

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
MAY 1, 2006

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, May 1, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE and HINDMAN were present. The City Manager, City Counselor, City Clerk and various Department heads were also present.

APPROVAL OF MINUTES

The minutes of the regular and special meetings of April 17, 2006 were approved unanimously by voice vote on a motion by Mr. Janku and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman noted discussion regarding the City's membership in the Health Department Condo Association would occur in the Reports section of the meeting.

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

SPECIAL ITEMS

Mayor Hindman reminded everyone of the Community Visioning meeting on May 8th at 7:00 p.m. at the Lela Raney Wood Hall Ballroom on the Stephens College Campus. He noted the meeting would give them a chance to find out if the citizens were interested in starting a visioning process for the City of Columbia.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B127-06 Approving the Moser's Grocery Store C-P Development Plan located on the east side of Rangeline Street (State Route 763), south of Smiley Lane.

The bill was read by the Clerk.

Mr. Watkins explained this item was tabled at the last meeting per the applicant's request. He noted an amendment sheet had been prepared due to a number of changes. The two significant changes were to increase the size of the building by about 500 square feet and to clarify a number of lighting issues. The Planning & Zoning Commission voted unanimously to recommend approval of the proposed plan subject to the condition that the light poles on the site be no higher than 25 feet at grade. He pointed out the applicant had provided additional information, but had left the light poles at 30 feet. Mr. Teddy noted the change to the plan was a 12 by 38 foot addition at the rear of the building and staff felt it was

insignificant. He explained the utility meter area had also been shifted around from the corner to the rear of the building.

Mayor Hindman noted the supplemental memo indicated staff was not particularly concerned about the building size increase, but recommended it be circulated to the reviewing departments for code compliance. He asked if that had been done. Mr. Teddy replied it had, but they had not heard from everyone. He stated the Fire Department had signed off and staff was particularly interested in their point of view since some additional space would be taken up at the rear of the building. He explained they were comfortable recommending that as a condition of approval. It was just to make sure there were no unforeseen technical concerns that might come up. Mayor Hindman asked if that language would need to be added to the ordinance. Mr. Boeckmann felt staff should be reviewing it before the Council approved it. If staff did not have adequate time for review, the item should be tabled.

Mayor Hindman asked about the three alternatives discussed with the applicant's engineer regarding lighting and their decision to decline making the changes. Mr. Teddy explained they obtained the additional lighting submittal before the change for the building. Knowing how some of the Council members stood after the last meeting, they made an effort to discuss whether something else could be done with lighting. He pointed out they did not have a lighting ordinance yet. Mayor Hindman understood the Council had discretion. Mr. Teddy replied yes.

Mayor Hindman understood they declined to follow the recommendations. Mr. Teddy replied that was correct. He explained they were looking at a uniformity ratio, which was on the photometric layout and was a value that rated the smoothness of lighting from the brightest to the dimmest within the site. They also looked at the lens structure under the lights and suggested a flat lens. They also recommended shielding the wall packs on the sides and back of the building. He noted it was a commercial site surrounded by commercial and the lighting ordinances reviewed indicated it was common for more forgiveness if it was within a commercial environment. He thought Council should take that into consideration as well.

Mr. Janku asked for a copy of a plat. Mr. Teddy stated they did not have the plat, but had an exhibit for showing the layout of the other lots. Mr. Janku asked which number was their lot. Mr. Teddy replied 6A. He noted Taco Bell was on 5. He explained 6A encompassed land both east and west of the private drive.

Ms. Nauser asked what the light pole height standard for commercial or C-3 was. Mr. Teddy replied that there was not a maximum light pole height standard.

Ms. Hoppe understood there were residences north of 5. Mr. Teddy replied there was a row of single family homes was north of Smiley.

Mr. Janku thought there were residences south of this lot as well. Mr. Teddy replied Spencer's Crest was to the south.

Mayor Hindman made the motion amend B127-06 per the amendment sheet. The motion was seconded by Mr. Hutton.

Mayor Hindman opened the public hearing.

Jay Gebhardt, an engineer with A Civil Group, 1010 Fay Street, stated he was representing Roger Moser, the owner of Moser's Grocery Stores. He explained north Columbia had been asking for a grocery store for some time and that he tried to come up with a plan that served the needs of Mr. Moser and his patrons. He explained the nearest light was 166 feet from Highway 763.

Mayor Hindman asked why they declined implementing the suggestions from staff. Mr. Gebhardt pointed out they did revise the plan and they reduced the number of fixtures from the Planning & Zoning meeting to now. He did not think that was clearly communicated. He explained this was a grocery store that would be open until 10:00 to 10:30 p.m. Mr. Moser had talked to his customers and they wanted a well lit parking lot similar to what he had on the Business Loop. He noted he thought the poles on the Business Loop were taller than the ones requested for this location. It did not seem from the Council's point of view that there had been any compromising on their part, but they had compromised on the lighting all of the way. They just did not come all of the way down to what staff suggested. He pointed out their site was lower than the adjoining sites. He felt requiring a certain height did not take the topography of the lot into consideration. He noted they had the large setback from 763 due to the construction of 763 and because they were trying to get the parking lot further from it. There was no borrowed light from 763 and very little light spillover into the 763 corridor. He explained there was a private street running through the property. He felt if that was a public street, it would probably be lit with 35 foot tall street lights. They were asking for something less than that while still providing lighting for the private street. He noted the perimeter lighting was very low. Mr. Gebhardt explained they had hired professionals to design the lights and had followed all of the City's regulations, and therefore, felt the need and desire to follow the lighting expert's advice. He pointed out there was no lighting ordinance. He understood the Council could do whatever they wanted, but did not feel that they should. He explained there was no intention of lighting it up and making it look horrible, but they also wanted it to be safe for customers of the store.

Mr. Janku asked where the light poles were on the plan. Mr. Gebhardt described the location of the lights on a diagram he had.

Mayor Hindman asked where the Taco Bell was in relation to the diagram. Mr. Gebhardt showed it on the diagram and stated it was west of the private road and north of a parking area.

Mr. Janku asked if there were lights on the east or south sides. Mr. Gebhardt replied there were some wall bounded lights around the perimeter for security.

Mr. Janku asked if the green dots on the diagram were lights. Mr. Gebhardt replied no and added that it was landscaping.

Mr. Janku asked how deep the lot was. Mr. Gebhardt replied it was almost 700 feet deep.

Mr. Hutton asked what the width of the pavement was behind the twelve foot addition. Mr. Gebhardt replied that after the Planning & Zoning Commission meeting, they realized there was no way for the Pepsi man to get his hand cart or a forklift into the back of the store. He described the changes made on the diagram.

Mr. Loveless understood a lighting standard could be achieved in many ways and it was not dependent upon the height or number of poles, but a combination thereof. He understood if Mr. Moser wanted to achieve a certain degree of lighting, he could accomplish that without having 30 foot poles. He thought it could be done with 15 foot poles with more of them distributed differently.

Fred Malicoat, the engineer that designed the lighting plan, stated that was correct. It would take more poles. It would also take more light and more energy usage.

Ms. Hoppe asked what could be achieved with a 30 foot pole that could not be achieved with a 25 foot pole. Mr. Malicoat replied the higher the pole, the better the distribution of the light, and therefore, it would take fewer poles and less light output on the pole to get the same light level. Ms. Hoppe understood if they had to lower the lights to 25 feet they would need more poles. Mr. Malicoat replied yes to accomplish the same foot candle level.

Mr. Janku asked how many more poles would be needed at 25 feet. Mr. Malicoat replied that was calculated by determining decimal of 30 over 25. That was how many additional poles were needed.

Mayor Hindman asked how this would compare to the brightness of the Taco Bell lighting. Mr. Malicoat replied he was not familiar with the Taco Bell lights. Mayor Hindman noted they agreed to the 24 foot poles. Mr. Gebhardt pointed out it would depend on the wattage of the lights and how many fixtures they had. He felt for Planning & Zoning to say they would approve it if it had 25 foot poles neglected a lot of other factors.

Mr. Hutton understood Taco Bell might have gone with the 24-25 foot standard with 1000 watt lights as opposed to these with maybe 500. There were a lot of ways to accomplish it. They were only asking a small part of the question when asking how tall the poles were. Mayor Hindman stated that was probably true, but noted the lower poles were more attractive. In addition, he was concerned about allowing this to come in with 30 foot poles, but requiring Taco Bell to have 24 foot poles. He understood Taco Bell originally requested higher poles. Mayor Hindman stated he agreed they needed a lighting ordinance.

Ms. Hoppe asked staff if the applicant could achieve the same lighting with the same number of bulbs with 25 foot poles or if they would have to increase the number of poles and/or energy. Mr. Teddy explained there were a number of permutations possible. There was wattage and if they were using 1000 watts per bulb, it would be pretty bright. He noted there were other bulbs that could be used to produce energy conservation. Staff looked at it from the point of view that if the light poles were taller than the neighboring property, there still might be a way to reconcile it by looking at a performance measure. He suggested the uniformity ratio, which appeared on the photometric layout as a calculated value. He was not sure what it would require to bring that down. He thought it was possible to do something different that met the needs of basic safety and security. He stated the standards they were suggesting were consistent with crime prevention through environmental design standards that the Police had studied as well as best practices of other committees studied. He did not know the consequences of bringing the lights down to 25 feet while trying to meet the same levels. Mr. Malicoat stated the consequences would be hotter spots. When bringing the same wattage fixture closer to the ground, it made the spots hotter and brighter. It would

make visible circles on the ground. The higher the pole, the better the uniformity with the same wattage.

Mr. Janku asked if they declined to go along with the staff recommendations on the wall packs as well. Mr. Gebhardt replied yes. Mr. Janku asked what the reasons were. Mr. Gebhardt replied it was due to the candle light power at the property line being so low. They did not feel it was intrusive to the neighboring properties or traveling public.

Mr. Hutton asked if it was fair to use the number of foot candles on the photometric chart around the perimeter as a comparison. Looking around the perimeter, they had very low numbers. As they got farther away, they had less and less light and less and less light spillage. Mr. Gebhardt stated he was told a one was equivalent to a full moon, which he did not feel was very bright.

Ms. Nauser asked if they had to go to a 25 foot pole if they would go to stronger light bulbs to get the same amount of light. Mr. Gebhardt replied they were trying to achieve the same amount of foot candles on the pavement. They could put eight foot poles out there, but that was not energy efficient or economical. Mr. Malicoat had taken the balance of the parameters and had come up with his best design. He believed they would be remiss not to follow a professional engineer's opinion. Ms. Nauser understood, irregardless, they would get the amount of light output they desired no matter what size pole they had. Mr. Gebhardt stated there were other issues, but they looked at how much light was on the pavement.

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

Mr. Loveless stated he did not plan to vote for this with 30 foot light standards. He noted the lighting plan could be achieved in a variety of ways. If he had to decrease the lighting standard height from 30 feet to 25 feet, the ratio of increase in light poles would be about 3 more poles to achieve the same luminosity. He felt if they insisted upon one lighting standard in the same vicinity, it was not appropriate for them to do otherwise here. In addition, there were residences, although not immediately adjacent, that would see the 30 foot lights from their homes at night. Also, the drivers on 763 would be looking up into the bottom of those light fixtures, which were not flat, but convex.

Ms. Nauser felt their desired outcome was right, but also felt it was not fair to demand things that were not in the ordinances because people did not know what to bring forth to the Council. She did not think it was not fair to the people with plans or to staff to constantly have to hash these things through. She pointed out Taco Bell was right next to 10 residences. She noted many were for sale and felt that would become commercial property as the area continued to change. She did not believe what they were asking for was unreasonable.

Ms. Hoppe stated the Planning & Zoning Commission made it clear that they only passed this with the 25 foot amendment. One of the Commissioners indicated the 25 foot height would meet the National Institute of Lighting Standards. She understood they had the authority with planned development to impose this, so she did not believe they had to rely on an ordinance. She agreed with Mr. Loveless.

Mr. Janku felt for recent planned districts, they had established 25 feet or less as their standard, and provided examples. As soon as the area was being cleared, he heard from the people in the condominium complex to the south. They wanted screening from the bank adjacent to them and that was in the same area and would be highly visible to them. He

noted there were two commercial lots in between and did not know how they could allow different standards in the same area. He believed they should be consistent and thought they had tried to do that in the absence of the ordinance. He felt this would be a precedent for what was going up and down Rangeline in terms of development.

Mr. Gebhardt stated he did not want them to get hung up on a number. He pointed out the Taco Bell site was higher than their site. He reiterated that there were a lot more factors than height. He believed they were setting a precedent for a well lit parking lot, not a 30 foot light.

Mr. Janku understood staff had offered to look at uniformity standards as a standard rather than height. Mr. Gebhardt replied that they proposed a standard that was not suitable to Mr. Moser and he had to look out for the well being of his patrons.

Mayor Hindman understood the lighting proposal made by staff met the safety standards. Mr. Teddy replied yes. He explained they had been doing some work and cited Crime Prevention through Environmental Design (CPTED), which had practices in lighting that it endorsed, and Illuminating Engineers Society of North America, which was an authority focused more on light pollution issues and energy conservation. He stated they made suggestions that drew on both of those authorities. Mayor Hindman asked if he thought their suggestions met the requirements of those authorities. Mr. Teddy replied yes. He felt they were defensible if the City wanted to move forward with those items as conditions.

Mayor Hindman stated he agreed with most of the speakers and based on Mr. Teddy's comments, it seemed as though the rejected recommendations met the requirements of the agencies that governed these issues. In addition, he thought it needed to be 25 feet, which was the same as Taco Bell.

Mr. Janku asked if the options recommended included steps that could be taken without reducing the pole height. Mr. Teddy replied they indicated there could be an alternative to reducing the height of the lights. He thought the wattage levels would need to be adjusted. He stated if their consultant wanted to re-work the plan to keep the pole height at 30 feet, they would be comfortable recommending to the Council something with a lower uniformity ratio. He reiterated that there were so many variables in play that if they went from a convex lens to a flat lens, he did not know what that would do to the spread of the light. It could result in more fixtures. Mr. Janku understood they could have kept the 30 foot height. Mr. Teddy replied yes. It was not their demand that the height be brought down.

Mr. Janku asked if they knew how far apart the uniformity standard was. Mr. Teddy replied they had 4.69 for the front parking lot and 6.98 for the back and sides of the building. He pointed out there were two different types of measures of uniformity. One was the average to minimum ratio and the other was the maximum to minimum ratio. Both were in the photometric layout.

Mr. Janku asked what the difference or impact was for the adjoining property. Mr. Teddy replied he was not sure. He thought the perimeter values were generally low at the east and south sides of the property. He stated they did not do that analysis.

Mayor Hindman reiterated the need for the lighting ordinance so they were not continually in this predicament.

The motion, made by Mayor Hindman and seconded by Mr. Hutton, to amend B127-06 per the amendment sheet was approved unanimously by voice vote.

The vote on B127-06, as amended, was recorded as follows: VOTING YES: HUTTON, NAUSER. VOTING NO: CRAYTON, JANKU, LOVELESS, HOPPE, HINDMAN. Bill declared defeated.

B147-06 Voluntary annexation of property located on the west side of Lake of the Woods Road, south of Evergreen Acres Subdivision (2331 Lake of the Woods Road); establishing permanent R-1 zoning; imposing conditions; approving the Preliminary Plat of Forest Hills, Plat No. 1.

Mayor Hindman explained they had a request to continue this item to the next meeting. He asked if there was anyone present to speak in regard to B147-06. No one came forward.

Mr. Hutton made the motion to table B147-06 to the May 15, 2006 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B148-06 Rezoning property located on the east side of Fay Street, approximately 400 feet south of Business Loop 70 East from O-1 to C-P; approving an exception to the standards and criteria requirements for C-P developments.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposed rezoning would allow the use of an existing office building as a testing laboratory for a local engineering firm, Engineering Surveys and Services. The project would be done under the simplified C-P provisions of the zoning regulations and no changes would be made to the site. The zoning change would be in conformance with the Metro 2020 Plan, which showed the area as a commercial district. The Planning & Zoning Commission voted unanimously to recommend approval of the proposed rezoning.

Mr. Teddy noted this was a relatively restrictive C-P and the applicant had only asked for permission to use the building for office uses as permitted in the O-1 district with the addition of an engineering testing lab, which was only allowed in commercial districts. There was only one commercial zoning use that would be allowed in this C-P. He pointed out there would not be a development plan since it was a simplified process unless they did future redevelopment of the site.

Mayor Hindman opened the public hearing.

Dave Bennett, Engineering Surveys and Services, 1113 Fay Street, offered to answer any questions.

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

The vote on B148-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B154-06 Approving the Engineer's Final Report; levying special assessments for the Sewer District No. 158 (Old Plank Subdivision) project.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a public hearing to determine special benefits and to levy special assessments against lots and parcels of land in Sanitary Sewer District No. 158, which was located in south Columbia and eliminated a non-functioning lagoon. The total project cost was \$59,067. Funding from the project was proposed from tax bills levied against the properties within the sewer district and from sanitary sewer funds. Four of the eight lots assessed had their assessment capped, per City policy, at \$5,000 and the other four assessments were less than \$5,000.

Mayor Hindman opened the public hearing.

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

The vote on B154-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B161-06 Repealing Ordinance No. 018700; authorizing construction of water mains serving Bristol Lake, Plat 1; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize payment of differential costs for the Bristol Lake, Plat 1 water plan. This was a standard differential payment ordinance. He felt this was a win-win situation whereby the City received a larger water line to allow better flow circulation and pressure that could be extended into other areas at a substantially reduced cost because the developer fronted a significant portion of it. This project included 3,200 feet of 12-inch versus 8-inch water main and about 1,880 feet of 8-inch versus 6-inch water main.

Mayor Hindman opened the public hearing.

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

Ms. Nauser asked if they required 12-inch and 8-inch on every subdivision. Mr. Dasho replied the size of the differential water main was based on the modeling done for the system to determine what their needs were versus the needs of serving the specific area. Ms. Nauser asked if they did this modeling with every new subdivision. Mr. Dasho replied yes.

The vote on B161-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B162-06 Authorizing construction of water main from Bearfield Road to the Bristol Lake Subdivision; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize payment for differential costs to install 4,300 feet of 12-inch water main from the terminus of the existing water main and would serve south Columbia. This line would also serve the park area that was purchased near the lake. Originally, this had been planned to be done as a greenline project, but in working with the developer, they felt it was a win-win situation for the developer to put the water line in and for the City to pay the differential costs.

Mr. Loveless asked what a greenline project was. Mr. Watkins replied a greenline water project was where the City fronted all of the costs and as a developer came in and tied in, they were required to pay back the City in terms of their cost. The difficulty there was that

often times they did not get all of the money back. Additionally, they had to put the money up and, in many cases, it might be years before the entire area developed.

Mayor Hindman opened the public hearing.

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

The vote on B162-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B163-06 Authorizing acquisition of easements for construction of a 24-inch discharge main under I-70, as part of the Hillsdale Pump Station project.

The bill was given second reading by the Clerk.

Mr. Watkins explained this project was included in the 2003 water ballot issue and would provide additional pressure in northeast Columbia. It was to be located on property the City already owned on Hillsdale Road. Five property owners were impacted. The estimated cost was about \$3,136,000. Mr. Dasho noted they were looking for the easements associated with the water outlet from the pumping station across I-70. Mr. Watkins pointed out this would provide another water crossing under I-70, which was something they needed more of.

Mr. Janku asked for examples of pump stations currently in the system. Mr. Dasho replied the south pump station off of Nifong was one. Mr. Janku asked if this facility would be designed to be the equivalent in terms of architectural appearances as the one at Nifong and Bethel. Mr. Dasho replied it would be very similar. Mr. Janku pointed out that they took great pains in making sure it fit into the neighborhood and was attractive. He wanted to be sure they did the same in this location. Mr. Dasho noted they were well aware of that and hoped to make this blend in nicely.

Mr. Janku asked what the estimated cost of the pump station and the ground storage was. Mr. Dasho replied \$3.1 million. Mr. Janku understood part of that cost included the main. Mr. Watkins pointed out that did not include the ground storage. It only included the pump and the main under I-70. Mayor Hindman asked if the ground storage was taken care of otherwise. Mr. Watkins stated they might, at some point in time, need it and would come back to Council. They did not need at this time.

Mr. Janku asked where the pump facility would be located and if it would be a different facility until the ground storage facility was built. Mr. Dasho replied it would be at that location and could be expanded to have ground storage associated with it. It was tied into the system so they would have major feeds into that area to boost pressure into the northeast area to provide proper flows and pressures.

Mr. Janku asked for the cost of the pump storage facility as opposed to the main. Mr. Watkins noted one could not build a pump system without the main under I-70. Mr. Dasho stated he thought they were looking at a cost of around \$3 million. He thought, when this was originally looked into, the northeast pressure zone, fully developed, was around \$6 million.

Mr. Hutton asked if the project was designed and if this was to set it out to bid. Mr. Dasho replied this was for the easements across I-70. Mr. Hutton noted there had been

several problems with the project costs from the 2003 ballot issue not being close to the engineering consulting firm estimates. He asked if this had been looked at further to ensure it was within the scope. Mr. Dasho explained they were at 90 percent design stage for this project and when fully designed, the engineers would provide an estimated cost based on the latest material costs. He hoped the estimate would be very close to the bids received.

Mayor Hindman opened the public hearing.

Dennis Stuart, Pastor of Praise Assembly of God Church, 4300 Clark Lane, understood the easement would go across the west end of their property. He was told by staff that it might take more than the 16 foot easement. He asked how much property it was going to take. He explained they had already given the City a 16 foot easement on the west side. He also wanted to know if the Pine Grove Trailer Park had a 16 foot easement on the east end of their property. If so, he wondered what the purpose of going 23-24 foot on their property. Mr. Dasho stated they were looking for a 20 foot permanent easement for the water line and 45 foot construction easement during the construction phase of the project. Mr. Stuart noted if they took the 45 foot construction easement, they would take their curb and their west lighting out. Mr. Dasho explained they would return the property to the pre-construction condition after the construction was completed. Mr. Dasho stated if he could meet with staff, he believed they could work out the details regarding his areas of concern.

Steve Hornung, Jacobs Civil, Inc., St. Louis, explained there was an existing 16 foot easement. They were looking for an additional 4 feet for a total 20 foot easement. The additional temporary easement was to allow the contractor room for construction. He stated they would not be tearing up the curbing or the pavement. It was to provide access onto the property so they could bring backhoe and trucks in. He noted there were provisions in the contract and on the drawings indicating that should the curbing or asphalt pavement be damaged, it would be the contractor's responsibility to replace them to the City's and the owner's satisfaction. He pointed out there was no easement on the west side of the property line, which was the mobile home park land. It was strictly on the church property.

Mr. Stuart pointed there were some large trees in that area and they preferred those not be damaged. Mr. Hutton thought they would try hard to minimize the damage.

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

Mr. Hutton asked about the wording of the ordinance. He stated the engineer used the word inclusive and the ordinance stated exclusive of the existing easement. Mr. Hornung explained the difference was in the area being calculated.

The vote on B163-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

OLD BUSINESS

B153-06 Authorizing a development agreement with B & E Investment, Inc., Bristol 6789, LLC, Bristol Lake Investment Company, LLC and Bristol 124, LLC relating to the Bristol Lake Development and related road improvements; amending Ordinance No. 018043 relating to conditions of approval.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize a development agreement with the Bristol Lake people associated with the old Philips Farm development. In 2004, the Council approved a large zoning agreement for the entire tract. Within that ordinance, the developer was required to build and pay for 50 percent of an interchange at Gans Road. The agreement did not include a time frame as to when it needed to be done, nor did it include a scope, i.e. 50 percent of what. Since that time, the University had proposed the Discovery Ridge Research Park project and the City had acquired additional federal funding as well as some potential State Economic Development funding for that interchange. The University traffic flow would require a bigger interchange because the traffic was substantially more. In order to move forward with the project, they had been talking to the developer to try to define the scope of the project of which he was supposed to pay 50 percent and to agree that they needed to move forward now with the interchange rather than waiting until he had a tenant. In some respects this was moving faster than the developer wanted. Staff believed this proposed development agreement moved this project forward in terms of time, would allow them to meet the expectations for Discovery Ridge, and included a good description of what the developer should pay 50 percent of, which was the basic interchange, not an expanded interchange required by the additional traffic at Discovery Ridge.

Ms. Hoppe stated she had questions regarding the bottom paragraph, paragraph number 1 on page 2. She was surprised to read the “City acknowledges that Developer has dedicated the Lake in the Development to City and has performed or provided and installed all stormwater and water quality control measures required by the Ordinance and other applicable ordinances of City as they relate to the Lake and the Development and other stormwater draining into and out of the Lake and City finds all of the same to be acceptable.” She wondered what that meant. She felt the language was extremely broad. She asked if the developer had done all of the stormwater controls that were necessary to flow in and out of the lake. Mr. Glascock replied that in regards to the lake, they had put in all of the stormwater features required. Ms. Hoppe asked for clarification regarding what it meant. Mr. Glascock replied to her it meant anything that went into the lake was going through what they were required to build as far as filters or swales and those types of things. Going out of the lake, they were required to raise the dam and construct a higher volume, which they had also completed. Ms. Hoppe asked for the diameter around the lake that this included. Mr. Glascock thought it included all the property the City-owned. Ms. Hoppe understood the developer had done all of the stormwater measures on all of the City-owned property. Mr. Glascock replied that was correct. Ms. Hoppe reiterated that she still thought the language was broad.

Mr. Janku agreed it was confusing. He thought they meant the lake and the related development, not the entire development. In regards to the other storm water draining into and out of the lake, he thought it was related to the lake only.

Mr. Watkins explained the intent of the agreement was just to acknowledge they had completed the improvements around the area of the park the City owned.

Ms. Hoppe felt since it was a development agreement, it needed to say that more specifically, so there was no question about what was covered. Mr. Boeckmann stated they could change that before they executed it to make sure it was not construed to comply to the

whole Philips Farm. Mr. Watkins noted that was the intent and he apologized for the ambiguity.

Mr. Loveless stated he was struggling with the language on page five, paragraph five as it talked about reimbursing the City's costs when the development was 100 percent built out. He noted developments could stretch out forever before being 100 percent built out. He was concerned it could be a very long time before the City was reimbursed. He understood the spirit of what was being stated, but was concerned regarding the letter of the law in this case. Mr. Watkins explained they were struggling in that the original ordinance of 2004 required all of the improvements to be sized based on a traffic study, which was completed and reviewed. The issue was a three lane versus five lane bridge over Highway 63. The traffic study stated his development required a three lane bridge until it was totally built out, at which point a five lane bridge would be needed. With the University addition, they were going to build a five lane bridge and they did not feel it was fair for the developer to pay for the additional two lanes until the requirements of the traffic study necessitating the additional two lanes occurred.

Mr. Loveless asked how they defined 100 percent built out. Mr. Watkins replied the ordinance referred to a number of square feet they could build on a particular lot and that was how staff would handle the 100 percent. Mr. Loveless asked if the 100 percent built out was in reference to the entire area. Mr. Watkins noted there was a provision stating the developer had to pay for all of this before he could get a building permit for eight properties. With this development and with him putting this money up front for this agreement, he had met his requirement. Mr. Loveless understood when this document spoke of the 100 percent built out, they were talking about the commercially zoned area. Mr. Watkins replied that was correct. He pointed out that they thought about amending the Philips Lake ordinance, but decided a separate development agreement would be more expedient.

Joe Bindbeutel, 1701 E. Gans Road, stated his residence was about a half mile down stream from the Philips Farm development. He noted he shared Ms. Hoppe's concern about ambiguity. He felt they were now trying to rescue a poor agreement in that the developer did not have a time line in which to satisfy his financial obligations to build the infrastructure. He understood Bristol Lake LLC had to go to a financial institution and submit a letter stating the money would be in the bank when this obligation kicked in. He thought that could be 20 years from now and he did not believe that was what the City thought they entered into when Philips Farm was approved. He understood a condition was that 4, 5, 6, 7 and 8 would not be approved or built on until this was taken care of. He felt to say this was now taken care of since they had a piece of paper was misleading. He felt that hurt the expectation that everyone had when the Philips Farm project went forward. He pointed he had no complaints regarding the progress of the Philips Farm. They were putting in the stormwater controls. He stated he thought the piece with Bristol Lake needed to be defined so they were only talking about the stormwater controls next to the lake and not on the balance of the property. He understood a TDD, the public, would pay back the developer, so he felt timing was an important issue. He noted there was no out-of-pocket cost to the developer in this case. He also understood the interior roads were the responsibility of the developer and he did not understand why the City was paying 50 percent of a main thoroughfare through there. He

was not sure why that was covered in this agreement. The trigger on lots 4-8 was that they would be in a good financial position to build the interchange. He commented that he was not sure this did that. He thought the development agreement should be fair and measured and that there should be some consideration for the sacrifices being made. He believed the stormwater language needed to be attended to as well. He reiterated it was very unclear as to when the financial end of this obligation would be satisfied. He noted he did not have a problem with the three versus five lane bridge.

Ms. Hoppe stated she was under the impression that as the developer received the money from the TDD that a percentage would go towards the interchange. Mr. Watkins replied that there was no TDD. Even if there was a TDD, there had to be retail to pay the TDD and there was not any. The original intent from the developer was to get the initial piece of retail, get some money coming in, and then build the interchange. Now, with no TDD, no retail and no income coming to the developer, the City still wanted the developer to pay his 50 percent of the basic interchange now and the developer had agreed to it.

Ms. Hoppe asked when retail was there and they had a TDD if they would be required to kick in a payment. Mr. Watkins clarified that they were putting their money up front. The only piece the 100 percent applied to was the three versus five lanes and that was simply because staff read the traffic study that said three lanes was fine until they were totally built out. They wanted to hold him to the letter of his traffic study. He pointed out the City had to find a time because they would already have five lanes built due to the University project.

Mayor Hindman clarified that one of the differences was that the developer was putting in his 50 percent as though it were a three lane bridge up front. Mr. Watkins replied that was correct. Mayor Hindman understood he was doing this before the commercial was built and before there was a TDD even though he could wait until the commercial was built. Mr. Watkins replied that was correct. Mayor Hindman understood the developer would provide the money up front, but would have to wait until commercial came before having a cash flow. He asked what the 100 percent reimbursement related to. Mr. Watkins replied that his traffic study indicated that he needed to build a three lane bridge until he was totally built out, at which time he was required to have a five lane bridge. Mayor Hindman understood the contract stated the developer had to build to what his traffic study indicated and the traffic study stated he would have to build a five lane bridge when he was totally built out. He understood this had nothing to do with the University. Mr. Watkins explained the University, with the additional traffic, was requiring the City to build a five lane bridge now. He asked how one defined the developer's 50 percent between a three lane and five lane bridge and how one determined when the money needed to be put in. The City felt the developer needed to put that money in when he was 100 percent built out, which was what the traffic study called for. Mayor Hindman understood that if the University had not come along, the developer would have developed his commercial, built a three lane bridge and contributed somewhat proportionate as the lots were built out. Mr. Watkins clarified he would put his 50 percent up front for a three lane bridge. That had not changed. Mr. Janku understood it was to be triggered by his development, not by the University's development. Mr. Watkins stated that was correct and pointed out he might not have to do anything for three or four years. The City wanted the developer to participate now because they needed to build the

interchange now to accommodate Discovery Ridge. If it were not for Discovery Ridge, staff would not be bringing this to the Council.

Mr. Janku thought it was clear the developer had a time line to his obligation, but the time line was triggered by his property being developed. In effect, the time line was being advanced by the University.

Mr. Watkins stated he believed the developer was being very cooperative because he was advancing money several years prior to having any kind of income flow from a retail development or TDD. The City was defining what the developer needed to pay 50 percent of since that was not in the original agreement. Mayor Hindman understood that had to do with the extra roads that would be required on the University's side. Mr. Watkins clarified the developer was not required to pay for anything on the east side of 63 Highway except the ramps that were part of the interchange.

Ms. Hoppe asked about the change of the main road going through the development and the City paying 50 percent of that now. Mr. Watkins replied that the City had always agreed to pay 50 percent of the part of the road that would access the park off of Ponderosa.

Mr. Loveless commented that he thought there should be language added that specifically mentioned that the 100 percent built out was for the commercial area. As it read now, it stated the development. In addition, the entire description at the beginning of the agreement described the entirety of the 528 acre tract. He thought it could reasonably be interpreted as the entire 528 acres. He requested the language be clarified.

Mr. Janku asked if one lot would mean it was not at 100 percent. Mr. Watkins replied that was what the developer's traffic study stated. Mr. Janku understood that was the trigger to reimburse the City. Mr. Watkins stated it was to reimburse just the 50 percent difference between the three and five lanes of the bridge. That was the only piece triggered by the 100 percent.

Mr. Janku understood it would not be built until it was triggered to be paid for. Mayor Hindman replied they were going to build it now. Mr. Watkins explained they were building it because of the additional University traffic.

Mayor Hindman thought the definition of 100 percent built out was the concern. He suggested they change the language to something like substantially built out rather than 100 percent built out. Mr. Watkins explained they did not want to change the original agreement which was tied in to the traffic study.

Mr. Janku asked if they were building five lanes. Mr. Watkins replied they would build the five lanes initially. The question was when the developer had to pay the 50 percent of the additional two lanes on the bridge.

Ms. Hoppe asked if they could add language stating when the commercial tract is built. Mr. Loveless commented that was what he had suggested. He explained he was concerned with the language stating the reimbursement from the developer to the City for the additional two lanes of the bridge was dependant upon 100 percent built out. He believed they were moving to 100 percent built out of the commercial portion of the development as opposed to the entire development. He asked if he needed to make that an amendment to the ordinance. Mr. Boeckmann replied the ordinance authorized the agreement substantially in the form it was written. He stated he already included as a change to state when the

commercially zoned area of the development is 100 percent built out. Mr. Loveless stated he was satisfied with that.

Mr. Janku stated he thought it should be tied to the revenue. Mr. Watkins replied the developer would love that because it would minimize his risk to nothing. Staff had problems with that. If the property was developed in such a way that it did not produce a lot of sales tax, he would potentially never have to pay for it.

Mayor Hindman stated the uneasiness was to say 100 percent built out. Mr. Janku noted the Broadway Marketplace still had parcels that were not developed after all of these years, even though they were trying to develop them. Mr. Loveless stated he did not question the developer's integrity, but felt every dollar of road construction money that could be found had a place to go. The timing of that reimbursement was important to them and he wanted to see that happen in a timely manner.

Mayor Hindman noted they had a proposed amendment. Mr. Loveless stated he did not believe it needed to be an amendment because Mr. Boeckmann could change the language in the agreement. Mr. Janku asked for clarification regarding the language. Mr. Boeckmann stated it would read "when the commercially zoned area of the development is 100 percent built out." Mayor Hindman suggested they officially amend it.

Mr. Loveless made a motion to amend B153-06 by changing the language to read "when the commercially zoned area of the development is 100 percent built out." The motion was seconded by Mayor Hindman and approved by voice vote with Mr. Janku voting no.

Mr. Boeckmann noted the change Ms. Hoppe wanted was in paragraph one where it stated "City acknowledges that Developer has dedicated the Lake in the Development to City and has performed or provided and installed all stormwater and water quality control measures required by the ordinance and other applicable ordinances of the City as they relate to the Lake and the Development..." He understood she wanted to change "and the Development" to "and the City property".

Ms. Hoppe made a motion to amend B153-06 by changing paragraph one to state "other applicable ordinances of City as they relate to the Lake and the City property". The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Hoppe asked if the original ordinance used the 100 percent. Mr. Boeckmann replied the original ordinance did not even deal with the issue. Mr. Watkins explained these road requirements were triggered by a traffic study and the traffic study stated when it was totally built out, they would need to go from three to five lanes. Ms. Hoppe stated she would be more comfortable with language stating "when the commercial is totally built out" versus "100 percent built out".

Mr. Hutton stated another consideration was that in the commercially zoned area, there were only four or five lots. If they did not do one of the lots, they were essentially taking away 20-25 percent of their income base. Mr. Janku thought there were more lots than that. Mr. Hutton agreed that if there was one lot that would never be developed, it would be a problem.

Mr. Watkins explained what they were talking about in dollars was the difference between a three lane and five lane bridge and 50 percent of that cost. Mr. Glascock thought it was \$500,000 at the most. He pointed out it was the use of the bridge for the time until he

was fully built out. The City would have use of that bridge. The developer was going to pay 50 percent of two lanes of a used bridge. Mr. Watkins reiterated the developer was putting his 50 percent up now as opposed to three years or whenever from now. Mr. Hutton understood his percentage of the three lanes was in the millions of dollars. They were arguing over a few hundred thousand dollars out of a multi-million dollar project. Mr. Watkins noted they could not come up with a good trigger mechanism except to use what the traffic study said.

Ms. Hoppe stated she felt better with entirely. Ms. Hoppe made the motion to amend B153-06 to state “entirely built out” rather than “100 percent built out”. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

The vote on B153-06, as amended, was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B157-06 Calling for bids for the South Grindstone Outfall Sewer - Phase 1.

The bill was given second reading by the Clerk.

Mr. Watkins explained this project was specifically stated in the last sewer ballot issue. This was a joint project with the Boone County Regional Sewer District and would allow them to eliminate the El Chaparral treatment plant lagoon, which currently overflowed into the Grindstone Creek. The estimated cost of the project was about \$1.4 million. He noted an amendment sheet was prepared. They were asking that it be bid through the Purchasing Agent rather than Council. It would save having to consider it twice.

Mr. Hutton made the motion to amend B157-06 per the amendment sheet. The motion was seconded by Mr. Janku and was approved unanimously by voice vote.

The vote on B157-06, as amended, was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B159-06 Accepting certain streets for public use and maintenance.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was an annual ordinance whereby the Council accepted streets that had been paid for and constructed through private developers. This year there were accepting 20.6 miles of new streets, which was a significant addition to the street mileage in Columbia.

The vote on B159-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B164-06 Confirming the contract with Emery Sapp & Sons, Inc. for construction of a 36-inch water transmission main from the McBaine Water Treatment Plant to Scott Boulevard; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize the City to sign a contract accepting the bid on the 36-inch water transmission main project. Council authorized staff to move forward previously, but the bids came in substantially over the engineer's estimate. At staff's recommendation, Council rejected the bids and authorized them to re-bid the project. The project had now been re-bid and the bid was \$367,000 less than the original bid. Some changes in timing and creek crossings were made. He noted four bids were received with Emery Sapp & Sons, Inc. being the lowest.

Montie Tripp of Garney Construction stated the project was initially bid last November and at that time there were only two bids with Emery Sapp & Sons having the lowest bid, which was about double the estimate. City staff and the engineer contacted both bidders for cost savings ideas to bring the bid down. One idea was to take the fiber optic conduit and the fiber optic cable out of the project, which did not affect the water line. The biggest cost saving criteria was to utilize directional drilling in lieu of the tunnels of the creek crossings. As a result of these conversations, the engineer developed a new set of specifications that was approved by staff. There was an entire bid item set up for the alternate directional drill of the creek crossings with the HDPE pipe.

Mr. Hutton understood the second bid call offered the option of HDPE pipe. Mr. Tripp replied that was correct.

Mr. Tripp explained there was a pre-bid meeting held to answer any questions the bidders might have had and the alternates were discussed. At that meeting, there was nothing indicating the project would be awarded only on the base bid. All indications were that they were looking for cost saving ideas and would look to the lowest bid. He noted four bids were received and three of the bids were higher than the original base bid of Emery Sapp & Sons from the original bid time. All of the bidders' alternate bids were lower than their respective base bids. Emery Sapp & Son's lowest price was with the alternate of the direction drill with HDPE pipe. Garney's alternate bid was \$1,213,000 lower than Emery Sapp & Son's base bid. He pointed out these bids were 95 percent exactly the same to include using the same material of pre-stress concrete pipe for the balance of the project. The 5 percent difference was the directional drill with HDPE pipe under the creeks. It was indicated to him by the engineer that due to the significant savings, they would likely be awarded the project, but a few weeks afterward he received a letter from the Water & Light Department noting the intent was to award the project Emery Sapp & Sons based on the base bid. He spoke to staff and was told they were unfamiliar with the HDPE product and they preferred concrete pipe. He pointed out the engineer along with staff had specified and approved the HDPE pipe as an alternate option to do the creek crossings, and therefore, they bid accordingly. He explained that other pipe products were used for direction drills, such as steel and ductile iron pipe. However, in this case, the engineer specified HDPE. He stated Garney could do this project with the ductile iron pipe, which he believed to be a legitimate substitution, because the specifications allowed for equal materials to be analyzed and ductile iron pipe was the other pipe alternate for the entire project along with concrete. He told the engineer and staff that he would be more than happy to substitute the HDPE with ductile iron pipe, if they were more comfortable. He never received an answer. His concern was that if the bid was only to be awarded on base bid, he wondered why it was re-bid. They

should have just negotiated with Emery Sapp & Sons because it would have saved a lot of people time and money. He reiterated that he thought they were looking for the best price. With two creek crossings being direction drilled with either HDPE or ductile iron pipe at the City's option, they could save \$1.2 million. He thought Council was being asked to raise the budget estimate and use up funds for other projects to award a higher cost bid.

Mr. Janku asked for an explanation regarding direction drilling. Mr. Tripp stated it was a guided drill that arched underneath the creek. It was all done from the surface by a machine that was guided by electronics. The stem was drilled through and the HDPE would be pulled back through. It was reamed out a couple of times to get the size and then the pipe product was pulled back through that. One of the advantages of the directional drill in this case was that it put the pipeline 20 feet below the bottom of the creek rather than the five feet which was specified for the tunnels. He thought that was a considerable safety factor considering the volatility of Perche Creek.

Mr. Hutton asked for an explanation as to why they would put the HDPE pipe in as a possible alternate and then decide it was not a good enough product and refuse to accept it. He asked why those factors were not looked at before it was allowed to be bid. Mr. Dasho replied they did not know what they would come back with in the revised bid. They asked the engineers to give them all of the alternatives that could be looked at and to come up with an alternate proposal as well as the base bids. He pointed out they were not committed to go down that road. Cost was a factor, but it was not the only factor. He explained the problem with the HDPE was the lack of experience with the product. He was unwilling to look at a product that did not have the longevity. Mr. Hutton asked about the ductile iron and if it was any better or worse the HDPE. Mr. Dasho replied they did not ask for ductile iron. He explained that when they looked at all of the alternatives they wanted to see the cost differentials. He reiterated that they were not locked in and there was still a choice between the base bid and HDPE.

Mr. Loveless stated he understood the concern of the HDPE and its longevity since they were familiar with pre-stressed concrete, but asked if their concerns would be satisfied in regard to experience and longevity if the vendor would substitute ductile iron pipe for the plastic pipe at the same bid.

Jeff Gratzner with Jacob's Civil in St. Louis explained the big difference between the ductile iron pipe and the HDPE pipe was the flexibility of the pipe. The ductile iron was not as flexible and that meant a longer stretch was needed under the creeks. In one particular location, he did not know if they would have the required distance to get under the creek and avoid the treatment lagoons. Ductile iron pipe had been used to directional drill that type of pipe, but they were not aware of any ductile iron pipe of this size, 36-inch, that had been installed using directional drilling. It had been done for smaller sized ductile iron pipe. Mr. Loveless understood they did not have experience with ductile iron or the plastic pipe using the directional drilling installation process. Mr. Gratzner stated there had been other installations using the directional drilling for HDPE pipe, but they had not been in the ground for as long of a time as pre-stressed concrete pipe or ductile iron pipe and the technology in that pipe had not been around as long.

Mayor Hindman noted it seemed odd that they would ask for an alternate bid and then, when it came in \$1 million less, still not accept it. He did not understand why it was even asked for. He wondered what it would have had to be before they would have accepted it. Mr. Gratzner replied that they were looking at ways to potentially reduce the cost and installation of the pipe under the creeks and using directional drilling was one of those options. He explained they were comfortable with moving forward with HDPE pipe, but the experience with it in the City was not there. Mr. Hutton asked what product they thought would be used if they were willing to look at directional drilling. Mr. Gratzner replied they were thinking they would use HDPE because of the turning radius.

Mayor Hindman noted there was a \$1 million savings and they still said no. Mr. Dasho pointed out this was a critical piece of the infrastructure. It was not just another water line. He explained they were going to put this underneath the creeks and count on it for longer than 50 years. If in 10-25 years, they found the 36-inch joints did not hold, they would be in serious trouble. He weighed all of those things in terms of cost. He stated he was willing to pay an additional \$1.2 million for reliability of the water system.

Mr. Hutton felt that did not answer the question. He wanted to know why it was put in the bid in the first place. Mr. Dasho replied he was willing for other engineers come forward with alternatives, but when he asked for the longevity experience, they did not have any experience in Missouri.

Ms. Hoppe commented that she felt it was a waste of the bidders' time putting criteria in the bid they did not want to consider. She stated it was important not to do that.

The vote on B164-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B170-06 Appropriating funds for street and sidewalk projects authorized at the November, 2005 election.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would appropriate funds outlined in R276-05, which prioritized some of the street projects approved by the voters last November. This was specifically for the salt storage facility, the City's share of the Gans Road/US 63 interchange, and some of the annual projects. He noted this also included \$1 million as part of the City's share of 763.

Ms. Nauser asked about the increase of \$1 million for the 763. Mr. Watkins replied they needed to come up with additional money to meet the additional costs. He noted MoDOT's share was \$25 million and about \$7 million would be fronted by the City. He was not sure what the County's share would be. The City needed to come up with the balance, some of which was the right-of-way donation. They were proposing to use some of the annual street money and STP funds that had not been allocated. Ms. Nauser asked if this had anything to do with the County being uncommitted. Mr. Watkins replied no.

The vote on B170-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

Upon her request, Mayor Hindman made the motion that Ms. Crayton be allowed to abstain from voting on R102-06 in the Consent Agenda. The motion was seconded by Mr. Loveless and approved unanimously by voice vote. Ms. Crayton noted on the Disclosure of Interest form that she was a Board Member of the Columbia/Boone County Community Partnership.

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

- B149-06 Authorizing an agreement with HDR Engineering, Inc. for consulting services to update the CATSO travel demand model; appropriating funds.**
- B150-06 Approving the Final Plat of Arcadia Plat 9 located on the northwest corner of Smiley Lane and Oakland Gravel Road; authorizing a performance contract.**
- B151-06 Vacating a utility easement located within Berlekamp Subdivision Plat No. 1.**
- B152-06 Vacating a sewer easement within Stratford Chase Subdivision.**
- B155-06 Amending Chapter 22 of the City Code as it relates to refuse collection rates for customers within the Special Business District.**
- B156-06 Calling for bids for construction of improvements at the intersection of Old 63 and East Broadway.**
- B158-06 Authorizing acquisition of easements for construction of the Bear Creek Outfall Sewer Extension Project.**
- B160-06 Accepting conveyances for drainage, sewer, sidewalk, street and utility purposes.**
- B165-06 Accepting conveyance; authorizing payment of differential costs for water main serving Oak Forest, Plat 10; approving the Engineer's Final Report.**
- B166-06 Accepting conveyances for utility purposes.**
- B167-06 Authorizing an antenna agreement with Celco Partnership d/b/a Verizon Wireless to lease City property for installation of a cell phone antenna tower at 1160 Cinnamon Hill Lane (Shepard Water Tower).**
- B168-06 Accepting a grant from the Missouri Safety Center to conduct enforcement activities to promote seat belt usage; appropriating funds.**
- B169-06 Appropriating funds for the Share the Light Program.**
- B171-06 Authorizing an intergovernmental cooperation agreement with the Grindstone Plaza Transportation Development District, THF Grindstone Plaza Development, LLC and THF Red Oak Development, LLC.**
- B172-06 Authorizing an intergovernmental cooperation agreement with the Conley Road Transportation Development District, Broadway Crossings, LLC, Broadway Crossing LLC, Broadway Crossings II, LLC and RHL Columbia Development, LP.**
- R98-06 Setting a public hearing: voluntary annexation of property located on the northwest side of Thompson Road, across from Beechwood Drive (5801 N.E. Thompson Road).**

- R99-06 Setting a public hearing: Douglass Park pool improvement project.
- R100-06 Authorizing an amendment to the agreement with The Curators of the University of Missouri on behalf of the Department of Family and Community Medicine for medical director services.
- R101-06 Authorizing an agreement with the Missouri Department of Health and Senior Services for the FY 2006 Summer Food Service Program.
- R102-06 Authorizing agreements with Columbia/Boone County Community Partnership and Lutheran Family and Children's Services pertaining to youth mentoring services.
- R103-06 Authorizing agreements with artists for the Wabash Station Percent for Art project.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: CRAYTON (except on R102-06 on which she abstained), JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

R104-06 Transferring funds to finalize and close out the authorized improvements on the Vandiver Drive/U.S. 63 interchange project.

The resolution was read by the Clerk.

Mr. Watkins stated this resolution was required because they were closing a project out and putting the money in a fund the project was not budgeted from.

The vote on R104-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R105-06 Transferring funds to finalize and close out the auto lubricating systems project.

The resolution was read by the Clerk.

Mr. Watkins explained this was a resolution to close this particular capital project.

The vote on R105-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R106-06 Authorizing an agreement with Boone County to coordinate plans for snow removal, maintenance and capital improvements for roads with shared maintenance responsibility.

The resolution was read by the Clerk.

Mr. Watkins stated this would authorize the City Manager to execute an agreement with Boone County. They had been working for years to coordinate the maintenance, etc. for roads and this would formalize the agreement in writing.

The vote on R106-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R107-06 Approving the Preliminary Plat of Westbrook, Plat No. 1 located on the east side of Howard Orchard Road and on the northwest side of State Route KK; granting a variance to the Subdivision Regulations relating to cul-de-sac length.

The resolution was read by the Clerk.

Mr. Watkins explained this was a preliminary plat to create 173 R-1 zoned lots on property annexed earlier this year. The primary issues with the plat were the poor condition of Howard Orchard Road, which ran along the west side of the site, and traffic from the proposed residential development potentially using streets in the Thornbrook neighborhood. He noted the full development of the plat would require the building of the MC-9 Trunk Sanitary Sewer. The preliminary plat had been revised since its original submittal to the Planning & Zoning Commission to conform to the development agreement approved by Council on April 3rd. The Planning & Zoning Commission recommended approval of the proposed preliminary plat as well as the variance regarding a maximum cul-de-sac length.

Mr. Teddy stated staff reviewed this against the subdivision regulations and development agreement and found it was in compliance.

Tim Crockett, Crockett Engineering Consultants, 2608 N. Stadium Boulevard, stated he concurred with staff's report and respectfully requested their favorable consideration of the variance on the cul-de-sac, which was less than 1,000 feet in length. The lots in that area were substantial in width, so the number of lots on the cul-de-sac was not excessive. He noted that they added some trail easements at the cul-de-sac bulbs for pedestrian access.

The vote on R107-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- 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.**
- B174-06 Approving a revision to the Timber Creek PUD Development Plan located on the west side of Stadium Boulevard (State Route E), north of I-70.**
- B175-06 Granting a variance from the Subdivision Regulations relating to sidewalk construction along a portion of the south side of David Drive within the Farmway Columbia Subdivision.**
- B176-06 Approving the Final Plat of Vanderveen Crossing, Plat No. 14A, a Replat of Lot 942 of Vanderveen Crossing, Plat No. 14 located on the south side of Blue Ridge Road, east of the intersection of Snow Leopard Drive and Blue Ridge Road; granting a variance to the Subdivision Regulations.**
- 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.**

- B178-06 Approving the Final Plat of Thornbrook, Plat No. 15 located south of the intersection of Thornbrook Parkway and Thornbrook Terrace; authorizing a performance contract.
- B179-06 Approving the Final Plat of Spencer's Crest Plat 4-B, a Replat of Lot 8B Spencer's Crest Plat 4-A, located on the east side of Rangeline Street (State Route 763), south of Kennesaw Ridge Road; authorizing a performance contract.
- B180-06 Approving the Final Plat of Vintage Falls Plat 1-B located on the southeast corner of Ivanhoe Boulevard and Sable Court; authorizing a performance contract.
- B181-06 Amending the FY 2006 Annual Budget by adding a new position in the Public Works Department; amending the Classification Plan; appropriating funds.
- B182-06 Amending Chapter 14 of the City Code to prohibit parking along a section of Cliff Drive.
- B183-06 Amending Chapter 14 of the City Code as it relates to special parking permits for unmetered off street parking facilities.
- B184-06 Calling for bids for the Wabash Station refurbishment project.
- B185-06 Calling for bids for the West Boulevard/Marygene Street storm drainage improvement project.
- B186-06 Confirming the contract with Brenneke Construction, LLC for construction of storm drainage improvements of two culverts on Rock Quarry Road, between Nifong Boulevard and Gans Road.
- B187-06 Confirming the contract with J.C. Industries, Inc. for construction of the F-1 Relief Sewer - Phase 2 (UMC South Campus Relief Sewer) and Maryland Avenue and Richmond Avenue Drainage Project - Phase 2.
- B188-06 Authorizing Amendment No. 2 to the agreement with Burns & McDonnell Engineering Company, Inc. for engineering services relating to the design of Chapel Hill Road, from Scott Boulevard to Stonecrest Subdivision; appropriating funds.
- B189-06 Authorizing a Right of Use Permit with Bob and Nancy Martin to allow the installation of electric heating mats within a portion of the Augusta Drive right-of-way.
- B190-06 Calling a special election relating to the issuance of Electric Utility Revenue Bonds in the amount of \$60,000,000.
- B191-06 Authorizing the Douglass Park pool improvement project; calling for bids; appropriating funds.
- B192-06 Amending Chapter 26 of the City Code as it relates to taxation of telephone companies and telecommunications companies to conform with the Municipal Telecommunications Business License Tax Simplification Act.
- B193-06 Amending the boundaries of the Columbia Special Business District.

REPORTS AND PETITIONS

- (A) Intra-departmental transfer of funds.

Report accepted.

- (B) MC-9 Trunk Sewer – 80 acre point sewer request.

Mr. Watkins explained staff had prepared for Council's consideration a report regarding a request for an 80 acre point sewer extension for property between Howard Orchard Road and Thornbrook Subdivision. The preliminary cost estimate was \$500,000 and the project, if constructed, would be paid for from sewer construction funds approved with the 2003 ballot issue. The request was in accordance with the City's 80 acre point sanitary sewer extension policy.

Mr. Hutton made a motion for staff to proceed as recommended. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(C) South Hampton Drive redesign.

Mr. Watkins explained this was a report on the proposed redesign of a portion of the South Hampton construction project. The redesign was in the location of a horizontal curve and would create a round-a-bout in a more perpendicular intersection near State Farm. The redesign was at the request of Crown Center Farm representatives and would allow better transportation access as that property developed in the future. It would also allow connection to the south as that area developed. The estimated cost of the redesign was about \$116,000. Mr. Glascock reiterated it was done at the request of property owners and he felt it would help with development in the future.

Mr. Janku understood they had standards for when streets changed direction in regards to the name. He thought if South Hampton was going to extend east, it should retain the name as it moved eastward.

Mr. Loveless made a motion for staff to proceed with construction. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(D) Proposed trail access – Providence and Steward MKT underpass.

Mr. Hood explained the Council requested a staff report on the potential to develop additional trail access and he felt there was the potential to add up to three accesses. One access would be on the northeast side of the intersection along Providence Road in front of the University Power Plant. This would be on University owned property, so they would need approval to implement the access. The second access point would be on the northwest corner of the intersection and would be built off of City owned property and connect the sidewalk along Stewart to the underpass trail. He noted this was very small area and the banks were very steep. He did not believe it was possible to build a ramp due to the terrain, but they could put in steps with a narrow ramp adjacent to the steps for bikes. The third access would be on the southwest corner. It would be a 150 foot linear walkway. He thought this worked in easily and would function well. The total cost for all three access points was estimated at \$24,900. Staff felt it would be appropriate to proceed with construction of these access points at the same time the underpass trail construction was being completed, which was currently underway. If Council concurred, staff would recommend the necessary funds be transferred from the City's greenbelt trail account to the MKT Providence/Stewart Underpass account and staff be directed to implement the accesses. An alternative would be to delay this and use the Transportation Pilot Grant.

Mr. Janku asked if they would have the ability to travel in opposite directions on the stairway and ramp at the same time. Mr. Hood replied with the limited space, it would only be a one-way ramp. The stairs would be wide enough for people to pass each other.

Mr. Loveless asked if the rules for using the Transportation Grant were still cloudy. Mayor Hindman explained they could not spend the money until the project had been included on the Transportation Improvement Program and State Transportation Improvement Program lists, which meant they had to be approved by Council and go through CATSO. He stated it would be a while before the City was able to spend that money. He understood the City could not advance the money and receive reimbursement at a later date either since the project had to be on the lists.

Mr. Loveless made a motion to proceed with construction and transfer the required funding as summarized in the memo. The motion was seconded by Mayor Hindman and was approved unanimously by voice vote.

(E) Art in the Park alcohol sales.

Mr. Watkins explained the Council requested a staff report on the sale of alcohol for the upcoming Art in the Park event that would be held at Stephens Lake Park in early June. Current departmental policy did not allow the sale of alcohol in City parks except at existing concession operations that had State approved liquor licenses. Staff was recommending wine sales not be allowed at Stephens Lake Park.

Mayor Hindman understood the primary reason was the concern about further administrative issues. Mr. Hood replied their primary concern fell into two areas. One was compliance with the State liquor regulations and laws. Currently, they sold alcohol at specifically defined locations, which were at three of their existing concession stands. He pointed out those stands were operated by City staff, so they had control and full regulation of compliance. If they passed the ability to sell alcohol to organizations outside, the issue of control and compliance grayed. Since on City property, they were concerned with who would be responsible for compliance with the liquor laws. In addition, they were concerned about setting precedence. He noted the Parks & Recreation Department dealt with many organizations and groups wanting events in the park. He wondered where they would draw the line as to which events and organizations would be allowed to sell alcohol and which would not. Other issues that needed to be addressed included whether they allowed the sale in containers or by the drink and if security was needed. He pointed out the Art in Park event was an outstanding event. His concern was in regard to setting a precedent.

Mr. Janku asked if he could explain what Art in the Park was requesting. Mr. Hood replied for this coming year, they had a sponsor who would have a stand. They would be providing samples of wine and have requested that they also be allowed to sell wine by the bottle. Mr. Janku understood the issue was not with giving away the wine, it was the sale of the wine. Mr. Hood replied they had always allowed the possession of alcohol in the parks.

Mayor Hindman stated he understood the administrative problem, but felt they should loosen up a bit. He noted they allowed people to have picnics and parties with alcohol without any issue. He thought they could find a way to allow a group to set up a tent and sell drinks. He understood the student population could cause a problem and that this would

require some artful administration. He suggested considering this as a single application without setting a precedent. He stated he was in favor of allowing Art in the Park to do what they proposed and to have some more work done on possible policies. Mayor Hindman made a motion to allow alcohol to be sold at this event as requested by Art in the Park.

Mr. Janku stated he would like to find out more details in regards to what they wanted to do. He thought it was more defined. Mr. Hood stated his understanding, for this year, was that they wanted to have one particular vendor sell by the bottle, but in the future they wanted to expand that to a wine or beer garden. Mr. Janku commented that he thought they would have a defined area set aside for this. Mr. Hood replied he understood they or their vendor would need a caterer's license per the liquor license requirements and it would have to be a very defined area, such as a vendor stand.

The motion made by Mayor Hindman to allow alcohol to be sold at this event as requested by Art in the Park was seconded by Ms. Hoppe.

Mr. Janku stated he wanted to get a sense of what it would be like if they approved it. He thought they could set their own rules as well. Mr. Hood replied he thought the difference was between defining the area where the sales occurred and the consumption occurred. He pointed out consumption could occur throughout the park area, but there had to be some control of where the sales occurred.

Mr. Janku stated he would prefer they create an area where the consumption could occur rather than just wandering through the park. Mr. Loveless believed there was a place for a wine garden type of atmosphere, but pointed out there were several things to consider in making that a successful venture, as indicated in the staff report. He was concerned, with this event being the first weekend in June, that the timing was too tight. He did not believe there was enough time for staff to put these things together and for the Council to examine and approve them. He stated he was willing to direct staff to bring back a procedure for approval of these applications with guidelines, but was not ready to approve it for Art in the Park this year. Mayor Hindman felt Art in the Park was a long established event and they had a good concept of what it would be like. Mr. Loveless noted it had never included liquor sales. Ms. Hoppe commented that it seemed as though it was a pretty sedate event and she believed the risk was low. Mayor Hindman agreed.

Mayor Hindman stated for a long time the rule was absolutely not in regards to alcohol in City parks. Now the City sold alcohol at the golf clubs and baseball fields. He thought they were being too cautious and that this was a great event to test this opportunity.

Chief Boehm pointed out the Police Department's recommendation was to suggest this not be approved. He was not concerned about this event, but if this was approved, there would be other events that would come up. He thought it would be challenging to find rules that suggested the Art in the Park event was okay, but these other events were not. He believed some of those events could be very challenging from a law enforcement standpoint. Mayor Hindman stated he understood they could be dealing with an administrative nightmare and that was why he thought they should be dealing with this particular application.

Mr. Janku stated he would be more comfortable with a defined area for consumption and sales. Ms. Nauser asked if there was a way to limit consumption. Mr. Janku thought if it was by the glass, that would be possible, but they were proposing to sell by the bottle. Ms.

Nauser pointed out that unless they were selling wine openers or the people brought one with them, they would be packing wine bottles to take home with them. Mayor Hindman thought the wine maker would be bringing in samples and trying to sell it by the bottle. He thought some would drink it at a table there, but others would take it home.

Jill Stedem, Executive Director of the Columbia Art League, explained they hosted the Art in the Park event. She noted Les Bourgeois was one of their sponsors for this event along with numerous other organizations. She stated they were not worried about safety because they had worked with them for a number of years. She pointed out they talked about a number of things, which included limiting the number of bottles to one bottle per person, closing it down one hour before the event ended, and having it in a confined area.

Mayor Hindman asked if they had wine sales at previous events. Ms. Stedem replied they had not. She noted it had not been in a conducive area.

Mayor Hindman understood they had certain restrictions they were willing to add. Ms. Stedem replied yes. She explained for the last seven years, they had a wine label competition with Les Bourgeois and art was a big part of that. Therefore, they wanted people to be able to buy a bottle. She pointed out 50 percent of the people that came to this event were outside of Boone County. It was an easy way for them to take the bottles home with them.

Mayor Hindman suggested amending his motion to include the restrictions mentioned, which included confining it to an area, limiting it to one bottle per person, and closing it one hour before the event ended. Ms. Stedem noted the event closed at 5:00 p.m., so sales would stop at 4:00 p.m.

Mayor Hindman stated he would amend his motion to include the limits mentioned. Ms. Hoppe seconded the amended motion. Mayor Hindman clarified his motion was to approve this event and include in the approval the limits discussed. Mr. Loveless clarified the limits included one bottle per patron per day, closing one hour before the event ended and that it be located within a confined area.

Mr. Janku asked how they visualized the confined area. Ms. Stedem replied they would be set up within a tent and they proposed roping it off and allowing the sales and samples within that area only.

Mr. Janku asked if Mayor Hindman was asking staff to come back with a report as well. Mayor Hindman stated yes, noting it would be unrelated to this event.

Mayor Hindman further amended his motion to direct staff to study and make recommendations as to how the City might deal with future requests. Ms. Hoppe seconded the further amended motion.

The motion, made by Mayor Hindman and seconded by Ms. Hoppe, to allow the Art in Park to sell alcohol as requested with the restrictions of limiting the sales to one bottle per person per day, closing it one hour before the event ended and limiting the sales and samples to a confined area, and to direct staff to study and make recommendations as to how the City might deal with future requests was approved by voice vote with Mr. Hutton and Mr. Loveless voting no.

(F) Memorial for Court employees.

Mr. Watkins explained Council approved a resolution naming the courtroom in the Howard Municipal Building in honor of George Nickolaus on April 17. Judge Aulgur and the Court staff were suggesting some form of recognition be made for court employees that had died during their service to the Court. Currently, the Court would like to honor Bob Potts and Tim Heinsz along with George Nickolaus.

Mr. Janku made a motion for staff to bring forward the appropriate legislation. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(G) Salute to Veterans Parade.

Mr. Watkins explained this was an annual event whereby Council gave permission to the Salute to Veterans Corporation to parachute jump onto Broadway. This year it would be done by the United States Army Special Operations Command Parachute Team, the Black Daggers, during the parade on Monday, May 29th.

Mr. Loveless made the motion to approve this as requested. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Watkins explained the City currently had two members on the City/County Condominium Board as well as the Condominium Board for the City's share of the building. Current legislation defined the members as specific people and one was no longer employed by the City. Staff was suggesting Council appoint the City Manager or his designate as the representative.

Mr. Janku made a motion to appoint the City Manager or his designate as a member of the City/County Condominium Board. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ms. Nauser made a motion to direct staff to look into having no parking on Executive Drive. There was excessive student parking on both sides of the road. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Ms. Nauser stated they approved about \$100,000 in water differential payments today. She felt if the City knew the water mains needed to be a particular size, they should do away with the differential payments. Ms. Nauser suggested directing staff to amend the ordinance. She felt if the main needed to be a 12-inch main, it should be paid for in the course of the development. Mr. Watkins understood the developer would pay for 12-inch even if the development only required a 6 or 8-inch pipe to service that development. Mr. Loveless stated that was the issue. The City was oversizing in anticipation of an additional need. He explained the current development might need an 8-inch and because they anticipated another development past this one, they would rather oversize this line versus building a second line to service the future development. Ms. Nauser asked if the second development would need to continue the 12-inch line. Mr. Hutton replied potentially. Ms. Nauser understood they were perpetuating the differential until the end of the line. Mr. Loveless

replied that was correct. Mayor Hindman asked if they collected money from the next developer. Mr. Hutton explained there was no collection from the developer because they were collecting from the City. They were installing the lines and the City was paying the difference. Mayor Hindman asked if the next development repaid the differential. Mr. Hutton replied no. He had to put in his own water lines that either met or exceeded the standards and he could have a differential as well. Mr. Hutton suggested Ms. Nauser ask for a report so staff could better explain and provide specific examples. Mr. Janku agreed because he thought they might be able to recover some costs. Ms. Nauser made the motion directing staff to prepare a report regarding this issue. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Ms. Nauser suggested changing the ordinance in regards to lighting to specifically state 25 feet for a light pole. She felt this was an on-going issue and felt this might provide resolution until the lighting ordinance staff was working on was prepared. Mr. Loveless stated he did not think they had a pole height ordinance to amend. Mr. Janku suggested drafting a policy resolution stating it was Council's intent, prior to adopting the lighting ordinance, to require the maximum height of a pole to be 25 feet. Ms. Nauser agreed stating she felt it would set a clear standard so it did not have to be debated. Mr. Janku wondered if that would apply to all districts, not just C-P. Mr. Watkins asked if it would apply to City street lights. Ms. Nauser suggested it be just C-P plan since they did not see a lot in open commercial zoning. Mr. Dasho asked that they not include the street lights because it would have a significant impact on the number of poles they would have to put up along the streets for coverage. Ms. Nauser suggested limiting this to just commercial development. Mr. Janku thought it should be all commercial development. Mr. Loveless asked if they wanted to limit it strictly to commercial areas or just say outdoor lighting standards exclusive of city street lights would be a maximum of 25 feet above grade. Mr. Janku noted this would only be in place until the new ordinance was finished. Ms. Nauser thought they should limit it to commercial at this time. Ms. Nauser made the motion for a policy resolution stating Council's intent to require the maximum height of a light pole to be 25 feet above grade for commercial areas. Mr. Boeckmann explained that if they were talking about planned districts, they could do a policy resolution, but if they were talking about all commercial, it would have to be part of the zoning ordinance and they would have to refer it to the Planning & Zoning Commission. Ms. Nauser restated her motion to be to direct staff to draft a policy resolution stating it was the Council's intent, prior to adopting the lighting ordinance, that the standard maximum height of a light pole in planned commercial areas be 25 feet above grade. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Hoppe noted at the last work session, they reviewed the electrical utility five year revenue bond program and discussed whether the City paid for the connection between the transmission line and the new development. Presently, the City paid for that, but in other communities the developer or the buyer was charged for that. She stated she wanted a report or recommendation from staff regarding that issue. Mr. Watkins suggested she ask for what other utilities and cities were doing. He thought it should include Boone Electric because they were the City's competition and they needed to remain competitive. Ms. Hoppe

made the motion for a report on what other utilities and cities were doing and to provide cost estimates as well. Mr. Watkins noted staff planned on including a \$250 connection fee as part of the budget, but he thought Ms. Hoppe was looking for something more broad. Ms. Hoppe thought a good first step was to see what others were doing and what was possible. The motion, made by Ms. Hoppe, was seconded by Mr. Loveless and approved unanimously by voice vote.

Ms. Crayton asked staff to look into how the City could provide cooling centers as the temperature rose this summer. She understood the City provided a heat alert, but cooling centers were not advertised. She thought the library or the mall would be good cooling centers. She noted other cities provided centers. She understood HUD provided stipends for cooling centers, so when the temperatures did get high, residents could go to a cooling center. She also wanted senior citizens and disabled people to be addressed. She thought a system for checking on those individuals during those hot days should be in place. Ms. Crayton made the motion directing staff to provide a report regarding cooling centers in the City and the notification and assistance for senior citizens and disabled people. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Janku recalled that they used the Purchasing Agent to expedite the process and wanted to know if that could be done routinely. Mr. Watkins noted they were doing more and more of that, but not all of the projects were done that way. He agreed it would save two readings at the Council meeting and some time. Mr. Janku asked if they needed to do anything to make that a policy or if it was discretionary issue with staff. Mr. Watkins replied it was.

Mr. Janku thought they should name the unnamed shelters within the City parks. He thought this would create an opportunity to recognize people in the community or people that had made contributions. He also noticed the lack of signage explaining the history of the names on the shelters. Mr. Hood stated they had been discussing that and he thought it made sense to add that type of signage. He noted staff would look into it.

Mayor Hindman reminded every one that Bike, Walk, Wheel Week would begin on Saturday. He urged everyone to travel a bit more under their own power and to enjoy the festivities of the week.

Mr. Hutton noted some months ago, they approved a subdivision off of St. Charles Road that connected to the Eastland Hills Subdivision. It included a PUD section and an R-1 section that was connected to a cul-de-sac named Cherry Blossom. Cherry Blossom was in the Eastland Hills Subdivision, so part of this new subdivision was in Eastland Hills, but another was not. As part of the annexation and development agreement, Council required the lots within the cul-de-sac to conform to the standards of the houses around it in Eastland Hills and that was supposed to be made part of the final plat. He recently found out the covenant requirement was not included on the final plat. He asked if there was anything they could do to alleviate this error. Mr. Hutton made the motion directing staff to provide a report that would tell them what they could legally do, if anything, to alleviate the current problem.

In addition, he wanted the report to address what steps would need to be taken to ensure this did not happen again. Mayor Hindman asked if they had already begun building. Mr. Hutton replied two of the five lots were under construction. The motion made by Mr. Hutton was seconded by Mr. Loveless and approved unanimously by voice vote. Mr. Hutton also made the motion that staff look at the houses that were being built. He understood one on Cherry Blossom was being constructed by the owner who was doing the wiring and plumbing himself. He wanted to make sure that was in conformance with the City's codes and standards. The motion was seconded by Mr. Janku and approved unanimously by voice vote. Mayor Hindman asked how this happened. Mr. Hutton was not sure. He noted it was open zoning. He did not know if it was part of an annexation agreement. He thought they had made it a condition of passing. Mayor Hindman asked if it was in the approved ordinance. Mr. Boeckmann replied he did not recall. Mr. Teddy thought it was in the resolution that approved the preliminary plat and the covenants were to be recorded, but unfortunately there was no acknowledgement of that on the final plat. Mayor Hindman suggested recording the resolution. Ms. Nauser stated it would cloud the title. Mr. Boeckmann suggested he ask for a report. Mayor Hindman made the motion for a report on whether or not they should record the past resolution which included the condition. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

The meeting adjourned at 10:53 p.m.

Respectfully submitted,

Sheela Amin
City Clerk