

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

INTRODUCTORY

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

APPROVAL OF MINUTES

The minutes of the regular meeting of February 21, 2005, were approved unanimously by voice vote on a motion by Mr. Loveless and a second by Mr. Hutton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

At his request, Mayor Hindman made the motion that Mr. John be allowed to abstain from voting on B63-05 and R39-05. The motion was seconded by Mr. Ash and approved unanimously by voice vote. Mr. John noted on the Disclosure of Interest form that he worked as the real estate sales person for the owners of both properties.

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

SPECIAL ITEMS

Mayor Hindman welcomed Boy Scout Troop 702 from Broadway Christian Church. The scouts were working on their communications and citizenship badges.

Mayor Hindman noted that the Convention & Visitors Bureau recently received the Gold Award at the 2004 Addy Award Dinner for their radio campaign. He also noted that the Arthur Frommers Budget Travel Book, which had a large circulation, included an article on Columbia. In addition, he noted Columbia was presented an award for the Tree Keepers Program at the Missouri Community Forestry Conference.

SCHEDULED PUBLIC COMMENTS

None.

PUBLIC HEARINGS

B53-05 Voluntary annexation of property located on the southeast corner of State Route KK and River Hills Road, establishing permanent R-1 zoning.

The bill was given second ready by the Clerk.

Mr. Watkins explained the property size to be 10 acres with existing County zoning of A-1, which would allow for one home per 10 acres. The requested permanent zoning, along with the annexation was City R-1. The Metro 2020 designation was a neighborhood district with street accesses off of River Hills Road, an unimproved County maintained local residential street, and Route KK, a MoDOT maintained major collector street. He noted the County had indicated some concerns with access off of River Hills Road. In a meeting with the County and the developer's engineer, they were assured there would be no access off of River Hills Road. He pointed out a valid protest petition had been filed in regards to this

zoning request. Staff recommended approval of the zoning request, while the Commission recommended denial of R-1 as permanent City zoning.

In terms of access to KK, Mr. Janku asked if approval was provided by MoDOT and what type of issues needed to be addressed in regards to distance from either location. Mr. Watkins replied that he was not sure they had been asked and stated staff had nothing in writing indicating that access to KK was acceptable. Mr. Janku asked what would restrict the developer from accessing River Hills Road, if they wanted access. Mr. Watkins responded that during the planning process, staff indicated access would not be acceptable. In addition, their proposal was to bring internal access from the southwest corner of the lot up through the lot to KK and they would essentially be improving a section that would serve the purpose of River Hill Road through the proposed subdivision. Mr. Janku asked if Council could deny the plat if they decided to access River Hills Road directly. Mr. Boeckmann felt there would be problems denying access if it was a public street they wanted to connect to.

If this were a planned development, Mayor Hindman asked if the Council would be able to control access more successfully. Mr. Boeckmann replied, yes. Mayor Hindman asked about any meetings staff might have had with the applicant. Mr. Watkins explained there had been a meeting between the developer, city staff, and a representative from the county where several proposals were discussed. He pointed out staff had no indication from County Public Works as to their preferred alignment. He commented that they had received letters, which he believed had been forwarded to the Council, which indicated if there was no access to River Hills Road their concerns would go away.

Mayor Hindman opened the public hearing.

Jay Gebhardt, A Civil Group, 1010 Fay Street, explained the subject property to be 600 to 700 feet from the intersection of two major streets. He felt the zoning request to be appropriate for the area and described the surrounding area. He pointed out the development of the property was dependent upon it being annexed and zoned because they wanted city sewers. If the contract went through with this developer, Mr. Gebhardt assured the Council his client would not take any access, driveway, or anything else off of River Hills Road. He further stated there would be no construction access off of River Hills Road and that they would basically pretend the road was not there. He commented that a reason for that was the fact that it would be hard to market a subdivision off of a gravel road. Their plan was to turn the subdivision's back to it and have a road that would parallel River Hills Road. They would prohibit access to River Hills Road on the final and preliminary plats and would give up abutters rights. He stated that he had spoken with MoDOT about access to KK. In regards to the marginal site distance on River Hills Road, he pointed out it improved slightly, further east, where they intended to move it. By coming in there, he felt they could provide safer access. Mr. Gebhardt also stated they wanted to work with the County, but did not want to eliminate the option of this becoming the main road for River Hills with River Hills going away in the future.

Mayor Hindman asked why they were not interested in a planned area. Mr. Gebhardt replied that they wanted a simple R-1 subdivision and felt the planned district did not lend itself to that. The only reason for planned district designation would be because of the road and he felt they could handle that without going to a planned district. He also pointed out that there could be more lots with a planned district, which would be less desirable to the neighbors. Mayor Hindman asked about any meetings with the neighbors. Mr. Gebhardt replied that he personally had not had any meetings with them. Mayor Hindman asked if the owner had met with them. Mr. Gebhardt stated he did not know.

Linda Coats, 5901 S. River Hills Road, passed around a faxed copy of a plat that was sent to her by Planning. She stated the plat showed three entrances from a new subdivision onto River Hills Road. She reiterated her comments from the previous meeting. The land in

all directions of the subject tract was zoned A-1. If the annexation was approved and the zoning changed to R-1, she noted that the present or future property owners could build 30 to 60 houses on the 10 acre tract. She felt that River Hills Road could not support that much traffic, even if it were to be improved and she also felt MoDOT would not provide access to Route KK. Ms. Coats pointed out that all other tracts on River Hills Road had restrictive covenants filed in August of 1978. She noted those tracts were marked in yellow on the handout. She stated the conditions of the covenant and noted that the subject tract was part of River Hills Estates Plat 1, which did not have the restrictions. An additional concern she voiced was that of the safety of her livestock, horses, and alpacas. She asked for those opposed to this request to stand and approximately two dozen people stood.

Blaine Alberty, 5950 S. River Hills Road, commented that he had been told that Thornbrook Parkway might be connected across from River Hills Road. Mr. Watkins replied that he had not seen anything regarding that. Mr. Alberty felt that a lot of the neighbors realized annexation was coming their way, but reiterated their concerns about density. Thirty to sixty homes on the property seemed like too much. If the road, the engineer was proposing into the subdivision, came to the southwest corner of the lot, he noted that could possibly affect access to his own property.

Jim Givens, 6000 Scotts Boulevard, pointed out the ten acre plots in the area, in addition to this one, that might be developed and felt they would be in the middle of nowhere. He noted that firearms, fireworks, and burning were allowed in the County and asked what the City residents would think about that. He thought the City would receive more complaint calls. Mr. Givens stated that dense subdivisions made sense in the City, but not in the County.

Steve Morris, 6201 S. Scotts Boulevard, explained that River Hills Estates as it now existed was a subdivision that represented the clear intent of the landowners who subdivided their farm about 30 years ago. That intent was to preserve A-1 zoning. He stated the intent was also clear that it was an end point subdivision with no further subdivision of River Hills properties ever intended. He felt it was not credible to believe that anyone, who had purchased property in River Hills since its inception, including Mr. Davison, could have done so unaware of the clear intent to retain tracts having a minimum of ten acres with one single family home. He realized the intent to retain the zoning, tract size, and density, as they had it now in the River Hills Subdivision, might not legally restrict the City from granting Mr. Davison's request, but pointed out the Commission unanimously recommended denying the rezoning request. He read a statement made by Mr. Barrow, a Planning Commissioner, regarding the number of people speaking against the request, while noting that the landowner did not show up. Mr. Morris asked the Council to deny the request.

Bruce Hanson, 6390 S. Sabine, stated he was President of the Home Owners Association at Southfork Lake Estates and reiterated their opposition voiced at the last meeting. He noted that water lines were already in and that they already had all the hydrants they needed. He also felt the sewer would only benefit the developer. He commented about the poor condition of Scott Boulevard and Route KK. He felt that if the Council was concerned about planning, the compatibility of the surrounding areas, and citizen safety, this was an obvious no.

John Cleek, 5010 Brazos Drive in Southfork Lake, explained that he was pro-development and pro-growth, but was opposed to this voluntary annexation and the R-1 zoning request. He was disappointed in what he felt was a total lack of planning and stated there was really nothing for them to consider since there was no plan. If the developer had access to River Hills Road, he felt he should be made to pay for the improvements to the road. Mr. Cleek noted that neither Mr. Davison nor any of his representatives bothered to attend the Planning and Zoning Commission hearing or the hearing at the Council meeting

two weeks ago. He urged the Council to deny the request and to not reconsider it until there was some cooperation between the City, the County, and the neighbors that would be adversely affected by it. Mr. Cleek provided a complete copy of his statement.

Keith Schnarre, Boone County Presiding Commissioner, noted there had been a policy change in that the City and the County would be looking at annexation requests together. Since earlier conversations about River Hills Road, he stated the developer and the County's Public Works Engineer had looked at some different arrangements wherein a separate entrance was shown onto Route KK. This took care of their concern about going onto River Hills Road, but it created future problems for their Planning Department in that if a tract developed to the west, there would be a question as to whether or not they would get an access point because that would make three in close proximity. He felt the best solution would be to improve River Hills Road. Commissioner Schnarre stated he had not had time to check into whether or not River Hills Road had been donated to the County. He noted that some of the properties went to the center of the road, whereas some of the properties were donated. He commented that the question came up as to whether or not the County would be able to annex River Hills Road along this project. He could not answer that at this time.

Sharon Savage, 6301 S. Scott Boulevard, voiced opposition to the proposed annexation and rezoning. She stated she shared all of the concerns voiced by her neighbors and that most of them bought where they did because they wanted to perform agricultural activities. She was concerned about the farm animals and felt a lot of the wildlife they now saw would not return if 40 houses were to be built there. Ms. Savage was also concerned about light and noise pollution. She noted two and one-half miles of undeveloped agricultural land between Nifong and their properties and stated she did not understand why that area would be skipped over, while high density developments were being planned in the middle of the countryside.

Jessica Child, 3321 Brampton Lane, commented that the southwest side of Columbia and Boone County was starting to look like a checkerboard. She asked where the cohesion and continuity that made up a city landscape was. She felt this was leapfrog development and thought it made no sense to annex a ten acre tract of land that was surrounded by other A-1 tracts.

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

Mr. John asked how Route KK and Scott Boulevard were designated on the 2025 Transportation Plan. Mr. Watkins replied that he did not have that map, but thought they were both minor arterials.

Mayor Hindman commented that when faced with annexation and a request for R-1 zoning, it would be a normal expectation that the Council would approve the request. The idea this was an isolated piece of development that would have more density than that of the surrounding property, he felt was not altogether true. He thought the properties next to it and across the road were likely to develop and be more dense. He also noted the proximity of Thornbrook and its density. He was not sold on the idea that this would be an isolated incursion into other property that was unwarranted, but he did have some concerns which he felt would cause him to vote against the request. He thought there should have been meetings with the neighbors before coming to the Council, that the road issues were not clear, and that this should be a planned development.

Mr. Janku thought the area was likely to become more and more dense in the relative near future. He pointed out that Planning Commissioner Barrow noted that this might be considered more likely or a better plan for some sort of commercial development because of the two major streets coming together. With the issue of the streets being unresolved, even though the engineer and the developer might have had the best intent, and with trying to establish cooperation between the City and County, it would be unfortunate if, for some

reason, the plans did not go forward and they had to resort to going in on River Hills Road. He commented that a planned development could limit the number of homes in terms of density and could describe access points and amenities to allow everyone a better understanding of what was going to be done.

In reference to comments made regarding checkerboard development and the lack of cohesion, Mr. Loveless explained that this was happening because this was what was coming to them. He pointed out that a few years back the Council tried to move toward putting cohesive plans together by a voter approved annexation, so they would not have to look at ten acre pieces here and there, but the same arguments given tonight were used to defeat annexations of large pieces of undeveloped properties. Mr. Loveless stated the Council would love to have 1,000 acres to look at as a full plan, but that was generally opposed also. In regards to this specific request, he felt it was a poorly planned situation and stated he could not support it.

Mr. John commented that there was nothing compelling about the density issue as far as he was concerned, but what was compelling was the lack of access and the lack of understanding as to access could be controlled. He noted that Brampton, Georgetown, Pinebrook, and Country Hill were all subdivisions done in the 60's and 70's and out in the County in the middle of nowhere. Now, they were part of the City and they made sense. He stated that they could not go by what used to be in the past. In addition, he commented that not everyone was able to live on large tracts. Mr. John thought there was a way this could be done with the County and the developer, but until the access issue was resolved, he felt they should pass on this.

B53-05 was given third reading with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. Bill defeated.

B54-05 Rezoning property located west of Providence Road and south of Peach Tree Drive from C-1 to C-3.

The bill was given second reading by the Clerk.

Mr. Beck described this as an approximate one acre tract with a request to change it from intermediate business to general business. Staff and the Commission both recommended approval of the request.

Mayor Hindman opened the public hearing.

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

Mr. Ash thought the main reason they asked for C-3 zoning was the argument that C-3 was next door. He stated the difference was that the existing C-3 was right next to Providence Road. He noted a lot of undeveloped property in the area and suggested there could be a ripple affect. When upzoning, he felt the request should be for planned zoning with C-3 uses.

Mr. Loveless saw no reason to grant someone an upzoning when they could not come to the meeting to tell the Council why they wanted it.

Mr. John thought C-P was probably better because some of the undeveloped ground was school ground. He pointed out that most of the C-1 lots to the north were now built on and that the aerial was outdated. He noted that there was C-P zoning on the back lot because it was up against the school.

Mr. Janku noted it was interesting that the use had to be in C-3.

Mayor Hindman stated he felt it should be C-P.

B54-05 was given third reading with the vote recorded as follows; VOTING YES: NO ONE. VOTING NO: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. Bill defeated.

B55-05 Approving a revised C-P Development Plan for Columbia Mall (Dillard's).

The bill was given second reading by the Clerk.

Mr. Watkins explained the existing zoning to be C-P, planned business. He stated there was no request for rezoning, only a change in the plan. The change would result in the construction of a second level containing about 46,000 square feet. The landscaping/open space would remain the same and the parking at 3,700 spaces would be unaffected by the proposal and was adequate to serve the additional space. Lighting was acceptable and signage would change slightly, resulting in a reduction of signage from the current sign plus some additional small entrance signs above each door. The recommendation by both staff and the Commission was for approval of the proposed revisions.

Mr. John asked if the 3,700 parking spaces were for the entire Mall. Mr. Watkins replied they were. Mr. John asked if the new parking ordinance allowed them the room to add this. Mr. Watkins replied it did and added that it was their calculation that the proposed expansion of a nearby store would also be allowed.

Mayor Hindman opened the public hearing.

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

B55-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B56-05 Amending Chapter 29 of the City Code relating to the floodplain overlay district.

The bill was given second reading by the Clerk.

Mr. Beck explained the changes would not result in any changes in the way the program was being administered. It would change the language to clear up the definitions and would more accurately describe those properties that would meet historical qualifications under state regulations. The reason this had come up was because SEMA representatives reviewed the ordinance and suggested changes to them. Because this was part of our zoning ordinance, he stated it had to go through the Planning and Zoning Commission process. The Commission recommended approval of the proposed changes.

Mayor Hindman noted work being done in connection with stormwater on some sort of stream buffer type regulation. He asked if this in any way would accomplish any of that. Mr. Patterson replied it would not and commented that this would have no affect on any subsequent recommendations regarding buffers. He stated this was strictly a housekeeping ordinance to put our language in compliance with current requirements of FEMA.

Mayor Hindman opened the public hearing.

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

B56-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B64-05 Authorizing construction of water main serving Thornbrook, Plat 13; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Beck explained that the City paid the differential cost of what staff calculated as the need of the developer and what staff considered necessary to serve the area. The project would be 1,200 feet in length and would cost the Water and Light Department \$5,400.

Mayor Hindman opened the public hearing.

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

Mr. Loveless commented that they seemingly addressed a lot of upsizing of water mains. He asked if they needed to re-examine specifications as far as the size of pipe by specifying a larger pipe to begin with. Mr. Dasho explained that the landowner was interested in being able to serve his property and the six inch water main would do that just fine. For City purposes and for future development, they looked down the road to see what the need was to serve future areas that were not necessarily in this particular development. He stated that was why they looked to go to an eight inch over a six inch.

B64-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the east side of Sinclair Road, approximately 700 feet south of Muirfield Drive.

Item A was read by the Clerk.

Mr. Watkins explained this consisted of about 35 acres in south central Columbia totally surrounded by the City limits. The petition requested R-1 zoning, but this hearing was on the annexation only. Zoning would be discussed at the next meeting.

Mayor Hindman opened the public hearing.

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

(B) Voluntary annexation of property located on the south side of State Route WW, east of the City limits.

Item B was read by the Clerk.

Mr. Watkins noted this property contained approximately 170 acres and that zoning had not been reviewed by the Planning and Zoning Commission at this time.

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney with offices at 111 S. Ninth, spoke on behalf of the petitioners, Glenda and Billy Sapp and Property Development, Inc. Unlike most of the annexation requests the Council saw, he noted this was not coupled with a corresponding zoning request. He pointed out that before voluntary annexation could be approved, the Council had to make some findings. The first was that they had to find that the annexation was reasonable and necessary for the proper development of the City. This was what he referred to as infill annexation. He explained that the drawing he passed out showed 965 acres of the previous request colored in light blue. He had drawn a red circle around the outbound corners of the City and stated that this particular 169 acres was the western most portion of the 965 acres colored in blue. He commented that it was clearly within a pocket of unincorporated land that was within the circle. He felt that fact answered the questions about the annexation being reasonable and necessary for the proper growth of the City. He believed it was and added that all they would be doing would be taking in pockets of unincorporated land into the City. In addition, immediately to the west of this piece, there was another piece of ground that was a highly developed urban area known as El Chaparral Subdivision. It was anticipated that the subject property would develop out in a similar fashion. The previous request was for R-1 and PUD-12 for an apartment complex in the area. They anticipated something similar would be submitted to the City in the future if this property was annexed. The other question the Council would need to answer in the affirmative was whether the City could provide normal municipal services to the area within a reasonable time. He stated there was no specific staff report on that issue, but when they were here before, there was a staff report that indicated through territorial agreements the City could assure that fire protection, water, sewer, and electric service would be provided

either by the City or the special taxing districts that provided those services in the County. He pointed out that annexation and development of this property would provide a customer base to use and help pay for the extension of the south fork of the Grindstone sewer line. He noted that police protection would be provided by the City as would trash service. Any enhancements to WW required in connection with future developments, could be the subject of requirements of zoning requests or development agreements. There was no question that his clients intended to pursue this development, whether it be in the City or in the County. Because they felt it would be more appropriate in the City, they asked that the Council look favorably upon the annexation request.

Renee Richmond, 6960 E. Summers Lane, stated she represented the citizens group, HARG, who were in opposition to the annexation of land east of Columbia, along Highway WW. They opposed this annexation because the developer indicated that he intended to annex in the rest of the 1,000 acres as previously requested and proposed. While they appreciated his honesty, she commented that they would continue to oppose this annexation in whole or parts, if it led to the same proposed development. She reiterated their concerns about the property not being compact to the City, since only 12 feet touched the City. She noted it did not satisfy the involuntary annexation requirement of 15% of its border touching the City. She pointed out the property was out in the County and completely surrounded by County land. All services provided to citizens of Columbia, she noted, would need to travel out along Highway WW to provide those services. They considered this leapfrog development and felt this to be a drastic change in the atmosphere of this rural area, since the developer wished to eventually place 1,859 apartments, condos, townhouses, patio style homes, or single family homes, 35 acres of commercial area, and a private country club/golf course onto this area. The current County subdivisions in this area, she explained, had homes on one to ten acre lots. She noted that there was beautiful, open farmland in this area. The proposed development, she stated, would not blend or be compatible with the surrounding area. She felt it would overpower it and irreversibly change it forever. The proposed development of the full 1,000 acres, she pointed out, would be along a narrow road that did not have sufficient width, line of site, and shoulders to provide for the estimated increase in traffic of 4,000 vehicles per day. It would put the daily traffic count at El Chaparral Subdivision to 12,000 vehicles per day. Engineers from MoDOT and the City of Columbia had indicated that this level of traffic qualified WW as a major arterial road requiring a divided four-lane roadway with appropriate collector street signage and pedestrian facilities, including sidewalks and crosswalks. Ms. Richmond stated these were major issues, which needed be resolved prior to annexation and development. This annexation would subsequently lead to the proposed 1,000 acre development and, per the previous development agreement, would require an extensive investment from the City, County and State for infrastructure. She pointed out that the City currently had a \$10 million annual shortfall in funding in its road, building, and repair costs. She noted the State had its own road construction backlog, with Highway WW not even being on their 20 year construction plan. She stated the proposed development would require a public investment of over \$30 million when considering additional infrastructure needs such as roads, sewers, water supply, and a new grade school for the area. The development plan called for 35 acres of commercial area and a recent study indicated that 12,000 people were needed per square mile to support a business. She felt there would not be 12,000 people for those areas and commented that there were already commercial areas in Columbia lying vacant. She provided a copy of her complete statement.

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

(C) Construction of Sewer District No. 149 (Edgewood Avenue).

Item C was read by the Clerk.

Mr. Patterson explained this hearing was required to determine the necessity of the improvements. The sewer district was located at the south end of Edgewood Avenue and was formed by ordinance in September of 2004. There were nine parcels within the district and they were served by a private common collector, which did not meet public standards. The lines were in poor condition and they had records of frequent blockages from tree roots causing back up in houses. The improvements would consist of approximately 500 feet of sewer line. As with other private common collectors in developed areas, Mr. Patterson noted they had examined alternative construction methods, such as pipe bursting and lining, but due to the physical characteristics of the pipe, the shallowness of it, and the presence of rock, it appeared that they would have to use an open trench cut in order to put the line in properly. He stated that they would continue to work with the property owners on the final alignment design to minimize the impact on the properties. The estimated cost was \$78,500. If they proceeded with the project, there would have to be a public hearing after construction to determine benefits before the tax bill assessments could be made. In accordance with City policy, the City would pay 50% of the cost, which in this case was \$39,250. The other half would be covered by tax billing. He explained this would have a maximum assessment of \$0.3595 per square foot and that the actual cost would be determined based on the cost of construction. Also by policy, there was a \$5,000 tax bill cap. In this case there would be two properties that might exceed that cap minimally. The benefits were that they relieved the property owners of the financial responsibility for maintaining the private common collector and of the environmental liability of blockages causing back ups. Additionally, the placement of property on a public sewer line traditionally increased the value of the property. If Council determined the benefits were at least equal to the proposed assessments, the levies would be passed.

Mayor Hindman opened the public hearing.

John Murray, 911 Edgewood, felt the project was needed badly as the pipes were crumbling and creating a sanitary hazard. He stated something clearly had to be done and that time was of the essence. He remarked that their chief concern was about how the project was accomplished. Due to a recent loss of trees in the area as a result of lightning strikes, Mr. Murray commented that they were very concerned about losing any more trees than absolutely necessary.

Sally Schilling, 904 Edgewood, agreed the project was sorely needed and asked the Council to vote in favor of proceeding with the project.

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

Mr. Loveless made the motion that staff be directed to proceed with final plans and specifications for Sewer District 149. The motion was seconded by Mr. John and approved unanimously by voice vote.

(D) Sidewalk construction in Auburn Hills Subdivision.

Item D was read by the Clerk.

Mr. Patterson explained the work to consist of approximately 14,088 feet of lineal sidewalks and pedways, which was in accordance with the development agreement approved by Council in conjunction with approval of platting in 2003. The total cost would be about \$411,000 and would be paid out of the one-quarter cent sales tax. The work would be done in two phases in order to put sidewalks in where development had occurred at this point. The remainder would be deferred until development built out in order to prevent damages and tearing out newly constructed walks. Phase one would consist of about 10,375 feet, which was most of the project, and would cost approximately \$313,000. Using the overhead, he showed where the ten foot pedway and five foot sidewalks would go. They expected to have

the project under contract and completed this summer. The second phase, which was anticipated to be constructed in 2006 if the built out occurred as expected, would consist of 3,713 feet of five foot sidewalk on the west side of Edenton and the east side of Derby Ridge. The estimated cost was about \$98,000.

Mr. Janku asked if there had been any discussion about how to have pedestrian crossings at the appropriate points, such as at Derby Ridge or Edenton. Mr. Patterson replied that there would be marked crosswalks at both the Derby Ridge and Edenton intersections.

Mayor Hindman opened the public hearing.

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

Mr. Janku made the motion that staff be directed to proceed with final plans and specifications for the project. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

OLD BUSINESS

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

The bill was read by the Clerk.

Mr. Beck explained that staff recommended tabling this issue to the March 21st meeting, so it could be taken up along with the plat.

Mr. John made the motion that B355-05 be tabled to March 21, 2005. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

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

The bill was read by the Clerk.

Mr. Beck explained that there had been substantial discussions held between the Regional Sewer District and the City. He noted that the Council had received a detailed report.

Mr. Watkins stated the Boone County Regional Sewer District had already approved the agreement. The project would cover the entire north and south Grindstone drainage basins south of I-70. Upon full implementation, the project was expected to eliminate about one-half million gallons of treated effluent from seven Boone County Regional Sewer District treatment facilities per day from the Grindstone and Hinkson Creeks. It would leverage an estimated \$2.2 million in Regional Sewer District funds and about \$350,000 in known developer contributions, part of which had already been received in terms of the plans and specifications for phase two. City costs, including known developer contributions, were about \$4.3 million. Existing Boone County Regional Sewer District customers would not be required to annex in order to interconnect. The District would be required to pay a one time \$400 tie in fee per customer for interconnections of its existing customers in the north Grindstone area. This would be the Lake of the Woods Subdivision. He pointed out that the fee would be spread out over a five year period with no interest. All new development within the south Grindstone area would be required to annex or to sign a pre-annexation agreement in order to receive sewer service. Both the City and District would oppose new treatment facilities in the south Grindstone area and would agree to support only an expansion of the District's facility at Shaw to treat wastewater in the north Grindstone area. When funds were available to extend trunk sewers to Shaw, that facility would also be interconnected and closed. Treatments costs were based on the same formula as existing interconnection agreements and a process to transfer Sewer District customers within the City was agreed to

by paying the District's debt per customer, which was about \$505 per customer last summer. The City would agree to operate and maintain trunk sewer lines with ownership transferred to the City upon depreciation. Mr. Watkins pointed out the Council had previously approved proceeding with engineering for project one, which would eliminate the El Chaparral lagoon. Using the overhead, he showed the other phases of the project as they moved up the south Grindstone watershed.

Mr. Beck noted that the Sewer District had been very cooperative in coming up with a fair way of assessment and the manner in which financing would be handled. Staff was recommending approval of the development plan. As they moved forward, he noted appropriations would need to be made.

Mr. Ash commented that the first report indicated this should be contingent upon the Sapp annexation and that a more limited agreement would have to be negotiated if the annexation was rejected. He asked for an explanation as to why that thought had changed. Mr. Watkins explained that the first and foremost reason was the concern that without proceeding with the Sapp development hand in hand, future developers might have some leverage to require the City to extend the sewers. In addition, with the agreement being contingent upon Council's appropriation for each phase, they felt that would give them adequate review for each time the sewer needed to be extended. They also wanted to confer with the Sapp group to ensure they continued to want us to do the agreement because this would eliminate one of the options they might have, which would be to build a new treatment plant for their development. Mr. Watkins noted that Mr. Sapp and his representatives had indicated on several occasions since then that they wanted the City to continue pursuing the cooperative agreement and they did not intend to build a new treatment facility on the Grindstone. Staff was also concerned that if they were not moving ahead as quickly as they had anticipated that the Sewer District might not want to continue with the agreement. He explained that they were under some permit pressure to upgrade, eliminate, or improve some of the treatment plants further up the Grindstone. The Sewer District indicated this was the best alternative for them in the long run and they felt like it should be continued. They stated they would deal with any delays as they might or might not come up.

Regarding the agreement itself, Mr. Loveless asked about phase one being constructed within three years after execution of the agreement. Just prior to that, he noted it talked about the project not being bid until state revolving funds were approved. He asked if it would be better to say that this phase should be constructed within three years after receiving approval of state revolving funds. Mr. Watkins replied that the last section in the agreement, which provided that the Council and the District must appropriate funds for each of the projects would override the time frames. Regarding Section 6 and the transfer of assets of the District to the City, Mr. Loveless assumed the assets to be the customers. Mr. Watkins replied that was correct. In reference to Section 17, term and termination, Mr. Loveless asked about the initial term of the agreement being 20 years, while earlier in the document it talked about the transfer of the District's lines to the City after 50 years. He asked if staff was comfortable with the wording. Mr. Watkins replied they were comfortable and explained the 50 years was required on the depreciation side. He noted there was no way to avoid that. Referring to Section 18, Mr. Loveless asked about the term "at arms length" when talking about negotiations. Mr. Boeckmann explained it basically meant that both parties freely negotiated the agreement, that they were of equal standing, and that no one was coerced to do anything.

B29-05 was read with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

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

The policy resolution was read by the Clerk.

Mr. Beck explained this had been further discussed at a public work session. It would add an additional category to the CDBG guidelines the City used and would set a financing limitation from zero to 15% of the money received from HUD each year. He noted the overhead listed the categories.

Ms. Crayton asked about checks and balances associated with the program. She was concerned about oversight and making sure the money was being spent appropriately. Mr. Watkins explained that the City required contracts with every one of its grantees. In addition, they met all of the various regulations, both HUD and City regulations. If they did not meet the obligations of their contract, the City could come back against them. Mr. Watkins stated the grantees were actually monitored in the field so staff would know whether people were doing what they said they were going to do. In addition, money was withheld until the contract was finally completed.

In order to make it more objective than subjective, Mr. Ash thought it would be a good idea to create some way it could be measured and rated. That way we would know what we were getting for the money and that criteria could be used in the future.

Mr. Janku noted MHDC grants were awarded to a neighborhood group in Kansas City. He understood we had tried to apply, but were told we did not qualify. He wondered if some of these organizations should be encouraged to look into those types of sources. He suggested our entities, CHDO's or others, apply directly to the granting organizations.

The vote on PR25-05 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. VOTING NO: NO ONE. Policy resolution declared adopted, reading as follows:

B61-05 Authorizing a cost participation agreement with the Missouri Highways and Transportation Commission and Boone County for an environmental study relating to the extension of Route 740 (Stadium Boulevard).

The bill was given second reading by the Clerk.

Mr. Beck explained that a program had been worked out with MoDOT to extend Stadium to US 63, on the east side of the City, to the Lake of the Woods area, I-70, where we would be guaranteeing payment of 50% of the cost of an environmental study. The cost was estimated to be up to \$1 million and the City had \$500,000 budgeted. Staff had been in contact with the County Commission and had worked out an agreement where they would put in \$10,000 this fiscal year and would reimburse the City another \$140,000 next year. The State would administer the RFP and work was expected to be completed in one year.

B61-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B65-05 Authorizing an agreement with Missouri Joint Municipal Electric Utility Commission relating to the purchase of renewable energy.

The bill was given second reading by the Clerk.

Mr. Dasho noted that previous reports had been given to the Council on renewable energy. In the fall, he remarked, they had the opportunity to discuss it with people at the Municipal Joint Agency who were also purchasing energy in the State. They had an arrangement where the City could buy renewable energy they were getting or had access to

outside of St. Louis. A contract was put together to purchase it with the idea that the City wanted to obtain experience with bringing in small amounts of renewable energy in preparation for when the ordinance took effect and they had to buy larger amounts. This contract was made with that arrangement in mind.

Mr. Loveless thanked Mr. Dasho and his staff for moving ahead expeditiously with this issue.

B65-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B57-05** **Approving the Final Plat of West Lawn Subdivision Plat 2; authorizing a performance contract.**
- B58-05** **Approving the Final Plat of Brookside Square Plat 1; authorizing a performance contract.**
- B59-05** **Vacating unbuilt street right-of-way within Oak Forest Subdivision Block 5-A.**
- B60-05** **Vacating a utility easement located within Concorde Office and Industrial Park Plat 1.**
- B62-05** **Authorizing an agreement with Trabue, Hansen & Hinshaw, Inc. for engineering services for the Bear Creek Outfall Sewer project, appropriating funds.**
- B63-05** **Authorizing the acquisition of easements for the AT&T sewer extension project; appropriating funds.**
- B66-05** **Accepting conveyance; authorizing payment of differential costs for water main serving Lake Shire Estates, Plat 1; approving the Engineer's Final Report.**
- B67-05** **Accepting conveyance; authorizing payment of differential costs for water main serving Norbury Hill Subdivision; approving the Engineer's Final Report.**
- B68-05** **Accepting conveyances for utility purposes.**
- B69-05** **Authorizing an amended economic development agreement with the Chamber of Commerce, Boone County, The Curators of the University of Missouri and REDI.**
- R36-05** **Setting a public hearing: voluntary annexation of property located on the south side of Starke Avenue, east of U.S. Highway 63.**
- R37-05** **Setting a public hearing: Stephens Lake Park Percent for Art.**
- R38-05** **Setting a public hearing: replacement of two centrifuges and construction of a building expansion at the Columbia Regional Wastewater Treatment Facility.**
- R39-05** **Setting a public hearing: construction of the C3 trunk sewer serving the**

Bristol Lake Development (Philips Farm property).

- R40-05 **Setting a public hearing: construction of water main serving Vanderveen Crossing, Plat 14.**
- R41-05 **Setting a public hearing: amendment to the 2005 Action Plan for HOME funds.**
- R42-05 **Setting a public hearing: approving the FY 2004 Consolidated Annual Performance Report.**
- R43-05 **Authorizing an agreement with Boone County for animal control services.**
- R44-05 **Authorizing an agreement with Boone County for public health services.**

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN (except for B63-05 and R39-05 on which he abstained), ASH. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

R45-05 Approving an agreement with Enterprise Rent-A-Car for operation of a rental car counter at Columbia Regional Airport.

The resolution was read by the Clerk.

Mr. Beck explained this would provide a second car rental business at the Airport. They would be paying just under \$1,000 annually which was based on \$12.75 per square foot.

Mayor Hindman asked if they could expect to see more competitive rates. Mr. Beck commented that he had heard similar thoughts voiced, but did not know.

The vote on R45-05 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R46-05 Authorizing Right of Use agreements with SodaWerx L.L.C. to relocate gas meters and create an emergency exit in the Eighth Street and Cherry Street parking garage.

The resolution was read by the Clerk.

Mr. Beck stated the agreement had been worked out between the owners of the Paramount Building and the Public Works Department. He noted the agreement would not cost the City anything and staff recommended approval.

The vote on R46-05 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R47-05 Authorizing an agreement with Sustainable Farms and Communities, Inc. for lease of city-owned property for a farmers' market.

The resolution was read by the Clerk.

Mr. Beck explained that the current lease arrangement expired on March 21 and meetings had been held regarding the issue. This would lease a defined area, which was basically the paved area, and would set the time from March 15 to November 20, which was an extension of what was previously discussed. The annual payment would be \$2,100. He

noted they might have other activities in addition to that of a farmers' market upon approval by the City Manager.

Mr. John asked what other events the Manager might authorize.

Dan Kuebler, Chair of Sustainable Farms and Communities, explained that they wanted work with the RagTag Cinema Theater to have an outdoor movie in the space, perhaps on a Saturday evening. He noted that RagTag had done some movies in the Flat Branch area last year and they thought it might be appropriate as part of a fund raising project. When they obtained a permanent space in the future they were hoping to do events of that nature and more. He was hopeful the Council would allow them the opportunity of having the market there again this year. Mr. Kuebler noted the Columbia Farmers' Market was selected Farmers' Market of the Year for Missouri a few weeks ago.

Mr. Beck stated staff was interested in working with the Farmers' Market to see if a plan could be developed in the next year as to how permanent facilities could be used by both the Market and the City of Columbia during the off-season.

The vote on R47-05 was recorded as follows; VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R48-05 Opposing cuts in Community Development Block Grant (CDBG) funding.

The resolution was read by the Clerk.

Mr. Beck explained the newly released federal budget proposed moving CDBG and 17 other programs to the Commerce Department and cutting funds by 35%. He pointed out Columbia could lose its entitlement under this program wherein federal money was allocated specifically to Columbia. He explained that, currently, we were not competing on a nationwide basis for Community Development Block Grant money. He noted that Mr. Watkins had attended a meeting regarding the situation and that it was suggested the cities in this region adopt resolutions in opposition to what was being proposed and in support of continuing the program similar to how it had been handled in the past.

Mayor Hindman commented that CDBG funds were extremely important to the City. He noted Senator Bond was particularly supportive of what we were trying to do and that he was hopeful the rest of our delegation felt the same way. The benefits to Columbia, through CDBG, had been enormous.

Mr. Janku suggested the City contact some of the grantees, such as Habitat, the Food Bank, and other institutions CDBG money had gone to over the years to make them aware of the situation. He thought they might contact their delegates.

Ms. Crayton asked where the League of Cities stood on the issue. Mayor Hindman replied that they were very much in favor of what the City was doing. He also noted the U.S. Conference of Mayors and all of the organizations he knows of that involved cities were all very much in favor of continuing the program as it had been administered.

The vote on R48-05 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, JOHN, ASH. 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:

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

B71-05 Approving the Final Plat of Jenne Hill Subdivision; authorizing a

performance contract.

- 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.
- B73-05 Calling for bids for the replacement of two centrifuges and construction of a building expansion at the Columbia Regional Wastewater Treatment Facility.
- 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.
- B80-05 Authorizing construction of water main serving Vanderveen Crossing, Plat 14; providing for payment of differential costs.
- B81-05 Authorizing an agreement with Boone County for connection to the City's fiber optic cable system.
- B82-05 Accepting conveyances for utility purposes.
- B83-05 Amending Ordinance No. 17471 relating to special assessments for the Brown Station Road Improvement Project.
- B84-05 Amending Chapters 4 and 16 of the City Code relating to the sale and consumption of alcoholic beverages on public sidewalks adjacent to restaurant bars.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Bicycle/Pedestrian Commission Report: Old 63/Broadway intersection pedestrian & bicycle improvements.

Mr. Patterson noted the design for the intersection in conjunction with the East Broadway project was referred to the Bicycle/Pedestrian Commission for their review. Staff met with them and some modifications were made based on their comments. He noted that they made a motion to approve the design of the intersection with three additional recommendations. One was that raised reflective markers be placed as lane markings. Mr. Patterson stated staff did not recommend the markers be installed across traffic lanes for two reasons. The raised reflectors would be subject to, not only to wheels, but also snow plows,

being torn out. In addition, there had been recent articles about some of them being torn loose and thrown through windshields. For that reason, Mr. Patterson stated that MoDOT and other agencies were reviewing the use of them overall and were recommending they only be in parallel to traffic lanes, not across them. The second recommendation made by the Commission was for sound notified pedestrian signals, which he pointed out would add \$3,000 to the intersection cost. The last recommendation was the use of epoxy paint, which was already being planned. In concept, he felt they were in agreement with the final design for pedestrian accommodations. Their only concern was the raised reflectors going across traffic lanes.

Mr. Janku asked if the crosswalk was shown going across both Broadway and Old 63. Mr. Patterson responded that it was and that it was somewhat unconventional, but in reviewing it with their traffic and pedestrian people, it ended up being a most effective crossing because it put the pedestrian crossings at the narrowest point. He noted the intersection could be kept clear during the pedestrian crossing through the signal timing and it would allow pedestrians to get across the traffic lanes in the quickest possible way.

Mr. Hutton asked if the crosswalks would have push buttons. Mr. Patterson replied that they would be pedestrian actuated signals.

Mr. Janku noted there was no direct way from South Broadway to North Broadway. Mr. Patterson explained they were required to stay within the designated crossing areas. To try to go from South Broadway to North Broadway, on either side of the street, required a diagonal crossing, which was an excessive length for what they felt to be safe for pedestrians. He stated it was actually a series of shorter crossings they looked at and the Commission agreed it was an effective way for them to safely cross the intersection.

Going from South Broadway across to North Broadway, Mayor Hindman saw the problem being the cars having to go so far back that it would deprive them the ability to go far enough forward. If one went back far enough to make a perpendicular crossing, Mr. Patterson stated they would be influencing the traffic signal twice because they would be interrupting the stacking of vehicles in the lanes. He explained the recommended approach to be to bring them into the intersection area where they could be protected by signalization. The other option would be to have two signals close together, which would not be allowed.

Mr. Hutton was okay with it on the west side, but felt on the east side there was no logical way if someone were to be on the southeast corner to get over to Stephens Park. They would have to essentially cross three crosswalks. Mr. Patterson pointed out the undercrossing on the east side at the Hinkson Bridge for the pedway that was available. He stated there was no direct line from the southeast corner, but there was a safe way to do it.

Mr. John commented that good signage would make people aware that the path to the park would mean they had to cross Old 63 and back up. Running a diagonal crosswalk would cause people to be out in traffic twice as long. Mr. Hutton agreed.

Mayor Hindman asked if there would be vehicle actuated left turn signals onto Old 63. Mr. Patterson replied that there would be left turn signals.

Mr. Hutton asked if any of this work was included in the current Broadway project. Mr. Patterson replied that this was a separate project, but stated they wanted to make sure they had it done in conjunction with the Broadway project. He added that it would be bid separately.

Mr. Janku asked about the term "sound notified". Mr. Patterson explained they were for the visually impaired and that they made a chirping sound so the user understood their crossing time was expiring. The chirping accelerated with the decrease in time.

Mayor Hindman commented that there were a lot of places in Columbia where bicycles did not actuate green lights or left turn signals. Mr. Patterson replied that the signals would

be actuated. Mayor Hindman asked if staff could look into a system where bicycles could actuate signalization. Mr. Patterson commented that they were systems where they set the sensors in the pavement. He stated they could look into it, but they needed to proceed with the design in order to coordinate with the current project.

Mr. Loveless made the motion that staff be directed to proceed with the design and specifications for the project, excluding the raised reflectors. The motion was seconded by Mr. John and approved unanimously by voice vote.

Mr. Hutton asked if the motion included the bicycle activated signals. Mr. Patterson replied they would look into it and if they saw that it was a possibility, they would bring something back to the Council. He stated that should not delay them with the project.

(C) Surface parking lots.

Mr. Beck explained the Special Business District Board was suggesting a new ordinance be drafted and that it be referred to the Planning and Zoning Commission.

Mr. Loveless made the motion that staff be directed to prepare the proper legislation and refer it to the Planning and Zoning Commission. The motion was seconded by Mr. Hutton.

Mr. Ash asked what would trigger this coming into effect and if small additions would trigger it. Mr. John stated a building permit request would trigger it. Mr. Ash thought this could be a hardship for the property owner and was concerned that they might be creating more problems than they were solving. Mr. Loveless pointed out that an applicant denied a building permit could seek a variance from the Board of Adjustment. Mr. John stated that could be quite an expense. Mr. Patterson agreed that they could go to the Board of Adjustment seeking a variance on the basis that the staff misinterpreted the ordinance. Mr. Boeckmann pointed out that one would need four affirmative votes out of five to gain approval from the Board of Adjustment.

Mr. Janku suggested the referral to the Commission incorporate their concerns about internal remodeling versus outer modifications. Mr. Hutton suggested changing it to where a certain percentage of remodeling or additions would trigger the ordinance. Mr. John listed the existing buildings and parking lots that would not have been allowed under this ordinance. He remarked that these businesses had parking lots because they needed them to be able to stay downtown. He noted that First National Bank had moved part of their operations out of the downtown because of parking constraints. He felt the theory was good, but the plan was bad because it could force businesses to move out of the downtown area, which in turn would hurt downtown activity.

Mr. Ash commented that this came about because they wanted to avoid buildings getting torn down and replaced with parking lots. Because they were afraid to tackle the demolition issue or design standard issues, they were trying to attack it from other ways that seemed easier. He thought these simple sounding solutions created as many problems as they solved. He suggested tackling the issue head on.

Mr. Janku suggested looking at the demolition report they received during earlier discussions on the subject.

Mr. Ash asked about keeping the moratorium permanent because it had exceptions to it. Mayor Hindman asked if legally they could reinstate the moratorium. Mr. Boeckmann stated they could reinstate it, but doubted that was necessary. He noted that it was in effect for about a year and no one did anything. After it went away, no one still did anything. Mr. Hutton asked about an ordinance requiring City Council approval to tear down a building downtown.

Mayor Hindman suggested submitting the SBD's request to the Planning and Zoning

Commission along with other ideas for them to consider. Mr. Ash thought sending it to the Commission might not be a good use of their time if the Council already saw flaws. He asked about sending it back to the SBD Board with the idea regarding demolition being tackled head on or Council approval being required. Mr. John thought the council should look at the demolition issue first.

Mayor Hindman suggested holding off on the motion and asking staff for the previous report on demolition. Everyone agreed.

(D) City of Columbia smoking ordinance - letter from Board of Health.

Mayor Hindman explained the request to be for a committee to be appointed to review the current ordinance. Rather than the Board of Health going off on their own, the Chair suggested they request Council authorization to do so. By authorizing them to review the ordinance, the Council would not be taking a position one way or the other.

Mayor Hindman made the motion that the Board of Health be authorized to review the ordinance and report back. The motion was seconded by Mr. Janku.

Mr. Loveless asked that the Board be sent the information that was sent to the Council from the Restaurant Association citing studies in direct opposition to some of the things being talked about. Mayor Hindman and Mr. Janku agreed.

Mr. Hutton felt there was very little doubt about what they would come back with. He felt the Council would be getting something significant back and thought they should be prepared to vote on it. Because Mr. Hutton was of the opinion it should be the choice of each restaurant owner, he stated he was not prepared to send it to the Board.

Mr. Ash thought it was time to do something because of the amount of discussion it was getting. He suggested deciding on it one way or the other.

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

(E) Deer hunt survey report.

Mr. Watkins explained that the Council approved archery hunting on four City owned properties during the last season. They sent a survey to the almost 200 people attending the orientation session asking them about their experience. They also asked for feedback from the Conservation Commission. The experience of the hunters was overwhelmingly positive and he thought they got a pretty good response from the Missouri Conservation Commission as well. He stated they would probably be coming back to the Council with the suggestion the program be continued again for another year.

Mr. Loveless commented that there was one lady last month who stated that she encountered a bow hunter coming off one of the parks. He asked if other comments had been received from other non-hunting users of our parks. Mr. Hood replied that he had not received any comments during the season, however, before the season opened, two or three users expressed concern about a potential conflict on Grindstone since it was a leash-free area. He noted that he had one conversation since the season ended with a lady who expressed concern, but had not actually been out at Grindstone during the season.

BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Janku commented that he was happy with the way the Garth improvement projects

turned out. He stated the roundabout was functioning well, the sidewalks were being well used by people to get to the Trail, and the landscaping that was going in looked good.

Mr. Janku received a concern regarding the parking problem on Leslie. Previously, he noted that they had received a report indicating at the particular point near George Court, there did not need to be any additional restrictions, but noted there were some areas, 120 feet, where parking should not be going on because of proximity to George Court and a fire hydrant. He asked if it could be signed or if the curb could be striped appropriately so people would understand that they should not park there. He commented that there was a problem with people parking on both sides.

Mr. Janku remarked that Mr. Dasho had indicated that the City needed to ask the Electric Coop to put in street lights on Brown School Road. Mr. Janku made the motion that staff be directed to send a letter to the Electric Coop regarding lighting on Brown School Road and using as minimal spillover as possible. The motion was seconded by Mr. John and approved unanimously by voice vote.

Mr. Janku stated he would like to bring forward an issue they discussed at a work session regarding undergrounding utilities and the Water and Light Director's authority. He asked Mr. Dasho to explain. Mr. Dasho explained it went specifically to the idea of when a development occurred in a certain area, utilities had to be brought down to serve the development. The question was whether the utilities went underground or overhead. Under the current ordinance, it seemed there was quite a bit of discretion left up to the Director of Water and Light as to how that should be done. If it was to be done underground, the developer would have to pay part of the cost or install part of the facilities. He stated he could bring it back for discussion. When they talked about it, Mr. Janku recalled they thought it was a good policy and thought they could tinker with the language a bit to more effectively accomplish the intent. Mr. Dasho replied that was how he remembered it.

Mr. Janku made the motion that staff be directed to report back on the issue. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman commented that he would like to see color maps and charts in the packets. He stated it would be very helpful to see more of that. Mr. Beck indicated he would see what they could do.

Mr. Hutton relayed a concern by a constituent regarding a car being left on the street parked in front of his house. The person was in the medical field and was at the hospital longer than 24 hours. He came back 30 hours later to find his car had been towed. He asked for a minor informational report on the parking rules. He thought it was a ticketing offense, not a towing offense. Mr. Beck replied that most of these situations are reported by neighbors. He stated he would get a report back.

The meeting adjourned at 10:22 p.m.

Respectfully submitted,

Sheela Amin
City Clerk