

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JUNE 19, 2006

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, June 19, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU and HUTTON were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

Ms. Hoppe noted she stated sidewalks, but meant streets, in regards to her first comment under the General Comments by Public, Council and Staff in the June 5th minutes. She asked that the minutes reflect that if that was proper. Ms. Amin replied she would look into it. Mayor Hindman asked for a motion for approval with the possible correction or at least a notation.

The minutes, as amended, of the regular meeting of June 5, 2006, were approved unanimously by voice vote on a motion by Mr. Loveless and a second by Mr. Hutton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman noted Ms. Hoppe asked that B243-06 be moved from the Consent Agenda to Old Business. In addition, B252-06 was being removed from the Introduction and First Reading section of the agenda. The agenda, as amended, including the Consent Agenda, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Ms. Hoppe.

SPECIAL ITEMS

Emergency Services Lifesaving Award – Officer Mike Hestir.

Chief Markgraf noted on February 19, 2006 at 8:17 p.m., a nine year old male knocked on the door of the residence of Columbia Police Officer Mike Hestir and stated his mother was on the floor and something was wrong. Officer Hestir called for assistance to be dispatched and arrived at the residence to find a 49 year old female in cardiac arrest. Officer Hester initiated CPR and continued until Fire and EMS units arrived. The patient was up and talking at the end of the event and to date was doing well. As a result, Officer Hestir was being awarded the Emergency Services Lifesaving Award. Chief Markgraf noted the award was one that could be presented to a member of a law enforcement agency for an act of lifesaving above and beyond the individual's normally recognized duties.

Mayor Hindman expressed appreciation on behalf of the City Council and the citizens of Columbia to Officer Hestir for his quick and decisive lifesaving actions. He stated everyone was proud of him and that he was a fine representative of Columbia law enforcement.

Officer Hestir stated in his home was a quote from one of his heroes, Martin Luther King Jr., which read, “a measure of a man is not where he stands in time of comfort and convenience, but where he stands at times of challenge and controversy.” He felt that summed up what he believed the hard working men and women of law enforcement in the area, as well as fire service, dispatchers and ambulance personnel, exhibited everyday. He accepted the award on behalf of all of them and thanked the City and Council.

SCHEDULED PUBLIC COMMENT

Gay Bumgarner – Land Disturbance Permit.

Gay Bumgarner, 1315 Rustic Road, stated she was speaking for a number of residents who were against having only one type of land disturbance permit for cut and fill resulting in the leveling of the land. She asked the people in the audience in support to stand. About 35 people stood. She stated they were fed up with what the developers were doing and would not allow it anymore. She noted they were not part of an organized group, but were united in their fury. She stated they were surprised and horrified to learn no one was watching out for the land and that everything the developer's were doing was legal. She commented that they all shared the blame for being so unaware. She explained they wanted the City to step in to protect the hills and valleys. In the past, the public had spoken up and they achieved a tree ordinance. Now they were speaking to achieve cut and fill standards. She explained the current permitting process involved the Department of Natural Resources, who determined whether the development would damage Missouri waterways, and the Public Works Department, who reviewed flood control and sedimentation rates and whether the plan left 25 percent of the trees. The bulldozers then moved in to legally remove all of the hills and fill all of the valleys since no cut and fill amounts were given. In order to change this procedure, she felt the City needed to hire a professional land disturbance permit planner for the Planning Department, whose job would be to determine the amount of cut and fill allowed and oversee that the amounts were followed. He would need to be allowed to access the construction site at anytime and would be involved in all site planning meetings to point out problems before they occurred. She felt with him being in the Planning Department, it would give two City Departments input instead of just one. The land disturbance permit planner would also mediate over meetings with City engineers and planners to set standards for degrees of cut and fill allowable depending on the location and type of land. With standards established, developers would present their plan to this new position who would consider the ramifications of what the amount of cut and fill the developer's request would create on the land. If the cut and fill was assessed to be too large, this new planner would request a different amount. She understood the developer's would complain about more rules. She noted in the 1950's, she was one of four who developed the Quarry Heights Subdivision, which still existed with its hills and valleys. She felt now was the perfect time to change the permitting process since realtors indicated to her that there were subdivisions in town with 50 houses for sale and the apartments were overbuilt. She commented that commercial developments would also need more people to move into Columbia and asked if new residents would arrive if the character of the town was destroyed. She requested the City heed the needs of the citizens, who when asked about visioning, wrote environment at the

top of their list. She felt that meant green hills and good air quality, which was only possible with undisturbed land and trees. She also requested the Council ask for a staff report regarding the land disturbance permitting process from the Energy and Environment Committee.

Mayor Hindman noted the Council had already asked for a staff report on what could be done with the land disturbance ordinance at the April 17th Council Meeting. He stated her suggestions would also be given to staff to be considered in connection that report.

PUBLIC HEARINGS

R144-06 Authorizing a Memorandum of Understanding with Columbia Professional Baseball, LLC relating to development and operation of a Sports Complex at the American Legion Herbert Williams Post No. 202 Park.

The resolution was read by the Clerk.

Mr. Watkins explained that last April the City Council in a public work session met with representatives of the Mavericks to discuss a proposal to build a stadium at Legion Park. The outcome of those discussions was the formation of a Memorandum of Understanding (MOU), a broad concept that described the process for going forward if a decision was made to proceed. This would allow the Mavericks some comfort, if they decided to move forward, in terms of spending money for plans or financing proposals. The Council wanted to hold a public hearing on the MOU prior to Council's consideration of its approval.

Mayor Hindman opened the public hearing.

Gary Wendt, Tuscon, Arizona, stated he was President of Columbia Professional Baseball and noted they would do everything possible to make this ballpark a reality for the Mavericks and the community.

Matthew Byer, 16 Rio Vista, St. Louis, Missouri, stated they appreciated the expressions of support and enthusiasm received by the community at large. He pointed out the MOU was only the first step in a long and detailed process and stated he looked forward to hearing the thoughts of the community.

Paul Blythe, 1590 Duvall, stated he was President of the Diamond Council, a baseball and softball organization, predominantly for the youth of the community. He provided a handout describing the organization and noted they had been serving the youth for about 43 years. They currently served around 2,500 children on 224 teams. He noted field availability was stretched to the limit. They had to split their season in half and some seasons were over before school was out for the summer. The American Legion Field was the only one in town that would support the junior (14 years old and under) and senior (15 - 18 years old) league programs. If the fields at American Legion were taken away, it would directly affect 10 percent of the program, over 200 kids. If construction began in the fall of 2006, they would have to cancel one league because there would be no where for the senior boys to play. He noted the junior league could possibly be moved to Oakland, but some work would need to be done. They could not play on a bigger field because the bases and mounds were longer. He noted this would have a trickle down affect because the teams at Oakland would have to move, so they would lose some programs or have to shorten some seasons. He pointed out new fields could be built, but that would take about two years. Mr. Blythe referred to the

numbers regarding shared use in item #4 of the MOU and stated he felt they were a little misleading. The MOU stated the City would have 400 events, the Legion would have 50 and Columbia Baseball would have 200. He noted there were 250 days from March 1 – October 1. He did not think the Mavericks would want to play day games during the day. In addition, the parents of 14 year olds would not want to play their kids at noon on a Wednesday. They could only play their games at night and there were only 250 nights. The nights the Mavericks would play would be unavailable to the Diamond Council, so he felt the 750 number was misleading. Mr. Blythe stated they either needed to keep American Legion or have a replacement up and running before construction began. He noted if they had replacements, this would not be an issue. He understood there was \$325,000 earmarked for improvements at Legion, which would move to this. He proposed they take that money and put it toward the new construction of ball fields. He pointed out the Diamond Council was not against minor league baseball, but was against taking facilities away from youth while not having something available to take its place. He hoped the thoughts, concerns and needs of a non-profit organization that had been faithfully serving the youth of the community for over 40 years would carry as much weight as a promise of a for-profit organization that had a three year history in the City.

Mr. Janku asked when the fall season ended. Mr. Blythe replied the fall season ended October 1 as long as it did not rain much.

Alan Marshall, 1119 Falcon Drive, stated he coached one of the senior league baseball teams and seconded Mr. Blythe's statement. He commented that getting fields with bases and pitching mounds at the right distance for practice and games was very difficult. He supported minor league baseball, but stated it could not be at the expense of the youth. He stated he would love to have practice 2-3 times per week, but could only sign up for the field once a week now. He noted they needed more fields now and they would really be hurting if one was taken away.

Anthony Fuchs, 4004 Chatsworth Drive and 8801 S. Ginn Lane, stated he was the Secretary of the Diamond Council and commented that the lack of fields was not a new issue. He explained the Diamond Council provided sporting opportunities for girls softball as well as boys baseball. About 10 years ago, the Diamond Council started working toward adding fields in the area to ease the scheduling problems. They were looking at land north of the City off of Highway 63, but that was taken for law enforcement training with the hope that something might happen at the Fairgrounds. Diamond Council had promised \$10,000 for the development of a complex at the Fairgrounds. That process, however, was not currently moving forward. He hoped the Council would think about the youth of Columbia in addition to minor league baseball by making it easy for the youth to access fields for their sporting and practice activities.

Jim Wiseman, 10730 Route E, Harrisburg, Missouri, stated he represented the Columbia Area Archers and pointed out there was an archery range at Legion Field. It was established in 1993 by the Columbia Area Archers in cooperation with the Missouri Department of Conservation and the City of Columbia. He requested the Council take into consideration the archery range when making plans for that area.

Alyce Turner, 1204 Fieldcrest, stated she was concerned about the use of park funds for this project. She did not realize the park funds created in 2000 and passed again last November would help to create a baseball field. She felt there were other priorities, such as the Missouri Arts proposal for the Missouri Theatre and the Farmer's Market, which needed to be prioritized before the support of a baseball stadium. She questioned why the stadium at the University was not a good location. Mayor Hindman pointed out the ballot issue included a specific amount for building a baseball field at the Legion Park.

Kim Grimes, 3710 Wayside Drive, stated she thought the Mavericks should get their new stadium because it would add value to Columbia. She felt having a family friendly, date friendly and work friendly environment would make Columbia even better. She recalled being at games and meeting new friends of different races and ages while collecting balls and giving them back to the players. Although they knew nothing about each other, they had a great time. She noted she made many friends, including best friends, at Maverick games. She felt this was a nice deal since all Columbia had to do was to provide space in return for a multi-million dollar baseball stadium. She explained there were a lot of kids like her who became more interested in sports as a result of Maverick games and felt Columbia would have larger sports programs and healthier kids as a result. She noted she loved the Mavericks and wanted them to stay.

Ric Jackson, 911 Yale, stated he and his wife had been baseball fans for over 50 years and that he wanted to see a professional team come to Columbia, which he felt was good for the City and its citizens. He explained the Rockford River Hawks, who played in the Frontier League, had just put in a new 3,000 seat stadium in Rockford, Illinois. It looked very much like the drawings the Mavericks provided when they were previously in town. He noted he was able to go to the stadium about two weeks ago and brought back a menu from the concession stand. He commented that for a family of four to attend a game, they would spend about \$56.00. This included a parking fee, 4 general admission tickets, 4 hotdogs, 6 sodas, 2 cotton candies, 2 popcorns, and 2 ice cream bars. He noted this also included interaction with the mascot, watching a great game and allowing the kids to run around the bases after the game. He pointed out one could not take a family of four to a ball game in St. Louis or Kansas City for that price. He asked the Council to consider bringing the Mavericks back to town for some good family entertainment at an affordable cost.

Jim Reddick, 203 North Route B, Hallsville, Missouri, explained there were actually two fields at Legion. They would lose the upper and lower fields, so there were actually two practice fields they would not have. He noted he played in the junior league and while he played, his daughter played in the park beside the fields. He did not see that staying there either. He stated there was a lot more than just the one field and he wanted to see those fields and park remain. Mayor Hindman asked for his thoughts if they built replacement fields. Mr. Reddick replied if they built the stadium, they would lose that entire area. Mayor Hindman understood he was opposed to this whether there were replacement fields or not because of the park. Mr. Reddick replied the park was part of the problem because it was there for the younger kids. At his age group, there were younger siblings that attended the games, who might be bored, since the parents watched the games, and played in the park. He felt it was more of a family thing with the way Legion was set up.

Rick Kitchen, 1650 W. Highpoint Lane, stated he was a member of Post 202 and understood the Diamond Council's concern about the use of the baseball field. He pointed out it was American Legion Field and when it was renovated, it would go back to American Legion Baseball. In regards to what they were losing, he agreed they were losing places for kids to play baseball and that they needed to remedy that with quality baseball facilities. He felt what they would really lose was the opportunity to build a baseball facility and a place the community had an identity for baseball. He understood the facility would be beautiful and open to the public. He agreed some might have to practice during the day, but commented that even Legion teams were looking for places to practice and batting cages to get into. He felt losing this opportunity would be dramatic in retrospect. The Missouri Legion Baseball Director was very excited over the opportunity to bring the State tournament, regional tournaments and the National American Legion World Series to this community. He stated that would bring a lot of baseball enthusiasm into this community. He reiterated that once they renovated American Legion Field, Legion Baseball would go back in there. The Diamond Council would still need facilities to take care of the kids. He explained the reason they could not use the MU field was because they did not want the community on their baseball facility. That was why they would not renegotiate favorably with the Mavericks. He asked the Council to allow the baseball field to be built, so they would have something to enjoy.

Mayor Hindman asked if the American Legion had an official position. Mr. Kitchen replied they did not have an official position. They were waiting to see what the City would do. They were moving ahead the same as the City in that they wanted to see what was being offered before making their final decision. Overall, American Legion Baseball was totally behind it. The membership was waiting to see what was being offered.

Carl Warner, 7205 N. Oakland Gravel Road, stated there was some misinformation about Legion Field. He explained the land was given to the City of Columbia on a lease and the Legion donated all of the playground equipment. He stated he was a strong believer in Legion baseball and felt bad the Legion could not play out there since the field was not acceptable. He noted it had not been updated as it should have been. He pointed out it would not be easy to get this passed by the Legion. It would have to be brought up to a vote of the Legion membership after advertising and so forth. He was hopeful something would be worked out and if this did not go through, he hoped the City would upgrade the field so they could play Legion ball again. He stated they needed to get something they could sell to the Legion people.

Mr. Janku asked about the Legion's process and timeframe for making a decision. Mr. Warner replied it would be discussed this Wednesday, but they did not know a great deal. They would go over the memorandum. He felt they could get the ball rolling right away if they received all of the information. He stated they needed answers to a lot of questions. He noted there was also a Legion Auxiliary that had to be satisfied. He pointed out it had to be advertised in their newsletter so many days in advance. Mr. Janku asked about the timeframe for a decision. Mr. Warner replied he did not know the complete plan, what was being offered to the Legion or how much work they would have to do to get it passed. He thought the last time it took about a year, but noted that was a stickier situation. He was

hopeful he could provide some direction after the meeting on Wednesday. Mr. Janku asked if the Board would meet on Wednesday. Mr. Warner replied the membership was meeting Wednesday. Mr. Janku understood it could not be decided at the membership meeting. Mr. Warner replied that was correct.

Sue Underwood, 711 Rustic Road, stated her house was directly opposite of the Legion Hall on the south side of WW. She noted she was concerned about traffic because WW was a narrow and winding road. She understood the Sapp project east of the location was going to add 5,000 cars per day to WW. She did not see how it could handle that, much less the traffic and parking getting into and out of the stadium. She was also concerned with noise, lights and all of the other things that went with it. She felt the road would need some major work to make it big enough to handle the type of traffic a stadium would put on it.

Mr. Loveless explained this stadium would involve 2,500 seats, not 60,000 seats, and traffic coming to the ballgame around 6:30-7:00 p.m., after the commuter traffic was pretty much off of WW. In addition, MoDOT would be involved in the permitting process and the alterations of the road. Ms. Underwood understood he was speaking of the baseball games themselves. She thought they were talking about using it on a daily basis for all kinds of activities. She believed that changed the picture. Mr. Loveless agreed it might.

Jerry Carrington, 3015 Megan, stated he had been involved in baseball all of his life, but agreed with the previous speaker's concerns. With traffic leaving at one time, he felt it would get pretty crowded. He thought a site plan was needed in order to see how much of the area would be taken up with a parking lot, what the cost of the lot was, and the traffic count on the highway. He commented that there were subdivisions going in east of there and there was not much agreement between with the County, City and State in regard to traffic. He felt it was a hazardous road. He agreed there was a need for baseball for the kids in the community. He noted the City was split between the Diamond Council and Daniel Boone Little League. He felt the City needed to find out what it would take to build some fields for the kids in the community rather than having a minor league ball club.

Peter Neenan, 300 Rustic Road, stated his property was adjacent to the ballpark and right across the fence. He noted he was a life long Columbian and had lived at his current address for 15 years. He stated he was good neighbor to the Legion and the City and enjoyed the close proximity to the park and the lake. Due to the deep impact to them personally and to the citizens of Columbia, he implored them not to enter into a partnership with the Mavericks organization. He was concerned with traffic on WW. It had increased over recent years with new developments and would be a continuing problem. He felt a four lane bridge was needed over the Hominy to accommodate the traffic. He thought there would be traffic gridlock coming out of the Maverick Stadium to Keene Street for those trying to get onto Highway 63 without a four lane bridge. He understood they were planning events three times per day and thought some would conflict with commuter traffic. He was also concerned with sound and light pollution being broadcast over a large area over eastern Columbia. He noted Legion Field was situated on a high hill and felt the lights would be broadcast over a very large portion of eastern Columbia. He commented that they could already see the Legion lights from the top of the Boone County Hospital hill on Broadway. He stated he was also concerned with the chemical pollution runoff from the field and parking

area flowing into the Hominy, a tributary of the Hinkson. Costly measures could reduce, but not eliminate, the contaminants. He understood the American Legion donated the property to the City to be maintained as a City park, not a commercial entity, and they would like to see a continuation of that agreement. He stated funding was approved last year by the citizens of Columbia to improve and enlarge the Legion Field, so they were already on the way to a better field. He noted it was a great park that offered a practice field, batting cages, archery range, picnic shelter, lake and playground and stated most would be destroyed by a large stadium. He polled several of his neighbors in the surrounding area and 95 percent of them had the same concerns. He requested that the City not enter into a MOU with the Mavericks for this piece of property. He felt to do so would risk valuable city resources on a dubious project with many negatives aspects.

Dennis Knudson, 2100 Southwood Drive, stated he believed bringing the Mavericks in before new fields were established for the young kids would be the wrong thing to do for Columbia. He thought these fields should be kept until replacements were established. If the Mavericks stayed around, he agreed it would be a good deal, but he did not see much substance yet. He reiterated he thought the kids should be taken care of first.

Debbie Jameson, 340 S. Rangeline Road, Executive Director of the Diamond Council, stated she worked with the City to schedule the fields. The fields they were using included Antimi, Oakland, Hickman High School, and Rockbridge High School. She explained they entered into an agreement with Legion Baseball in 2004 to switch fields whereby the Legion would use the Rockbridge High School field and the Diamond Council would use Legion Field for their junior boys. Legion had a better field and they had 80 foot bases, which was appropriate for the junior league age group, so it was a good fit for both groups. She noted they used Legion Field five days a week, every week, from May 15th through the end of July and started again in August for 6-8 weeks. She stated that included two games per day, but did not include practices. If Legion wanted their field back, that was fine since it was their field, but they would not have anywhere for the juniors (13-14 year old boys) to play. She stated the program was struggling when the juniors were playing on the larger fields. After speaking with Parks and Recreation, they could use Oakland Field, but there would have to be a dramatic change to it for their program. Their immediate concern was if they started building anything because it would directly affect their fall program. She stated the seniors boys played on the high school fields in the summer, but those fields were not available during the school year. The seniors played fall ball at Legion Field. She commented that replacement fields would be adequate for them and they would be willing to take more fields due to the shortage. She noted the Daniel Boone Little League was a private organization and were affiliated with the American Little League Association.

Steve Reller, 2860 Mill Creek Court, Executive Director of the BC Baseball League, stated they played at Twin Oaks and noted the Diamond Council used Legion Field Monday through Friday and they used it Friday after the Diamond Council was done and on Saturday and Sunday. They used it in the fall for the weekend high school league and this year they would hold over 120 games at Legion Field. They also had teams that worked with the City and the Diamond Council to get practice time at these locations. He pointed out they were also out of fields at the complex they purchased. He thought it was interesting that they were

talking about the City's one and only baseball field. There were multiple fields that were multi-use fields, but Legion Field was the only one the City owned that was built for baseball. Antimi, Oakland and Rainbow were all originally built for softball. He noted there was an extreme need for fields in the 13-14 year old age group. They had 42 teams in the league and 21 of those were 13-14 year old teams. The USSSA baseball, which they were affiliated with, was a competitive style league and for the first time, two years ago, had shown an increase in participants in the 13-14 year old age group. He noted they liked the idea of a minor league baseball team, but wanted to see replacement fields. He understood the City with the 2002 Parks and Recreation Master Plan was 36 fields behind the national criteria quota. Since then, two had been added at Antimi and now they were talking about taking one away. Although it seemed insignificant, that was the only field certain age groups could play. He asked the Council to look at having replacement fields before doing this. Mr. Janku asked if the field they owned was at Twin Oaks. Mr. Reller replied yes.

Gary Kass, 712 Timberhill Road, President of the Timberhill Road Neighborhood Association, stated the traffic, roads, noise and lights would be a concern to the residents. He noted he could not speak for the Association because they only found out about it yesterday, but felt that would be a concern.

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

Mayor Hindman noted staff provided a list of questions in regards to this issue and wished they were in the position to answer them. He commented that new to him was the issue regarding practice and playing fields for younger players. When he first heard about this, his impression was that it was American Legion's field with some Parks and Recreation games being held on it and they were going to build a new American Legion Field with the \$325,000, which would simply replace that. He was not aware the American Legion Field was being used seven days a week. He asked if they built the American Legion Field if they would not be in the same situation as they would be with the Mavericks, except with fewer days available. Mr. Hood replied if the City renovated the American Legion Field, he would hope the American Legion team would move back there to play their games. The Mavericks scheduled 45-50 home games per year. If those 50 dates were not occupied by the Mavericks, it would allow them to play two games per night on each of those dates and they would be able to continue much of their recreational league play. If the Mavericks took 50 dates and the Legion took 25-30 dates between mid-May and September, that would not leave many open dates for recreational play. Mayor Hindman understood the Mavericks would also have the right to hold special events out there. Mr. Hood replied that would be part of the agreement and pointed out they did not know how many actual dates would be available to the City and when those dates would be. The Mavericks proposal indicated a possible use period of 250 days and suggested three events per day which totaled 750 possible events. He pointed out most of the recreational programming for youth baseball occurred in the evenings, except on weekends. Having a Wednesday morning available in mid-October was not be a good programming opportunity for the youth since they would be in school. The question was how many usable, realistic dates would be available to the City and whether those dates would be such that a scheduled recreational league could be operated.

Mayor Hindman understood if they built the American Legion Stadium without the Mavericks, American Legion would move from the high school back to the new stadium and that would still eliminate the fields for the younger kids. Mr. Hood replied that if they built the new American Legion Field, the Legion would have first priority for scheduling their games and second priority would be given to the recreational leagues. He believed there would be an opportunity to run a large number of the current programs already there. However, if the Mavericks and the American Legion were on the field, he felt there would be very limited opportunity for the recreational leagues.

Mayor Hindman thought they wanted to provide the same amount of play they had today for the various age groups and asked if the solution was to use Oakland Field. Mr. Hood replied his recommended long term solution would be to build a replacement field, but in an interim situation, the only usable fields that would work for junior league play would be the Oakland fields. He pointed out the Oakland fields were already fully scheduled and if they moved the juniors to Oakland, it would create a trickle down effect because the younger leagues at Oakland would be bumped somewhere else and so on. He stated they either needed to find another field or had to modify the scheduling by reducing the number of teams, reducing the number of games, extending the season or playing games later into the evening. He noted some of those options were not popular and that the youth leagues were already scheduled tight.

Mayor Hindman understood if they were to build replacement fields, the locations would be limited and it would take two years to build the fields. Mr. Hood stated there were a lot of factors, including when one started, the amount of earth work needed, and getting the grass turf established for the outfield. If they had to build the field, seed the turf and get the grass established, they were talking at least a year and a half. The quicker solution was to sod the outfield, but it was also much more expensive. He explained that when they built the Rainbow Softball Field Complex, they sodded the fields and were playing on them less than a month after the sod had been placed. Mr. Janku asked for a cost estimate. Mr. Hood replied at this point they had not put together cost estimates based on a sodded field.

Mr. Loveless commented that one way or another the American Legion Field would be taken out of play for some period of time due to renovation if nothing else. They had a period of time where they needed to do their best to find an alternative place for the youth to play. He stated the problem did not go away if the Mavericks went away. The scheduling problem would still exist.

Mayor Hindman asked when the new American Legion Field was scheduled in the CIP. Mr. Hood replied the funding was scheduled to be available in the City's FY08 budget, which meant the funding would be available October 1, 2007. Ideally, construction would start immediately in October and there was a likelihood it would be lost to play for a large part of one season as it was being rebuilt.

Mr. Janku asked when the undesignated youth baseball fields were scheduled for funding. Mr. Hood replied the current structure was that \$200,000 would be available in the FY07 budget which began this October and the remaining \$500,000 was tentatively scheduled for FY09 or FY10. Mr. Janku asked for the status of the grant the County received for the Atkins property. Mr. Hood replied he thought under the terms of the grant, the project

was to be completed by the end of this year. He understood they were pursuing a time extension on the project, but did not know whether it had been approved. Mr. Janku understood that would involve the same length of time in terms of field preparation, seeding and etc. Mr. Hood replied that was correct.

Ms. Hoppe commented that she felt when the voters passed the ballot issue, they thought the \$325,000 was going to the American Legion Field to support youth baseball. In response to some of the concerns of nearby residents, she wondered whether the Atkins property would be more appropriate for the Mavericks or if other options were available.

Mr. Loveless commented that the residents brought up legitimate points about noise, lights and traffic, but these were the same points brought up by the residents of Grassland when the Mavericks were originally negotiating with the University to use Simmons Field. To his knowledge, it was not a problem. Mr. Loveless asked if the Council told Parks and Recreation to build two American Legion style fields as quickly as possible if he would have place to put them. Mr. Hood replied unless they negotiated an agreement with the County, he did not believe there was any other land within the park system that would be suitable for the ball fields.

Mr. Janku understood the report referred to changing the Hickman Baseball Field and wondered if they could do the same at Rockbridge to make it more of a multi-age group field. Mr. Hood replied that option was identified in a very preliminary discussion with the Hickman Athletic Office because they were asking if they had to find a place for the senior fall leagues this year, if they could play them on the Hickman field. They indicated they had thoughts of converting the Hickman field to artificial turf. The thought was since the Hickman softball girls played at Antimi field, the Hickman girls could move back to the Hickman property and they could then move some of the Oakland teams to Antimi in the fall. He noted that did not work in the summer. He stated there had been no discussion regarding the Rockbridge field.

Ms. Nauser stated she had a problem with a government body pledging public assets toward private enterprise when it was not part of their economic long range planning. She concurred with Ms. Hoppe that the voters anticipated fixing American Legion Field. She felt if the field was scheduled for funding in 2008, that gave them time to address the issues of where the children would play. In regards to the MOU, she felt the rent of \$12,000 per year was low and below market. She asked who came up with that figure and why it was so low. Mr. Watkins replied that figure was proposed by the Wendt's. Ms. Nauser commented that it seemed to be a very valuable piece of land for a minimal lease payment. She understood there was a lot of enthusiasm for baseball, but stated she had not seen a market analysis that showed a demand for it in this community. They talked about other leagues in other areas. She noted O'Fallon had St. Charles and St. Louis Counties to draw on for public support. She agreed the community was growing, but did not see the population base to support a profitable enterprise such as this. Mr. Wendt noted certain minor league cities such as Rockford, Illinois and Lincoln, Nebraska had successful operations. He stated he could supply documentation of cities of around 100,000 that supported successful minor league baseball. Ms. Nauser stated she was not familiar with these places and asked about their surrounding population. Mr. Wendt replied the general marketing strategy of a minor league baseball team was an area of 20 miles around the stadium. For Columbia, the maximum

would be Jefferson City. Ms. Nauser asked if they had done a study in the Columbia area and why they picked Columbia. Mr. Wendt replied Columbia was the number one growth area in the State, had a resilient economy, had a lot of sports-minded individuals, was a family community and was a great community in which to operate and own a minor league baseball franchise.

Mr. Hutton asked if they were satisfied with the clause concerning maintenance in the MOU. He understood the MOU was not meant to be specific, but asked from the City's perspective if that clause was okay as far as long term maintenance was concerned. He did not want to commit the City to spending a lot of money to maintain the stadium. Mr. Watkins replied they needed additional details and the MOU was expected to be very general. He anticipated at least 2-3 additional agreements that would need to come forth for consideration prior to the first spade of dirt being turned. One was the area of maintenance and use. He agreed there were a lot of details that needed to be worked out before staff would be supportive. He stated another agreement would include a layout. He felt Council needed to approve the specific plans and layout. A third piece was to see how the financing would work. He noted if they were going to be able to see those agreements, they needed some framework to move forward.

Mr. Hutton asked if they were being asked to approve a concept more than anything. Mr. Watkins replied that was his understanding. Mr. Byer stated that was correct. They were not looking to enter into an agreement to either bind the City or the Mavericks at this point and time. They wanted to know if the project described in the MOU was a project the City was interested and enthusiastic about pursuing. He stated the next step required the site work, concept drawings, a substantial investment of time and resources, and a development agreement.

Mr. Hutton asked how far along the architectural drawings were. Mr. Byer replied they had preliminary discussions with the general contractors and architect in terms of the feasibility. They did not have full drawings. Mr. Hutton asked how long it would take to complete the plans and if it would take a number of months. Mr. Byer replied he did not think it would be a number of months. Their group had built ball parks before and they would be in a position to begin running immediately in terms of the details and elements of the development agreement, the lease agreement with the City, a plan of financing, and putting together the drawings. He believed they could be back in 4-8 weeks. Mr. Hutton felt City approval of the plans would take at least a month. Mr. Byer stated he was not speaking to the City process, but their process.

Mr. Hutton felt a big concern was the road and asked Mr. Watkins to discuss what he knew in regards to any possibilities for improving WW and to ensure there was more than one way in and out. Mr. Watkins agreed traffic was a big concern. He stated they had worked with the County Commission and MoDOT District 5 in terms of safety improvements necessary on WW during discussions regarding the Sapp agreement. He noted parts of those were under design by MoDOT. He did not know what the funding dates were, but understood funding would come from safety funds, which was a different pot of money. He commented that MoDOT recognized the need to four lane both bridges and the areas in between and the difficulties on the WW/63 interchange and Keene Street area. He stated

traffic analyses pointed out the real bottle necks in the area were at Keene Street. He noted MoDOT was moving forward on the reconstruction.

Mr. Hutton commented that the document they saw a few weeks ago indicated requiring the stadium to be built to minor league specifications, but the MOU talked about United League specifications. He asked if those were the same as single A or double A affiliated leagues. Mr. Wendt replied no. The specifications on a single A ball club would be approximately \$20 million. A double A would be \$25-30 million and a triple A would be over \$30 million. Mr. Hutton asked if the difference was in the amenities. Mr. Wendt replied it was stadium capacity, elevators and a number of other different guidelines. The minimum cost would be about \$20 million and they did not have that kind of a checkbook. He noted the ballpark they would build would be first class and something the entire community would be very proud of.

Mr. Loveless referred to the end of paragraph 3 where it read, “the layout...shall be subject to the reasonable approval of the City” and stated he thought they needed strike the word reasonable because it was undefined. He noted paragraph 9 discussed financing and tax exempt bond financing with the word “municipal” being used. He felt the use of the word “municipal” implied the City would be funding or bonding this project in some way and suggested it be changed or stricken. He also noted paragraph 11 read “...the legal agreements reflecting the Project shall be set for in definitive agreements...” and thought the word “for” should be changed to “forth.” He stated he would make those amendments when they were ready to vote.

Mr. Janku stated paragraph 8 talked about the City providing for the improvement of all necessary utility services to the site and noted it was not clear in regards to whether it was at the City’s expense or if it would be provided per normal arrangements where the developer paid a certain share. He thought that needed be clarified. He suggested they follow normal policy. He asked if they knew what the improvements would be. He understood the sewer had been upgraded, but was concerned with serving 2,500 people. He asked about the commitment of funds and whether the money from the ballot issue was included. Mr. Watkins replied the ballot issue money was not part of the agreement. He noted the maintenance was because part of the park area would remain. The City currently maintained it and the concept was that the City would continue to maintain it or provide dollars towards it. Mr. Boeckmann noted the second to the last clause in paragraph 8 dealt with that.

Mr. Janku asked how long it would take to fine out what the utility cost might be. Mr. Loveless asked what was on site already. He understood the sewer main close, but did not know what electric and water mains were close by. Mr. Glascock replied in regard to sewer, service was there. He did not know if the sizes were adequate since they did not have enough information about the development. Mr. Loveless asked if the main line was relatively close. Mr. Glascock replied yes and added that it ran up the Hominy Branch. He stated they also had one that ran up the north fork of the Grindstone and was on both sides of the Legion.

Mr. Loveless asked about the water main. Mr. Dasho stated he would need to check to see if the City provided water and electric at that location. He noted he did not think there were adequate water lines there from either the City or Consolidated Water.

Mr. Glascock pointed out if it drained into the north fork of the Grindstone, they would have adequate lines for sewer, but if it flowed into the Hominy, he was not sure.

Ms. Nauser asked how it would impact the City if the applicants were to default on their bond payments since they did not own the facility and only had a leasehold interest. Mr. Boeckmann replied the reason staff suggested deleting the word municipal was because the City did not want to be involved in issuing bonds even if they were only secured by revenues from the project because that did not do the City's reputation any good if bonds issued were defaulted on. In terms of the City being the owner, he thought there would be a problem with someone issuing millions of dollars without a security interest in the facility. He believed that would take some negotiating and did not know where that would lead. He reiterated he did not think a lending institution would lend millions of dollars without some sort of a security interest in the facility or some other place. Ms. Nauser understood if the facility defaulted, any lease agreement and use of the facility by organizations in town would be null and void. Mr. Boeckmann noted some future owner could take over the lease and use it as whatever was allowed under the lease.

Ms. Hoppe noted paragraph 5 stated the Mavericks would put in \$1 million dollars for fundraising, however, she did not have a concept of what amount they would need to do the basics of what needed to be done. Mr. Byer replied their expectation was subject to answering a number of the questions the Council was also asking such as what utilities went to the site and what additional site improvements were needed. They were expecting the cost to build the ballpark to be anywhere from \$8-10 million dollars. He noted the ballpark would be the first phase of the development. Additional phases had been discussed and were part of the cost estimate.

Mayor Hindman stated it would be helpful if they outlined a concept of how they expected this to be financed and how the City would be free of any obligation with respect to the financing. Mr. Hutton added he wanted to know the City would not lose the property if something were to go wrong. Mr. Byer replied Columbia Baseball would contribute a minimum of \$1 million dollars after tax to the construction of the ballpark. The ground rent they proposed would enable them to finance the entire opportunity. He noted Mr. Boeckmann observed a lender, whether a municipal bond investor, private investors in a tax exempt financing or a bank in a taxable financing, would want to take a security interest in the ballpark and the Maverick's leasehold interest in the underlying ground. The City would not be an obligor and would not be signing the promissory note for permanent or construction financing. If the Mavericks were to pull out or if this was unsuccessful, the lender would have the opportunity to foreclose on a leasehold mortgage, which was all the Mavericks could grant the lender. They would step into the Mavericks shoes as tenant under the lease underlined in the MOU and would either continue to pay ground rent to the City, negotiate a workout with the City or release the ballpark as constructed to a new tenant who would continue to pay rent to the City. He noted staff had made clear the desires of the Council that the City not issue tax exempt financing in its name either as a general obligation bond or any other kind of tax exempt financing that the City was the issuer under and they were prepared to move forward on that basis. Mr. Boeckmann pointed out a deal might be worked out with the Mavericks that was satisfactory to the City, but whether anyone would lend money on it

was another issue. Whatever was negotiated needed to have a lender sign off and whatever they would propose might not be acceptable to the Council. Mayor Hindman felt if that happened, it would not go forward. Mr. Byer stated the City would not see a bulldozer if they could not finance it.

Mr. Janku understood as part of the future site, they anticipated various commercial developments occurring in conjunction with the stadium. Mr. Byer replied, in phases, yes. Mr. Janku asked if that would be part of the leasehold. Mr. Byer replied yes.

Ms. Hoppe asked if they wanted the City to provide infrastructure and utilities for the expanded version initially. Mr. Byer replied the ballpark would be the dominant user of the site. Ms. Hoppe understood the expanded version had hotels for conventions and asked if the City would provide the utilities and infrastructure for that expanded version initially. Mr. Byer replied in terms of running through the full development, yes. He noted he did not anticipate it would be incrementally much more significant than what the ballpark would require.

Mr. Hutton asked if they would be satisfied if the MOU stated something to the affect of the City providing utilities just as they did under normal city policies. He clarified it would not be anything over and above what they would do for any development. Mr. Byer replied they mutually needed to understand what that meant. Mr. Hutton noted the Council, he thought, would be more comfortable with that. Mr. Janku commented that they did not know if they provided water or electricity to that area.

Mayor Hindman suggested they propose amendments to the MOU at this time.

Mr. Boeckmann stated Mr. Loveless had three proposed changes, which included omitting “reasonable” from paragraph 3, omitting “municipal” from paragraph 9 and changing “for” to “forth” in paragraph 11.

Mr. Loveless made a motion to amend the MOU by omitting the word “reasonable” from paragraph 3, omitting the word “municipal” from paragraph 9 and changing “for” to “forth” in paragraph 11. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Hutton stated the middle of paragraph 8 read, “provide for the improvement of all necessary utility services to the Site that are provided to this area by the City as may be reasonably required for the construction and operation of the Sports Complex.” He recommended adding language indicating it would be done under normal circumstances based on City policy. Mr. Boeckmann suggested adding “according to normal City policies” to that clause. Mr. Janku asked if the “Sports Complex” included the entire facility. Mr. Hutton stated he envisioned it as the whole Legion development.

Mr. Hutton made a motion to amend the MOU by adding “according to normal City policies” to the end of the phrase in paragraph 8 reading “provide for the improvement of all necessary utility services to the Site that are provided to this area by the City as may be reasonably required for the construction and operation of the Sports Complex.” The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Ms. Hoppe noted paragraph 3 mentioned an electronic community events board at a mutually agreed to location and asked if this was necessary to include at this point. She thought there might be concerns with neighborhood. Although it did not say anything about

the size or brightness, she felt it could be a problem. Mr. Watkins explained his thought, particularly with Mr. Loveless' amendment, was that the Council could consider it when they saw the details. Mr. Janku wondered if the word "electronic" implied anything and asked if it would put a message up that could be changed at certain times or if it was the type of message that changed frequently. Mr. Teddy stated he thought changing signs required special consideration. Mr. Boeckmann stated there was a provision in the sign ordinance, but he was not sure of the wording or if "electronic" was the magic word.

Mr. Dasho stated in regard to utility services, the electricity would be provided by Boone Electric and water would be provided by Consolidated District No. 9.

Ms. Nauser asked if the City had an appraisal on this property or if someone knew what the estimated value was. Mr. Hood replied he did not have a current appraisal on the property. Mr. Hutton asked how many acres were involved. Mayor Hindman replied 16 acres.

Ms. Hoppe made a motion to delete the word "electronic" in paragraph 3 of the MOU. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Janku asked for clarification regarding there being nothing in the MOU in regards to the ballot issue money. Mr. Watkins replied he did not remember it being in the MOU. Mayor Hindman stated he could not find it. Mr. Loveless thought the only money involved was the maintenance. Mr. Hutton noted the lease also had money involved.

Mr. Janku stated he was not necessarily opposed to this, but the impact on the youth sports concerned him. He stated he wanted an answer on that before moving down the road too far. He asked if they would know in two weeks what their best alternatives would be in terms of financing and how to move forward. He felt they could take two weeks to obtain more information.

Mayor Hindman agreed it was a major problem that snuck up on him, but suggested they vote on the MOU and if they voted to enter into the MOU, which was non-binding, they could subject it to not going forward until the City had satisfactorily solved the problem of providing an alternate space for youth sports. He felt everyone would know this was contingent upon that. If they waited two weeks, he felt they were putting them under pressure to come back with a fast response. Mr. Boeckmann asked if he expected everyone to charge ahead with the knowledge the Council would not approve any agreement unless it was resolved. Mayor Hindman replied yes. He understood people might say they were not going to go forward, which was understandable. He felt this was something that needed to be solved.

Mr. Loveless stated he thought they were trying to link two problems. One was the shortage of fields, which was already here and needed to be dealt with whether they built a stadium or renovated Legion Field. Almost unconnected was this stadium. He stated he was not sure that linking the two issues had any value.

Mayor Hindman stated he felt if they went forward with this, the scheduling would be much more difficult. He understood during construction everything would be the same because the field would be shut down. The Mavericks building and using the new stadium was different than if they rebuilt the American Legion. He stated he did not believe the

Council would approve a final contract unless they figured out a way to take care of the shortage of fields.

Ms. Hoppe stated she understood that if the Mavericks took over this area, there would be an increased shortage of fields. She noted she wanted to know the cost of finding new places for the displaced present players. She pointed out the American Legion had not voted on it yet and she was concerned about that. Mr. Hutton suggested they add a clause to the MOU stating it was contingent upon approval by the American Legion as well. Mr. Loveless noted the cost of the fields was in the Parks Master Plan. Ms. Hoppe stated she would like to have them up front instead of digging for it. She was concerned because there were a lot of unanswered questions. She suggested tabling it until they had some of the questions answered. She noted she did not receive a response to her question regarding whether another area was more suitable than displacing an area they already had.

Mayor Hindman explained he felt was unfair if they signed it without making it clear that this would be a stumbling block. Mr. Janku agreed and noted that would satisfy his concern. Mr. Loveless thought for them to take a positive step toward seeing that new fields were planned for and on the CIP schedule was a step in the right direction. He was just not sure this MOU was the appropriate place for the clause.

Mayor Hindman recommended adding language indicating the City's acceptance of a definitive agreement would be dependant upon the City resolving the need for additional baseball fields for youth. Mr. Boeckmann suggested adding a new paragraph 13 reading "it is understood that the City will not enter into a binding agreement with Columbia Baseball until satisfactory arrangements are made for replacement ball fields."

Mayor Hindman made a motion to amend the MOU by adding a paragraph 13 which read "it is understood that the City will not enter into a binding agreement with Columbia Baseball until satisfactory arrangements are made for replacement ball fields. " The motion was seconded by Mr. Janku and approved by voice vote with Mr. Loveless, Ms. Nauser and Ms. Hoppe voting no.

Mr. Hutton thought they needed to add a clause noting this was not binding without American Legion approval. Mr. Boeckmann suggested adding a new paragraph 14 reading "it is understood that the City will not enter into a binding agreement with Columbia Baseball until this MOU is approved by the American Legion Post No. 202." Mr. Janku did not think it should be the MOU because they might have differences. He suggested endorsement or support instead of MOU. Mr. Loveless asked if they could word it as "conceptual agreement of the ballpark by the American Legion." Mayor Hindman asked what American Legion was being asked to do. Mr. Boeckmann suggested "endorse the project."

Mr. Hutton made a motion to amend the MOU by adding a new paragraph 14 reading "it is understood that the City will not enter into a binding agreement with Columbia Baseball until the American Legion Post No. 202 endorses the project." The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Ms. Nauser stated there were a lot of unanswered questions and she reiterated she did not like putting up public assets for private enterprises without an economic plan.

Mr. Loveless commented that he wanted to be certain that the news media understood there was no ballot approved dollars being committed by the City to this project. He pointed

out this was the first of several steps that had to be taken before this project became reality. Nothing was cast in stone by this MOU.

Ms. Hoppe stated she agreed with Ms. Nauser in that there were so many questions. She noted she would not make a personal decision with this many questions and did not want to commit to supporting it without those questions being answered. She commented that she had heard some good comments about the Mavericks being excellent citizens and contributors to the community. She felt even voting for a non-binding MOU seemed to pledge a commitment that she was not sure she could commit to with all of the questions.

Mayor Hindman noted if they were binding themselves, they would need to have a lot of questions answered. He agreed a lot of questions had been raised that needed to be answered. He pointed out the MOU specifically stated that either the City or Columbia Baseball could terminate negotiations at any time. He felt this was an interesting enough proposal to explore further. He noted if they did not pass it, it would not be explored any further. Ms. Hoppe thought an alternative would be to table it for two weeks. Mayor Hindman felt tabling it for two weeks would not put them in a different position than they were in now. Mr. Janku stated he brought up tabling the issue to deal with youth sports. He thought their commitment to youth sports had been addressed. He agreed there were some good questions that would need to be answered and they would need to make sure the benefit to the community and the City justified the favorable rental. Mr. Hutton agreed. He noted this was the first step. It was non-binding and they had the right to terminate the negotiations at any point. He noted he was concerned about the road and the timing of improvements to the road in relation to opening the stadium. He agreed there were a ton of unanswered questions, but noted they would not get to ask the questions unless they moved forward. He also felt providing fields for the youth in a timely manner was important.

The vote on R144-06, as amended, was recorded as follows: VOTING YES: LOVELESS, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NAUSER, HOPPE. Resolution declared adopted, reading as follows:

B173-06 Rezoning property located near the southeast corner of Forum Boulevard and Forum Katy Parkway from R-3 PUD to C-P; approving the Lot 3 Katy Place Heights Subdivision Plat 2 C-P Development Plan; approving a revision to the Katy Place Heights PUD Development Plan; approving less stringent screening requirements.

The bill was read by the Clerk.

Mr. Watkins stated this proposal would allow for a 12,490 square foot office and retail building on property rezoned from R-3 PUD to C-P in 2004. A 0.42 acre tract from the north side of the Katy Place Heights PUD, which was adjacent to this property, was proposed to be rezoned from R-3 PUD to C-P. The rezoning would allow for the 0.42 acre tract to be used as the tree preservation area for the area to the north which was already zoned C-P. This rezoning would necessitate revising the Katy Place Heights PUD to reflect the reduction in the PUD's open space from 61.4 percent to 60.9 percent. The Planning & Zoning Commission voted 4-2 to recommend denial of the proposed rezoning. The Commission suggested the office building and adjoining park area be scaled back in size so the tree preservation requirements could be met on-site without resorting to acquiring adjacent land in order to make the building fit on the site.

Mr. Teddy stated the issue that was being tested was whether the City's tree preservation requirement should be met on the original C-P lot or if some "borrowing" would be allowed from an older PUD plan that had a good quantity of trees on it.

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney with offices at 111 S. Ninth Street, stated he was representing Dr. Willet, the proponent of this bill and B177-06, a subdivision plat to split the property purchased into two separate lots. He explained Dr. Willet bought Lot 3 of Katy Place Heights Plat 2 in March together with a 50 foot strip (0.42 acre tract) adjacent to it. The two tracts together were about 2.99 acres. Mr. Beckett noted these two bills would accomplish several things. They would subdivide Lot 3 of Katy Place, Plat 2 and the 0.42 acre area into two separate lots to be known as Lot 1 and 2 of Katy Place Heights, Plat 3. The 50 foot strip would be part of new Lot 1, not new Lot 2 as indicated in a letter he sent. The bills would also rezone the 50 foot strip added to new Lot 1 to C-P from its current PUD-3 zoning. In addition, they would approve the C-P plan on new Lot 1 for a professional office building and amend the PUD plan for Katy Place Heights by taking the 50 foot strip away from Katy Place PUD and adding it to the C-P plan. Mr. Beckett noted they wanted the 50 foot strip and the trees on it to meet the tree preservation requirements of 25 percent of the climax woods on the property. He explained Dr. Willet legally purchased 2.99 acres and was proposing to preserve about 3/10 of an acre of climax forest on the 2.99 acres. He stated the Planning & Zoning Commission liked the C-P plan, but recommended denial because they thought taking property that was preserved in trees from a PUD and adding it to a C-P plan was a shell game. Mr. Beckett noted they disagreed. He explained the Katy Place PUD originally came to the City during the time the Council was considering tree preservation requirements for the first time. During the process of approving the PUD plan, Mr. Dan Simon indicated the plan they were proposing would meet the requirements of any tree preservation plan that was then under consideration by the City. His objective was to present a plan that would meet those requirements. That plan not only met, but exceeded the requirements. If the Council approved this plan tonight, Katy Place PUD would have more trees than the present ordinance required and more trees than the ordinance that was adopted after the PUD plan was approved. The entire site, to include the Katy Place Apartments and the Willet property, would have in excess of the required 25 percent of climax forest preserved. He noted he did not think this violated the spirit or intent of either the PUD plan, the old tree preservation ordinance or the current ordinance and requested Council approval.

Liz Schmidt, 1700 Forum Blvd, Katy Place, stated she was concerned because they were recycling the old growth trees two or three times through this. She noted they had assured her that this was not true when one looked at the actual acreage being used. She stated that might be true and she was not really fighting them on this. She commented that she lived on the back side so she faced the woods. She noted there was a driveway referred to as "private driveway easement" and she understood they were going to leave that. She asked if it was okay to use the old growth trees again and would the Council be setting a precedent. She also wondered about the private driveway easement. She assumed they would have to leave the driveway there because otherwise they would be leaving a 300 unit apartment with only one entrance onto Forum Boulevard. She noted the land sloped quite a

bit and they would be taking a lot of trees with runoff to the back. She understood they would have a first level building and an entrance to the lower level in the back.

Mr. Beckett explained the PUD plan proposal included that drive up to the apartments. He noted if the Kelly's wanted to take this 8/10 of an acre of trees out, there was nothing in the City ordinance that would prevent them from doing so. They would have to get a land disturbance permit, but as long as they maintained 25 percent of the climax forest, there was nothing that would prevent them from doing what they were asking.

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

Mayor Hindman stated he did not think they should allow this to happen. He noted in reading the letter from the attorney, there was merit to their argument. He understood, at the time the presentation was made that allowed the Katy Place Apartments to be built, the representation was made that those trees would be left and although the City later passed a tree ordinance that stated one would not have had to have left that many trees, it was still the representation that the trees would remain that enabled the Council to vote to allow this in the face of tremendous public pressure. He felt it was difficult to go back and change what was agreed upon. He understood on sloping land, there would be a tremendous amount of fill that would need to be put in and felt this was a tremendous change. In addition, he noted they wanted far more parking places than required by ordinance. He pointed out these were truly old growth trees as well. He stated he would likely vote no.

Ms. Hoppe stated she agreed. She noted the community was concerned with keeping as many trees as possible. She understood the PUD went above the 25 percent and that they could cut it down, but felt they would have more total trees if they kept to the existing plan and did not let them buy this land and count those trees.

Mr. Janku stated the idea of off-site replacement or finding trees away from the site for preservation was something he thought they might want to think about. He thought there might be areas where it would be more environmentally beneficial to have a large grouping of trees in one spot that could be bought up or turned into a preserve as opposed to 25 percent in smaller areas. The question here surrounded agreements made with things beyond the minimums and whether circumstances had changed to warrant the change.

Mr. Loveless stated he believed it was a classic case of double dipping. He commented that they had an agreement with the apartment complex that they would leave these trees and the plan was approved based on them leaving the trees. He felt simply because they exceeded what the current ordinance required did not mean they could take back or sell off and take back what they agreed to before, particularly when the solution for the developer was to build a slightly smaller building. He stated he would not vote for it.

Mr. Hutton noted there was another point of view, which involved the issue of the requirements of ordinances. The amount of trees saved in the original proposal was done so, as Mr. Beckett pointed out, because there was a tree preservation ordinance coming down the pipe and they wanted to meet the worst case scenario. The percentage of trees they saved was significantly more than what they had to by any ordinance passed to date. He agreed it did appear to be double dipping, but felt it could be viewed as a property rights issue as well. He stated he would support it.

Ms. Hoppe pointed out the Planning & Zoning Commission voted to deny it and she thought they should give the Planning & Zoning Commission decision preference unless there was a good reason not to.

The vote on B173-06 was recorded as follows: VOTING YES: NAUSER, HUTTON. VOTING NO: LOVELESS, HOPPE, HINDMAN, CRAYTON, JANKU. Bill declared defeated.

B223-06 Rezoning property located on the southeast corner of Smith Street and Fay Street from R-3 to O-1.

The bill was given second reading by the Clerk.

Mr. Watkins explained this rezoning proposal in central Columbia would allow for office development of two separate tracks. The request was consistent with the Metro 2020 land use plans and with other recent zonings changes in this part of the City. The Planning & Zoning Commission voted unanimously to recommend approval of the proposed rezoning.

Mayor Hindman opened the public hearing.

David Kurtz, an attorney with offices at 111 S. Ninth Street, pointed out this was consistent with the zoning on that side of the street and within the neighborhood. The open zoning in this area was also consistent with earlier decisions of the Council. He noted they gave a tour of the property to the Neighborhood Association, so it was well vetted and no concerns had been raised.

Linda Rootes, 811 N. Eighth Street, President of the North Central Columbia Neighborhood Association, stated they enjoyed the tour and appreciated the work the Atkins family was doing in the neighborhood. She noted they were generally in favor of planned zoning, but understood there was no immediate plan for this property and that it was part of a transitional redevelopment. They had no objection to the open zoning.

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

The vote on B223-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B224-06 Rezoning property located at 1101 and 1107 Hinkson Avenue from M-1 to C-2 and H-P; designating the Diggs Building as a landmark.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposed rezoning would allow for restoration and conversion of the existing vacant building on the site to a mixed use development. The H-P overlay district would assure preservation of the building. The request was consistent with Metro 2020 land use plan and with other recent zoning changes in the central part of the City. The Planning & Zoning Commission voted unanimously to recommend approval of the proposed rezoning. In addition, the Historic Preservation Commission recommended approval of the H-P overlay district.

Mr. Teddy noted the C-2 zoning was more of a reflection of the way the building was situated since it occupied the entire 150 foot by 150 foot lot and had sidewalks adjacent to the building. He noted it would be a while before they recommended C-2 zoning for the entire area due to the type of streets and parking facilities in the area.

Mayor Hindman opened the public hearing.

Brian Pape, 7 Aldeah Avenue, stated he represented Packers on Hinkson. He and his wife felt it was an honor and privilege to be given the opportunity to save this rare structure in Columbia for this new mixed use. He was thankful for the City leaders who had the foresight to see this structure in the city center of the Metro 2020 plan. He noted the description of the city center was a perfect description of what this structure was and what they planned and hoped to do with the structure. He explained the zoning change was necessary because C-2 was the only zoning designation that allowed the mixture of residential with business. They felt it was very important to be able to allow the addition of apartments or residences to the building since the neighborhood was currently lacking that. He thought it would add vitality to the neighborhood and provide a safer environment. Because the building occupied 100 percent of the site, there was no room for parking. Due to the neighbors' concerns, they entered into an agreement to rent off-street spaces. He noted the H-P overlay zoning was the only way to truly protect the structure from inappropriate changes to the neighborhood in the future.

Linda Rootes, 811 N. Eighth Street, President of the North Columbia Neighborhood Association, stated her Board went on record in full support of the proposal. It not only worked with the Metro 2020 Plan, that also worked with their planning process and their draft for the neighborhood overlay, which she hoped would be coming to them soon. They envisioned this area as being of mixed use with services, retail and residential. The building was an icon in the neighborhood and they were delighted it was in the process of being saved.

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

Ms. Hoppe commented that this was a wonderful preservation of a building and would revitalize this area. She felt it was great to have citizens that wanted to invest their time and money to do this. Mayor Hindman agreed.

The vote on B224-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B225-06 Approving the Japanese Steakhouse C-P Development Plan located on the north side of Broadway Bluffs Drive, northwest of the intersection of East Broadway and Trimble Road.

The bill was given second reading by the Clerk.

Mr. Watkins explained the proposed C-P development plan would approve a 5,000 square foot restaurant located in the Broadway Bluffs Drive area. The Planning & Zoning Commission voted 6-1 to recommend approval.

Mayor Hindman opened the public hearing.

Matthew Kriete, a civil engineer with Engineering Surveys and Services, 1113 E. Fay Street, offered to answer questions.

Ms. Hoppe asked how much traffic this would add to the area. Mr. Kriete replied he was not sure. He noted, as was agreed to on the rezoning request for the entire development, there was an equivalency given on the plan. It was given to a high turnover, fast food restaurant and was approximately a 3,400 square feet.

Ms. Hoppe asked if there was a tree buffer overlooking the park and a tree buffer to shield the park from lighting and noise. Mr. Kriete replied yes and explained that as well as what was given on the site and shown in the land disturbance plan, Lot 10 of Broadway Bluffs was zoned to be a buffer to the park.

Ms. Hoppe noted there was some type of wall facing the park area that was about 20 feet high and asked why it was placed there, what purpose it served and whether trees could have done the same thing. Mr. Kriete replied it was a traverse topography and the wall was to provide a level enough site for ADA access, safe parking and to build the building. He explained it was more for engineering reasons than esthetic or buffering reasons. Ms. Hoppe asked if a child were close to the wall if he/she could fall off or if there would be fencing there. Mr. Kriete replied there would be a fence there and it would meet the current building codes.

Jay Lindner, Forum Development Group, 1400 Forum Boulevard, stated they were the developer on the property. He noted they voluntarily reduced the parking lot light standards to 20 feet for all of the properties on the north side of Broadway Bluff's Drive and that the park should have no impact from this. He explained they would use the guidelines they used for the rest of the development which included brick buildings.

Mr. Loveless thought Ms. Hoppe asked a good question about the trees and shading to the park to the north. He thought that subject was dealt with when they rezoned the property. He asked Mr. Lindner to explain the specifics. Mr. Lindner stated the main buffer came from the 4 acres that was donated to the Parks and Recreation Department along Hinkson creek. Ms. Hoppe understood that was below the property. Mr. Lindner replied some of it was. He noted the trees would still stick above the ground level of the dirt quite a bit. The only time they would see this was during the winter. He commented that additional trees had been added. He explained that north of the site along the property line on the landscaping plan, there were pine trees and shielding trees being added there. He noted they had worked with staff to come up with a plan that benefited the City.

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

Ms. Hoppe felt the wall from the park looked horrible and took the nature element out. She noted it could be seen in the summer, so it would really be seen in the winter. She explained she would not necessarily vote against it for that reason, but wanted to point that out. She stated she was also concerned about the traffic. She explained she had received several calls regarding traffic and referred to Broadway Village, south of this area. She noted cars were going south on Brickton from this development area and this area would feed traffic to Trimble and traffic to Brickton. At Brickton, they wanted to go east, but realized they could only go west, so they went west and made a u-turn at Trimble. The residents at Broadway Village trying to make right turn had to watch for the traffic making u-turns. She stated this would add to that traffic and felt it needed to be looked at. She suggested no u-turn signs and informational signs. Mr. Watkins indicated he would make note of that, but asked her to bring it up at the end of the meeting as well.

The vote on B225-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B229-06 Authorizing construction of a salt storage facility on Big Bear Boulevard; calling for bids.

The bill was given second reading by the Clerk.

Mr. Watkins explained the construction cost estimate for this project was \$475,000 and financing would be through the last November ballot issue where the voters approved this project as part of the street projects. This would also allow staff to bid the project.

Mr. Janku understood there had been some discussion regarding whether this was in the floodplain. He noted the diagram showed it was not. Using the overhead, Mr. Glascock pointed out the floodplain line and stated they were trying to put in wetlands to address the runoff from the salt. They had best management practices around the dome to keep everything in the dome. Mr. Janku asked if they would be cleaning up the site. Mr. Glascock replied it had some fill that needed to come out. Mr. Janku asked if it would be more attractive to the trail users. Mr. Glascock replied it would protect the creek better. He did not know about it being more attractive to the trail user. He reiterated it would be a wetlands.

Mayor Hindman stated when he looked at the report on Hinkson Creek, he noticed one of the problems with the creek was salt that had gotten in from the MoDOT salt facility. He thought they needed to be sure they were not going to be contributing salt into the Bear Creek through this project. He noted he was concerned when he heard they would be using a settling basin to catch the salt. Mr. Glascock pointed out it was not a settling basin, it was a wetlands with plants. Mayor Hindman asked if he was assuring them they would not be getting salt in the creek. Mr. Glascock replied they would do testing to ensure it was not happening.

Mr. Hutton understood they had taken quite a bit of effort to ensure that and the design showed the runoff flow path going to an evaporator pan, which would not necessarily be required. Mr. Glascock replied that was correct. Mr. Hutton noted from there it went into the wetlands and from there it would eventually go into the creek. He pointed out there were 3-4 steps in the process that had been designed to specifically protect the creek and assure the public that the salt remained on site.

Mayor Hindman opened the public hearing.

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

Ms. Hoppe stated there had been a lot of complaints about cinders and its negative effect on the environment. She checked with some environmentalists and they thought the cinders were a problem and this was a good step forward. She noted they recommended going towards sand, but thought that was expensive. Mr. Watkins replied that sand created a lot of problems in the City's storm drain systems.

The vote on B229-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B230-06 Authorizing construction of an addition to Fire Station No. 1 (201 Orr Street) and construction of renovations to Fire Station No. 2 (1212 West Worley Street); calling for bids.

The bill was given second reading by the Clerk.

Mr. Watkins explained Fire Station No. 1 was the City's main station downtown. It was designed with four bays, but due to a lack of funding only three were constructed. This would add the fourth bay and would make some internal changes for a training area there. The estimated cost for the work was \$443,000. He noted Fire Station No. 2, located on W. Worley Street, was the City's oldest active station. The cost estimate for the work was \$275,000 plus some additional money that would be transferred from a fire station project that would provide exhaust safety mechanisms not needed. The two improvements were being designed by a local architect and the Fire Department had approved the design. The current schedule would allow the bidding in mid-Summer with the project being completed by the end of the year. He pointed out staff had held two interested party meetings on these projects trying to get neighborhood and public input.

Mr. Janku asked what type of vehicle was going in the additional bay. Chief Markgraf replied they would be relocating some of what was being stacked two, three and four deep. The Division Chief's vehicle would be the primary out front vehicle in the new bay.

Mr. Janku asked if there were still plans for the hose tower. Chief Markgraf replied no. Mayor Hindman opened the public hearing.

Eric Miller, Peckham and Wright Architects, 15 S. Tenth Street, stated he was the project manager and offered to answer any questions.

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

The vote on B230-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the east side of Oakland Gravel Road, approximately 1,450 feet south of the intersection of Oakland Gravel Road and Alfalfa Drive (6250 Oakland Gravel Road).

Item A was read by the Clerk.

Mr. Watkins explained this was for the voluntary annexation of land lying north and west of the present City limits in the northeast part of the City. The applicant was requesting R-1 as permanent City zoning in conjunction with the voluntary annexation process. The Planning & Zoning Commission recommended approval. He noted the subject tract had 200 feet of street frontage on Oakland Gravel Road, a Boone County maintained unimproved neighborhood collector. Staff had contact the County regarding any concerns they might have.

Mayor Hindman opened the public hearing.

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

(B) Voluntary annexation of property located north and west of the northwest corner of West Broadway and Strawn Road (State Route ZZ).

Item B was read by the Clerk.

Mr. Watkins explained this was a request for voluntary annexation of land lying west of the present City limits. The applicant was requesting R-1 zoning as permanent City zoning. The Planning & Zoning Commission voted 4-2 to recommend denial. He noted the northern 82 acres had previously been included in a voluntary annexation request. That request,

which involved property with frontage only on Strawn Road, was denied by the Council last year. He thought Council's denial was due to a concern over the limited access into and out of Strawn Road. The proposed annexation now would have additional frontage on West Broadway as a potential way in and out.

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney with offices at 111 S. Ninth Street, stated he was representing B & E Investments, the contract purchaser. He felt this piece of property met all of the standards for a voluntary annexation. He noted the request with the north 82 acres was turned down and explained they were all surprised by a shocking flood water video that was brought in by a member of the public who lived in the vicinity. He urged the Council to take another look at that video. He noted the person taking the video was standing on Strawn Road while all of the water was coming from the east down the north side of W. Worley and running along the east side of Strawn in the floodplain that was in that area. He pointed out the floodplains were there to handle the flood waters. He thought the video also showed there was a creek bed along Strawn Road that was doing its job by carrying all of that stormwater. He noted the Council had turned the project down because that was the only way out. They had now contracted for another 30 acres to get down to West Broadway for another way out. He commented that he asked Tim Crockett to compile some information on the drainage basins in this area to show the small percentage of this piece of ground that drained into the Hominy Branch. He provided copies of that information to the Council.

Russ Duker, 502 Strawn Road, stated there were significant floods that took place in the area. He noted since this was open zoning, there would not be a public review of the plat. He explained the kids would have to cross flood waters on the way out. In regards to the new entrance and exit, the road was very narrow and barely two lanes wide with a blind hill in the vicinity where they would have an exit. In addition, the road was partially gravel. In the previous one on Strawn Road, there was a blind curve with a three second reaction. He noted 22-55(b) talked about the sidewalks and the problems along Strawn Road in that one could not build a sidewalk between flood waters and a road. He stated they would have to obtain a variance and then there would be no sidewalks for kids to get to school. He explained 22-38(a) indicated land should not be subdivided or developed where the Commission found the development posed a potential threat and safety of the inhabitants of the land in the surrounding areas due to flooding or improper drainage. He commented that there was a flood vortex where water was being sucked down and there was a problem with flooding coming off of Vintage Falls. He felt that flood water needed to be rerouted to the west side of the road. He stated much of the problem there was flood waters backing up. He did not think the Council should approve open zoning when there were clearly problems. There were still a lot of road access problems. He felt turn lanes were needed and if they approved open zoning without concessions or a PUD, they would not be able to get the left turn lanes and other improvements that needed to take place.

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

OLD BUSINESS

B177-06 Approving the Final Plat of Katy Place Heights Subdivision Plat 3 located on the southeast corner of Forum Boulevard and Forum Katy Parkway; authorizing a performance contract; granting a variance to the Subdivision Regulations.

The bill was read by the Clerk.

Mr. Watkins explained the proposed plat would create two C-P zoned lots. It was essentially a replat of part of Katy Place Heights Plat 1 and all of Katy Place Heights Plat 2. The proposal was for a dental office to be located on Lot 1. He noted the applicant was requesting the plat be considered regardless of the outcome of the proposed rezoning the Council voted on earlier this evening. The Planning & Zoning Commission voted unanimously to recommend approval of the proposed final plat and variance request.

Mayor Hindman asked for clarification regarding the variance request. Mr. Teddy explained there was a street right-of-way on Forum Katy Parkway that reflected a 50 foot total right-of-way width and since this was zoned C-P, ordinarily a 60 foot right-of-way would be required for a local non-residential street. The decision to zone the property commercial was made in stages. He thought the north side of the street was zoned commercial at a much earlier date and at that time it was allowed to have a 50 foot right-of-way. Now that they were platting, an additional 10 feet would be required. Staff did not feel it made a significant contribution to the quality of the area. He noted the street terminated just east of these lots.

Mr. Loveless asked if they approved the replat, if that consolidated the south strip that was carved off of the apartment complex into the other lot, so the applicant could come back to the Council with the exact same request they just denied. Mr. Watkins replied that was his understanding. Mr. Loveless understood they would now have a legal lot and it would effectively do what they did not think should be done. They would then come back and with a 1.6 acre lot, preserve 25 percent of the mature trees and would be set to go.

Bruce Beckett, an attorney with offices at 111 S. Ninth Street, explained they would have to come back with a C-P plan. If they came back with the C-P plan, it would have to meet whatever the perceived requirements were. He pointed out they legally bought the ground. He explained they owned a piece of ground to the west of the road and one to the east and they were only asking that they be put into two lots. Mr. Loveless understood they also bought a third piece that was tacked onto the south end of the east side. Mr. Beckett replied they lawfully bought that and were just combing the two into one lot and asking for the lot to the west of the access road over to the apartments as a separate lot. Mr. Loveless stated he would have preferred to have seen a request for three lots - the eastern lot, the western lot and the south strip. Mr. Hutton noted there was no street frontage.

Mr. Janku asked why the Planning & Zoning Commission voted for this if they voted against the original. Mr. Boeckmann replied his guess was because it met the subdivision ordinance requirements and there was no reason not to.

Mayor Hindman asked where they would be if they did not grant the variance. He understood it would reduce the size of the lot. Mr. Boeckmann stated that was correct and added that they would have to show the exaction was reasonably related to what he was doing. Mr. Loveless understood if that could be shown, it would effectively move the building setback line back.

Mr. Hutton asked if the inability to acquire the other 10 feet on the other side would play into this. He understood Mr. Boeckmann as saying they would have to show reasonableness to the issue and it appeared because the other side was developed, it might not be possible to acquire the other 10 feet on the other side. He questioned the use of acquiring this 10 feet if that was the case. Mr. Boeckmann stated that would probably be a factor. Mr. Hutton asked if it would be five feet instead. Mr. Beckett replied it would be eight feet. It would be 66 and it was only 50 right now.

The vote on B177-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. The bill was declared enacted, reading as follows:

B228-06 Amending Chapter 20 of the City Code as it relates to terms of office for the Planning and Zoning Commission.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would allow a Planning and Zoning Commissioner to serve for up to one month after the expiration of that member's term if no successor had been appointed.

Mayor Hindman asked why it did not say "until" versus "one month". Mr. Boeckmann replied the Council asked for one month. Mr. Hutton commented the member who created the vacancy might not want to continue. Mayor Hindman understood that might be the case, but noted situations could arise where it would be convenient to postpone the appointment of the next person for one reason or another. Mr. Hutton stated he did not have a problem voting for this ordinance, but noted the other option would be to start the application process for this Commission a little earlier. Ms. Amin stated staff was going to do that, but it did not need to be done by Code. Mr. Janku noted it put the Council under a deadline, which was not necessarily bad, and provided them enough flexibility.

The vote on B228-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B235-06 Authorizing a right of use permit with The Curators of the University of Missouri to allow construction, improvement, operation and maintenance of median islands within portions of the Hitt Street and Rollins Street rights-of-way and two (2) curb radius bulbouts within the Conley Avenue right-of-way.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was an agreement with the University of Missouri to allow construction and maintenance of median islands within the Hitt Street and Rollins Street rights-of-way. The staff had no objections.

Mr. Glascock showed a drawing on the overhead and noted the University would also be requesting a closed campus between Missouri and Hitt in front of Brady Commons during the school year.

Mr. Janku asked what was happening on Missouri. Mr. Glascock explained the situation using the drawing shown on the overhead. He noted buses would still be allowed through the area during the pedestrian campus phase to allow delivery of students. He

reiterated that was not part of this ordinance. It would be coming in the next few weeks. Mr. Janku asked if this was temporary and tied to the construction. Mr. Glascock replied they would try this temporarily during the construction phase. Mr. Janku asked if there was a termination date on the ordinance. Mr. Glascock replied there should have been with the end of Brady or there would be an agreement with the Council to leave them in.

Mr. Janku questioned doing this while the students were not there. Mr. Glascock replied the students requested the closed campus.

Mr. Janku asked if the permit specified any termination. Mr. Boeckmann stated the permit could be canceled in six months. Mr. Janku understood it essentially stayed. Mr. Glascock pointed out the request was temporary, while the construction was going on. They wanted to monitor it to see if they wanted to leave it in permanently. He noted it was a right of use and could come out anytime they deemed it to. Mr. Boeckmann clarified it was on a six month notice. Mr. Janku understood why they wanted it during construction, but noted it was a significant area to impact. He thought a lot of visitors and people from the community drove through there. Mr. Loveless thought the same could be said for Hitt Street. He noted everyone had adapted to Hitt Street being closed. He felt that might be the most difficult street in town to negotiate during the change of classes and thought they should try it to see how it worked. If they found it was not satisfactory, they could do something else.

The vote on B235-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B240-06 Amending the FY 2006 Pay Plan and Classification Plan to upgrade the purchasing agent position.

The bill was given second reading by the Clerk.

Mr. Watkins explained the Purchasing Agent was recently promoted and since that time they tried to replace that vacancy with very little luck. Human Resources recommended they increase the salary one grade. On the minimum end, it would be an increase of about \$2,500 a year and on the maximum end, it would be about \$3,000. They felt this would help them to be more competitive in the marketplace.

The vote on B240-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B242-06 Authorizing the issuance of Special Obligation Revenue Refunding and Improvement Bonds, Series 2006B.

The bill was given second reading by the Clerk.

Mayor Hindman understood this had an amendment sheet that essentially filled in the information as a result of the bond sale. Mr. Hutton made a motion to amend B242-06 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Fleming stated at 10:30 today they accepted bids over the internet. They were pleased to have received nine bids. She noted the bids were very competitive and Bank of America was the winning bid with a true interest cost of 4.0665 percent. A part of the

transaction was a refunding of the 2001 COPS and the savings that would be gained from the refunding was \$47,305.00.

The vote on B242-06, as amended, was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B243-06 Authorizing an agreement with Boone County relating to repayment for the Environmental Impact Study on the extension of Route 740.

The bill was given second reading by the Clerk.

Mr. Watkins explained last year the City, Boone County and MoDOT entered into an agreement to perform an environmental impact statement on the possible extension of 740. The total cost of that agreement was about \$1 million. MoDOT was administering the project. It was agreed between the City and County that the City would front \$140,000 of the \$150,000 County share. The County did not have the money in last year's budget, so they could not sign the contract. This agreement would allow the County to repay the City the \$140,000 they committed to last year.

Ms. Hoppe stated she requested this item be taken off of the Consent Agenda and asked if the study was currently being done. Mr. Watkins replied yes.

Ms. Hoppe felt this was a significant investment and assumed the City was very serious about extending Stadium/740 through to 70. Mr. Watkins thought it was appropriate to say they did not know from an environmental prospective whether it should be extended at all, extended to 70 or extended to some other location. That was what the study would show. He explained in order for them to get federal money for the project, they had to go through the federal NEPA process. This study would go through that complicated process. Ms. Hoppe asked how long that would take. Mr. Watkins replied they thought it would take from 18 months to 2 years.

Ms. Hoppe asked if the study included connecting Lemone Industrial Boulevard to Stadium. Mr. Glascock replied it looked at all connections and roads on the CATSO Plan, so it would include some modeling for that. Ms. Hoppe stated her concern in regards to that was that the Planning & Zoning Commission recommended Lemone not be extended after reviewing the CIP plan and she felt this was a substantial investment.

The vote on B243-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON. 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.

B226-06 Approving the Final Plat of Monterey Hills, Plat No. 1; authorizing a performance contract.

B227-06 Vacating a utility easement within the Grasslands Subdivision.

B231-06 Authorizing an agreement with Boone County Regional Sewer District for property located in Happy Hollow Estates Subdivision, W. B. Smith

Subdivision, Walnut Brook Subdivision, Country Farms Subdivision, Bearfield Valley Subdivision and Persimmon Road.

- B232-06 **Authorizing acquisition of easements for construction of the Chapel Hill Road street improvement project from Scott Boulevard to Gillespie Bridge Road.**
- B233-06 **Authorizing acquisition of easements for construction of the Southwest Outfall Relief Sewer Project.**
- B234-06 **Calling for bids for reconstruction of Hope Place from West Boulevard to Hardin Street.**
- B236-06 **Accepting conveyance; authorizing payment of differential costs for water main serving Bristol Lake Subdivision; approving the Engineer’s Final Report.**
- B237-06 **Accepting conveyances for utility purposes.**
- B238-06 **Authorizing an agreement with the Missouri Department of Health and Senior Services for the Community Pandemic Preparedness Planning program; appropriating funds.**
- B239-06 **Authorizing an agreement with the Boone County Historical Society for funding for the Nikawa Pavilion and reconstruction of the Easley Country Store; appropriating funds.**
- B241-06 **Authorizing an intergovernmental cooperation agreement with the Northwoods Transportation Development District and ALL, LLC.**
- R133-06 **Setting a public hearing: construction of improvements to Fairview Road and Worley Street, including realignment of Fairview Road and construction of a round-a-bout at the intersection of Fairview Road and Worley Street.**
- R134-06 **Setting a public hearing: special assessments against property specially benefited by public improvements made to Garth Avenue from Thurman Street north to Blueridge Road.**
- R135-06 **Setting a public hearing: construction of site improvements at the Sanford-Kimpton Health Center located at 1005 West Worley Street.**
- R136-06 **Setting a public hearing: replacement of a water main along Waugh Street, between East Broadway and Locust Street, and replacement of a water main along Locust Street, between College Avenue and Waugh Street.**
- R137-06 **Authorizing an agreement with the Missouri Department of Corrections to provide tuberculosis screening and education services.**
- R138-06 **Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for HIV Prevention Activities.**
- R139-06 **Authorizing an agreement with The Curators of the University of Missouri for the annual Fourth of July celebration.**
- R140-06 **Authorizing an agreement with J. W. Broadcasting, LLC (KMIZ-TV) for funding for the annual Fourth of July celebration.**
- R141-06 **Authorizing a Quitclaim Deed and Release of Leasehold Interest to AAF-McQuay, Inc. for property located at 2100 Nelwood Drive.**
- R142-06 **Designating the City Manager as the City's authorized representative to the Missouri Department of Natural Resources for a State Revolving Fund Program loan under the Missouri Clean Water Law for various sanitary sewer improvement projects.**

R143-06 Authorizing the Memorial Day Weekend - Salute to Veterans Corporation to conduct an air show at the Columbia Regional Airport in 2007.

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

NEW BUSINESS

None.

INTRODUCTION AND FIRST READING

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

- B244-06 Voluntary annexation of property located on the east side of Oakland Gravel Road, approximately 1,450 feet south of the intersection of Oakland Gravel Road and Alfalfa Drive (6250 Oakland Gravel Road); establishing permanent R-1 zoning.**
- B245-06 Voluntary annexation of property located north and west of the northwest corner of West Broadway and Strawn Road (State Route ZZ); establishing permanent R-1 zoning.**
- B246-06 Rezoning five tracts of land located generally west of Brown Station Road and north of Waco Road from A-1, C-P, M-R and M-C to R-1, PUD-12 and C-P.**
- B247-06 Rezoning property located on the north side of Mexico Gravel Road, along both sides of Wellington Drive from PUD-2.5 to PUD-3; setting forth a condition of approval; approving the PUD development plan of Wellington Villas PUD.**
- B248-06 Approving the Shell Building Lot 2 Broadway Bluffs Subdivision C-P Development Plan located on the northeast corner of East Broadway and Broadway Bluffs Drive.**
- B249-06 Approving the Boone Hospital Center Bass Avenue Parking Lot O-P Development Plan located on the south side of Bass Avenue, between Shockley Street and South William Street.**
- B250-06 Granting a variance to the Subdivision Regulations relating to sidewalk construction on the northwest corner of State Route PP/Clark Lane and Robert Ray Drive within the Zaring Hills Plat 1-A Subdivision.**
- B251-06 Approving the Final Plat of Dakota Ridge Plat 2 located on the east side of Ballenger Lane (State Route PP), south of Mexico Gravel Road; authorizing a performance contract; granting a variance to the Subdivision Regulations relating to sidewalk construction.**
- B253-06 Approving the Final Plat of The Links at Columbia Plat 1 located on the north and south sides of Clark Lane, approximately 1,200 feet east of Ballenger Lane; authorizing a performance contract.**
- B254-06 Authorizing Change Order No. 1 to the contract with Emery Sapp & Sons, Inc.; approving the Engineer's Final Report; levying special assessments for construction of Garth Avenue from Thurman Street north to Blueridge Road; appropriating funds.**

- B255-06 Confirming the contract with Emery Sapp & Sons, Inc. for construction of the Aztec Boulevard - State Route PP safety project; appropriating funds.
- B256-06 Calling for bids for construction of Southampton Drive from its current terminus east of State Route 163 (Providence Road) to Nifong Boulevard, south of Grindstone Parkway.
- B257-06 Granting a temporary construction easement and permanent drainage easement to the County of Boone relating to construction of the Boone Industrial Park Road Improvement Project, Phase 1.
- B258-06 Authorizing replacement of a water main along Waugh Street, between East Broadway and Locust Street, and replacement of a water main along Locust Street, between College Avenue and Waugh Street.
- B259-06 Authorizing an amended and restated unit power purchase agreement with the Missouri Joint Municipal Electric Utility Commission for the purchase and sale of capacity and energy from the Iatan 2 Unit.
- B260-06 Accepting conveyance; authorizing payment of differential costs for water main serving 211 Bingham Road; approving the Engineer's Final Report.
- B261-06 Accepting conveyances for utility purposes.
- B262-06 Authorizing an agreement with Columbia Public Schools to provide a crosswalk guard at Derby Ridge, Field, Mill Creek and West Boulevard Elementary Schools; appropriating funds.
- B263-06 Accepting a donation for the purchase and training of a canine for the Police Department's Narcotics Unit; appropriating funds.
- B264-06 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for the WIC Client Service Enhancement Project; appropriating funds.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) ACP Consultant Visioning Forum Report.

Mr. Watkins explained they put the consultant's final report on the agenda so they could officially accept the report. Ms. Hopkins noted they included some suggested dates on the report for Council's consideration. At the end of the forum, they indicated to the public they would hold another public hearing to talk about the report, hear a little more and offer a little more as to what the next steps would be. Mr. Watkins pointed out this was an item they would discuss at some length at the Retreat.

Mr. Janku made a motion to accept the report. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

BOARD OF ADJUSTMENT

Hancock, John, 3707 Woods Edge Drive, Ward 5, Term to expire May 1, 2010.

Holtmeyer, Richard, 35 Broadway Village, Apartment #1, Ward 6, Term to expire November 1, 2007

CULTURAL AFFAIRS STANDING COMMITTEE

Sleadd, Michael, 607 Bluffdale Drive, Ward 6, Term to expire July 1, 2009.

(Ms. Hoppe abstained from voting for this committee member vacancy as Mr. Sleadd was her husband.)

LIBRARY BOARD

Glaze, Marie, 2209A Creasy Springs, Ward 2, Term to expire June 30, 2009.

Hostetler, Lynn D., 1204 Hulen Drive, Ward 4, Term to expire June 30, 2009.

Richmond, Renita, 114 Meadow Lane, Ward 1, Term to expire June 30, 2009.

PLANNING AND ZONING COMMISSION

Brodsky, David, 903 West Ash, Ward 1, Term to expire May 31, 2011.

Holden, Michael, 811 Maupin Road, Ward 4, Term to expire May 31, 2011.

RAILROAD ADVISORY BOARD

Davis, Peter, 700 S. Greenwood Avenue, Ward 4, Term to expire July 15, 2010.

Eiffert, Greg, 2401 Cimarron Drive, Ward 5, Term to expire July 15, 2010.

Ogden, Tom, 1301 Chadwick Drive, Ward 5, Term to expire July 15, 2010.

SUBSTANCE ABUSE ADVISORY COMMISSION

Sheltmire, Steve, 1908 Tremont Court, Ward 4, Term to expire October 31, 2007.

WATER AND LIGHT ADVISORY BOARD

Conway, John, 4902 Thornbrook Ridge, Ward 5, Term to expire June 30, 2010.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ms. Hoppe noted she wanted staff to look into the traffic situation with Brickton and people wanting to go east by going west to Trimble and making a u-turn. She asked for staff suggestions. Mr. Glascock asked if she was referring to the u-turns on Broadway heading back west on Broadway. Ms. Hoppe replied they went west on Broadway coming from Brickton and then would go into the left hand lane at Trimble and Broadway and make a u-turn going east on Trimble. Mr. Janku asked if it was designed to allow that to happen. Mr. Glascock replied it was for cars. Mr. Hutton thought they talked about that during the road design. Mayor Hindman thought it might be desirable, but people were just not used to it. Mr. Glascock noted they might just need a sign for the people turning right out of Broadway Village. Ms. Hoppe pointed out they were saying there were near accidents.

Ms. Hoppe noted there was a problem at Art in the Park in terms of husband of a representative of the Art League who told people they could not hand out leaflets. A Parks & Recreation Department representative also stated that, but it was not City policy. She wondered if, when people received special use permits for the park, they could be provided with a statement explicitly delineating what could be done. If not, she wondered if that could

be part of the application process so this did not happen again. Mr. Watkins explained the Park Ranger was in error. In reading the report, however, the leafleting was felt to be aggressive and that was the concern. He stated they made sure the Ranger and all of the Park staff were aware of the law. He noted he did not expect that to happen again. Ms. Hoppe asked if the people using the park for special events were given that information. Mr. Watkins replied they could do that.

Ms. Nauser stated she had a concern about the tree ordinance and what happened this evening with wanting to swap out part of a plan to give it to another plan, so everyone could meet the tree ordinance. She felt many were following the letter of the law, but not the spirit of the law. She noted the Environment & Energy Commission indicated they were looking for guidance and something they should be working toward. She felt this was something they might want to look at. She was disappointed when the County did not pass any type of tree ordinance because there were people clear cutting and then asking to be annexed. She did not know if there was something they could do to stop that in the annexation request. She understood it had been 10 years since they looked at the tree ordinance. Mr. Janku thought it had been reviewed over time. He noted they had made changes to it in response to problems. He commented that when Matt Harline was on the Council, he pointed out, environmentally, it might be better to have a larger mass of trees on one site rather than little bits and pieces, which did not have a big impact. He thought they might want to send that to the Environment & Energy Commission and Planning & Zoning Commission for review. Ms. Nauser suggested they look into that in addition to what other communities might be doing. She agreed there were a lot of trees in the community that were a valuable asset. Ms. Nauser made the motion to forward the issue to the Commissions. The motion was seconded by Mayor Hindman.

Mayor Hindman noted the Council asked staff to look at both the tree ordinance and the land disturbance ordinance in April. He thought it should definitely go to the Commissions, but also felt staff should get started on it first. He thought this should be given priority. Ms. Nauser stated she felt they sometimes over burdened staff and wanted to shift some of the responsibility to the Commissions. That would allow more input and less burden for the staff. Ms. Hoppe understood the Environment & Energy Commission had been looking at this and was going to provide Council some recommendations.

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

Ms. Nauser commented that she liked the idea of the wetlands at the salt storage facility. She was happy to see the good stormwater management practices.

Ms. Crayton stated she was out Friday night and took the bus. She was very impressed with the new bus cards because it saved a lot of time.

Ms. Crayton understood they would be having Fire in the Sky over the Hearn Center and asked about getting a shuttle to carry the kids to see the real fireworks, so they would not use firework in the neighborhood. Mr. Watkins stated they would look into it.

Mr. Janku stated there was a recent annexation along Bear Creek in the northeast. It was mentioned that was not part of the trail plan. He asked what could be done to extend the Bear Creek Trail that way. He also asked how they responded to new annexations as Columbia grew outward. He wondered if the trail plan was updated in any way. Mr. Hood replied when the trail plan was prepared, it looked at an area broader than just the existing City limits. He noted the Bear Creek Trail had been proposed to be terminated at the Fairgrounds. Now they were talking about areas north and east of the Fairgrounds, so the question was whether they wanted to see that trail extended on further and what the logical termination would be. He believed it would involve reviewing the trail plan on a regular basis, such as every couple of years or so. Mr. Janku made a motion to review the extension of the Bear Creek Trail in that area to see if it should be added to the plan. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku stated he read a notice of rezoning in the paper which took him by surprise. He asked if they could get notices electronically when they were being sent to the paper, so they would know in advance. He suggested they be sent to the neighborhood associations at the same time. Mr. Watkins thought they did that, but then Council asked they not be sent electronically. He noted it would be simple for them to do that.

Mr. Janku noted they received a letter from Ken Ash of the Show-Me State Games suggesting the change in policy that was adopted with respect to the Tourism and Development Fund be phased in. He thought there was a \$54,000 impact on their budget and asked the Commission to consider that. Mr. Watkins explained they were no longer eligible for Tourism and Development money under the new policy. Mayor Hindman asked if that was a policy they approved. Mr. Watkins replied yes. Mayor Hindman understood they could amend their policy.

Mr. Hutton explained he brought up an issue about a month ago regarding Cherry Blossom Court in Eastland Hills involving finishing a cul-de-sac that did not require zoning because it was already zoned R-1, but was part of another development to the east that was separate. As part of the platting process, the Council required the developer to build any homes on Cherry Blossom Court to the same covenants and restrictions as the rest of Eastland Hills. The developer chose to ignore that when the final plat came in. He understood when the Council required things in a final plat, the developer could ignore them if he chose. He noted once they approved the preliminary plat, the Council had no say because it was an administrative issue. If the plat met the subdivision regulations, the Council had to vote for it. He stated they had to keep reminding themselves of that. He reiterated that when they were requiring things in the platting process, it was not a sure thing it would actually happen. Mayor Hindman asked how they remedied that. Mr. Hutton replied he did not know that there was a solution. He was just pointing out that they needed to be careful in regards to what they were requiring in the platting process. Mr. Janku asked if that changed with the recent change regarding plats. Mr. Boeckmann replied no. He explained what they passed stated if a subdivider put something in on his own in a plat, he could not

come back and replat it to get rid of whatever it was unless the Council determined it would not adversely impact anyone. He noted that was different than the City imposing something that was not required by the ordinance. Mr. Hutton understood they could do it as part of the zoning, but they could not require it as part of the platting process. Ms. Nauser asked if they could change City policy. Mayor Hindman asked if they could change the ordinance to say they could do that. Mr. Boeckmann replied no. He explained it was State law that platting was administrative. They had discretion in the subdivision code. He thought there were some things in the subdivision ordinance that could be tightened up. Mayor Hindman asked if this was the case if it was a planned district. Mr. Boeckmann replied then they were not talking subdivision, they were talking zoning. Mayor Hindman asked about when they came in with a planned zoning district and a plat. Mr. Boeckmann replied the plat had to be consistent with the planned zoning. Mayor Hindman understood they had to approve the plat in the planned zoning district. Mr. Boeckmann agreed they had plats in planned districts also. Mayor Hindman asked if they said things to get approval for the preliminary plat, if they could change it in the final plat. Mr. Boeckmann replied they could lie to the Council. Mr. Janku noted that was why Mr. Boeckmann had been advising them for years that the Council should not take that into account when voting on these items. Mr. Hutton agreed and commented that he hoped the Council would remember which developers did things like that.

Mayor Hindman stated he was contacted by someone complaining about the recycling bins at the Moser's lot on Business Loop 70. Now that the buildings had been torn down to build the hotel, the recycling bins were conspicuously placed and unpleasant to look at. He asked staff to look into it to see if anything could be done.

The meeting adjourned at 11:52 p.m.

Respectfully submitted,

Sheela Amin
City Clerk