

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
FEBRUARY 7, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, February 7, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members JOHN, ASH, HINDMAN, CRAYTON, JANKU, HUTTON and LOVELESS were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of January 18, 2005, were approved unanimously by voice vote on a motion by Mr. Ash and a second by Mr. Hutton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Upon his request, Mr. Hutton made the motion that Mr. John be allowed to abstain from voting on B14-05 and B20-05. The motion was seconded by Mr. Loveless and approved unanimously by voice vote. Mr. John noted on the Disclosure of Interest form that there was the potential appearance of conflict since he represented the applicant on other matters.

Mayor Hindman noted that R26-05 would be added under New Business.

The agenda, as amended, including the Consent Agenda, was approved unanimously by voice vote on a motion by Mayor Hindman and a second by Mr. Janku.

SPECIAL ITEMS

Online utility billing and payment services.

Mayor Hindman announced a new on-line or telephone utility service that was ready to be implemented. He noted it was a goal of the Council to have as many interactive services on the website as possible. He thanked staff and the Internet Citizens Advisory Group for working very hard to make this 24/7 service possible.

Mr. Beck explained this to be the City's second and largest electronic application and stated that the user could review their bill, view their payment history, make a payment by telephone or over the Internet.

Lori Fleming believed this application to be a great benefit to the citizens of Columbia, especially during the student rush time since their would be another avenue to obtain information. She felt this was a better way to provide service and would allow for better management of staff time.

Sam Shelby, E-Government Coordinator, asked everyone to pick up a brochure containing the information he would go over in his presentation. Using the overhead, he gave a demonstration of the process one would follow in locating information and making a payment by phone or by the Internet.

SCHEDULED PUBLIC COMMENTS

None.

PUBLIC HEARINGS

B3-05 Rezoning property located on the south side of Northland Drive, across from Haden Drive, from A-1 to PUD-8 and C-P.

The bill was read by the Clerk.

Mr. Beck described this as a 17.4 acre tract of ground in north central Columbia and zoned A-1. PUD-8 was being requested for Tract A on 16.45 acres and C-P was being requested for Tract B on 0.92 acres. He noted the Parks and Recreation Commission reviewed the request as it related to the Bear Creek Trail and commented about how well it was laid out from a green space vantage with connectivity to both parks in the area. Both staff and the Commission recommended approval.

Mayor Hindman opened the public hearing.

Jay Gebhardt, a Civil Group, 1010 Fay Street, spoke on behalf of the property owners, Andy and Sherry Guti. He noted that neighbors had voiced concerns at the Planning and Zoning meeting regarding stormwater and sewer. The owners had since met with the neighbors to discuss their concerns. Mr. Gebhardt pointed out the sewer ran along the south side of Northland Drive, directly west, and tied into the Bear Creek trunk downstream of the people to the north. He stated it was the same with the stormwater. He explained they were planning an innovative stormwater plan with some low impact development techniques. Even without those, he pointed out the stormwater and sewers were all downstream from the people to the north of them.

Mr. Gebhardt noted that because they were along an unimproved street, the owners had expressed an interest in working with staff to possibly build a pedway along the south side across the frontage of their property. The street was shown on the plan as having a pedway when the street was rebuilt. In lieu of putting money up that might sit there for six or seven years, he stated that they were thinking about building a pedway in lieu of that.

Mr. Gebhardt described the plan as a clustered development on the frontage of the property with buffers and screening to the existing neighbors across the street and to the east. He commented that Bear Creek Park was to the west and they would need to get a sewer down through it. They planned to work with the Parks and Recreation staff to get that done.

Andy Guti, 2816 Northland, explained this development would be down the road from his home. After spending a year researching development projects around the Country, he noted they felt they had found a more environmentally responsible way to develop this property. Their proposal would preserve and restore an existing prairie with dozens of native plants and wildflowers, as well as a large portion of the wooded area. Their intention was to disturb as little as possible, to reduce the impact of development on the environment, and to protect the watershed by using an innovative stormwater management plan. They also intended to use various green building techniques to produce healthy and energy efficient homes. He reiterated that he wanted a residential community that was environmentally responsible, pedestrian friendly, encouraging community interaction, and a model sustainable development.

Ben Londeree, 2601 Chapel Wood Terrace, Co-chair of the Boone County Smart Growth Coalition, spoke in support of the rezoning application. He listed the Coalition's goals, which included open space and the reduction of urban sprawl, and stated they felt this development would help promote all of them.

George Davis, 1201 Haven Road, pointed out that he had spoken against this planned development at the Planning and Zoning Commission meeting, but had then reversed his thinking. Since meeting with Mr. Guti, he found that this might be a more reasonable type of

development than other developments where trees had been cut and land was bulldozed. Rather than being a detriment to the area, Mr. Davis felt it would enhance property values and the wildlife and natural potential of the area.

Gary Greenlee, 2709 Surfside, explained that his wife owned property on Northland, about three doors down from this development. He was supportive of the project saying it included green space, public transport, possible pedways, and affordable housing for citizens, which focused on inclusion for human needs, as well as native plant species and beneficial wildlife habitat. He felt this model was not only in the best interest of Columbia, but would also provide continued preservation of infrastructure and prairie land.

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

Having lived in the area for 20 years, Mr. Janku stated this was a much better development than he had ever envisioned occurring there and noted he was happy to support it.

Mayor Hindman felt it was a great model for Columbia. He was hopeful other developers would watch this development and that it would set a standard that could be followed.

Mr. Ash was concerned about setting a precedent in the area by granting what might seem like a higher zoning. He noted the amount of undeveloped land to the south and on all sides of the subject tract. He asked if there was any way to eliminate the possibility of a less environmentally friendly PUD-8 popping up next to this one.

Mayor Hindman did not feel they were setting precedent because they dealt with these requests on a case by case basis. In this particular instance, he felt the justification for a PUD-8 had been made.

Mr. Janku pointed out a lot of density in the immediate area already. He thought this development could be differentiated from something else that might come down the road at later date. Mayor Hindman noted the fact this was planned made a big difference.

Mr. John commented that he would support the request. He pointed out PUD-8 was barely R-2 density and that this development was not really that dense overall. He noted a lot of R-3 and mobile home park development around it that was a lot more dense. He was concerned about the C-P portion, noting that if the commercial development was successful it would draw a lot of traffic into a residential neighborhood and on a fairly long unimproved street.

In reference putting money aside, Mr. Ash pointed out that a suggestion was made at the Planning and Zoning meeting to put money toward an off-site improvement, like making the 90 degree turn safer.

B3-05 was read with the vote recorded as follows: VOTING YES: JOHN, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B12-05 Rezoning property located east of Forum Boulevard, on the west side of Colony Drive, from O-P to C-P; approving the Colonies Shoppes C-P Development Plan.

The bill was given second reading by the Clerk.

Mr. Beck explained the first part of the request to be the rezoning of 2.74 acres from O-P to C-P, for which the Commission and staff recommended approval. The second portion was the C-P Development Plan and questions had been raised about signage. He noted, the Commission recommended denial on a 6 to 2 vote with their main objection being the proposed right in/right out on a major collector street. He noted a traffic report had been submitted, which indicated the right in/right out would be a workable plan.

Mr. Patterson commented that staff had met with the developer and had initially indicated that they were not encouraging another access on Forum simply because there was no way an access could improve the traffic carrying capacity of the street. He felt the developer had made very strong efforts to try to mitigate problems that would occur if an access were approved. He noted the traffic studies indicated the street would function with the planned improvements and although staff did not feel it could improve Forum, the developers did try to mitigate any further degradation.

Mr. Watkins pointed out that since the report went to Council, they had continued to meet with the developer and had resolved all of the sign issues.

Mr. Hutton asked if he understood correctly that staff recommended approval of the development plan even with the right in/right out. Mr. Patterson was not sure the report addressed that portion of it. He stated staff comments indicated they did not object to the right in/right out being approved, if the proposed improvements were made.

Mr. John assumed Forum would become a four-lane street in the future and asked if we would have enough right-of-way with the right in/right out and how it would work with the right in/right out. Mr. Patterson believed they originally had a 40-foot half width and stated they had been acquiring another 10-feet with dedications as they went along Forum. The 80-foot met arterial minimum standards in place at the time this was approved. He commented that it was likely there would have to be some widening at the intersections that would go outside that amount. If they had the right in/right out, they would expect to be able to get the right-of-way necessary to accommodate the four lanes with the new standards for this type of arterial. He pointed out options to those standards and said they could meet the pavement criteria. The west side, as far as additional right-of-way for pedestrian accommodations, might be difficult, but they were trying to provide for all of those as development occurred.

Mr. Janku noted the traffic study mentioned a coffee shop and asked how much commercial area was allowed for it. Mr. Ash read from something the Council had been given that stated it would be a 4,600 square foot coffee shop with a drive-thru and would have 9,400 square foot of additional retail space. Mr. Janku read design parameters saying 25,000 square feet retail and 8,200 square feet restaurant. Mr. Watkins explained that the commercial development consisted of one new mixed unit building with a maximum area of 13,780 square feet along with the existing building, which was currently an office with the square footage of 12,100. The existing building was also shown as proposed mixed use, making the total proposed building area 25,880 square feet. Mr. Janku read from design parameters revised on January 13, 2005 and noted it indicated retail at 25,880, restaurant at 8,200, and office at 2,500. It seemed to him that the potential retail and/or restaurant would be much different than the traffic study numbers.

Mayor Hindman opened the public hearing.

Randy Coil, 209 E. Broadway, President of Broadway Business Park, passed around handouts, which included additional letters from homeowners associations with regard to the C-P Plan and street access. He commented that they had made a point to address the needs and concerns of the neighbors and wanted a project that was a fit in appearance and function of its neighborhood. The design included in the packet was shared not only with The Colonies Association, but with the residential neighbors and neighborhood associations on the west side of Forum. Regarding landscaping, Mr. Coil explained that 33% of their property would be landscaped versus the 15% City minimum. In regards to stormwater, Mr. Coil commented that they developed a plan with their civil engineers consistent with the latest City, County, and State requirements. Beyond that, they had contacted their neighbors to the west where the stormwater would ultimately drain and reviewed their property in an effort to address and anticipate the impact. They hired an engineering consulting firm to review the

current situation and to confirm their detention plan, as well as to offer some ideas as to the maintenance and care of the neighbors lake and detention system. He pointed out a copy of the report was offered to the neighborhood association with a continuing commitment that they would be conscientious about their development.

With regards to earlier comments and access management, Mr. Coil pointed out that The Colonies still had a variety of undeveloped land zoned both C-P and O-P. Regardless of the zoning, there would still be increased traffic and increased development in this particular subdivision. As their property and the property of others developed, increased pressure would be put on the existing intersections. He thought another entrance might help mitigate some of the traffic problems at those locations. Further conversation with Public Works made it clear that a traffic study would be helpful in determining if an additional entrance could reduce the impact of not just their development, but the rest of the undeveloped Colonies. It was his understanding from the traffic engineers that most right in/right out accesses had a neutral affect or no affect on the intersections on either side of them. However, he noted, this traffic study concluded that the right in/right out would have positive affects on the traffic at both the Colonies Drive/Forum intersection, as well as at the Chapel Hill/Forum intersection. Mr. Coil noted that this information was not made available to the Planning and Zoning Commission, but was included in the information sent to the Council. The design included a barrier island and deceleration lane. They felt they had met or exceeded most of the City requirements and asked for Council support of the zoning request and plan.

Shawn Light, an engineer with Crawford, Bunte and Braemeyer Traffic and Transportation Consultants, explained that his firm completed the traffic study before the Council. He felt there were technical reasons the right in/right out might provide some benefits for the traffic flow in and out of the site.

Mr. Janku asked if there was a median. Mr. Light replied that there was and noted the site plan showed a four-foot raised median in the center, which was to prohibit any left turns and to enforce the right in/right out only movements. Mr. Janku asked if there would also be an acceleration lane for cars heading north. Mr. Light replied that to the north of this site, there was a four lane cross section, which they would extend to the right in/right out drive. This would allow drivers to have their own lane to turn into. Mr. Janku asked about a center left turn lane. Mr. Light replied that could involve restriping down at Katy and Colonies. He stated it was to provide, at that location, for a two state gap acceptance, meaning people could make a left turn in the center and then search for a gap to go the rest of the way. Mr. Janku asked if the current pavement width was acceptable for that. Mr. Light felt it was due to the fact there were existing left turn lanes there. He said the center lane would be striped and the travel lanes would remain as they were. Mr. Janku asked about the difference between the coffee shop size and the retail size versus what was in the design parameters. Mr. Light replied the square footages they used came directly off the site plan and added that they basically looked at new square footage. He was not sure if the numbers Mr. Janku was referring to included existing square footage.

Tom McNabb, 104 Clinkscales, explained that he was a partner in the development. He recalled some questions on the right in and concerns about the right in/right out on the west side of Forum. Traveling that road on a daily basis, he was not aware of that issue having created any problems. He thought the case would be the same on the east side.

Ken Wilhelm, 2408 Waterside Drive, spoke as a member of the Limerick Lake Homeowners Association and on behalf of the proposed development. He stated they were asked for input about traffic, erosion, and the design of their building. They felt the change in zoning to be reasonable for the intended use. Regarding the right in/right out turn issue, he explained that he and his wife lived to the west, across Forum Boulevard, and used Katy

Lane and Chapel Hill daily. He was supportive of the right in/right out for several reasons. He noted the land necessary for the "slow down" lane was being donated and construction for the paving, stormwater piping, and etc. was being paid for by the developer. The traffic at peak travel times, he felt, could be alleviated at the turn lane. The opportunity to offer options for the two only entrances and exits into the Colonies seemed to make perfect sense and he felt it would likely relieve some of the bottlenecks they experienced at times during daily peaks. Mr. Wilhelm mentioned the lone entrance and exit into the MAC facility and said those to the north could attest to the dangers presented at that location. Because of the upcoming expansion being planned at that facility, he trusted the Council would compel the developer to be accountable for the safety of all area traffic as it pertained to the flow north and south onto Forum Boulevard.

Dave Roedert, 2404 Waterside, commented that he had a view of the proposed site from his home. He appreciated the developer's approach of contacting the adjacent homeowners pro-actively rather than reacting to controversy. He stated they shared their drawings and vision for the project and then listened and addressed the neighbors' concerns. Mr. Roedert felt the project was attractive and that it would fit in well with the existing buildings. He did not foresee a problem with the right in/right out turn lane. He commented that they appreciated planned development and applauded Mr. McNabb for working with the neighborhood.

Bob Ruffner, 1815 Katy Lane, saw no problem with the project relating to traffic or neighborhood issues. He felt the right in/right out traffic lanes would provide for safe traffic flow in and out of the development and was a good thing overall for the area.

Sharon Lynch, 2708 Lacewood, explained that she was a Council Member when Forum Boulevard was being developed. She noted that she also worked at the bank at 1516 Chapel Hill Road, which was at the intersection of Forum and Chapel Hill. Ms. Lynch commented that she made a minimum of six trips per day to and from the bank. She noted that Colony Drive was developing rapidly and stated there was a lot more O-P and C-P development to come in the area. Considering this development, with the retail and etc., she felt that if they did not have a right in/right out, all of that traffic would be forced to the intersection. She thought this would help the traffic flow and added that the posted speed limit of 45 was not obeyed and the right in/right out would help with that also. Ms. Lynch noted that Mr. McNabb's other developments around town were projects we could all be proud of.

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

Mr. Janku asked how the signage issue had been resolved. Mr. Watkins thought there had been some confusion between staff and the developer relating to the number of monument signs. He explained one was an existing sign, which would be moved to accommodate the right in/right out, so there would only be two monument signs. Mr. Janku asked about the heights. Mr. Coil believed the one existing sign to be less than eight feet in height and the other to be six or 8 feet as well. Mr. McNabb pointed out that sign height was measured from the centerline of the road. In this case, he noted the road was going to be lower than the parking lot so the height sounded higher than it actually was. He guessed it to be eight to ten feet high and added that it would simply say The Colony Shoppes.

Mayor Hindman asked about the C-P immediately to the south and something going to Forum Boulevard south of that. He asked if it was an access to Forum. Mr. Patterson explained that when they were platting, in order for it to be a legal lot, it had to have access to a public street. He stated that this established contact and access to a public street. If the C-P were to develop, Mayor Hindman asked if they would have access to Forum. Mr. Patterson replied that they would not because of the limited access rights the City had acquired to the

property. At this point, they were in contact and adjacent to a public street. Their access was by a private street that was protected by covenants to assure they would always have that right of access on the private street. They did not have a right of access on the streets that were attached.

Mayor Hindman understood the proposal to include a five foot sidewalk. He was concerned about bicyclists on Forum. When one got up near Forum Shopping Center, he noted the sidewalk was next to the curb. Mr. Patterson commented those were eight foot sidewalks. Mayor Hindman asked if five foot sidewalks were being called for because they set further back. Mr. Patterson replied it would have the separation that they did not have up north and the five foot met the standard. The Mayor asked if there was a plan for a pedway on Forum Boulevard. Mr. Patterson did not think there was anything and stated that any planned improvements for the street would accommodate one, but this particular plan did not require one, unless the Council wished to make it part of the C-P Plan. He added that there was nothing in the CIP to do anything on Forum at this point. Mayor Hindman reiterated his concern in regards to Forum Boulevard and thought they had asked staff about bicycle improvements that could be made to it. He thought it should be expanded to an eight foot sidewalk because there was no easy way to get over to the west side of Forum Boulevard. Mr. Coil stated they would be happy to expand the sidewalk.

Granting a right in/right out here, Mr. Janku noted, would not establish a precedent that they would have to grant one to the next person that came along.

Mr. Ash could see how a right in/right out would benefit this development and all of the development inside The Colonies. They all had to exit at Forum and Chapel Hill where he was sure it was already a bottleneck. He wanted to make sure it was a good thing for the traffic on Forum and thought that the acceleration lane tying into an existing lane made it sound like it would not necessarily impede the traffic.

If Forum was expanded to four lanes, Mayor Hindman asked what would happen to the acceleration and deceleration lanes. Mr. Patterson replied that it appeared, with the additional lane, that there would still be room between the proposed curb and the property line for a deceleration lane. Mayor Hindman asked if that would put it up against the sidewalk. Mr. Patterson replied, not necessarily. He thought there was 15 to 20 feet in that location and added that there should be some buffer. He noted that this property tied into a five foot sidewalk at its north edge. His point was that there would be an eight foot sidewalk tying into an existing five foot sidewalk. Mayor Hindman said he would have to look at it and if the eight feet they agreed to put in turned out to be inappropriate, that would be fine.

Mr. Hutton commented that if Forum was widened and we still had to create the acceleration and deceleration lanes, the eight foot versus the five foot sidewalk could affect that as well.

Mr. John noted that the plans indicated the sign was 28 feet high. He asked how they could make sure they got what appeared to be a six foot high sign in the plan. He realized the top of the sign might be 28 feet above the roadway, but said he wanted to make sure its actual size was six feet high. Mr. Boeckmann suggested amending the ordinance.

Regarding the coffee shop/restaurant, Mr. John noted the plan showed a drive-thru window with six stacked parking spots. It looked like a fast food drive-thru to him, which he was sure they wanted to stay away from. In the past, he had eliminated that sort of thing by eliminating drive-thru windows. If it was a coffee shop where they were selling coffee and a doughnut out the window, he did not have a problem with it. Stacking six cars, he said, sounded like a lot more traffic than he thought they were anticipating.

Mr. McNabb clarified that they were not interested in a Burger King or McDonald's, but something like a Starbuck's, something more upscale. They wanted a place where people

could come in and relax or if on one's way to work, they could decelerate and turn into the right lane and pull into the drive-thru window to get a copy of coffee and continue on. If the Council felt the need to restrict it somehow, he noted they would try to comply. He stated this was not the location for a Burger King type of operation and that was not what they wanted to attract at this location.

Mr. Boeckmann asked if he understood Mr. John wanted to allow a drive-thru, but not for fast food sales. Mr. John replied that was correct. Mr. Boeckmann suggested prohibiting fast food restaurants. Mayor Hindman asked if he meant not to exclude coffee shops similar to Starbuck's. Mr. John replied that was correct. Mr. Boeckmann suggested adding to the list of exceptions in Section 1, no fast food restaurant. He did not think it was necessary to deal with the coffee house because it was a C-3 use and did not think it could be considered a fast food restaurant.

Mr. John made the motion that B12-05 be amended by adding "no fast food restaurant" to the end of Section 1, following "driving ranges". The motion was seconded by Mr. Ash.

With regards to the drive-thru itself, Mr. Coil asked if they could somehow add some language saying the drive-thru could not be used for a fast food restaurant. He explained that there had been some interest in a deli at that location. He was not sure if that would be considered fast food. He commented that it would not be at the drive-thru location, but at a separate location. He asked if they could say the drive-thru itself could not be used for a fast food restaurant. Mr. Ash suggested saying a fast food with drive-thru. Mr. Boeckmann thought that would solve the Council's problem. Mr. Coil stated that was alright with them assuming the coffee shop could use the drive-thru.

Mayor Hindman made the motion that they amend the bill by requiring an eight foot sidewalk along the frontage on Forum. He noted that it could be waived later if it turned out to be an unwise move. The motion was seconded by Mr. Janku.

Mr. Ash pointed out that two negatives had been brought up regarding the eight foot sidewalk. One was the five foot tying into an eight foot and the other was if Forum was expanded. He asked how making the sidewalk three feet wider would solve the problems Mayor Hindman listed. Mayor Hindman replied that a lot of the bicycles that crossed Stadium had to go down the east side of Forum, opposite the traffic. He felt the extra width was needed to give a sense of safety and comfort. The sidewalks north of Chapel Hill, he noted, were wide sidewalks. He thought they needed to continue with the wide sidewalks because he did not think five feet, with both the bicyclists and the pedestrians along the same side, was enough. Mr. Loveless also pointed out that people going back and forth from the trail was pretty heavy there also.

Mr. John said it would be nice if they had design parameters and decisions made as to where the Council wanted these types of things. Mayor Hindman agreed and said he thought they had asked staff to look over Forum Boulevard and decide what improvements needed to be made for bicycling.

Mr. Hutton commented they could, potentially, end up with a design of Forum Boulevard with an eight-foot pedway on one side and a five foot sidewalk on the other. He asked what would happen if the eight foot sidewalk was determined to be on the other side because we did not have a plan in place. He felt this was an example of poor planning, putting both the developers and City staff in a bad spot. He noted we did have standards right now without the plan and that was a five foot sidewalk.

Mr. John amended his motion to say fast food restaurants with drive-thru windows. The amended motion was seconded by Mr. Ash.

Mr. Beck suggested adding wording that excluded deli's and coffee shops for further

clarification.

Mr. John restated his motion was to amend Section 1 by adding "fast food restaurants with drive-thrus (coffee shops and delis with drive-thrus shall be allowed)" after the word "ranges". The restated motion, which was seconded by Mr. Ash, was approved unanimously by voice vote.

Mayor Hindman restated his motion regarding sidewalks was to amend Section 4 by adding subsection 3, which would state the developer shall install eight foot sidewalks along Forum Boulevard. The motion, which was seconded by Mr. Janku, was approved unanimously by voice vote.

Mr. John asked if they had dimensions for the signs. Mr. Janku noted the maximum square footage allowed was 128. Mr. McNabb stated the signs would be less than that, but he did not have the exact dimensions.

B12-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: JOHN, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B13-05 Rezoning property located on the northwest corner of the intersection of Richland Road and Grace Lane from R-1 to C-P and PUD-16.

The bill was given second reading by the Clerk.

Mr. Beck described this request as containing two tracts. Tract 1, containing 4 acres, was being requested as C-P with to C-1 uses and Tract 2, containing 3.6 acres, was a request for PUD-16.

Mr. Watkins stated that both staff and the Commission recommend approval of both rezonings.

Mr. Ash recalled making some restrictions on the C-P development across the road. Mr. Watkins commented that there were some access restrictions in terms of it being close to the intersection. Mr. Ash asked if similar restrictions would make sense on this side of Grace Lane. Mr. Watkins suggested they consider the restrictions when the plan was before them.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering, 2608 N. Stadium, spoke on behalf of the applicant, David Hessler. For Tract 1, he stated they would be proposing commercial uses that would fit the walkable community type development and work well with the neighborhood. They felt Tract 2 was a good location for a multi-family development and that a planned district would work best. An equivalent use was PUD-16. The developer also had adjacent land to the west zoned R-1. Mr. Crockett pointed out that the developer had met with all of the neighbors and had received approval from all of them before submitting this request.

Mr. Ash asked if the developer owned all of the surrounding land. Mr. Crockett replied he did not, but owned the land west of Tracts 1 and 2. The land north of Tract 2 was not owned by the developer. Mr. Ash asked for clarification regarding whether the developer was in the process of developing the land to the west as R-1. Immediately to the west, Mr. Crockett replied, would be R-1. The subdivision to the west of it was currently being developed as R-1. He noted there was a strip of land that was not under construction, but was in the design phase, for R-1 development. Mr. Ash commented that the R-1 would keep the PUD-16 designation from spreading.

Mr. Hutton asked about the R-1 property west and north of these tracts. Mr. Crockett replied that the property was owned by the Presbyterian Church. Mr. Hutton asked about the partnership arrangement with the Church that was mentioned in the Planning minutes. Mr. Crockett replied that the Church and this developer were working together where the

developer would give one of his residential lots and the Church would give a parcel of land for park purposes to serve the area.

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

B13-05 was given third reading with the vote recorded as follows: VOTING YES: JOHN, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B14-05 Rezoning property located on the southeast corner of Sunflower Street and Stadium Boulevard (State Route E) from Districts R-2 and M-1 to District C-1.

The bill was given second reading by the Clerk.

Mr. Watkins explained that this rezoning request contained 0.65 acres and that all public utilities were available. No park land was needed in the area. The staff's recommendation was to deny C-1 zoning due to access, particularly from Stadium Boulevard, and because they had buffering concerns along the R-2 area. Staff would support C-P zoning. The Planning and Zoning Commission also recommended denial, but felt they could support C-P zoning.

Mr. Ash asked about percentages of the R-2 land versus M-1. Mr. Watkins explained that Sunflower Street divided the tract with M-1 on the top in a triangular shape.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering, 2608 N. Stadium, spoke on behalf of Elvin Sapp. Regarding access management off of Route E, Mr. Crockett assured the Council that MoDOT would not be granting an entrance from Route E, private or public, between Sunflower and Rose Drive. He also stated the developer had no desire to have an entrance onto Route E from Sunflower to Rose. Regarding the screening requirement, he pointed out a main feeder overhead electric line was covered by a 50 foot utility easement. That alone separated the R-2 from their proposed development. They would have 50 feet of green space between the building and any portion of the duplex lot that was buildable. Furthermore, he explained, in a C-P development they had to screen eight feet high, which was typically done with an eight foot tall privacy fence landscaped on the opposite side. He said one of the duplexes already had a privacy fence so they would be shielding a privacy fence with another privacy fence, which they did not think was needed. He felt open C-1 zoning was appropriate for the area as there were hundreds of acres in the area zoned M-1 and C-1. By the time they took out the right-of-way for Sunflower and Stadium, he pointed out they would be left with less than one-half acre.

Mr. Ash asked if the current M-1 was only what was contained in the small triangle. Mr. Crockett replied that was correct and added that everything below it was R-2.

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

Mr. Janku commented that he would support the recommendation by staff and the Commission to deny the request. He felt a planned development would be best in order to control the entryway. He noted open C-1 zoning to the south with most of it being pretty much developed. To the immediate north was an open piece of M-1 zoning and a large A-1 tract abutting Stadium Boulevard. He anticipated a request for something other than R-1 immediately adjacent to Route E or Stadium Boulevard and felt it should be planned as well.

Because the majority of the property was R-2, Mr. Ash said that C-1 would be up-zoning and he was an advocate of up-zoning being planned.

B14-05 was given third reading with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. ABSTAINING: JOHN. Bill defeated.

B15-05 Approving the Woodland Springs C-P Plan Lot 107; granting a variance relating to sidewalk construction.

The bill was given second reading by the Clerk.

Mr. Watkins explained that this tract, located on the southeast corner of Clark Lane and Woodland Springs Court, consisted of 2.14 acres. The existing zoning was C-P, planned business district, with the proposed development being an automatic teller machine with street access off of Woodland Springs Court, an improved local, non-residential street. Pedestrian circulation was a five foot sidewalk as required on Woodland Springs and Clark Lane. He noted a variance had been requested for part of Clark Lane. There were no parking spaces required for an ATM and the percentage of open space on the site was substantial so there were no landscaping or screening requirements. All public utilities were on site. Only the ATM sign would be used and only ATM lighting would be used. There was no park land requirement in the area. Staff recommended approval of the C-P Plan and the sidewalk variance request. Mr. Watkins noted that subsequent to writing the report, the Public Works Department had sent sidewalk letters to property owners on the south side of Clark Lane. The Planning and Zoning Commission recommended approval of both the Plan and the variance subject to the sidewalk on Clark Lane being constructed along the eastern 150 feet when improving Clark Lane.

Other than the eastern 150 feet of sidewalk, Mr. Hutton understood the rest of it would go in as part of this development. Mr. Watkins replied that this was his understanding. Mr. Hutton asked about the logic of a variance for the 150 feet. Mr. Patterson felt it related to topography and drainage problems there. He noted that the project engineer was present and could better address that question.

As a result of Council direction, Mr. Patterson explained they sent notices to everyone along the south side of Clark Lane informing them that they would be required to put sidewalks in or that there would be a public hearing this spring for the purpose of tax billing the construction of sidewalks. Letters were sent for properties from the 63 connector all the way up to the edge of this property. Mr. Janku understood Mr. Patterson to say that there would be an improved sidewalk the entire length of the improved Clark Lane. Mr. Patterson replied that was correct.

If tax billed, Mr. Hutton asked if the whole project would be lumped into one and then equally divided per lineal foot. Mr. Patterson replied that it would be assessed on a lineal foot basis and would be dependent on the contract cost for the project. In this case, it would be proposed that the assessment be 100% of the cost on the basis that these would be considered a development responsibility of the property at the time they were first developed. Mr. Hutton asked where the improvement would end. Mr. Patterson believed the improvement would end at the west side of this property. Mr. Hutton understood the sidewalk that would be built and tax billed, would end right in this vicinity anyway. Mr. Patterson stated that was correct, and if he understood the conditions, the developer was planning on building the west 300 plus feet of the sidewalk. They would end up with a continuous sidewalk up to Woodland. Mr. Janku understood it would stretch from this development basically all of the way to the 63 connector. Mr. Watkins replied that was correct.

Mayor Hindman opened the public hearing.

Jay Gebhardt, A Civil Group, 1010 Fay, explained that the original State project ended at the west property line of this development. As part of the traffic study and improvements with the C-P Plan, he noted they had improved Clark Lane to this point, east of Woodland Springs, three-fourths of the way across the property. He pointed out, on a drawing, the section where they were requesting a variance. He stated it would be tough to build now with the topography due to the creek and it would be ripped out when the improvements were

extended to the east. Mr. Gebhardt commented that although no screening was required, they were going to put some up. He pointed out that the traffic study done with this development had been revised to look at this use. There was a restriction that they not have any driveways closer than 130 feet from the south edge of Clark Lane and that was why the driveway came in as far south as it did.

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

Mr. Janku commented that he had looked at the site and was supportive of the variance request. He noted that the ordinance stated the sidewalk shall be constructed when Clark Lane was improved. He wondered if the City would lose the authority to tax bill with the way the variance was worded. He wanted to make sure they retained that option.

Mr. Janku made the motion to amend B15-05, Section 3, after the words "when Clark Lane is approved" by adding "or when directed by the Council." The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

B15-05, as amended, was given third reading with the vote recorded as follows:

VOTING YES: JOHN, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS.

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

B30-05 Voluntary annexation of property located on both sides of State Route WW, east of the present City limits; establishing permanent R-1, PUD and C-P zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this to be a proposed annexation of 965.99 acres located on both sides of WW. The existing zoning was Boone County R-S, A-1, and A-R, with the requested permanent zoning being R-1, PUD, and C-P. He noted the need for neighborhood park land in the area and added that the developer had proposed a donation of at least 18 acres in Tracts 1A and 1B. He also noted that the south fork of the Grindstone Creek greenbelt ran through the site and that the developer had proposed easements for greenbelt trails through the property. He showed a slide of the Metro 2020 Planning area, which illustrated the urbanizing line determined in 2000 when the Plan was approved. It showed the current outline of the City limits in relationship to the Metro Planning area boundary and the Sapp proposed annexation. The Metro 2020 designation was neighborhood district and open space. Street access would be from State Route WW, a MoDOT maintained minor arterial street. Mr. Watkins noted that a traffic study was conducted at the request of both the City and the County. Also as part of the development agreement, the developer was proposing to make the improvements to WW and to Rolling Wood Hills Lane that were required in the traffic study. Public utilities were provided by Boone Electric and Water District No. 9. He had a letter from the Water District's engineer indicating they could meet the City fire flow standards. Although City sewer was not available at this time, it could be provided through a cooperative agreement between the City and the Boone County Regional Sewer District. He displayed an overhead showing the proposed area that was developed, which he noted were properties less than or equal to 10 acres. Another slide showed the proposed South Grindstone Sewer, which would be a part of the cooperation agreement with the Boone County Regional Sewer District. The recommendation of staff was approval of the voluntary annexation and the permanent City zoning as requested. The Planning and Zoning Commission echoed the staff's recommendations.

Mr. Beck commented that a lot of the planning reviews had been held jointly with the County. He pointed out development outside the City impacted the City as well and that there were a lot of common problems the City shared with the County that needed to be worked out, regardless of whether or not the developments were inside the City limits.

Mr. Boeckmann explained that the State annexation statute provided that within 14

days after the public hearing on an annexation two percent of the qualified voters of the City could file an objection. If that occurred the City had to follow the voter approved annexation provisions of the statute. In this case, Mr. Boeckmann stated, two percent of the qualified voters did file a petition. Normally, the City would follow the annexation procedure that would require voter approval. That would begin with a study of the City to determine whether or not services could be provided. Then there could either be a declaratory judgment action or dual elections. In this particular case, he noted the City was not free to follow that procedure because a determination would have to be made that at least 15% of perimeter of the area to be annexed bordered the City. He stated the current situation was no where near that. Basically, the filing of the objection to the annexation meant the annexation could not go forward in its present state.

(A) Construction of the South Grindstone Outfall Sewer Project.

Item A was read by the Clerk.

Mr. Beck explained there had been discussions during the time of the ballot issue as to how the City and the Boone County Regional Sewer District would work together to eliminate the El Chaparral lagoon. He noted that this project went all of the way up the drainage area, not just to El Chaparral.

Mr. Patterson stated the public hearing would be for all of the outfall sewers in the South Grindstone watershed and would actually consist of five separate projects. These were the projects that the City or the Boone County Regional Sewer District or the City and District together would construct. The total length of the five projects was 26,700 lineal feet at a cost of \$6,550,000. If the agreements that were pending before the Council were approved, Mr. Patterson noted the City's share would be about \$4,335,000 and the Sewer District's share would be \$2,215,000. The funding source would be from the 2003 Sanitary Sewer ballot issues and both agencies intended on using the Missouri Department of Natural Resources State Revolving Loan Fund. The projects would be subject to and in accordance with pending annexation agreements, development agreements, interconnection agreements with Boone County Sewer District, and engineering agreements for the design, plans, specifications, and easements to the projects. The first project would run from the confluence of the north fork and south fork of Grindstone and would go to the El Chaparral Subdivision. It would be about 4,900 feet and cost approximately \$1,450,000. If the agreement with the Boone County Sewer District was approved, the cost sharing agreement would include the City paying \$935,000 and the District paying \$515,000. The project would then result in the elimination of the treatment facility at El Chaparral, which would be the responsibility of Boone County Regional Sewer District. He reiterated that this was subject to the interconnection agreement later on this evening's agenda. The second project would take the sewer from El Chaparral to Route WW and was 7,100 feet at a cost of \$1,800,000. This would be the City's responsibility to construct and subject to a development agreement where the developer would provide the easements and engineering. The third would continue from WW to the east side of the developer's property and was 6,700 feet at a cost of approximately \$1,600,000. This also would be the City's financial responsibility, but the development agreement indicated the developer would furnish the engineering and easements for the project. Project four was the responsibility of the Boone County Regional Sewer District and was approximately 8,000 feet from the developer property line to the Sunrise Estates Wastewater Treatment Plant at an estimated cost of \$1,300,000. The agreement would require that it be constructed within three years of completion of project three. The final project would also be the Boone County Regional Sewer District's responsibility and would continue the sewer line from Sunrise Estates Treatment Plant to the

Otscon Wastewater Plant. It was about 2,000 feet at a cost of \$400,000 and would have to be constructed within three years of the completion of project four.

Due to the dependency on other Council actions this evening regarding the interconnection, development, and engineering agreements, Mr. Patterson explained the suggested Council action was that a motion be made directing staff to proceed with plans for these projects in accordance with and subject to approval of the development and interconnection agreements related to these projects.

Mayor Hindman asked about trail easements. Mr. Patterson explained that the procedure on sewer projects was that any project, before it got into the design stage, was referred to the Parks and Recreation Department for their review and determination as to whether or not they wished to request sewer easements. He noted they were not at that point yet.

Mayor Hindman opened the public hearing.

Dennis Bettenhausen, 9300 E. Turner Farm Road, commented that there was no mention of picking up Concord Estates, a different plant now owned by Mr. Sapp. He asked if it was an oversight or if there were no plans to pick it up.

Mr. John responded that the City planned on picking up all of the treatment plants up through there, but El Chaparral happened to be the biggest and the one that put the most effluent into the stream, so it was the one always named. Mr. John stated Concord Estates would be picked up.

Mr. Beck noted Concord would be in a different phase than El Chaparral. The promise to the voters was that El Chaparral would be eliminated.

Mr. Patterson clarified that this would result in the elimination of seven total discharge point treatment facilities in the drainage basin. It would eliminate approximately one-half million gallons of effluent per day coming into the Grindstone basin. They referred to El Chaparral because it was a ballot issue project, specifically for that purpose. He noted the projects would eliminate the others in the basin, including Concord.

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

Mr. John made the motion that staff be directed to proceed in accordance with and subject to any agreements approved by the City Council. The motion was seconded by Mr. Loveless.

Mr. Ash asked what would happen, if anything, if some of these things were tabled. Mayor Hindman replied there would be further discussion and maybe some amendments to the others. Mr. Patterson replied that was correct and added that if they decided to approve any of the agreements on the agenda tonight, it would authorize staff to proceed in accordance with those. If the agreements were not approved, they would not be able to do anything until the agreements were in place.

Mr. Beck noted options were to either table this or to make a motion as previously indicated. Mr. Watkins suggested another option for Council to consider was to go ahead with the engineering, a contract with Allstate Consultants, on Phase I, which was a joint responsibility and included in the ballot issue. That would be another alternative to keep the project moving.

Mr. Hutton asked if part of that was dependent upon the agreement they would be tabling. Mr. Watkins replied it was agreed that the City would be the lead agency and responsible for design in the agreement. He explained that the City would just be accelerating the design without an agreement. He thought the Council received a letter from the Regional Sewer District a couple of meetings ago that suggested they were fine with us proceeding with the engineering on Phase I if we wanted.

The motion made by Mr. John, seconded by Mr. Loveless, was approved unanimously

by voice vote.

(B) Construction of Southampton Drive from State Route 163 to Grindstone Parkway.

Item B was read by the Clerk.

Because this was a federal project, STP 2000-05 501, Mr. Patterson explained they were required to put certain items into the record for the public hearing. Among those was the assurance that all applicable federal guidelines were being followed in the design, right-of-way acquisition, and construction of the project. The plans would be subject to review and approval by the Federal Highway Administration. The proposed project was determined to have no significant impact on the environment and was granted a categorical exclusion from the need to prepare an environmental impact statement. There would be a verbatim transcript of the hearing that would be submitted to the Missouri Department of Transportation as part of the record. Any person desiring to be heard tonight should state their name and address. Interested parties could also submit written comments, evidence, or recommendations with respect to the project to the Office of the Director of Public Works, P.O. Box 6015, Columbia, Missouri 65205, anytime within the next ten days following this hearing. That information would be made part of the transcript and part of the permanent record. The affidavits of publication of this public hearing were also to be made part of the public record.

This Southampton Drive project was on new alignment from the existing terminus, near the eastern driveway to State Farm Insurance and northerly to an intersection with Nifong Boulevard. Southampton was shown on the Major Roadway Plan as a major collector street. The project length was about 3,400 feet at an estimated cost of \$1,980,000. About 80% of the project cost or \$1,584,000 would be from STP funding and the balance, \$396,000, would be funded from the one-quarter cent sales tax, development charges, and tax bills to abutting properties. In accordance with City policy, Mr. Patterson explained that the tax bill could not exceed the amount of the cost of the curb and guttering, or the equivalent cost. In this case, the amount would be established at a maximum of \$15.00 per abutting foot. Right-of-way would be required from only three properties, one of which was City property that was acquired in order to provide a corridor for this project. The other two properties were owned by State Farm and Crown Farm. He noted they made certain the other property owners were kept informed and part of the development project. Mr. Patterson voiced appreciation for the cooperation they had received from both property owners to this point.

The proposed improvements would consist of a typical pavement section of 44 feet, a five foot sidewalk on the east side and an eight foot pedestrian way on the west side. This cross section was in conformance with the newly adopted street standards with regard to the pavement sections and the accommodations for pedways and sidewalks. It was also consistent with the Green Meadows project to the north side of Grindstone Parkway. Mr. Patterson stated they would be acquiring a permanent right-of-way of 66 feet, part of which had already been acquired. The additional right-of-way and temporary construction easements would be needed from the other two property owners. During discussions with the property owners, when developing the project, it was noted that approximately 1,450 feet of Southampton Drive, from Providence easterly, was already constructed and had a four foot sidewalk along the south side and no sidewalk on the north. It was suggested that a pedway be constructed along that side to have a continuous connection from Providence. The additional cost was estimated to be approximately \$90,000. No additional right-of-way would be required. Due to the time required for MoDOT review, schedules, and right-of-way acquisition, they expected a contract for construction to be awarded late in 2005 with

construction beginning in late fall or early spring of 2006. He noted that they made the property owners aware of this public hearing. If after receiving public comment, the Council wanted to proceed with the project, Mr. Patterson suggested a motion be made directing staff to proceed with plans and specifications with specific direction as to whether Council wished to include the pedway along the existing portion of Southampton.

Mayor Hindman opened the public hearing.

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

Mr. Janku made the motion that staff be directed to proceed with plans and specifications and to include the pedway along the existing portion of Southampton. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(C) Voluntary annexation of property located on the west side of Bethel Church Road, south of Old Plank Road.

Item C was read by the Clerk.

Mr. Beck described this as a five acre tract of ground located in the southwest part of the City presently zoned County R-M, the equivalent to the City's R-3. The property was currently undeveloped and served by Boone Electric. There was a City sanitary sewer line located on the site and the property was within Consolidated Public Water Supply District No. 1 service territory.

Mr. Loveless asked who was providing fire service. Mr. Watkins replied it would be provided by the Boone County Fire District.

Mr. Watkins pointed out that the Council approved a pre-annexation agreement on this property last year, which included the R-3 zoning.

Mayor Hindman opened the public hearing.

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

OLD BUSINESS

B355-04 Vacating unbuilt street right-of-way for First Street.

The bill was read by the Clerk.

Mr. Beck noted that staff requested this be tabled again to the March 7, 2005 Council meeting, at which time the vacation would catch up with a new plat and the Council could act on both at that time.

Mr. John made the motion that B355-04 be tabled to the March 7, 2005 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

PR14-05 Adopting the Parks and Recreation Department Adult Financial Assistance guidelines.

The policy resolution was given second reading by the Clerk.

Mr. Hood explained the goal of this program was to allow economically disadvantaged adults to obtain access to and use of the ARC. He explained they modeled many of the guidelines they were using with their youth financial assistance program. This included using the same income guidelines and recommending the program be limited to residents of the City of Columbia. This would be a two tier program where initially an eligible participant would receive financial assistance to acquire a 20 admission pass to the ARC. Should the users demonstrate high usage, they had built in a method where they could be upgraded to an annual pass, provided funds were available. If the Council adopted these guidelines this

evening, Mr. Hood stated it was staff's intent to implement the program immediately. He noted that they were prepared to begin taking applications as early as tomorrow morning.

Mayor Hindman stated he was pleased to see this and thought it was a very good move.

The vote on PR14-05 was recorded as follows: VOTING YES: JOHN, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Policy resolution declared adopted, reading as follows:

B21-05 Authorizing acquisition of land located at the northeast corner of Bethel Street and Green Meadows Road for construction of a new fire station.

The bill was given second reading by the Clerk.

As a result of the situation at Station 7, Mr. Beck explained that a study was completed and it was determined that it would be wise to locate a station further west. Four tracts were discussed with the Council at a work session as to the estimated costs and how they would fit into the overall fire service program. The Council asked that a recommendation be made so staff could proceed with the acquisition of land. The property owner and the neighborhood associations were notified about the opportunity to be heard this evening. If Council approved the acquisition, the next step would be the appraisal of the property and negotiations for acquisition.

Mayor Hindman asked about the center barrier at Nifong at Providence, which kept traffic from turning left on the outer road. He asked if that would be a problem for the fire trucks to get where they were needed. Mr. John pointed out they would be going Green Meadows to the outer road and then going up. He thought that could be a problem if they chose a Nifong site. He noted a similar type barrier could eventually end up at Green Meadows.

Joe Johnston, 323 Green Meadows, explained that his home was across the road from the proposed station. He was surprised to learn that it was thought this was the best of four sites under consideration. Mr. Johnston stated that he had not been asked for his input. He noted that they had spent six months with this developer talking about what would be best for this two and one-half acre site and he did not believe a fire station had ever been brought up as being one of the alternatives. Mr. Johnston commented that this might very well be the best location, but he had no way of knowing because he had not been provided with any information. He asked the Council to consider the costs involved, such as traffic lights, street improvements, and legal fees, saying he felt it would be a much more expensive proposition than what they were thinking.

Mr. Beck commented that they were aware of the unimproved road situation and that it would be taken into account when the property was appraised. He reiterated the neighborhood associations in the area were sent letters regarding the issue.

Nita Brooks, 400 Cumberland, stated she was a little more comfortable with the location than Mr. Johnston because her driveway did not exit in front of the property in question. She understood that a fire station could be built on one to one and one-half acres of land and noted that the subject property was over two acres in size. She encouraged the Council to acquire the entire tract of land, so that it would allow placement of the station in a manner that would buffer the residences as much as possible. She stated that the remnant would not be marketable and it would protect the City's investment in the future if they were not landlocked.

Mr. Beck stated that the ordinance was written in a manner that would allow negotiating for part or all of the tract.

Mr. Janku was sure Chief Markgraf would be available to explain why this was the best

site, if anyone had questions. Mr. John noted that there had been various reports and comments in the paper regarding the four sites with the two on Nifong having traffic problems and issues with proximity to the school. The other site was the Shaw property, across from the subject site. When they looked at where the traffic was, the direction of traffic, and the distance on runs, this site was found to be the best one. Mr. Beck noted there was a committee that looked at all of the issues and this was the best site for responsiveness and all of the other issues that had to be addressed.

B21-05 was given third reading with the vote recorded as follows: VOTING YES: JOHN, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B27-05 Authorizing a development agreement with Property Development, Inc. and Billy and Glenda Sapp relating to annexation of property located on both sides of State Route WW, east of the present City limits.

The bill was given second reading by the Clerk.

Mayor Hindman noted it was suggested by the City Counselor that this be tabled.

Mr. Ash made the motion that B27-05 be tabled indefinitely. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

B28-05 Authorizing an agreement with Allstate Consultants for design of the H-17S South Grindstone Outfall Sewer (El Chaparral Lagoon Interceptor).

The bill was given second reading by the Clerk.

Mr. Patterson explained this to be the engineering agreement for the portion of the Grindstone trunk line from the confluence of the north and south forks of Grindstone up to the El Chaparral Subdivision and the lagoon system. This was the one that would also be subject to an interconnection agreement and be part of the total cost of the project to be shared between the City and the Boone County Regional Sewer District. The benefit in going ahead with this was that it would be to the City's advantage to have the plans, specifications, and easement documents in place so they would be ready to move forward if and when the Sewer District agreement was approved.

Regarding the five projects talked about earlier, Mr. Ash asked if this ordinance would cover more than one project. Mr. Patterson replied that this would cover only the first project. Projects two and three, that would be City responsibility, were subject to the agreement that was tabled. Mr. John noted this project had been planned prior to all of this and had been five years in the making. Mr. Ash asked if the sentence in item 6 of attachment A in the back of the report made sense to Mr. Patterson. Mr. Patterson replied that it did. Mr. Ash was satisfied since it made sense to Mr. Patterson.

B28-05 was given third reading with the vote recorded as follows: VOTING YES: JOHN, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B29-05 Authorizing a cooperative agreement with Boone County Regional Sewer District relating to sewer construction in the Grindstone Creek Watershed.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposed agreement with the Boone County Regional Sewer District that would cover discharge throughout the Grindstone. It included both the South Grindstone and the interconnection of the north fork of Grindstone. He noted a number of advantages in the agreement such as the opportunity to trade customers or to

purchase them. Staff recommendation was to table the issue until such time the Sapp development moved forward because phases 2 and 3 were dependent upon the development and customer base that such a development would provide. There was a provision that made all of the trunk line construction subject to appropriation. At this point, there was no appropriation on the part of either entity. An option would be to approve the agreement if the Council so chose and then they would work out how the lines would be built at some future time.

Mr. Loveless commented that a lot of momentum had been created with this agreement and a lot of work was done by City and Sewer District. With the exception of the engineering and the easements that would have come with the Sapp property annexation, Mr. Loveless thought most of the changes in the agreement would be simply on the timing of when phases would start. He noted some of them were keyed to when the phase in front of it was completed. Mr. Loveless asked if they could pass the ordinance as is or give staff a chance to change some of the finer points to reflect the agreement without the Sapp property. He did not want to lose momentum in getting the health hazards eliminated.

Mr. John liked the idea of tabling it for a month so staff could review it and see if there was any way to bring the framework forward with some modifications. He agreed that they had started on a path, which made a lot of sense for eliminating all of the lagoons. If there was a way to keep the momentum going forward without being entirely dependent on the Sapp project, Mr. John said he would like to see it.

Mr. Loveless asked if a month would give staff enough time to review it. Mr. Watkins stated they would need to look at the time frames, but thought a month would work.

Mr. John made the motion that B29-05 be tabled for one month.

Mr. Ash agreed with what was said, but did not want to get too far down the path to where everyone assumed this was a done deal.

Don Stamper, 1304 Sedona Villas Drive, spoke on behalf of Property Development, Inc. Having been a previous board member of the Boone County Regional Sewer District, he stated the effort made here was significant. He applauded the City and the Sewer District on working out the first in a line of agreements on the elimination of discharge points within the County. From their perspective, he commented that they had a tremendous amount of faith in the issue and in being able to present the type of quality development that everyone could agree on. He pointed out that there was already zoning on the Altis tract that would allow up to 700 homes in the County, which would involve the Concord Estates Plant asked about earlier. A portion of the Sapp property, about 631 acres, was zoned A-R in the County, which he felt would allow for two units per acre with very little fan fare. He encouraged the Council give full consideration to signing the agreement.

Dennis Bettenhausen, 9300 E. Turner Farm Road, stated the annexation agreement between the City and the County locked in that any significant development would have to either annex or have a pre-annexation agreement with the City. By using the sewer funds that were voted on, he felt the City and County were basically directing growth up the drainages, where the drainage was eventually dumped through the City. He did not think that was the intent of the voters. He stated the agreements were to shut down existing sewers. Mr. Loveless interjected that was correct and it was also to be certain that no new single point or point source sewage treatments were developed. Mr. Bettenhausen felt that could be done without having the automatic stipulation that they had to annex into the City. He stated the same thing could be done by eliminating the sewers and having a mutual agreement between the City and the County in terms of having the sewers and the developments, but not requiring annexation. Mr. Loveless explained that to be common practice and stated that if one hooked to the City sewer, one either had to request annexation at that time or when

they became contiguous, they had to agree to annex into the City. Mr. John pointed out that this had been policy for over ten years. He noted that if the sewage was going to run through the City, we wanted it on a City sewer. Mr. Bettenhausen felt it could be on City sewer and they could pay a user fee. He understood what the Council wanted, but stated they did not necessarily represent all of the people in the County.

John Clark, 403 N. Ninth, commented that he did not agree with the current policy. Without a worked out growth management plan between the City and the County, he felt these problems would continue to come up. He suggested that such a plan be developed, so we would not have any more piecemeal development and financing.

Mr. John pointed out that sewer lines ran up valleys. He stated this was where development went, up the valleys and up the sewer lines. He commented that the agreement was because of the sewer lines. Mr. Beck pointed out development had been occurring around the City even without a sewer line. Mr. John noted that this agreement took 400,000 gallons per day of treated sewage out of the City's streams. Mr. Beck pointed out that fixing what was not put in right to begin with was costing all of us hundreds of thousands of dollars. He stated the goal was to have good standards so they would initially be put in correctly.

Mr. Hutton thought it might be appropriate to table the issue until such time as staff felt it appropriate to bring back because it was ready and because there was a reason to bring it back. Mr. Boeckmann commented that it could be tabled indefinitely. Mr. Watkins noted that the Sewer District was under some pressure on permitting and this agreement was what was being held out to give them some elbow room for the permit. He thought if the issue was left open, it could cause some consternation on their part. If it was brought back at a definitive time, staff could still say whether or not they were ready at that time.

The motion to table B29-05 to the March 7, 2005 meeting, made by Mr. John, was seconded by Mr. Loveless and approved unanimously by voice vote.

CONSENT AGENDA

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

- B16-05** **Vacating a utility easement in conjunction with the proposed Final Plat of Dell Jones Plat 2.**
- B17-05** **Approving the Final Plat of Dell Jones Plat 2; authorizing a performance contract.**
- B18-05** **Approving the Final Plat of Boone Prairie Plat 2; authorizing a performance contract.**
- B19-05** **Vacating a sewer easement; accepting conveyance for sewer purposes.**
- B20-05** **Vacating excess street right-of-way on Old 63, north of Grindstone Parkway (State Route AC).**
- B22-05** **Authorizing acquisition of easements for construction of Sewer District No. 154 and the Maupin-Edgewood Drainage Project.**
- B23-05** **Accepting conveyances for utility purposes.**
- B24-05** **Appropriating Share the Light Program funds to the Fire Department for the purchase of fire prevention education equipment.**
- B25-05** **Appropriating SEMA grant funds for the Community Emergency**

Response Team (CERT) program.

- B26-05** **Authorizing an agreement with Boone County for JCIC clerical services.**
- R15-05** **Setting a public hearing: voluntary annexation of property located on the southeast corner of State Route KK and River Hills Road.**
- R16-05** **Setting a public hearing: construction of improvements to the east parking lot at Oakland Park.**
- R17-05** **Setting a public hearing: construction of improvements to Paquin Park.**
- R18-05** **Setting a public hearing: construction of a water main serving BGTM Subdivision, Plat No. 1.**
- R19-05** **Setting a public hearing: amendment to the FY 2004 Action Plan for HOME funds.**
- R20-05** **Authorizing an agreement with the Missouri Department of Health and Senior Services for the issuance of birth and death certificates.**
- R21-05** **Authorizing an amendment to the agreement with The Curators of the University of Missouri relating to transportation services.**
- R22-05** **Interconnection of Mediacom and Charter Communications Cable Systems.**

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: JOHN (except on B20-05 on which he abstained), ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

- R23-05** **Authorizing an agreement with the Memorial Day Weekend -Salute to Veterans Corporation for the Memorial Day Air Show.**

The resolution was read by the Clerk.

Mr. Beck explained this to be the same agreement that had been approved in previous years. Last year, the Council authorized him to sign agreements with the various branches of the Armed Services for the 2005 event. At that time, a use agreement was not included for Council consideration. This agreement would allow the group to use the airport facilities for the Memorial Day Air Show, as well as for three days prior to and two days following for set up and take down time.

The vote on R23-05 was recorded as follows: VOTING YES: JOHN, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

- R24-05** **Approving the Preliminary Plat of Ridgeway Place; granting variances to the Subdivision Regulations.**

The resolution was read by the Clerk.

Mr. Beck described this as a 1.12 acre tract located in central Columbia which would create two R-2 lots. The Commission recommended approval with three variances relating to the street radius, easements along the street, and street access.

Mr. Ash asked if variance number two had been worked out. Mr. Watkins replied that

it had. Staff and the applicant agreed upon a variance to be incorporated in the final plat. It would require two new variances on the final plat, but they were relatively minor and staff was comfortable with them. They would be allowing the narrowing of the right-of-way to 40 feet and allowing the sanitary sewer within the right-of-way. The problem was the construction of a water line because they needed the full ten feet to construct it. This would be a matter of shifting the right-of-way by four feet. He suggested taking the second variance out of the resolution.

Mr. Ash made the motion that R24-05 be amended by taking out Section 4. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

The vote on R24-05, as amended, was recorded as follows: VOTING YES: JOHN, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R26-05 Authorizing an agreement with Boone County Community Partnership for a study assessing passenger transportation services.

The resolution was read by the Clerk.

Mr. Beck explained the Council had a presentation made to them at a work session regarding participation in a County-wide transit plan. The request was for \$2,500 from the City, as well as staff support and a letter to MoDOT expressing Council support for the grant proposal. He noted that the dollar amount had been left blank on the resolution.

Steve Tatlow, Boone County Community Partnership, explained their request and stated they were hopeful they could firm up their project this week and begin to move forward.

Ms. Crayton made the motion that the City pay the partnership \$2,500 out of the Council's contingency funds to cover a portion of the Partnership's cost in conducting the assessment. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The vote on R26-05 was recorded as follows: VOTING YES: JOHN, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

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

PR25-05 Establishing revised Community Development Block Grant funding guidelines.

B31-05 Voluntary annexation of property located on the west side of Bethel Church Road, south of Old Plank Road; establishing permanent R-3 zoning.

B32-05 Rezoning property located on the west side of U.S. Highway 63 and approximately 700 feet south of I-70 from R-1 to C-P.

B33-05 Amending Chapter 25 of the City Code relating to coordination of the subdivision process with planned districts under the zoning ordinance.

B34-05 Authorizing an annexation agreement with AT & T for property located on the north side of I-70, east of the City limits.

B35-05 Approving the Final Plat of Timber Creek, Plat No. 4, a Replat of Lot 2 of Timber Creek Plat No. 1; authorizing a performance contract.

- B36-05 Approving the Final Plat of Vanderveen Crossing Plat No. 14; authorizing a performance contract.
- B37-05 Vacating unbuilt street right-of-way in conjunction with the proposed Replat of Lots 34, 35 and Eva Drive of Bodardville Subdivision Block II.
- B38-05 Approving the Final Plat of the Replat of Lots 34, 35 and Eva Drive of Bodardville Subdivision Block II; authorizing a performance contract; granting variances to the Subdivision Regulations relating to cul-de-sacs.
- B39-05 Vacating a utility easement in conjunction with the proposed Final Plat of Smithton Ridge Plat 4-A.
- B40-05 Approving the Final Plat of Smithton Ridge Plat 4-A; authorizing a performance contract.
- B41-05 Vacating a waterline easement located within CenterState Subdivision Plat 2.
- B42-05 Authorizing a cooperative agreement with Boone County relating to 2005 revenue sharing funds for the Chapel Hill Road improvement project.
- B43-05 Authorizing an agreement with Boone County relating to public education and implementation of the EPA Clean Water Act Phase II Storm Water Regulations; appropriating funds.
- B44-05 Calling for bids for the Merideth Branch Detention Basin project.
- B45-05 Authorizing construction of improvements to the east parking lot at Oakland Park; calling for bids.
- B46-05 Authorizing construction of improvements to Paquin Park; calling for bids.
- B47-05 Authorizing construction of water main serving BGTM Subdivision, Plat No. 1; providing for payment of differential costs.
- B48-05 Confirming the contract with River City Construction, LLC for construction of the McBaine Water Treatment Plant expansion project.
- B49-05 Accepting conveyance; authorizing payment of differential costs for water main serving Forest Ridge, Plat 1; approving the Engineer's Final Report.
- B50-05 Accepting conveyance; authorizing payment of differential costs for water main serving Smithton Ridge, Plats 5 and 6; approving the Engineer's Final Report.
- B51-05 Accepting conveyances for utility purposes.
- B52-05 Amending Chapter 16 of the City Code relating to firearms hunting. (Introduced by Loveless)

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Report accepted.

BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

At the previous work session, Mr. Ash commented that they had talked about the sidewalk variance policy. He thought staff should review the policy to see if it could be reworked to perhaps remove some of the existing criteria.

Mr. Ash made the motion that the issue be referred to staff for a report back. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Regarding ballot issues and public safety, Mr. Janku suggested they start thinking about what they would like to propose to the voters. Mr. Beck asked if he was referring to building a fire station. Mr. Janku stated he would like to leave it open. Mr. Hutton liked the idea because at least part of the one-quarter cent tax was up for renewal and they needed to figure out how they were going to fund fire equipment, fire stations, and any other public safety needs.

Mr. Janku made the motion that staff report back on his suggestion. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

When the Council approved the rezoning for the Kilgore Pharmacy on Providence Road, Mr. Janku commented that he thought they had anticipated there would be further request for the redevelopment of Providence Road. He thought he had asked staff and/or the Planning and Zoning Commission to come up with some standards for possible redevelopment of that corridor. He noted there were many properties along Providence, some of which were vacant and some of which would possibly be redeveloped. He was thinking about the types of uses and issues related to landscaping and different standards.

Mr. Janku made the motion that staff be directed to report back with suggestions of what might be included in a plan for Providence Road. The motion was seconded by Mr. John and approved unanimously by voice vote.

Mayor Hindman suggested something similar for Forum Boulevard. He also thought there was something in the works as far as bicycle and pedestrian needs.

Mayor Hindman made the motion that staff be directed to examine Forum Boulevard, from the Country Club to Stadium, and report back as to what improvements should be made to make it a more bicycle and pedestrian safe street.

Mr. Loveless was interested in finding a connection from the Forum sidewalk level to the Katy Trail. Mayor Hindman agreed this should be part of the report.

Mr. Ash asked if these concerns should go to the Bicycle and Pedestrian Commission before staff worked on it. Mayor Hindman suggested that the staff work with the Bicycle and Pedestrian Commission. Mr. Ash was concerned about staff having too much to do when something like this could fall under somebody else's umbrella. Mayor Hindman did not mind it going to the Bicycle and Pedestrian Commission, but noted he wanted to get it going.

The motion made by Mayor Hindman was seconded by Mr. Janku.

Mr. Loveless asked if they should revisit the standards and specifications they had for sidewalks on arterial and collector streets. He asked if the Commission should work on that as well.

Mr. Beck suggested that if they revisited it, realistic cost estimates should also be brought in. He stated the Council would be facing some issues when they received the Finance Committee's report as to the dollars the City might be getting over the next five to ten years. There were a whole lot of projects they would need to look at financing.

Mr. Patterson pointed out that the street standards developed were to apply to the construction of new streets. He was not sure that they adequately addressed retro-fitting the streets already there in less than new standard rights-of-way and things like that. He stated it was difficult for someone to come in on Forum or some other street that was already there and to know how the standards were supposed to be applied.

Mr. Loveless commented that he would like to avoid biting off every arterial or collector street as an individual entity, whether retrofitting or constructing a new street. He felt there were standards for new construction, but that we needed standards for retrofitting existing street. Mr. Hutton asked if they could look at it by street classifications. Mr. John asked why it could not be a retrofit policy that it would be built to the standard it was designated. In areas where the City could not get the right-of-way, he stated they would obviously have to modify it. Mr. Hutton understood the right-of-way was adequate tonight on Forum. Mr. Patterson replied that earlier he stated they had 40 feet, but on the plan it looked like a 50 foot half width. Mr. Hutton felt a 100 foot right-of-way would meet any of our different options on arterials. Mr. Patterson thought there might be one that was 106, but thought most would fit in the 100 feet.

Mayor Hindman stated he brought up Forum because little things were needed such as curb cuts and a crosswalk at Stadium so people could get on the west side sidewalks.

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

Mr. Loveless made the motion that staff be directed to look at sidewalk and pedway standards on retrofitting arterials and collectors and report back. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The meeting adjourned at 11:22 p.m.

Respectfully submitted,

Sheela Amin
City Clerk