

**MINUTES**  
**CITY COUNCIL MEETING - COLUMBIA, MISSOURI**  
**MARCH 21, 2005**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, March 21, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH 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 meeting of March 7, 2005, were approved unanimously by voice vote on a motion by Mr. Janku and a second by Ms. Crayton.

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

Upon their request, Mr. Loveless made the motion that Mr. John be allowed to abstain from voting on Item C under Public Hearings and that Mr. Ash be allowed to abstain from voting on B84-05. The motion was seconded by Mr. Hutton and approved unanimously by voice vote. Mr. John noted on the Disclosure of Interest form that he was representing the seller of a property that would be impacted by the trunk sewer. Mr. Ash noted on the Disclosure of Interest form that he owned a restaurant with a liquor license.

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

**SPECIAL ITEMS**

Mayor Hindman introduced Benjamin and Nicholas Lee of Troop 4 at the Trinity Presbyterian Church and noted they were working on their Citizenship in the Community merit badges.

**SCHEDULED PUBLIC COMMENTS**

**Greg Abbott - City paratransit bus route.**

Mr. Abbott was not in attendance.

**PUBLIC HEARINGS**

**B73-05      Calling for bids for the replacement of two centrifuges and construction of a building expansion at the Columbia Regional Wastewater Treatment Facility.**

The bill was given second reading by the Clerk.

Mr. Patterson explained this was part of rehabilitating the treatment plant. He noted the centrifuges were installed in 1983 and could no longer handle the demand on the system. In addition, it was difficult to find replacement parts due to their age. As a result of an engineering study, it was recommended they be replaced with two 300 gallon per minute centrifuges, which would require building an addition to the sludge digesting area. The estimated cost of this process was \$2.6 million. Mr. Patterson noted they had appropriated \$1.3 million out of the enterprise revenues of the sewer utility and the remaining \$1.3 million was included in the 2003 ballot issue. He explained the old units would be left in place as backup.

Mr. Ash asked about the amendment sheet that had been prepared. Mr. Patterson replied that it was to correct a typographical error regarding the funding source.

Mr. Ash made the motion that B73-05 be amended per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

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

B73-05, as amended, was given third reading with the vote recorded as follows:

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

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

**B80-05 Authorizing construction of water main serving Vanderveen Crossing, Plat 14; providing for payment of differential costs.**

The bill was given second reading by the Clerk.

Mr. Beck noted that this proposal was in accordance with City policy as it related to paying for the extra diameter to serve the area of the City over and above what was required to handle the development. The project would consist of 1,220 feet of 12 inch line, rather than 8 inch, at a cost of \$12,602.

Mayor Hindman opened the public hearing.

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

B80-05 was given third reading with the vote recorded as follows: VOTING YES:

CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(A) Voluntary annexation of property located on the south side of Starke Avenue, east of U.S. Highway 63.**

Item A was read by the Clerk.

Mr. Beck noted this tract, which consisted of 25 acres, had one house on it. The owner was requesting C-P zoning, which he explained was planned commercial.

Mayor Hindman opened the public hearing.

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

**(B) Stephens Lake Park Percent for Art.**

Item B was read by the Clerk.

Mr. Beck pointed out that according to City policy one percent of the project cost was set aside on major public projects and used for art.

Randy Gray, 301 Edgewood, spoke as Chair of the Columbia Public Art Committee and a representative of the Cultural Affairs Commission. He noted that their process selected an artist, not a specific piece of art, and that the artist commission on the Stephens Lake Park project was \$18,500. He pointed out that the Committee for this project was expanded to include a Parks and Recreation staff member, a Parks and Recreation Commission member, and a neighborhood representative. He explained that over the past year, there had been many meetings in which they discussed criteria for artists, reviewed submissions from 24 artists, voted on three semi-finalists, conducted individual interviews and reviewed basic conceptual designs with those semi-finalists, and conducted a preliminary design meeting with Carol Fleming after she was selected by the Committee and the Cultural Affairs Commission and after the contract was approved by the City Council. As a result of this process, their recommendation was Carol Fleming's Look Out Point.

Mr. Ash noted comments about Ms. Fleming not being a local artist. He asked how many of the artists had been local. Neither Mr. Gray nor Ms. Hunter could recall how many of

the 24 applicants were local, but they did note selection was limited to artists from Missouri. Mr. Ash stated he counted only 15 favorable comments about this particular design out of 54 responses. He asked if that was unusual historically. Mayor Hindman stated he did not have specific statistics, but recalled these types of projects receiving negative reactions many times. Ms. Hunter commented that she also did not have statistics, but noted the Mayor was correct in that the people who took the time to come down to City Hall and fill out a comment card tended to have a strong opinion one way or the other. She also noted recalling more positive comments, most of which were positive in general about art in the park. She felt this was one of those, like Jamboree, that was very controversial, but noted they had not received a negative comment about it in seven years.

Mr. Hutton asked where public comment had come into play during the selection process. Ms. Hunter replied that once the Standing Committee on Public Art selected the artist, she was, by contract, required to develop a design and in this case she developed two design concepts. Before the Committee acted and made a recommendation, she noted there was a two week comment period in the lobby of City Hall.

Mr. Janku asked if in the past each artist submitted a piece. Ms. Hunter replied that with the first two projects the finalists were invited to submit a full blown proposal. Since then, the process was to select the artist after the interview process and to give them the opportunity to become knowledgeable about the project, the plans, and the community before submitting a proposal.

Ms. Crayton asked if the artist had previous experience with other cities and what kinds of responses were received. Ms. Hunter explained that the first Committee meeting was to designate the geography of the search. In this case they selected making it open to all Missouri artists. In the next meeting, they reviewed all of the applications and looked at the slides without knowing who the person was. From there they selected three finalists and brought them in for interviews. In addition, they toured the site and their references were checked.

Mayor Hindman favored accepting the recommendation. He felt art to be subjective and noted they had developed a process where people who were very interested in art were involved and thought their recommendation should be accepted. He provided examples of other art pieces that were initially controversial, but were now enjoyed.

Mr. Hutton commented that he had a great deal of respect for the Committee and noted the City's track record was pretty successful as to what had been done in the way of public art. He thanked the Committee and the Commission for their hard work and agreed that they had much more expertise than he in this regard. He noted, for the record, that he liked Jamboree from the get go and although he was not crazy about Look Out Point, he thought it might grow on him. He counted 32 out of the 53 public comments that either liked the other design better or totally did not like this one. He understood the idea of the ceramic had been investigated and it was found that it would hold up to the weather.

Mayor Hindman opened the public hearing.

Nancy Burdick, 12 McBaine, member of the Cultural Affairs Commission and the Standing Committee on Public Art, pointed out that this was just a concept the artist had submitted. She commented that they felt the other piece, which was more like a sundial, looked too regular and that it might not be construed as art work. The selected proposal seemed to have more interest and more texture. After they spoke with the artist and gave her their comments about the site and what they had in mind, she felt she would execute this to look not exactly like Stonehenge. Most of the comments, she noted, were about it looking too boring or too regular. Ms. Burdick did not believe that was what the artist was going to execute.

Ann Gowans, 701 Redbud, a Parks and Recreation Commission member who served

on the selection committee for this particular piece, stated one of the reasons she voted for this particular artist was because she had recently visited a sculpture park in St. Louis. She came away from it with a strong feeling that something that was going into a park worked much better, if it looked like it was made out of the earth and fit with where it was, rather than a free form with marble or a metal of some kind. Ms. Gowans also noted that she had seen a number of Mr. Fleming's pieces recently at a museum in Sedalia. They looked quite a bit like this one in form and structure and the outside had been beautifully handled. She stated they were wonderful in their decoration and color and were very appealing.

Mr. Loveless asked Ms. Gowans if the pieces she had seen were indoor pieces. Ms. Gowans replied they were not. She explained that there was a special courtyard next to the museum for these pieces and they were freestanding in the courtyard in the open air. She noted that they had weathered beautifully.

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

Mr. John counted 23 that did not like either piece, but noted over 50% stated they liked one of the two. He suggested the Council go with the recommendation with hopes it would turn out as well as the others had.

Mr. Janku commented that he had been surprised when Jamboree won and felt at the time that the process should be respected. He noted that when choosing, there would likely be a split vote. They had heard the testimony of people involved in picking the piece and they brought a lot of knowledge and background. He thought they should respect their thoughts.

Mr. Ash agreed that Jamboree was a great piece of art, but felt we were continuing to get more and more abstract. He stated he had the impression that people felt the more sophisticated and unusual a piece of art was, the better it was. When talking public art, he felt there was something to be said for appealing to the masses. He thought future considerations for public art did not have to be cutting edge and that simple was okay.

Mayor Hindman made the motion that the Council adopt the recommendation of the Commission. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

**(C) Construction of the C3 trunk sewer serving the Bristol Lake Development (Philips Farm property).**

Item C was read by the Clerk.

Mr. Beck explained this request to be in accordance with the Council adopted sewer policy in which a trunk sewer was run up to the 80-acre point in a drainage area after which the developer paid the cost of taking the line up into their developing area. The length of this line was 2,200 feet with an estimated cost of \$215,000. The line would be paid with sewer utility funds.

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 the trunk sewer. The motion was seconded by Mr. Loveless and approved by voice vote with Mr. John abstaining.

**R58-05 Approving the FY 2004 Consolidated Annual Performance Report.**

The resolution was read by the Clerk.

Mr. Beck explained that the City had to submit an annual performance report, which summarized Community Development Block Grant (CDBG) and HOME expenditures and the progress the City was making toward meeting the goals of the Consolidated Plan.

Mayor Hindman opened the public hearing.

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

The vote on R58-05 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R59-05      Amendment to the 2005 Action Plan for HOME funds.**

The resolution was read by the Clerk.

Mr. Beck explained that the City projected a dollar amount it would receive from HUD for the CDBG and HOME programs. That amount was incorporated in the budget adopted by the Council in September. The City was notified of actual amounts in February and that amount was \$51,497 below the estimate. He explained the shortfall needed to be made up and a report had been sent to the Council as to how that could be done. The proposal was to take \$31,497 from previous unspent accounts and the remaining \$20,000 would eliminate funding for the Services for Independent Living. In regards to HOME funds, Mr. Beck stated the shortfall could come from the unprogrammed fund balance account. He noted there would also be some reduction in administrative costs.

Ms. Crayton understood this part of the report to be strictly for housing. Mr. Beck replied that the City had used CDBG money for fixing up houses in the past, although there was not a federal requirement. Because of the number of inquiries he personally received and based on numbers from a block to block survey of housing conditions, they decided to set aside funding to assist, particularly the elderly and those people having problems of a minor nature, such as gutter problems. He felt that funding to still be adequate.

Mayor Hindman opened the public hearing.

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

The vote on R59-05 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**OLD BUSINESS**

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

The bill was read by the Clerk.

Mr. Patterson reminded the Council that when this first came up concerns had been voiced about access on Broadway with redevelopment of the site. It was directed, that prior to vacating this, that there be some arrangement made to assure our ability to adequately control the entrances. Initially, they thought they could do that with some type of conveyance easement, but the property owner then decided to simply plat the property. Both items were on the agenda this evening with this first one being the vacation of the right-of-way and the second being a plat that restricted the entrance and access to the property in the manner staff had requested. Mr. Patterson noted that staff recommended approval of both ordinances.

Mayor Hindman brought up the concern about cutting off access that might be used to the property behind this at some point. Mr. John pointed out that half of the right-of-way was already gone, which meant that we only had half of a street at this point. He stated it was true that there was a building in the way at this point, but noted buildings could come and go. He also noted it was about 15 to 20 feet above the grade point and thought they would have to reacquire the other half of the right-of-way and then have a street dive into a lot, which was already there and would mean we would have to acquire it or have a 142 foot long street.

Mayor Hindman thought it looked like we would be adding significant value to the property that was there by just giving up this right-of-way. It made sense to him to clean it off the books, since we could not use it as a street, but asked if we could be compensated for

creating this significant amount of commercial frontage on West Broadway. He asked if the City was entitled to be paid for it. Mr. Patterson did not believe the City owned anything. He explained it was a street easement that existed and we had the right to use it as a street only. Mr. Boeckmann did not think the City had a right to sell, but noted how we acquired it might make a difference. He thought it had simply been dedicated by the property owner at some point without the City paying for it. As a general rule, he was not sure the City could require payment for vacation of right-of-way. Mr. Loveless reiterated that the City did not own the property, but merely had the right to use it for a street and for a street only. Mr. John thought, usually, when the City was done with a right-of-way, we gave it back. Mr. Janku pointed out a City policy where surplus property was offered first to adjoining property owners. Mr. Janku noted he originally stalled this. He agreed this would create value to the recipient and thought they might want to look at something in the future. He commented one benefit was that this would help redevelop that little stretch of road. If the person who would be losing access was not concerned, he did not think they should interfere with the redevelopment of the property.

B355-04 was read with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B72-05 Approving the Final Plat of Howe Business Park, a Replat of Lot 190 and parts of Lots 189, 191 and part of the right-of-way of First Street within the Original Town of Columbia.**

The bill was given second reading by the Clerk.

Mr. Beck noted this was more or less a companion of the previous bill just discussed.

B72-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B70-05 Voluntary annexation of property located on the south side of State Route WW, east of the City limits.**

The bill was given second reading by the Clerk.

Mr. Watkins explained the property contained approximately 169.7 acres located on the south side of State Route WW, east of the City limits, and that no zoning was requested with this petition. The Metro 2020 designation was a neighborhood district with public utilities including City sewer, Boone Electric Cooperative electric service and Public Water Supply District No. 9 water service. The staff's recommendation was for approval of the annexation.

Mayor Hindman asked if a petition had been filed. Mr. Boeckmann explained that objections were filed this afternoon and recommended that the Council table the issue to the next meeting to allow certification of the signatures.

Mayor Hindman made the motion that B70-05 be tabled to the April 4, 2005 meeting. The motion was seconded by Mr. Hutton.

Mr. John asked whether or not this could be voted on pending the outcome of the count of the petition. Mr. Boeckmann felt it would be better for them to know, when they were voting, that what they were doing would have an affect. Mr. Loveless asked what would happen if they voted, passed it, and the petition was validated later. Mr. Boeckmann stated his opinion was that it would be invalid.

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

**B81-05 Authorizing an agreement with Boone County for connection to the City's fiber optic cable system.**

The bill was given second reading by the Clerk.

Mr. Beck explained the agreement would lease a pair of fibers from our fiber optic system to the County Commission, which would connect the Sheriff's Department, the Johnson Building, County Public Works on US 63, south of the City, and the Government Center and Court House block. The charge to the County would be \$3,847 per month payable to the City's Water and Light Department.

B81-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B84-05 Amending Chapter 4 and 16 of the City Code relating to the sale and consumption of alcoholic beverages on public sidewalks adjacent to restaurant bars.**

The bill was given second reading by the Clerk.

Mr. Beck explained that the Special Business District had been working on this issue with a staff committee. The report noted issuance of a special license to serve alcohol outside.

Mayor Hindman thought the smoking ordinance should apply to these outdoor areas and asked if it would. Mr. Boeckmann replied that it applied within 20 feet of the entrance of any buildings, which he stated would cover a lot, but probably not every situation.

Mr. Ash noted that food had to be served with the alcohol. He asked if there would have to be food ordered with every beer or if it meant food had to be ordered with the first round of drinks. Mr. Boeckmann replied that he thought if someone was ordering a meal they could have more than one drink. He did not know that he could distinguish between someone buying a bag of chips and having a second drink or buying a meal. He stated it was not implied that if someone wanted a second glass of wine they would have to order a second appetizer. Mr. Janku noted the ordinance did not say "purchase", it said "accompany".

Mr. Ash read item number 5, which stated that alcoholic beverages may be served only to persons seated in the chair or bench provided by the licensee and wondered how that accommodated someone in a wheelchair.

Kurt Mirtsching, 7551 S. Bennett, spoke as a business owner, a consumer and the president of the Central Columbia Association. He encouraged the Council to vote in favor of the ordinance. More seating, he pointed out, would increase sales, which would increase tax revenues. He felt sidewalk cafes should be encouraged for the downtown area. He commented that adequate safeguards were in place to accommodate concerns regarding underage drinking and pedestrian access. Mr. Mirtsching provided a copy of his complete statement.

Kathy Fluesmeier, 7651 Hillcreek Road, owner of Village Wine and Cheese, asked the Council to pass the measure so they could continue to serve their customers. She stated they wanted to be able to serve a glass of wine outside while someone was having lunch or dinner. She agreed it would be a great thing for downtown.

Mr. Ash understood they would need to maintain the five feet and asked if Village Wine and Cheese would have enough room due to the canopy. Ms. Fleismeyer noted that some measuring had been done and thought they did.

Holly Burgess, 3509 Danvers, co-owner and manager of the Pen Point on Broadway, spoke in support of the amendment. As a member of the downtown community for a long time, she was always interested in the integrity of the area. She saw no issue with the

amendment and thought it could only enhance the downtown.

Carrie Gartner, 11 S. Tenth Street, spoke on behalf of the Special Business District and the Central Columbia Association. She stated that both organizations came together in agreement on this issue because they thought it was very important. Ms. Gartner pointed out they had been doing a lot of work to make The District more attractive with new street lights and new trash cans. She felt sidewalk cafes would also increase the attractiveness and the appeal of The District.

Mayor Hindman asked Ms. Gartner what she thought about making these outdoor areas non-smoking. Ms. Gartner felt that a lot of the area would already be covered by the 20 foot rule. She stated they would have no problem with this fitting in with current City ordinances. Mayor Hindman noted he would likely ask for an amendment to make it non-smoking. She remarked that had not been a concern, one way or the other, when they wrote this and did not think that either of her organizations would have a problem with making the areas non-smoking.

Mr. Janku made the motion that B84-05 be amended by adding a second sentence to section (b) (5) stating this provision shall not apply to disabled persons in wheelchairs. The motion was seconded by Mayor Hindman and approved by voice vote with Mr. Ash abstaining.

Mayor Hindman made the motion to further amend B84-05 by stating the areas shall be non-smoking areas. The motion was seconded by Mr. Janku.

Mr. John asked if he was trying to make all outside dining non-smoking. Mayor Hindman stated he was referring to all of the areas on the sidewalks covered by this ordinance. Mr. John asked Ms. Gartner if that was what she understood when she commented her groups would not object. Ms. Gartner responded affirmatively.

The motion made by Mayor Hindman and seconded by Mr. Janku was approved by voice vote with Mr. Ash abstaining.

Mr. Loveless asked for clarification regarding where this wording would be included. Mayor Hindman replied that section (b) (8) would be added and would read these areas shall be non-smoking.

B84-05, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, HINDMAN. VOTING NO:  
NO ONE. ABSTAINING: ASH. Bill declared enacted, reading as follows:

## **CONSENT AGENDA**

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

- B71-05**      **Approving the Final Plat of Jenne Hill Subdivision; authorizing a performance contract.**
- B74-05**      **Calling for bids for the construction of the Concorde Office and Industrial Plaza Pump Station Interceptor.**
- B75-05**      **Calling for bids for the construction of Sanitary Sewer District No. 141 (Green Valley Drive).**
- B76-05**      **Calling for bids for the construction of Sanitary Sewer District No. 158 (Old Plank Subdivision).**
- B77-05**      **Calling for bids for the Donnelly Avenue improvement project.**
- B78-05**      **Allowing issuance of a building permit to LeMone Properties, LLC for a**

**structure in a utility easement in Concorde Office and Industrial Plaza, Plat 1; approving a waiver of claim and indemnity agreement.**

- B79-05** **Accepting conveyances for drainage, sewer, sidewalk, street, underground electric and utility purposes.**
- B82-05** **Accepting conveyances for utility purposes.**
- B83-05** **Amending Ordinance No. 17471 relating to special assessments for the Brown Station Road Improvement Project.**
- R49-05** **Setting a public hearing: voluntary annexation of property located on the north side of Prathersville Road, southwest of U.S. Highway 63.**
- R50-05** **Setting a public hearing: voluntary annexation of property located on the south side of Richland Road, east of St. Charles Road.**
- R51-05** **Authorizing various Adopt A Spot agreements.**
- R52-05** **Adopting the FY 2005 Disadvantaged Business Enterprise (DBE) goal and directing its implementation.**

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

#### **NEW BUSINESS**

- R53-05** **Approving the Preliminary Plat of Boone's Pointe.**

The resolution was read by the Clerk.

Mr. Watkins described the plat as consisting of approximately 41.8 acres located on the south side of State Route K, west of Sinclair Road. The site characteristics included a moderately sloping area with intermittent streams and the Little Bonne Femme Creek drainage basin accepting the storm water. City sewer was east of the site and the utilities included Boone Electric Cooperative and Consolidated Public Water Supply District No. 1. Access was off of Route K, a MoDOT maintained major arterial road, and R. A. Nursery Road, an unimproved local residential street. Internal streets were adequate. He noted current city policy did not require improvement of exterior streets and that Staff was considering suggesting an amendment to the Subdivision Regulations that would adopt the County policy, which would require improvement based on traffic count. Staff recommendation was for approval of the preliminary plat as was the Planning and Zoning Commission.

Mayor Hindman was concerned about R. A. Nursery Road. Mr. Ash stated he had interpreted this as one of those things that was legal now, but was something they might want address in the future. Mr. John noted that Nursery Road was where Scott Boulevard was coming through and would adjoin that intersection from the north. Mr. Loveless commented that the entire intersection would be worked over and that the City was in agreement with MoDOT and the County regarding the issue. Mr. Loveless also pointed out there was an access across from White Fawn, which came out onto Route K.

Jeff McCann, an engineer with Allstate Consultants, offered to answer any questions on behalf of the developer.

The vote on R53-05 was recorded as follows: VOTING YES: CRAYTON, JANKU,

HUTTON, LOVELESS, JOHN, ASH, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R54-05      Approving the Preliminary Plat of The North Woods.**

The resolution was read by the Clerk.

Mr. Watkins described the plat as consisting of approximately 27 acres located on the southeast corner of Rangeline Street/Route 763, and Smiley Lane in north central Columbia. The existing zoning was C-3 and C-P. The area was in the Bear Creek drainage basin and all City utilities were available to the site. Access was off of Rangeline, a major arterial street, and Smiley Lane, a neighborhood collector street. He noted, initially, staff had recommended to the Commission that the northern extension of American Parkway be moved further to the west to create a potential four-way intersection and to avoid an existing single family house. In subsequent discussions with the developer, Mr. Watkins explained that staff now agreed that the developer's proposed alignment was acceptable and actually preferred. Internal access in the preliminary plat was adequate with two internal streets. Staff recommended approval of the preliminary plat and the Commission recommended approval subject to the final plat being revised to reflect condition two, a change in name of Saddlebrook to continue it north and south.

Mayor Hindman understood they were laying out the lots and that the zoning was already in place, but asked if there were C-3 lots already there. Mr. John explained the land was one contiguous piece in general, it just had a zoning line running through it. Now they were laying out streets and lots.

Mr. Hutton understood they needed to amend the ordinance to eliminate subsection 1 of section 3. Mr. Watkins replied that was correct.

In regards to the renaming, Mr. Ash asked if in a situation like this where it would eventually intersect with Interstate Drive, if that should be the name instead of Saddlebrook. Mr. Janku pointed out a bigger break at Smiley Lane and stated that was because it was the major street. He noted Saddlebrook extended further south and it was not as significant a street to break it up. If Saddlebrook did not already extend further south, there would be no reason to make a break at Smiley Lane. Mr. Watkins explained that American Parkway currently existed and was primarily an east/west street and Saddlebrook was primarily a north/south street, so the Commission felt it made more sense to name the north/south extension Saddlebrook.

Phebe LaMar, an attorney with offices at 111 N. Ninth, spoke on behalf of the applicant in favor of the proposal as it stood after the amendment from the Planning Department.

Mr. Loveless made the motion that R54-05 be amended by deleting subsection 1 in section 3 and renumbering two to one. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

The vote on R54-05, as amended, was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R55-05      Approving the Preliminary Plat of Red Oak Subdivision; granting a variance to the Subdivision Regulations.**

The resolution was read by the Clerk.

Mr. Watkins described this preliminary plat as an approximate 19.2 acre tract located on the south and west sides of Green Meadows Road, extended, north of Grindstone Parkway. The existing zoning was C-1. In addition to the preliminary plat, he noted a

technical request for a variance to the requirement for a 200 foot tangent section between the curbs for Gray Oak Drive. All City utilities were available and the drainage area was Hinkson Creek. Access was off of the eastern extension of Green Meadows Road, a major collector street, and Gray Oak Drive, a local non-residential street. Staff recommended approval of the plat and the variance request, as did the Commission.

Mr. Ash thought it looked like previously the plan was to have it connect at the southern edge, but now they had it connected at the southeastern edge. He asked why they changed it. Mr. John explained that the plat across the street was approved with Gray Oak backing up there so this needed to connect up.

The vote on R55-05 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R56-05      Approving the Preliminary Plat of Creek Ridge Subdivision; granting a variance to the Subdivision Regulations relating to sidewalk construction.**

The resolution was read by the Clerk.

Mr. Watkins noted this tract, located on the south side of Old Plank Road, across from the terminus of Forum Boulevard, contained about 68.3 acres. The existing zoning was R-1. There were variance requests to the requirement for sidewalk construction along Old Plank Road and along Plank Way, between Rutland Drive and Old Plank Road. Mr. Watkins noted that the site was mostly wooded and within the Little Bonne Femme Creek drainage basin. Utilities would be provided by the City, Boone Electric and Consolidated Public Water District No. 1. Access to the proposed subdivision would be off Old Plank Road, an unimproved neighborhood collector street, and a series of internal local residential streets, including one cul-de-sac. Staff recommended approval of the preliminary plat and the variance request for Old Plank Road. They further recommended denial of the variance request for Plank Way. The Commission approved the proposed preliminary plat and recommended approval of both variance requests with the 40 foot half-width of Old Plank Road, which was agreed to by the developer.

Mr. Hutton asked about the thinking behind the variance request for the sidewalk on Plank Way. Mr. Watkins believed it to be a terrain issue primarily. Mr. Hutton pointed out they were building a new street.

Jeff McCann, an engineer with Allstate Consultants, introduced Jay Birchfield, who was representing the developer. Regarding the variance request along Plank Way, Mr. McCann stated they were requesting the variance along the west side of the road and were proposing an eight foot sidewalk along the other side, which would be in line with an eight foot pedway that ran along Forum Boulevard. They were anticipating leaving the other side open as a utility corridor. Using a drawing, he described their intentions and noted significant rock excavation would be on the utility easement side. Mr. Janku asked how the utilities would be put in. Mr. McCann stated the utilities would be placed in the fill area.

Mayor Hindman commented that there had been a proposal of having a pedestrian entry on the northeast corner. Mr. McCann replied that they had talked to both the Planning and Public Works staff and the comment had been made about an existing gravel driveway that came up to an old structure. He noted that they had no problem with granting the sidewalk easement, but because of the steep grade along the area, they had concerns about actually being able to construct a sidewalk there. He stated they had not completely ruled out the idea, but at the same time did not want to be tied down to it, knowing there were problems that would make construction difficult. Mayor Hindman asked if he meant the physical difficulty of constructing it or if it had to do with the ADA requirements. Mr. McCann

replied that he was referring to the physical difficulty with trying to deal with the slope while still meeting ADA requirements. Mr. Ash asked if granting the easement meant they would have to build a sidewalk. Mr. McCann understood it did.

Mr. Ash agreed having the wider street would be okay and added it was a short street with a cul-de-sac, so traffic control would not be a problem. He was surprised the staff denied granting a variance to the tiny piece of sidewalk, but were fine with granting a sidewalk variance along the entire stretch of road. He understood it was an unimproved road and that there were topographical concerns, but stated it could be an alternative walkway. He asked if there was any other way people could be allowed to ride their bikes or walk along that stretch of road, even if it was not in the typical right-of-way. Mr. McCann replied they had looked at that and there were two big strikes against the alternative sidewalk. He pointed out the steep slopes on the drawing where there would be no way to cut in a flat spot to make it safe. The other problem, he noted, was the floodplain with large channel crossings. Mr. Ash did not feel that a sidewalk had to be contiguous all of the way, from one end to the other. He felt if they could get a strip, it would allow stepping off the road to allow cars to pass. Mr. McCann thought that would go against safety concerns for pedestrian travel. He did not think the City wanted to provide a place for people to walk and then force them to walk out into the roadway. Mr. Ash appreciated that, but also felt to have nothing there seemed like a bad idea.

Mr. Janku noted they had granted a sidewalk variance to the lots across the street where it was relatively flat because it was an unimproved street. He stated there could easily have been a sidewalk there that could connect to Forum and thought that the policy should be revisited. Mr. Hutton commented that if they could develop a street standard where they would know the width of the street and if the sidewalk could be put in with some kind of relative confidence that it was close to where it would finally be, he would agree. He felt the Council seemed to have a problem with street standards, even though they just approved them.

Mr. Janku agreed the first stretch to Forum would be very difficult to build because of the slope and being heavily wooded. He did not think it would be easy to build an alternative pedway because there was no open area to move into. He did think they should pursue the other alternative of the road that existed there and using it as a way to enter and exit the subdivision. The terrain would be next to impossible to build on. If they took it and then got to Old Plank Road, Mr. Ash asked if there was any sidewalk there. Mr. John stated there was not. Mr. Janku stated it would come out to the east, basically where the sidewalk would go if they had to build one. Mayor Hindman agreed, but thought Mr. Ash had a good point in regards to building partial sidewalks.

Mr. Hutton asked who would be liable if someone was injured on a sidewalk on the property owner's property. Mr. Boeckmann replied that the City had sole responsibility for tort liability in a publicly dedicated sidewalk or right-of-way.

Mr. Ash asked if they should table this and let the experts work it out or if they should solve the issues at the time of the final plat. Mayor Hindman pointed out that they should add the condition when approving preliminary plat because if they did not, they could just come in with a final plat.

Mr. Janku made the motion that R56-05 be amended by replacing the word "condition" with the word "conditions" in section three and by adding a second subsection that read that subdivider provide some type of pedestrian easement for the northeast corner of the property to provide access from Rutland Drive to Old Plank Road. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Regarding the western end, Mr. Ash asked if staff had any further comments. Mr.

Hutton felt they would be opening up a liability issue. Mr. Watkins commented that staff looked very hard at the sidewalk because they understood the importance of it to both the Commission and the Council. They thought there were some very valid reasons why the sidewalk would not work there on an unimproved street with ditches on either side, half of which was in the floodplain with serious crossings and the other half having a significant terrain problem up north.

Mr. Ash felt a partial sidewalk would be better than none because the alternative, as Mayor Hindman pointed out, was that people would be in the street the entire length. However, he stated he understood the point about that being dangerous. .

The vote on R56-05, as amended, was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R57-05      Approving the Preliminary Plat of Trail Ridge Subdivision Block 3; granting variances to the Subdivision Regulations.**

The resolution was read by the Clerk.

Mr. Watkins described this as an approximate 18 acre tract on the north side of Green Meadows Road, east of Skylark Drive. The existing zoning was R-1. He noted this to be a change in a plat the Council approved earlier and noted that it reflected changes the staff suggested, having to do with an alley and eliminating the driveways onto Green Meadows Road. He noted one tier lot that would be accessed from the alley. This, he pointed out, was what the developer had committed to in earlier discussions with the Council. Staff recommended approval of the preliminary plat with the two variance requests as did the Commission.

Joe Johnston, 323 Green Meadows Circle, questioned the variance. He noted the alleyway would run directly east/west against his property from one end to the other. He was hopeful there was another way to handle it. He asked if it would be possible to have two houses share driveways and to use the side roads. This would mean only three entrances would need to be added onto Green Meadows Road and would be away from the intersections. He pointed out that 15 driveways were already allowed between Forum and this area. Mr. Johnston did not like the idea of having an alley within 50 feet of his front door.

Mr. Janku asked if this would be a public alley. Mr. Watkins replied that it would be a public alley. If Mr. Johnston's property were ever to develop, Mr. Janku asked if the property could access the alley in terms of doing a layout with garages in back. Mr. Watkins saw no reason why it could not be done. Mr. Hutton commented that it could happen in this case because they could have garages in the back now. Mr. Janku noted he was talking about the property north of this.

Mayor Hindman asked what was meant by the three driveways. Mr. John explained that Mr. Johnston was saying instead of having an alley, they could have three shared drives and allow the two side lots to come off the side streets. He noted it would actually be four driveways.

Ms. Crayton asked who would be responsible for the maintenance of the alley. Mayor Hindman replied that the alley was the responsibility of the City.

Mr. John explained the neighborhood opposed a planned development and this plat would provide for what the Council asked for in regards to the issue of the driveways onto Green Meadows.

Mr. Hutton asked about the property being considered for the fire station. Mr. Patterson replied that they had not defined the exact dimensions of it yet, but were in the process of getting an appraisal of the entire block. Once they had the appraisal, they would

begin negotiations based on what the Fire Department felt they needed. If they did not take the entire amount, he thought it would probably result in coming back with a plat for the remaining portion. Mr. Hutton asked if we did not take the whole thing going northward whether lot 65 would be taken due to the tier lot. Mr. Patterson replied that they needed to evaluate whether or not the whole taking would make more sense than a partial taking. He explained they could not leave a land locked piece of property.

The vote on R57-05 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH, HINDMAN. 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:

- PR60-05 **Amending the City of Columbia Convention and Visitors Bureau Tourism Development Program, Festivals and Events Guidelines.**
- B85-05 **Voluntary annexation of property located on the east side of Sinclair Road, south of Muirfield Drive; establishing permanent R-1 zoning.**
- B86-05 **Rezoning property located at the eastern terminus of Quail Drive from R-3 to C-P.**
- B87-05 **Rezoning property located along both sides of Clark Lane, east of Ballenger Place from A-1, R-1, O-P and C-P to PUD-8.**
- B88-05 **Approving a revised signage plan for Bass Pro at CenterState Crossing.**
- B89-05 **Amending Chapter 29 of the City Code relating to planned zoning districts.**
- B90-05 **Approving the Final Plat of Stephens Lake Park; granting a variance to the Subdivision Regulations.**
- B91-05 **Authorizing an agreement with Bucher, Willis & Ratliff Corporation for design of the Southwest Outfall Relief Sewer project; appropriating funds.**
- B92-05 **Authorizing a right of use permit and post-mitigation agreement with CenterState Properties, LLC.**
- B93-05 **Confirming the contract with J. C. Industries, Inc. for construction of the F-1 Relief Sewer - Phase I (UMC Campus Relief Sewer) and Maryland Avenue Drainage Project; appropriating funds.**
- B94-05 **Calling for bids for sidewalk construction in portions of Auburn Hills Subdivision.**
- B95-05 **Accepting conveyances for drainage, sewer, street and utility purposes.**
- B96-05 **Authorizing an agreement with Socket Internet, Inc. for connection to the City's fiber optic cable system.**
- B97-05 **Accepting conveyances for utility purposes.**
- B98-05 **Appropriating funds for the Nifong Park animal pen project.**
- B99-05 **Authorizing agreements with the Missouri Highways and Transportation Commission for MKT Trail crossings at Stadium Boulevard and Providence Road.**

## REPORTS AND PETITIONS

### (A) Intra-departmental transfer of funds.

Report accepted.

### (B) Street closure request.

Mr. Hutton made the motion that the requests be granted as written. The motion was seconded by Mr. John and approved unanimously by voice vote.

### (C) Southridge Drive - parking restriction.

Mr. Beck explained that a resident of the area noted a safety problem and that Public Works suggested removing parking for 75 feet on both sides of Southridge Drive, west of Woodland Drive.

Mr. Hutton made the motion that staff be directed to prepare an ordinance. The motion was seconded by Mr. John and approved unanimously by voice vote.

### (D) Art work at the Gentry and Howard buildings.

Mr. Beck noted a detailed report from the Commission had been passed along to the Council. The report suggested that money be set aside for maintenance of the Statue of Liberty replica and for murals in the old Council Chambers.

Mr. Janku asked if this would be in addition to the one percent for art for the Howard and Gentry buildings. He recalled talking about trying to do something in the plaza area between the two buildings. He thought they had decided they did not want the architect doing the work because of budget reasons, but that staff could work on something to make the area between the two buildings more attractive.

Mr. Hutton asked what criteria engaged the one percent. He understood the project had to be at least a \$1 million project.

Ms. Hunter explained that these projects were not designated for the percent for art, but that the new City Hall project had been designated as a future project. She felt the thinking of the Standing Committee on Public Art was that these two buildings already had works of art, so they should be addressed with any available funds first. Regarding the \$1 million trigger, she thought the projects combined were over the amount.

Mr. Ash asked if it had to do with remodeling as opposed to construction. Ms. Hunter stated that was something that was discussed, ongoing maintenance and responsible planning for care of future works. While they were commissioning new works and planning for their maintenance, she noted that to truly have a responsible public art program, they ought to also address existing works.

Mr. Loveless made the motion that staff be directed to pursue cost estimates for the restoration of The Statue of Liberty replica and the murals in the Howard Building and incorporate them in the overall renovation plans. The motion was seconded by Mr. John.

Mr. Hutton remarked that they would still have time to look at whether or not they should do anything else as far as the percent for art as the plans developed.

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

### (E) Annual Park Improvement Program - Twin Lakes fence project.

Mayor Hindman stated that he was in favor of going ahead with the project. He asked about using wood fencing with the screen on it at the top of the hill. Mr. Hood asked if he was

referring to the east side. Mayor Hindman replied he was. Mr. Hood stated that they intended to use the wood rail fencing at both the east side, on top of the hill, and south side, adjacent to the MKT Trail.

Mayor Hindman made the motion that staff be directed to proceed. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

**(F) Undergrounding Utilities.**

Mr. Beck pointed out that in the past years they had been budgeting about \$800,000 per year for undergrounding. The priority for a number of years had been the downtown area, which was being completed.

Mr. Dasho explained that staff had been directed to look at how they dealt with undergrounding utilities in new developments, and in particular, how to get from the existing distribution system to the new developments. He noted that in new developments, the undergrounding was paid for by Water and Light when running the circuits that fed the homes in the development. In order to actually get the power to the development, the previous policy had been to work with the developer to see if it was possible to get underground put in and have the developer share in that cost. If they were not interested in doing that, an overhead line would be built to the development. Under the ordinance, he pointed out, it appeared the determination of whether or not something should be underground was based on a number of factors involving construction, but one in which staff could work with the developer and say the line was going to be built underground with Water and Light paying the cost of the overhead facility and the additional cost for the underground being paid by the developer. Then the new development would be served underground as well as inside the development. Under the current ordinance, Mr. Dasho thought the City could do that.

Mr. Janku thought they agreed with that, but thought there might need to be some clarification. He asked if they could direct staff, by motion, to proceed in that manner without a new ordinance. Mr. Dasho stated that was the way he was reading the current ordinance.

Mayor Hindman remarked that he thought the developer paid the cost of bringing in the utility. Mr. Dasho replied that the developer paid the cost for the water utility, but the electric facilities that were put in inside the boundaries of the development were paid for by Water and Light. Mr. John added that everything, but electricity, was paid for by the developer.

Mr. Ash thought it seemed like there were different rules for 200 amp vs. 600 amp. He noted the 200 amps was a wash in regards to the cost for determining whether underground or overhead would be used, by the time maintenance and everything else was factored in. Since 600 amp could be two to two and one-half times as expensive, he thought it was not a good idea for Water and Light to assume all of the costs because it could have an impact on rates. Mr. Dasho agreed. Referring to the two ways suggested to tackle the cost sharing issue, Mr. Ash asked how the staff would pick between the two scenarios. Mr. Dasho replied it would be his proposal to take a look at the costs of doing the actual project and then compare them to what it would cost us to do it overhead and see which of the options cost less to the utility. In areas where new developments were going in, the attempt was to build those areas underground so we would not have to worry in the future about what to do with overhead lines.

Mr. Beck asked how close what was being proposed was to what Boone Electric did. Mr. Dasho thought it would be close because for each residence hooked up to their system, there was a \$3,000 credit. Anything over that cost was paid for by the developer when the electric went in. We did not have a cost at all for those customers inside the development, we paid it all. He was referring to the feeder line that went in to serve the development.

Mr. Janku made the motion that the Council endorse Mr. Dasho's interpretation of the

ordinance and his authority to implement a cost sharing arrangement for undergrounding new feeder lines to new developments. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**(G) Amendments to the Major Thoroughfare Plan.**

Mr. Janku stated he had previously asked about the connection from Blue Ridge north towards Saddlebrook (Kennesaw Ridge) when the 763 issue had its public hearing with MoDOT. At that time, the neighbors were very interested in having Kennesaw and the street to the west in Vanderveen having a stop light. MoDOT declined and stated there could not be a stop light nor could there be a left turn access out of Kennesaw Ridge going south onto 763. He thought he had asked that the issue be referred to CATSO to evaluate the possibility of connecting Blue Ridge and Kennesaw so the residents would be able to go south, access Blue Ridge and get the stop light at Blue Ridge and 763 rather than having to go east through the Derby Ridge Subdivision or north to Smiley and double back. Mr. Watkins replied that this particular street was not on the Major Thoroughfare Plan and would not be something CATSO would consider. Mr. Janku asked to which street plan he should address the issue. Mr. Patterson thought he would want to get it in as a CIP project for priority purposes. He thought Mr. Watkins was saying that because of the type of street it was, it did not fit the CATSO category, but would be one the staff would want to look at for a local street network. Mr. Janku stated he wanted it in the plans, so if a developer came forward and wanted to redevelop property, we could tell him we wanted that street. Mr. Patterson replied that if they had it in their street construction plan as a project, it would help with identifying it. Mr. Janku asked about Parker Street and if the part through Oakland Park would be included. Mr. Watkins replied it was still in there and asked if he wanted it taken out. Mr. Janku replied that he wanted them to look at taking it out. Mr. Watkins stated they would look at it.

Mr. Janku made the motion that the issue be referred to the Planning and Zoning Commission as suggested and that the Parker Street issue be referred to the technical committee of CATSO. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**BOARDS AND COMMISSIONS**

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

**BICYCLE/PEDESTRIAN COMMISSION**

Dusold, Julie M., 2407 UMC Drive, Ward 6 - term to expire 7/31/06

**C.A.R.E. ADVISORY BOARD**

Anspach, Gary L., 1634 Towne Dr. 2A, Ward 3 - term to expire 3/1/08

**COMMUNITY DEVELOPMENT COMMISSION**

Schepers, Jim D., 4009 Beach Pointe Drive, Ward 5 - term to expire 11/1/05

**CULTURAL AFFAIRS COMMISSION**

Morgret, Curt, 3900 Cromwell Court, Ward 5 - term to expire 4/1/08

Stevens, Chris M., 1008 Sunset Drive, Ward 4 - term to expire 4/1/08

Underwood, Lara M., 2308 Whitegate, Ward 3 - term to expire 4/1/08

**BOARD OF HEALTH**

Quint, Jessica, 2700 Greenbriar Drive, Ward 5 - term to expire 8/31/05

**RAILROAD ADVISORY BOARD**

Yates, William T., 3107 Rodeo Drive, Ward 5 - term to expire 7/15/05

**SUSTAINABLE FARMS BOARD OF DIRECTORS**

Grugin, Elizabeth M., 506 F Columbia Drive, Ward 6 - term to expire 12/31/07

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

John Clark, 403 N. Ninth, stated he had opposed both Route WW annexation requests because he was opposed to the City taking on more responsibilities to construct and maintain public infrastructure to serve developments that would take place on the properties. He commented that population growth did not pay for itself and that he distrusted the City's current ability to plan for and equitably finance the required infrastructure. He urged joint City/County planning and adoption of comprehensive development standards. Mr. Clark provided a copy of his complete statement.

Mr. Janku had an e-mail he stated he would forward to the staff regarding turn lanes on Parker at Vandiver being designated and asked that they look into it.

Mr. Janku received a request about looking at the parking issue at the intersection of Blue Ridge and Parker where there had apparently been a lot of parking and a few recent accidents. He assumed there were restrictions about parking within so many feet of such an intersection. He asked that it be looked into and possibly posted.

Mr. Janku felt that people misunderstood the leash free rule near the Bear Creek Trail. He noted that a lot of people tended to walk along the Trail with their dogs just off the Trail, but then rushing back on to the Trail. He stated work was being done now to bring the Trail under the new Garth Bridge and thought adjustments would be needed because of that.

Mr. Janku made the motion that staff be directed to report back on how the leash free area could be better delineated and how it could be made clear that when on the Trail, or adjacent to it, the need for dogs to be leashed. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mr. Loveless reiterated an issue he brought up last summer near Cold Stone Creamery where people were standing around on the sidewalk. The concern was that people were getting bumped out into traffic on Elm Street. He questioned whether or not the merchant could anchor benches at the curb so a barrier could be formed. He asked the Council if they thought the issue should be pursued. Mr. Ash thought it was worth getting a report. Mr. Janku suggested referring it to the Downtown Association as a plan. Mayor Hindman asked if it was in the SBD. Mr. Ash did not think it was. Mr. Ash asked if the owner thought it was a good idea. Mr. Hutton commented that he brought it up. Mr. Hutton also noted another issue regarding the stop sign at this location. If going north on Tenth Street, the stop sign stopping you at Elm was probably 40 or 50 feet south of the intersection. If cars stopped at the sign, they could not see around the building. Mr. Beck stated staff would check into the issues.

Mr. John mentioned they had received a letter from the Chair of the Board of Adjustment regarding setbacks in older neighborhoods, where the median setback was used for all homes. He stated it made half the homes on those streets non-conforming and they had to go to the Board before they could do any additions. He suggested having the Planning and Zoning Commission look into the matter to determine a better way to approach the issue. He noted that the Board's recommendation was the farthest front with a 25 foot

minimum, but thought it should be referred to the Commission.

Mr. John made the motion that the Board of Adjustment's request be forwarded to the Planning and Zoning Commission for their review and recommendations back to the Council. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. John noted they had received an e-mail from a gentleman using a wheelchair who traveled from his house to the University by Paratransit. The man's job location had changed and it was not covered by Paratransit. He asked about the potential of some sort of voucher system to have a cost for a Paratransit run so if this man could find a private contractor that would transport him, we could allow for it.

Mr. John made the motion that staff be directed to look into voucher systems and report back. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Ash explained that he had received an e-mail from someone who was picking up a large carry out order and had parked in a space with a red hooded meter. The man came out to find a ticket waiting for him and the meter maid blocking him. He had to pay a tow company before he could get his car. He agreed he probably should not have parked there, but felt the towing issue had basically been extortion. The hood on the sidewalk side said reserved, but said nothing on the street side. Mr. Ash suggested that both sides of the meter hood be lettered. Mr. Patterson replied that the printing was already being done.

Regarding the proposed changes to planned zoning, Mr. Ash noted there were 46 pages of ordinance changes. He asked for someone to be prepared to explain what the proposed changes were and why they were being proposed. He also noted that the report stated that attached was the staff report plus the Commission minutes. He saw the minutes, but saw no staff report. Mr. Ash realized they talked about this at a work session, but stated he would like to see a report with the same level of detail as what they saw on street standards. Mr. John thought they had already received something like that. Mr. Ash asked that it be sent to him again. Mr. Janku stated he would also appreciate another copy.

Mr. Ash noted R53-05 and the Mayor's concern about access to an unimproved road and the fact that it could not be prevented. In addition, the staff report suggested a possible amendment to the Subdivision Regulations.

Mr. Ash made the motion that staff be directed to report back after referring the issue to the Planning and Zoning Commission for a public hearing and input. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Crayton noted a hole in the roof on a house on Hirth. She stated she would start making a list of such hazards in her neighborhood. She was also concerned about trees and weeds causing site problems on Worley at various corners to include Ridgeway and Hirth. Mr. Beck stated he would appreciate the list and would look into it.

The meeting adjourned at 10:43 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk