was the base line. Ms. Nauser understood it would be a subjective process in determining if one did not have to build to the 100-year event. Mr. Griggs noted they had not designed projects and plats to fully comply with the manual yet, but as they did, he thought they needed a process where they reviewed or re-reviewed three or four plats to different events and levels of service in order to get a feel for where they really needed to be. He thought the task force would feel far more comfortable if staff was granted the flexibility to make those determinations and report back to Council. Mr. Glascock explained the context of the bullet involved affordable housing, so if they were talking about affordable housing, they might take a little less than what they would do with estate lots.

Ms. Hoppe asked what other communities allowed staff the flexibility to make revisions. Mr. Bindbeutel replied this entire approach was modeled after one that had been embraced by the Kansas City area and Lenexa, Kansas. There were also a bunch of municipalities in the St. Louis area that were starting on this and doing a similar set up. He noted they had been doing things like this out on the coast and marine environments for years. Ms. Hoppe asked if they also allowed their staff to move the 100-year event to whatever they saw fit. Mr. Bindbeutel replied they did. Mr. Montgomery pointed out different municipalities would handle the amendments to the design manuals in different ways, so he thought the proper answer was that some would and some would not. He noted what was proposed by the ordinance and its relationship with the manual was very similar to what the City had with its street and storm sewer specifications and standards where the director of the respective department could make changes to the design standards pertaining to technical issues after meeting with the developer's engineers and providing a short report to Council explaining what was changed. He emphasized it was consistent with what they had done through the years with other manuals.

Mayor Hindman thanked Mr. Griggs and Mr. Bindbeutel, as well as the entire Task Force, for all of their work.

Chris Cady, 2108 Smiley Lane, stated he was a member of the Columbia/Boone County Storm Water Task Force, but was speaking on behalf of the Watershed Committees,

which involved the people who were out picking up trash, cleaning streams and advocating for the health of the streams in Columbia. They understood the damage that could be done by stormwater issues. As Chair of the Steering Committee for the watershed groups of the twelve watersheds, he provided updates and noted the groups were ready for the ordinance and were supportive of it. It had been 15 years since the manual and regulations had been updated. He stated they kept their eyes on other places around the Country, who, like Columbia, were enacting the same kind of regulations. In regard to the flexible design manual issue, he explained he saw environmental regulation at the federal and state level with other work he did and a lot of it was going in the direction of a simple set of rules, an ordinance or a statute, with a flexible design manual. It needed to be done because technology was getting more and more complex. The idea was to allow the private sector to invent ways to help the streams.

Jan Weaver, 412 ½ W. Walnut, stated she was speaking in support of the proposed stormwater ordinance and noted she had been involved in various incarnations of the City's stormwater program almost since its inception. She explained she had attended at least 60 monthly meetings of the Citizens Watershed Committee to find out what the City and County were doing about stormwater and how the Task Force was coming along from its initial efforts to educate members on the committee about the impacts of stormwater to the detailed and extensive discussions of what should be in the ordinance. There were two objections to the ordinance she wanted to address. One was that it would make homes unaffordable. She noted the Chamber of Commerce's website listed the cost of housing in Columbia at 81.4 relative to an index of 100, which made it cheaper here than for any average community in the United States. In regard to the cost of implementing this ordinance, she commented that in 2005, the median household income was \$55,320 and with current interest rates, a household with that income could technically qualify for a mortgage of \$215,748. The 2005 median household price for Columbia was \$139,900. That meant a home could cost \$75,000 more and would still be affordable, at least in terms of income. She pointed out the additional cost would also assume the developer only responded to the requirements of the ordinance by reducing the number of lots they included in the development, leaving the lot sizes and the layout exactly the same, but the manual referred to in the ordinance encouraged a variety of strategies that could make a development more interesting and attractive as well as more watershed friendly. She agreed there might be developers who did not welcome having to adjust to how they developed a property, but did not think there were many in town who could not figure out how to turn this adjustment into an asset. The other major objection was that this ordinance did not go far enough because it allowed waivers and instances where incorporating stormwater management BMP's was not feasible. She noted the ordinance required that granting a waiver would not result in deterioration of existing structures, degradation of biological functions or habitat, erosion, siltation, or increased flood damage. In addition, the developer would have to mitigate or offset the lack of BMP's by any number of measures. She did not want the perfect to become the enemy of the good. Right now, they had no strategies except for detention in cases where there was already a problem or for planned developments. She felt they would be taking a major step in the right direction if they passed the ordinance and would know within a few years if more steps were needed.

Don Stamper, 2604 N. Stadium, stated he was speaking on behalf of the Central Missouri Development Council (CMDC) and was not speaking in opposition of the adoption of the stormwater ordinance, but with a degree of caution. If the Council were to pass the ordinance this evening, they would for some amendments to the way it was currently worded and for implementation to be delayed to the next budget year. This would allow for training, new staff being in position, and adjustment and tweaking of the ordinance and manual. They would also ask that Council direct staff to continue working with stakeholders from all sides and that they look at a cost-benefit. The CMDC was willing to pledge between \$20,000 and \$25,000 to the City for a study to attempt to identify the point of diminishing returns, which meant they would further study the 100-year event verses the 10-, 15- and 25-year events to gain a greater understanding of the implications and actions prompted by this ordinance. Mr. Stamper stated they were very concerned with separating the manual from the ordinance. He referred to Section 12A-88(e), which read “the stormwater management plan must comply with all requirements of the City’s current Stormwater Management and Water Quality Manual.” They felt this would bind the manual to the ordinance. They believed the manual needed to be an asset, a box of tools and a degree of design criteria recommendations that were available to them over time as they met the requirements of the stormwater ordinance. In regard to their request for the implementation date to be further extended, he thought there was precedent for it. He understood when the City adopted the Land Preservation Act in the 1990’s, they allowed a six month period. In addition, development took lead time. He commented that when the Council adopted the provisions of the stream buffer ordinance, three or four projects had to be redesigned. He did not think that was fair and thought it should have been delayed or phased in. He noted they needed further review of the 100-year event design standard. He felt they needed to look at the loss of land involved based on the return, the origin of maintenance and how it would unfold, the degree of easements and other things. Six weeks ago, a group of their engineers asked staff questions and just this week, they received a letter from staff saying they did not have an answer to those questions yet. He pointed out they had projects in process, but did not have a complete understanding of all of the impacts. Mr. Stamper also noted they did not know how this ordinance would work with the stream buffer ordinance. There could be areas in conflict with one another that could require further review. They also did not understand completely the impact this could have on urban sprawl. He reiterated that if they passed the ordinance, the CMDC would like them to review Section 12A-88(e) along with other areas of the ordinance, to delay its implementation until the new budget year, and to do the necessary study.

Scott Hamilton, an urban conservationist with Show-Me Clean Streams, 1110 S. College Avenue, stated this ordinance was long overdue. He noted the streams were not in good shape and a big reason for that was due to untreated stormwater. In DNR’s Phase II study on the Hinkson Creek, seven out of eight stormwater outfalls were toxic. He understood there would be costs, but pointed out there were also costs associated with trash pick up and the treatment of municipal waste. He commented that it was mentioned the costs would be transferred to home buyers and noted the cost of untreated, unrestricted stormwater was already being borne by homeowners with eroding back yards and flooded basements. He pointed out there was also a cost to denying kids the ability to safely play in

the creek. He agreed the ordinance was not perfect and noted he was concerned with waivers being allowed due to site conditions rendering treatment unfeasible. He was also concerned with the in lieu of fee option for mitigation because as long as cutting a check was an option, most would try for the easy way out, which did not necessarily help water quality. In addition, he felt for this to be effective, they needed more staff to inspect treatment structures, to review plans and to enforce the ordinance. He asked Council to pass the ordinance tonight and stated he did not think they needed to wait for more studies.

Mr. Loveless asked Mr. Hamilton if he had any suggestions for improving the ordinance. Mr. Hamilton replied he thought there were some nebulous terms, such as “feasible” when referring to the site conditions. He thought it would be helpful to know what the level of feasibility was. He wondered if that meant affordability, treatment cost, etc. He thought it was crucial to have new stormwater engineers on board that could handle this kind of thing as well as educated enforcement personnel and inspectors that could make this a working ordinance rather than something no one would understand.

Paul Land, 2005 Robin Terrace, a member of the Storm Water Task Force and the CMDC, stated he was speaking for himself and noted they really did not know what the impact would be on commercial development. In his industry, they currently used a model which allowed a 10,000 – 12,000 square foot building on one acre of land, so about 25% of a lot was developable and the rest was devoted to parking, landscaping, ingress, egress, etc. With this ordinance, if they ended up with 8,000 square feet to an acre, they did not know what the impact would be. He thought CMDC’s offer to provide \$20,000 to \$25,000 worth of studying would go a long way toward trying to answer some of those questions. He also thought it would be beneficial to have those questions answered in advance of passing the ordinance.

Ron Shy, 5600 S. Highway KK, stated he was the local consultant who did the study Mr. Glascock referred to and offered to answer any questions in regard to it. He noted they did the study in their office at no cost to anyone else because they wanted it to be completely objective. The plan involved 36 acres off of Route K, adjoining Rock Bridge State Park. The first rendition was done prior to the stream buffer ordinance. Once they finally got the layout done with the new model ordinance, the stream buffer ordinance was in effect and was added to it. When adding all of the costs, it was in the neighborhood of \$6,000. He commented that they could argue about whether it was because of this, that or the methodology, but noted they were trying to be as objective as possible. He stated he did not know the true cost of every tract because they would all be different. The thing that bothered him was that when they were done, they had six areas of wet ponds in a residential subdivision. He did not like wet ponds in residential subdivisions and did not think they needed to eliminate the idea of regional detention when it made sense. He understood it did not make sense for a lot of things, but noted it did work for controlling peak flows, especially for the 100-year events. He thought that area needed to be studied because there had to be some different ways to do this.

Annie Pope, 204 Peach Way, stated she was speaking on behalf of the Home Builders Association and was supportive of the proposal involving a six month period of looking at all of the best management practices in the tool box. She thought they had to be aware of the

impact on the cost of housing for an ordinance of this type. She commented that she had seen Allstate's presentation and thought the cost impact could even be more. Although they recognized the importance of a stormwater ordinance and supported it, they wanted the six month time period to be available to look at the least costly impact for the same outcome of water quality in Columbia.

Mike Holden, 1207 W. Broadway, stated he felt this was one of those ordinances they needed to get right the first time due to its significant impact. They talked a little about the threat of leap frog development and the fact the County did not have either the stream buffer or stormwater management ordinances ready. He was afraid if this was done incorrectly, it would force all development outside of the City limits. Taking the suggested six months to make sure they got it absolutely right seemed like a good idea to him. He supported moving as quickly and as thoroughly as they could to get the stormwater ordinance in place. While canvassing neighborhoods in the Fourth Ward, people were telling him about lots of problems they were having in their homes. It was pointed out earlier that this new ordinance would only affect about 10% of the land in Columbia because it only involved new development. He noted the members of the Task Force also mentioned needing to review the stormwater utility to retrofit problems in existing neighborhoods. He thought that was probably one of the most critical things they could do. He commented that he was supportive of the work the Task Force had done and was hopeful the Council would delay the ordinance at least long enough to see the list of recommendations being compiled by the Task Force.

Tim Crockett, Crockett Engineering, 2608 N. Stadium, stated he had full confidence in the staff being ready by June 4, 2007, however, when looking at the submittal deadlines, he understood that if he submitted a planned district to the Council one week from tomorrow, it would have to come in with a conceptual stormwater management plan that would have to comply with the new regulations. In one week, he and his engineering staff would have to be ready. He would also have to rely on City staff being able to answer questions in one week. Because the planning stages took place in advance, he believed the six month period was needed. He noted he had a lot of projects that had been started, but would simply not be ready to go in one week.

Tim Terrell, 6600 S. Maple Meadows Drive, stated he agreed with having good quality of water, but noted he used to live in Lenexa, Kansas and they had a mosquito problem due to all of the stagnant water. He had not heard anyone address the health issues involved with stagnant and standing water.

Ben Londeree, 2601 Chapel Wood Terrace, stated he supported the enactment of the proposed stormwater ordinance. In regard to the cost of implementation, he commented that he had no questions regarding the study Mr. Shy conducted, but did think the plat analyzed had some serious problems and noted it had been sold to the Independent School this week. He stated that not every plat could be developed fully as a residential development. He was also concerned with maintaining the stormwater utility because the amount of money coming in would be reduced significantly because these ordinances were going to require that they keep the water there and treat it properly. If they were doing that, these owners should not have to pay a fee because it would be a form of double taxation. That would reduce the storm water utility income considerably. He suggested they address the issue of how they

would raise the money they would losing. In addition, he was concerned about the fee in lieu of meeting the standards of the stormwater ordinance. He suggested they make sure the fee in lieu was equivalent to what it would cost them to do it otherwise or everyone would go that route. In regard to the six month delay, he had no strong feelings. If it would improve the ordinance, he was supportive. If it was just a delay tactic, he would have concerns.

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

Mayor Hindman asked about the payment in lieu of option noting he agreed that if it was possible and more economical, it would be the choice made. Mr. Glascock replied it was not a choice. There was always a chance this was not feasible on a small site. If that was the case, they would have to go to the Board of Adjustment and prove their case. They could not just pay a fee to get out of it.

Ms. Hoppe asked about the point raised regarding the definition of feasible. Mr. Glascock replied the Board of Adjustment would have to determine whether it was feasible or not. It was not a staff decision. They would work with affordable housing. He explained if a plat came in where they were trying to do affordable housing and they were getting 90% of what they wanted at a certain rate, but the last 10% was costing twice as much, this flexibility would allow them to achieve what was needed.

Ms. Nauser asked if they had determined what this would cost the City in terms of staff needing to be hired and maintenance costs associated with detention facilities the City took over. She also asked what had been spent in the past to correct problems that had arisen. Mr. Glascock replied the City spent about \$650,000 annually on stormwater utility projects, which were correcting flooding, erosion and other issues. In regard to staffing costs, he talked to other communities in trying to obtain some figures. Kansas City was large and they already had a lot of staff, while Raymore was trying to staff it now. He noted he planned to start with a stormwater engineer because they did not want to over staff since they did not know the exact workload. In regard to maintenance costs, they would be checking to ensure the outlets were open, but did not plan to do a lot of mowing. The facilities would be more natural looking. He thought the current maintenance staff would be able to handle what they would see in the near future. He stated they would need help at the review and inspection staff level.

Mr. Hutton asked if he thought most facilities would eventually be deeded to the City versus neighborhood associations and property owners. Mr. Glascock replied if they were in complex, they would be through an easement. Mr. Hutton asked who would mow if they had to comply with the weed ordinance. Mr. Glascock thought the weed ordinance would need to be changed. Mr. Hutton asked if they would have a big weed area in the middle of a subdivision. Mr. Glascock replied what one would call a weed area, another person might call a nature area. He noted it was similar to the stream buffer in that it was a nature area. Mr. Hutton commented he was not sure that had been adequately addressed. He also understood that some of these facilities would be designed to hold water of varying depths for up to 72 hours and asked if they were concerned about fencing them or kids playing in them. Mr. Glascock replied there was always a concern, but it had not been addressed since they did not know how they would look or if the subdivisions would take care of the issue

themselves. Mr. Hutton understood there was nothing in the ordinance requiring that. Mr. Glascock replied that was correct.

Mr. Loveless understood that if the City assumed maintenance, they would likely accept these BMP's, detention ponds, etc. like they did current stormwater drainages, swales and sewer lines they owned, and asked if they needed a mechanism in the ordinance to allow the City to take control of them. He wondered if they needed to take control of these through easements and if so, if the ordinance as constructed would allow that. In addition, if they needed to go into the interior of a subdivision to do some maintenance, he asked whether the ordinance included the right of trespass to enable them to do those things. Mr. Glascock referred to Section 12A-95(b) where it read "...the director, in lieu of a maintenance covenant, may accept dedication of stormwater management facilities for City maintenance...any stormwater facility accepted by the City for maintenance must meet all requirements of this article and include adequate access easements for inspection and regular maintenance."

Ms. Crayton asked how this ordinance would help the older neighborhoods where they was already flooding. Mr. Glascock replied the stormwater utility would continue to be used to correct those problems. With this ordinance, they would not be creating new problems, which would help. Mr. Janku pointed out that if an area in the older part of the City was redeveloped, it could be subject to the same requirements. Mr. Hutton understood anything over an acre that was redeveloped would have to meet the new ordinance.

Mayor Hindman understood there were concerns regarding the manual and asked about the flexibility of the manual as far as administration was concerned in view of the way the ordinance was written. Mr. Boeckmann replied Mr. Stamper referred to Section 12A-88(e), which read "the stormwater management plan must comply with all requirements of the City's current Stormwater Management and Water Quality Manual" and noted he was not that familiar with the manual, so one of the engineers should address that issue. He explained he worked with Mr. Montgomery when drafting the ordinance and understood the manual had a bunch of options and was itself flexible, but within that flexibility, there were some requirements for addressing certain things. This ordinance, backed up by law, required them to comply with that. Mr. Montgomery explained the manual, for instance, required the design engineer to address, for detention purposes, the 1-, 5-, 10-, 25- and 100-year events and that could be done in different ways with a combination of structures and different locations, which was inherent flexibility. The level of service method, which governed the water quality side, provided a menu of best management practices that treated stormwater. The flexibility in regard to the arrangement of the BMP's within the development and which BMP's would be appropriate for certain types of development in combination with a treatment train approach or separately was built into the manual so that two different consulting engineers could approach the same problem differently. The requirement was that they follow the manual and the manual allowed the flexibility to approach the problem in different ways. Mr. Janku referred to Section 12A-91(a) where it read "...the director is authorized to revise the Water Quality Manual periodically as advances in stormwater control practices evolve..." and understood that would provide even more flexibility. Mr. Boeckmann agreed and noted there were different ways of approaching these regulatory matters.

Mr. Loveless asked if there was any standard in regard to the maximum depth of retention basins. He was concerned about the liability the City might assume when assuming ownership of a basin in a residential area. Mr. Montgomery replied wet cell basins could take many forms and most designed strictly for stormwater were shallow in the area of one to three feet. On the other hand, a pond or lake in a development, such as Hulen Lake, could be designed initially with a water quality component in them and they were anywhere from 10 to 30 feet deep. For flood control, those types of facilities could be very effective because of the large volume one could contain. Mr. Loveless asked if he was saying these retention basins were not likely to hold a significant depth of water for a long period of time. Mr. Montgomery replied that was correct. Mr. Loveless stated he was concerned about the City's liability in regard to the safety of children. He did not want to set the City up for assuming a lot of liability. Mr. Janku pointed out the Again Street Park had a detention structure incorporated into it and noted young people had access to it. Mr. Loveless understood, but pointed out they were now getting ready to magnify that risk quite a bit.

Ms. Nauser referred to Section 12A-95(c) where it indicated the facilities would be inspected after each heavy rainfall and asked for a definition of heavy and how soon after a heavy rainfall staff would be expected to inspect them. Mr. Glascock replied, in his estimation, a heavy rainfall would be something that overwhelmed the facility. It would be a storm it could not handle. For some, that would mean a 50-year storm and for others, it would mean a 100-year storm. Ms. Nauser asked how they would inventory and keep track of what would be considered an overwhelming event. Mr. Glascock replied they did that with erosion control already. If something happened they felt would overwhelm the erosion control, they tried to inspect them all the next day. Ms. Nauser understood that involved silt fences. Mr. Glascock replied it involved silt fences, ponds and sediment basins. Mr. Montgomery pointed out they also currently did it with storm drainage systems in places where a heavy rainfall would dislodge and flush vegetation into either catch basins or ends of pipes. They had a list of where those were and crews went out to clean inlets. Ms. Nauser noted that since the ordinance was so subjective, it could be open to interpretation on so many levels. She asked if they could have a set limit of what they would consider a heavy rainfall under a certain guideline. Mr. Montgomery replied it would be difficult to define and stated, as an example, when the ground was frozen a few weeks ago, a one-half inch of rain would have been a heavy rainfall, but in a dry August, a two inch rainfall would not produce a lot of runoff in some cases.

Mr. Hutton asked Mr. Glascock if he knew how far the County was behind the City. Mr. Glascock replied they and the University were co-permittees, so they were all essentially joined at the hip in regard to the Phase II permit. Mr. Hutton asked if there was a time line. Mr. Glascock replied the County had informed DNR that they were about a year behind the City in regard to having it accomplished. Mr. Hutton asked if the City was under a timeline. Mr. Glascock replied the City committed to having this adopted last year and last year they modified their permit to say they would do it this year. Mr. Hutton thought the concern regarding driving development outside the City due to the cost could be legitimate.

Mr. Hutton asked Mr. Stamper what the CMDC specifically wanted to see accomplished with the \$25,000 offer and if the consultant would be working with City staff.

Mr. Stamper replied they felt there was an opportunity to define a scope of work that would look further than staff and the various committees had been able to look in regard to the real impact of the 1-, 5-, 25-, 50-, and 100-year events and the point of the diminishing return of some of the BMP's or design standards. They believed someone could look at these things more closely to get a better idea of what the impact of the ordinance would be from a cost versus return basis. He stated they did not want an ordinance adopted they felt good about, but was overdesigned, overstated or understated. They believed there was an opportunity to identify a scope of work jointly with the CMDC providing the money for the consultant. The consultant would help perfect the ordinance and manual. Mr. Hutton asked if he saw potential changes to both the ordinance and the manual or just the manual. Mr. Stamper referred to the stream buffer ordinance and noted they were already identifying some things that no one anticipated. Mr. Hutton pointed out there was not a manual with the stream buffer ordinance. Mr. Stamper agreed, but noted the manual came before the ordinance in this instance. Even though they perceived the manual as being advisory or tool box oriented, it was related to the ordinance and there might be things in the ordinance that were in conflict with other ordinances or policies. Mr. Hutton asked Mr. Glascock if that sounded reasonable. Mr. Glascock understood Mr. Stamper had referred Section 12A-88(e) and pointed out Section 12A-91(b) indicated they would allow alternate or equivalent designs. He emphasized this allowed for flexibility. In regard to hiring an engineer, he pointed out they hired CH2MHill to help in review of the Philips tract. He felt if that was what Council wanted to do, they could, but he thought there needed to be some type of neutralization or objectivity.

Mr. Loveless asked how he felt about the Task Force's recommendation that the language in Section 12A-95(b) be changed from "may" to "shall" when referring to the in lieu of a maintenance covenant. Mr. Glascock replied that caused him some concern because they would be accepting everything in that case. Mr. Hutton asked what they would use to make the judgment as to whether or not to accept something. Mr. Glascock replied if it was a treatment train type approach where one flowed into the other, they would accept it, but if it was one particular item like a rain garden in everyone's yard, he did not think they wanted him in everyone's yard taking care of their flowers. Mr. Montgomery pointed out the water feature at MFA, Inc. on Stadium as an example of a feature that should probably be maintained by the business rather than the City. The ordinance was written to have flexibility, such that in some instances the City could and in other circumstances they did not have to. He stated it indicated that criteria would be developed. He noted "may" allowed flexibility where "will" or "shall" did not. Mr. Loveless commented that they had seen examples where neighborhood associations just did not do the job. It was not because they did not want to, but because, in most cases, their enforcement authority was by taking one of their own members to court. They saw examples of where stormwater conveyance systems, such as swales, had fences built across them, which defeated the whole purpose of the train of treatment. He believed they wanted to be able to address those kinds of things and asked if there was enough flexibility to rectify those situations when they occurred. Mr. Glascock replied they had to tell the property owners of Bearfield Meadows to raise their fences. Although it was a nuisance, it was something they were accustomed to doing now.

Mayor Hindman felt the fundamental goal was to keep from doing further damage to the streams. He noted they had an on-going process for about five years or so where they had people, with opposite points of view, review this issue carefully. Although, the committee had a hard time arriving at a conclusion, they did and were recommending this ordinance. He believed protecting the streams should be a high priority, both from the quantity and quality point of view. He noted they had heard horrible examples of things that were happening as a result of stormwater and it was not equitable. Staff indicated they were ready and would be able to handle the issues. He understood staffing might need to be beefed up and stated he was prepared to support that. He thought it was time to stop the bleeding and believed the best way to do that was to adopt the ordinance. No matter what they did, there would be some transition involved and there would be a time when the development designs would have to change. He wondered what was wrong with starting right now. There were 90 days before it was effective. The plans that had already been filed would not have to comply. The cost the general public was going to bear for the City not having done this sooner was going to be enormous. He thought, as a community, they needed to figure out a way to feed the storm water utility or they would never be able to remedy the things that had happened of which many were done in recent years. He believed most of the questions had been satisfactorily answered and experience would be the only way they would really know the impact. He felt they should adopt the ordinance. He understood there would be some hardship to some proposed developments, but felt if those developments were built to the old standards, they might cause a hardship for someone else. In regard to cost-benefit, if someone could show a better way of doing something, staff could review it.

Mr. Janku stated he agreed with Mayor Hindman and commended the Task Force for their hard work and their frank, candid comments, particularly about costs. He pointed out the stormwater fee the citizens voted for in the early 1990's had not been increased since its enactment and the City was using about \$600,000 annually to correct past problems. As a citizen paying that rate, he commented that he would be willing to consider paying more for better quality stormwater management, but would be upset if he was expected to continue paying into the fund with nothing being done to stop new problems from being created. He believed it would be a mistake to delay this for six months and thought the development community might regret it as well. He commented that the community now knew there was a better way to do things in regard to stormwater and if they did not implement it, the neighbors would be asking for the higher standard for all new development plans, which he thought they would likely agree to for planned districts. He felt it would be better to make a clear decision and provide clear guidance tonight. He noted they were already doing this and provided the Wal-Mart rezoning where they required filters in the parking lot as an example. He compared this to the lighting issue before they had a lighting ordinance. He noted that over four years ago, he was invited to look at erosion in the back yards of a new subdivision that was created due to a pipe dumping into this area from a development up stream. The developer was meeting City standards, but it was negatively impacting these neighbors. When campaigning, he was going door to door and one of the neighbors explained how she had met him before and noted he had not done anything in regard to that problem. He stated, tonight, he thought they could do something.

Ms. Hoppe stated this issue was the basis for her getting involved in City government and she had been waiting 21 years for this day. The Hinkson Creek was in her back yard so she saw its degradation. Her neighbors were losing property, losing trees and experiencing flooding. She felt this was a long time in coming and that everyone knew, for at least the last five years, the City was working towards this. In regard to new development, she understood the City had lots of programs they were beginning to implement to help with past problems, such as the Show Me Yards Program, rain gardens, and education in regard to how to better grow lawns so it did not affect water quality. Waiting any longer would cause the City to have continued degradation of water quality for another entire construction season. The City would also incur additional costs in terms of the sewer systems continuing to be eroded. She stated neither side was completely content, which meant it was probably the right thing to proceed with.

Ms. Nauser stated one of the largest complaints she had heard over the past couple of years was stormwater. She did not like driving around the community and seeing ruts in the roads and other effects of stormwater. She commented that a few years ago, her son was in a class where they waded in the creek and ended up with a staph infection, so she was well aware of stormwater problems. She was, however, not sure they should pass something of this magnitude and only provide 90 days to comply. She agreed it was needed, but believed there were some things community members had been working on for months and years that would require re-engineering if they made it effective in 90 days and she did not think that was fair. She felt 90 days would require quick implementation of a very drastic change where both staff and the community were still learning. She thought they needed time to allow people to review it and do some tweaking in the interim, if needed.

Mr. Hutton stated he agreed this ordinance was badly needed, but believed there were still some issues that needed to be addressed. He pointed out the manual itself had only been out a short period of time and the engineers had not had much of a chance to look at it yet. As Mr. Crockett stated, anything submitted a week from tomorrow would have to comply with this and he felt that was asking a lot. He believed it was a bigger deal than some people were making it out to be. He also thought they would be silly to not take the \$25,000 offered to study some alternatives to make a better manual. He agreed there could be some cost-benefit ratios that had not been considered. He commented that they were designing to a 100-year event that might cost “x” number of dollars, whereas if they were designing to a 50-year event, it might cost significantly less with the benefits not being incrementally different. He thought they rushed into the buffer ordinance because he understood there had been some significant issues with it. If they had implemented it over a period of time, he believed it would have been beneficial. He noted they had waited this long and asked how three more months in order to get it right would matter.

Mr. Loveless stated he agreed with Mr. Hutton. He appreciated Mr. Glascock’s confidence, but felt they needed more people to review plans, inspect facilities and maintain those facilities. He realized there was some delay in that not much maintenance would be needed the first year, but in addition to finding and hiring staff, they would need to train staff. He noted the same applied to design staff. He understood Mr. Crockett indicated he would have to hire someone right now because he did not have the people physically to design

these things. He commented that this was an exceptionally technical manual and did not think it would hurt them to have other people examine it closely to see if the same kinds of things could be achieved in other ways. He did not think the additional time involved in that analysis would be significant, but was concerned that staff might not be equipped to accept the rush of applications that would come in as people tried to beat the deadline of implementation. He was hopeful the development community would take that into account.

Ms. Crayton stated she agreed that 90 days was too soon due to staffing issues. She felt it placed a lot of pressure on staff and thought six months would be more preferable.

Ms. Nauser suggested changing the effective date to October 1, 2007, which was the beginning of the new fiscal year. Mr. Janku noted they brought up six months, so he did not think they should go beyond six months. He also pointed out they could adjust the budget without waiting until the fiscal year.

Mayor Hindman made the motion that B71-07 be amended by changing the date to September 4, 2007 in Section 12A-87(c) and changing the effective date in the last sentence of the bill to September 4, 2007. The motion was seconded by Mr. Loveless and approved by voice vote with Mr. Janku and Ms. Hoppe voting no.

B71-07, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE.  
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B79-07 Authorizing replacement of the HVAC system at the Water and Light Distribution Center (Heuchan Building); calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained that although this was truly a maintenance project, the dollar amount required Council approval. He noted the estimated cost was \$50,000.

Mayor Hindman understood the City was trying to get involved with the Energy Star Program and asked if this system would meet the requirements of an Energy Star rating. Mr. Dasho replied yes and pointed out the staff that worked with the Energy Star Program would also work closely with the contractors in regard to getting the most energy efficient unit. He explained these were large units, which were a little different than a typical Energy Star unit.

Ms. Hoppe asked the age of the present system. Mr. Dasho replied it was over 20 years old.

Mayor Hindman opened the public hearing.

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

B79-07 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B81-07 Authorizing construction of improvements at Douglass Park; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this involved the reconstruction of two basketball courts and improvements to the Douglass Park walkways and electrical system. Included in the budget

was an appropriation of \$162,000, which staff felt would complete the project. If approved, they hoped to be well underway this summer.

Mr. Hood noted the first priority would be the reconstruction of the basketball courts with the goal of having them completed prior to the Moonlight Hoops Program, which began in early June. They would then proceed with the other improvements.

Mayor Hindman opened the public hearing.

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

B81-07 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B82-07 Authorizing reconstruction of a shelter house and adjacent parking lot in Cosmo Park; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this public improvement involved the reconstruction of the Harris Shelter in Cosmo Park near the site of the old Dexheimer Shelter. The total project cost was estimated at \$140,000 and was included in this year's budget. Construction was scheduled to begin this summer and would be done by both contract and force account labor.

Mr. Janku commented that he had mentioned an enclosed shelter a while back, which he understood was much more expensive and asked if they had discussed that. Mr. Hood replied funding for this project had been included in the ballot issue and an enclosed shelter would probably be several hundred thousand dollars more than the funds they had available at this time. He thought it was something they might want to look at in the long range for Cosmo Park and possibly include in next ballot issue. Mr. Janku asked if there was a way this shelter could be designed for an eventual upgrade to an enclosed facility. Mr. Hood replied they could look into that. Mr. Janku understood people participating in tournaments wanted some shelter while waiting for their next game and asked if there had been any thought to providing smaller picnic tables etc. similar to what was done at Stephens Lake Park. Mr. Hood replied they had been looking at that, but did not have a proposal at this time. He thought constructing a couple of smaller picnic-type shelters near the ball fields would be an addition they should consider for the future.

Mr. Loveless stated he was concerned about restricting the future potential fire station to one and one-quarter acres. He thought they had been trying to get two acres per fire station site. Mr. Watkins replied an acre and one-half was the minimum they wanted. If they bought the remnant, they would be pushing a little over two acres for the relocation of Station No. 7. He thought Chief Markgraf had met with the Parks & Recreation staff and was amenable to the site being proposed. Mr. Loveless asked Mr. Hood to re-examine how the parking lot was oriented, so they could pick up the other one-quarter acre just in case they needed this as a fire station. Mr. Hood replied they would take a look at it to see if it could be shifted.

Mayor Hindman opened the public hearing.

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

B82-07 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(A) Voluntary annexation of property located on the northeast side of Masonic Drive, west of Oakland Gravel Road.**

Item A was read by the Clerk.

Mr. Watkins explained this was the required public hearing on the voluntary annexation of about 50 acres in northeast Columbia. The property owners were currently the subject of a pre-annexation agreement, which allowed them to build the Masonic and Scottish Rite facilities. They were now contiguous to the City and staff had been working with members of both organizations to try to bring them in. There were, however, some zoning issues. The Masonic Home, in tracts A and B, was considering the possibility of a development that would be similar to Lenoir for its members. He stated it was a project they wanted in Columbia. Unfortunately, the annexation was moving along quicker than the plans for development. The Planning & Zoning Commission, rather than making suggestions as to how to fix the plan or what requirements they might like, recommended tabling the zoning issue for six months. Staff thought about eliminating the public hearing, but the annexation public hearing was not something Council was required to take action on. He pointed out that as they extended Waco Road across, it would connect into Prathersville Road, and he was very interested in having some property within City limits on the other side.

Mr. Teddy noted the reason for the long time period in tabling the zoning issue was because several organizations were involved and permission for amendments needed to be approved by all of those organizations.

Mayor Hindman opened the public hearing.

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

**OLD BUSINESS**

**R32-07 Approving the Preliminary Plat of The Overlook located along both sides of West Broadway, extended; setting forth conditions of approval.**

The resolution was read by the Clerk.

Mayor Hindman noted they received a request to table this item to the April 16, 2007 Council meeting.

Mr. Janku made the motion to table R32-07 to the April 16, 2007 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

**PR54-07 Establishing revised Community Development Block Grant funding guidelines; establishing a revised review process for annual CDBG funding requests.**

The policy resolution was read by the Clerk.

Mr. Watkins explained this policy resolution would substitute a meeting with the City Manager for one of two meetings with the City Council, establish timeliness as a criterion of a project and change the funding allocations in order to allow more flexibility, particularly for community facilities, services and economic development activities.

Mr. Teddy displayed a table showing the funding percentages recommended by the Community Development Commission per the current policy resolution, which went into effect in 2005. He noted, per Council suggestion, staff consolidated the community facilities, community services and economic development categories into a single category with a range of 15-35 percent.

Ms. Crayton asked if more money could be put into economic development. Mr. Janku explained, because of the flexibility, they could put more money in economic development versus community facilities. Mr. Teddy noted it was conceivable that in a given year, they could fund mostly economic development activities out of those three categories up to a total of 35% of the City's allocation.

Mr. Janku referred to Step 4 of the policy resolution and suggested it read "the City Manager or the City Manager's designee..." versus "the City Manager and/or City Council..." because that was when the City Manager was going to formulate his recommendation. He did not think Council should be involved at that point because they would still be listening to all of the agencies that had submitted requests which were possibly turned down by the Commission. Mr. Watkins understood he wanted the City Manager as the designee. Mr. Janku stated he thought it could be the City Manager's designee as well.

Mr. Janku made the motion that PR54-07 be amended by changing Step 4 to read "the City Manager or the City Manager's designee meets..." instead of "the City Manager and/or City Council meet...." The motion was seconded by Ms. Crayton.

Mr. Loveless agreed it would not be beneficial to have the Council meet with the Commission at that stage.

The motion to amend PR54-07, made by Mr. Janku and seconded by Ms. Crayton, was approved unanimously by voice vote.

The vote on PR54-07, as amended, was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Policy resolution declared adopted, reading as follows:

**B83-07 Appropriating funds for the Natural Resources Inventory.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this would complete the project they started talking about at last year's Council Retreat in terms of doing a natural resources inventory. The piece they were missing was the vegetation data and its analysis. This would allow them to complete that piece. They were recommending funding \$50,000 of the \$80,000 through a planning grant, \$25,000 from the Water & Light Department and \$5,000 from the general fund contingency account.

Mr. Hutton asked if the aerial photos could be used for other purposes as well. He noted some of those on the Assessor's page were five to six years old. Mr. Watkins replied they were working with the County in updating those photographs. Mr. St. Romaine explained the County was actually planning on flying this spring to update their photographs, but noted their photographs were panchromatic, which was a black and white type color. These would be full color at six inch pixels, which was a much better resolution. Mr. Hutton asked if these would be available on the web. Mr. St. Romaine replied they discussed using

the photos acquired from this flyover as a back drop to the City's GIS system, so when they started putting downloadable maps and GIS plans on the Internet, these photographs would be able to be downloaded. Mr. Hutton asked how long it would be before that would be in place. Mr. St. Romaine replied they would be flying in June, when the trees and vegetation were in full bloom, so they would have the photographs acquired by June or July of this year. He thought they would be able to use them right away. He noted the University of Missouri Geographic Resource Center would actually analyze the data, but the actual photos themselves would probably be available mid-summer.

Karl Skala, 5201 Gasconade, commented that he thought this was a great idea. In terms of base lines for land disturbance and other things, he thought this was absolutely essential. He thought this would be a well spent \$50,000 and commended the Council for considering it.

Ms. Hoppe understood staff would meet with City departments, stakeholders, the Environment & Energy Commission, the Planning & Zoning Commission and interested citizens to discuss what was needed after the aerial photography was done and asked how this would be done, especially in regard to the interested citizens. Mr. St. Romaine replied he thought they would be providing frequent reports to Council as they got through some of the meetings with the stakeholders identified for this project. Citizens would have an opportunity to provide input during some of the report presentations to Council. Ms. Hoppe asked if the stakeholders were department stakeholders. Mr. St. Romaine replied they would have department stakeholders. He pointed out a representative from the University of Missouri indicated an interest in having some of his students participate in a flora inventory and the field verification. He noted there would be stakeholders outside the City as well. Ms. Hoppe asked what groups that would include. Mr. St. Romaine replied in addition to the University of Missouri, he thought the Audubon Society might be interested in the species identification and habitat identification. He believed there would be a lot of groups that would want to be involved.

Mr. Janku suggested including the Water & Light Advisory Board since the Water & Light Department was paying for some of this.

B83-07 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

## **CONSENT AGENDA**

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

**B69-07 Approving the Final Plat of Winchester Subdivision – Plat 1 located on the north side of Chapel Hill Road, west of Forum Boulevard.**

**B70-07 Vacating a utility easement located on Lot 2 within Bearfield Plaza Subdivision.**

**B72-07 Amending the FY 2007 Annual Budget to delete an Engineering Aide IV position and add an Engineering Specialist I/Engineer I position in the public works department.**

- B73-07 Authorizing a letter of acknowledgement with the Missouri Department of Natural Resources relating to a grant for the West Boulevard/Marygene Drive storm water drainage improvement project; appropriating funds.
- B74-07 Authorizing a right of use permit with The Links of Columbia to allow construction, improvement, operation and maintenance of a private irrigation line within the Clark Lane right-of-way.
- B75-07 Authorizing a right of use permit with Perry Automotive Group, Inc. to allow construction, improvement, operation and maintenance of a private fiber optic communication cable in conduit within portions of Indiana Avenue, Dakota Avenue, Illinois Avenue and Nebraska Avenue rights-of-way and two heat pump supply and return conduits within a portion of the Nebraska Avenue right-of-way.
- B76-07 Authorizing a right of use permit with Lifestyle Development, Inc. to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system, lighting, electrical conduits and water service lines within the Screaming Eagle Lane and Marcassin Drive rights-of-way.
- B77-07 Authorizing a right of use permit with Woodland Hills Properties, LLC to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system, lighting, electrical conduits and water service lines within the Stone Grove Court right-of-way.
- B78-07 Authorizing a right of use permit with The Country Club of Missouri to allow construction, improvement, operation and maintenance of a private irrigation line within the Nifong Boulevard right-of-way.
- B80-07 Accepting a conveyance for utility purposes.
- R55-07 Setting a public hearing: special assessments for the 2005 Annual Sidewalk Project.
- R56-07 Setting a public hearing: special assessments for construction of Blue Ridge Road from Garth Avenue to Rangeline Road.
- R57-07 Setting a public hearing: 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.
- R58-07 Setting a public hearing: purchase of property located south of Gans Road, adjacent to the Philips Park and Rock Bridge State Park (Crane Property), for regional park purposes.
- R59-07 Setting a public hearing: construction of Fire Station No. 9.
- R60-07 Setting a public hearing: approving the FY 2006 Consolidated Annual Performance Report.
- R61-07 Authorizing a revised transportation enhancement funds program agreement with the Missouri Highways and Transportation Commission relating to construction of a sidewalk and pedway along State Route 763 (Rangeline Road) between Big Bear Boulevard and Smiley Lane.
- R62-07 Authorizing an agreement with Crawford, Murphy & Tilly, Inc. for engineering services relating to the Clear Creek Pump Station and Force Main Improvement Project.
- R63-07 Authorizing an agreement with HDR Engineering, Inc. for engineering services relating to the State Route 763 Sewer Relocation Project.

**R64-07 Authorizing an agreement with Affinis Corporation for engineering services relating to the Lemone Industrial Boulevard Extension Project.**

**R65-07 Authorizing an agreement with Special Olympics-Missouri for sports development funding through the Tourism Development Program.**

**R66-07 Authorizing an agreement with Sexton Energy, LLC for design and construction of the landfill gas recovery plant.**

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

## **NEW BUSINESS**

**R67-07 Establishing a Compact Fluorescent Light Program.**

The resolution was read by the Clerk.

Mr. Dasho explained they were looking at programs to encourage landlords to put in more efficient devices in their rental properties and came up with a program involving compact fluorescent lights where they would work with people who dealt with low income housing in order to increase efficiency in that housing stock. They would supply lights, similar to what they did in the residential program, for landlords and rental property.

Mayor Hindman understood some of the large stores, like Wal-Mart, were participating in a big effort to sell these lights. He thought the goal was to sell about two million. He noted they provided a list of the top cities within the Country using these compact fluorescent lights and Columbia was number six. Mr. Janku thought the rebate program probably assisted in the ranking.

Ms. Nauser understood there was mercury in those compact fluorescent light bulbs and asked if anything special was needed in regard to their disposal. Mr. Hutton replied he did not think the new ones had mercury in them. Mayor Hindman thought they all had mercury in them, which was the downside. Ms. Nauser suggested they promote the proper way of disposal as they were promoting the use of these light bulbs. Mayor Hindman understood the upside was the tremendous savings, but the downside was that it had mercury in them. He commented that the argument was that there was less mercury put into the atmosphere with these incandescent bulbs because they involved mercury as well. He understood the issue remained as to how to dispose of them.

The vote on R67-07 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R68-07 Authorizing certain preliminary actions in connection with the issuance and sale of approximately \$3,775,000 principal amount of Special Obligation Notes (Regional Park Acquisition Project), Series 2007A.**

The resolution was read by the Clerk.

Mr. Watkins explained they had reached an agreement to purchase the Crane property at \$8 million. The cost would involve another \$75,000 due to financing. Ms.

Fleming developed an innovative and less expensive way to finance the balance of what was needed, which involved working with local banks. He noted they would be meeting with representatives of all of the banks tomorrow to try to finalize as much as possible, their structures. This would allow staff to proceed with that process.

Mr. Janku stated he understood all of the funding for this was coming from the parks sales tax. Mr. Watkins replied that was correct. Mr. Janku commented that he was not certain that was clear on the website. Mr. Watkins clarified some of it was actually coming from the leftover capital balance of previous parks ballot issues. Mr. Janku understood it was parks money. Mr. Watkins replied that was correct and noted it could not be used for police, streets, salaries, etc.

The vote on R68-07 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R69-07 Authorizing a cost participation agreement with the Missouri Highways and Transportation Commission for the Gans Road Interchange construction project.**

The resolution was read by the Clerk.

Mr. Watkins stated this was a pretty standard agreement between the City and MoDOT concerning the Gans Road Interchange construction project. It was very similar to agreements involving projects like East Broadway, Clark Lane, Route B and CenterState, where they were agreeing that MoDOT would do certain things and the City would do certain things. It also included a provision indicating MoDOT was agreeing to advance the City a low interest loan of \$4 million and in return the City would be advancing MoDOT money because it was not available until 2010. The City would have to pay interest on it, but the City had a loan to lower the interest cost.

The vote on R69-07 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**INTRODUCTION AND FIRST READING**

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

**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.**

**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.**

**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.**

**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.
- B89-07 Approving the Engineer's Final Report; levying special assessments for the 2005 Annual Sidewalk Project.
- 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.
- 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.
- 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.
- B94-07 Authorizing a cooperative agreement with Boone County for 2007 revenue sharing funds relating to the Clark Lane improvement project; appropriating funds.
- 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.
- 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.
- 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.

#### REPORTS AND PETITIONS

- (A) Intra-departmental transfer of funds.

Report accepted.

**(B) Relinquishment of MoDOT controlled streets.**

Mr. Watkins explained that as the City continued working with MoDOT in terms of funding for various street projects, such as Stadium, Scott Boulevard, 763 and Gans, they continued to bring up the need for the City to take over some of their streets within the community. He noted several made sense, such as the couple hundred feet of Audubon and West Boulevard, where the City was essentially maintaining them anyway. There were others, which he felt could be a little premature, such as Lenoir and Ponderosa, but in the long term, as those projects were completed, would make sense. One that he did not think made sense was College Avenue. It would be very expensive for the City to take over. He noted they wanted Council feedback and would then move forward with the necessary legislation and agreements.

Mr. Janku asked if there was any deferred maintenance on any of these streets. Mr. Glascock replied there were some that needed maintenance and he understood, in talking with MoDOT, there were certain maintenance issues they would be willing to address, if requested, on some of the streets, but not on all of them. The streets that came to mind were the ones with asphalt overlays that could have some soft areas or pot holes. Mr. Janku understood street striping was an annual thing. Mr. Glascock replied that was correct and stated they would have to take over sign maintenance and other similar things. Mr. Janku was hopeful they could get as much upgrade as possible before taking them over. Mr. Glascock pointed out one of the issues on 163 were the shoulders because they dropped down. He suggested they try to get them rocked. Mr. Janku asked if they would give the City a lump sum as part of the agreement since they were forgoing future expenses in an effort to take care of some of the problems. Mr. Watkins stated he thought they were open to discuss anything at this point.

Mayor Hindman stated he recognized, as a practical matter, they needed to take over some of these roads, but recalled a time when the City was able to raise revenue for taking care of these streets. He explained there was a gasoline tax the City was able to impose. The State took that away and in exchange they took over the lettered highways. They were now giving the roads back without providing any funding. He pointed out that slowly but surely, the State was eroding the City's tax base. He understood they were getting ready to pass a law making it impossible for municipalities to negotiate cable television franchises. They would give municipalities up to 5%, but that was it. They were also talking about having a sales tax to pay for highways. Mayor Hindman wondered what that would do to the City's ability to raise needed revenue.

Mr. Janku suggested they ask for a further report to be discussed briefly at a pre-Council meeting prior to asking staff to draft legislation.

Mr. Janku made the motion directing staff to provide a further report for discussion at an upcoming pre-Council meeting. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**(C) Mail order prescription drug program.**

Mr. Watkins explained this was discussed at the pre-Council meeting and that staff wanted to move forward with creating this optional program if Council did not have any concerns.

Mayor Hindman made the motion that staff be directed to prepare the proper legislation for Council review. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

**(D) Utility assistance funding – status report.**

Mr. Watkins explained this was a status report on the City's utility assistance programs. Due to the cold weather, the available dollars were decreasing rapidly. He noted they did a one time transfer last year.

Mr. Janku stated he thought they needed to put some additional money in the account and wondered why they did not include more during budget discussions.

Mr. Janku made the motion that staff be directed to provide an additional \$1,000 per month from the Council contingency fund for the remainder of the fiscal year and to bring back proper legislation, if needed. The motion was seconded by Mayor Hindman.

Ms. Crayton asked if this was from the CASH program. Mr. Janku replied no and added this would be from City funds. Mr. Watkins noted they were spending the CASH funds as quickly as they were coming in. Ms. Crayton understood other agencies received State matching funds and asked if the State provided anything to the City. Mr. Watkins replied he did not believe the State provided any direct assistance to the City. He understood their money was provided through social service agencies. Mr. Loveless clarified the Council contingency fund would be used to supplement this account and he thought it was a great way to use those funds.

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

**(E) Street closure requests.**

Mr. Watkins explained there were four requests and all were annual events that had been reviewed by the downtown groups.

Mr. Loveless made the motion to approve the street closures as requested. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mr. Hutton stated as part of the discussion on the stormwater ordinance, he indicated he thought they should take the \$25,000 offered by the CMDC to study the laws of diminishing returns. He believed the logical approach would be for the City to accept the donation and hire the consultant to ensure objectivity. Mr. Watkins suggested the City enter into an agreement with the CMDC in regard to the scope of work. Mr. Janku hoped there would be some sort of hearing or input taken on the issue. He thought there was an interest

from others in regard to defining the scope of work. Mayor Hindman agreed and stated he believed they had a very good process and had people with all points of view on the Task Force who studied the issue to come up with a recommendation. Mr. Hutton asked if he thought they looked at it from a cost perspective to include analyzing subdivisions. Mayor Hindman stated the issue for him was getting clean water and meeting the requirements. Staff indicated they would look at each case to determine where or not it would get the job done. He felt this was an attempt to circumvent the process or roll back because they were not satisfied with the outcome. He believed it would be a mistake to do this. Mr. Loveless stated he did not agree. He noted that in achieving a particular end, there were degrees. One could achieve 95% at this cost and achieve 98% at a dramatically increased cost which might not be worth the little bit more being achieved in the end. He was not sure that was the case here, but felt if there was a way to analyze whether there was, by a point of diminishing returns, he thought they should know that. He clarified that did not mean they had to adopt it, but he felt they should know it. He stated he saw it as part of the fiscal analysis of this. He pointed out the technical manual itself had not been extensively reviewed by the Storm Water Task Force because it was beyond their expertise. Mr. Janku noted the consultant and staff assisted the Task Force. Mr. Hutton stated one of the reasons he wanted the time period extended six months was for this purpose. He thought they needed to seriously consider the overall cost. If it was truly going to cost \$6,000 per lot more, on average across the board, there would be no affordable housing built in Columbia with the other things they had done the last few years. He pointed out he was not saying it was not needed, but wondered if they could raise the cost only \$3,000 and achieve virtually the same thing. Ms. Nauser commented that if the County was further behind, there would be a desire to move out into the County and that taxing base. She noted there were a lot of potentially big projects in the works out there and if they did not take the opportunity to look at the cost-benefit, it might result in some unintended consequences. Mr. Hutton commented Mayor Hindman might be correct in them trying to water down the ordinance because he did not think their motives were 100% pure, but he was not willing to take the chance at this point. Mr. Loveless pointed out there were lots of examples of things built to County standards that eventually came into the City and ended up costing City taxpayers a lot of money to retrofit. Mayor Hindman noted they had been building things to City standards that they were also going to be paying huge amounts to retrofit. Mr. Hutton agreed, but noted they had six months so he did not think they had anything to lose. Mr. Janku suggested they first define the scope of work by getting recommendations from staff in regard to what they think should be done. If they decided something did need to be done, he thought the City should pay for it for objectivity purposes. He noted they could debate that at a later time. Mr. Hutton stated that when he brought this up, that was all he was going to ask for. Mr. Loveless thought the scope of work needed to be developed in conjunction or at least in consultation with those who were going to fund it. Mr. Janku stated that if a scope of work was going to be done for the City, it needed to involve both sides. Mr. Loveless agreed the City needed to administer it, so it was a City study. Mr. Janku clarified he meant the environmental representatives in addition to the developers needed to be involved. He suggested they move forward with a report from staff. Mayor Hindman noted staff might decide the study was not needed. Mr. Janku stated staff

might be able to come up with a way to study the issue. Ms. Hoppe commented that it might not be able to be studied until it went into effect and they had concrete examples to study. Mr. Janku understood someone suggested they look at previously approved plats and retrofit those plats to the ordinance. Mayor Hindman suggested analyzing the rush of plats that would be coming in. Ms. Hoppe thought Mr. Janku was suggesting that staff bring back a report as to whether or not the study would be helpful and a recommended scope of work.

Mr. Hutton made the motion that staff be directed to report back expeditiously as to whether or not a study would be helpful and what a scope of work would include if they decided to study the issue. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Loveless made a motion directing staff to ask the administrator of the City's prescription drug plan if they could use local vendors. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Nauser noted a business owner in the Corporate Lake area, which was at the intersection of Providence and Southampton, asked that no parking be permanently put in place along those roads, as high school students were parking there during the day.

Ms. Nauser made a motion for a staff report in regard to no parking being put in place along those roads. The motion was seconded by Mayor Hindman.

Mr. Janku suggested putting meters there. Ms. Nauser stated meters could be an option. She just did not think City streets should be used for private parking for the day.

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

Ms. Nauser stated there was a private road with no name near Peachtree and Blockbuster, which had a tremendous amount of parking on the street causing only one car to get through at a time. She felt it was becoming a hazard. Mr. Loveless asked if it was the road that ran along Woods Auto Gallery. Ms. Nauser replied yes and asked if the City could do anything. Mr. Loveless believed if it was a private road, the City could not do anything about it.

Ms. Nauser made the motion for staff to confirm whether it was a private road or not. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Glascock stated it was a private road.

Ms. Nauser stated she had been in conversation with a constituent in regard to getting a bus line extension from Old Plank Road to the Bethel area and was receiving conflicting information so she wanted a staff report for clarification.

Ms. Nauser made a motion for a staff report in regard to whether it would be feasible to extend the bus line to that area and if so, what it would cost and what the projected date for implementation would be. She noted her constituent thought it would happen in August. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Hoppe stated she, Mr. Loveless and Ms. Crayton met with the Fraternity and Sorority Housing Corporation Boards last week regarding sprinkler systems. She understood

they were not involved in the discussions with the Building Construction Codes Commission and had a variety of concerns and questions to include 13R versus 13 and whether it would be possible to have a neighborhood improvement district for funding purposes. She thought they wanted the Council to assist in providing an opportunity for them to meet with the Fire Chief and a representative of the Building Construction Codes Commission to further discuss their concerns and questions and to determine if there were any details, changes or clarifications the Council could act upon. Mr. Hutton asked if they had consulted with the engineer. Mr. Loveless replied yes and noted an architect, who was there, pointed out the difference between a type 13 sprinkler system and type 13R was significant. The 13 would require a 6-inch feed and a 13R would be more residential. Mr. Hutton thought they could do "R". Mr. Loveless stated there was some question in the Code as to whether or not they could. They also questioned if other grandfathered requirements, such as ADA compliance, would be kicked in when they sought a building permit. He thought Mr. Schuster also asked if they could form neighborhood improvement districts and apply for low interest funding. In addition, they asked for an extended time of compliance. They agreed to ask staff if the Fire Department and Building Code experts would meet with some of the housing boards since they were not included in the discussion. He noted Battalion Chief Sapp was present and stated he would be happy to do that, but thought it would take Council directive. Mr. Janku thought they should let the City Manager decide who would meet with them. Mr. Loveless agreed.

Mr. Loveless made the motion directing the City Manager to send Fire and Building Code experts to meet with the Fraternity and Sorority Housing Corporation Boards. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

Ms. Hoppe stated received a variety of complaints regarding College during the rain and snow storm events because it was impossible for pedestrians and handicapped people to use the sidewalks. She noted the sidewalk was too close to the road causing vehicles to spray water on anyone using the sidewalk after a heavy rain. In regard to snow, it was being put on the sidewalks when removed from the streets causing a dangerous situation. She wondered if anything could be done in terms of asking the State to reduce the speed limit on College to alleviate the issue with rain. Mr. Hutton felt every street in Columbia had the issue of snow on the sidewalk and the spraying of water. Ms. Hoppe pointed out they were trying to promote sidewalk usage. She understood this winter was very different than in the past, but felt they could be seeing more winters similar to this year and thought they should do something about snow removal, particularly on City property. She also thought they needed to encourage people to remove snow. She suggested hiring snow plows and assessing a fee as was done in Michigan. She stated she would like PedNet input and staff input in regard to what could be done to better maintain walkability on sidewalks along main streets. Ms. Nausser asked if the majority of the property along College was owned by the University. Mayor Hindman replied on the campus side, it was. He asked if Ms. Hoppe wanted them to look at snow removal on sidewalks on main routes or just on College. Ms. Hoppe replied on main routes. Mayor Hindman thought that had been looked at before and recalled it being a big budget item. Mr. Janku suggested the report be updated.

Ms. Hoppe made the motion directing staff to provide a report regarding snow removal and rain issues on main route sidewalks. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Hoppe noted they approved the Sidewalk Master Plan and understood if they had other areas they wanted reviewed, they would raise them later. She stated she would like Ballenger Lane to be addressed and suggested a time or work session be established to add others. Mr. Janku suggested they provide a list and ask for a staff report. Mayor Hindman recommended they provide their suggestions directly to the City Manager. Mr. Watkins asked that the requests be e-mailed to him within the next week or so and staff would provide a report regarding those.

Ms. Hoppe understood there was a variety of items they were considering changing in regard to the stream buffer ordinance, but decided to look at those items at a later but not too late of a date. She wondered if there was a time table or if it had been scheduled for a work session. Mayor Hindman stated he was not aware of any specific time frame. Mr. Watkins stated he had not planned to program any new issues or work sessions until after the Council Retreat because he did not think they had any time. Ms. Nauser asked if they could bring it up at the Retreat. Mr. Watkins replied yes and added he expected to recharge the list after Retreat by trying to work those issues into the budget and through the fall.

Ms. Hoppe stated the roof of the shelter at Grindstone Park was in bad shape and asked if it was on the list to be looked at. Mr. Watkins replied he was not sure, but would provide a report.

Ms. Crayton invited the public to a meeting being held tomorrow at 6:00 p.m. at St. Paul Church, which was at Fifth and Park, in regard to positive events they would be promoting at Douglas Park over the weekend.

Mr. Janku complimented Shelter Insurance on their offices at the corner of Stadium and Broadway. He thought they did a great job.

Mr. Janku noted some of the street trees had died in the new area on North Garth due to the heat of the summer and hoped they could be replaced.

Mr. Janku understood they received a report regarding landscaping/treescaping on Blue Ridge, which was not put in place. He commented that he wanted a sense of what they could do for the portion west of Providence.

Mr. Janku made the motion for a staff report regarding the treescape of Blue Ridge west of Providence. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman made the motion that the Council adjourn to closed session on Monday, March 12, 2007, at 5:30 p.m. in the fourth floor conference room of the Daniel Boone Building to discuss contract negotiations as authorized by Section 610.021(12) of the revised statutes of Missouri. The motion was seconded by Mr. Janku with the vote recorded

as follows: VOTING YES: HINDAMN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE.

The meeting adjourned at 12:12 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk