

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
MAY 16, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, May 16, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON and LOVELESS were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of May 2, 2005, were approved unanimously by voice vote on a motion by Mr. Loveless and a second by Mr. Ash.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman noted that two reports, G and H, would be added under the Reports and Petitions section.

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

SPECIAL ITEMS

(A) Mike Martin, Chair of the Finance Advisory Committee.

Mr. Martin noted the City was managing its money well and had sound financial conditions based upon their audit of the auditors that were reviewing the City's finances. He explained that the Audit Committee reviewed the books to verify that all of the financial statements and balance sheets were satisfactory. Besides having sound financial conditions with good growth and revenues, he commented that the City's expenditures were well within budget. The City had an ending general fund balance 22.9% above the 16% required by Council policy. Mr. Martin explained they reviewed the reports with the auditors from KPMG and they indicated excellent cooperation from City staff in all aspects of the audit. There were no management findings, single audit findings, non-compliance findings or questioned costs.

SCHEDULED PUBLIC COMMENTS

None.

PUBLIC HEARINGS

B112-05 Rezoning property located on the northwest corner of Bold Venture Drive and Smiley Lane from A-1 to C-P.

The bill was read by the Clerk.

Mr. Watkins explained this issue was tabled at the May 2nd Council Meeting and that the tract contained approximately 1.39 acres with a Metro 2020 designation of neighborhood district. Street access to the site would be off of Bold Venture Drive, a local residential street, and Smiley Lane. All City utilities were available. He noted the site was directly opposite Derby Ridge Elementary School. Both staff and Commission recommended denial of the request.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering Consultants, 2608 N. Stadium, spoke on behalf of the applicants and stated this would be a low impact C-P district with neighborhood friendly uses. He noted that Mr. Watkins stated Bold Venture was a local residential street and commented that he thought it was a local non-residential street. Mr. Crockett noted there was A-1, R-1, R-2, M-1 and C-P in the area. He explained that PUD-8 had previously been requested for this property and that the neighbors did not want that. He pointed out that his clients had gone to every property owner adjacent to this piece of property seeking approval of this request and that approval was given by all but one, who was in the process of selling his home and was no longer living there. Because of the size of the tract and because it would be a neighborhood use, Mr. Crockett did not feel it would generate a lot of traffic. He noted a concern was voiced relating, but felt the uses would coincide with the school. He explained that they attempted to make a presentation at a PTA meeting, but were unable to do so. Mr. Crockett listed the uses envisioned, which included a physical fitness facility, insurance agency, real estate office, small sandwich/café and a satellite paint store. He felt the larger C-P tracts in the area would provide the larger grocery stores, gas stations and fast food establishments.

Mr. Ash recalled the previous PUD-8 request had been approved by the Planning and Zoning Commission, but was withdrawn by the applicant before coming to the Council.

Audrie Sabel, 3800 Mint Julep, spoke against the rezoning noting the area was mostly a residential district with very few exceptions. Not only was the property across the street from the elementary school, but she noted it was only two blocks from Lange Middle School. She felt this would lower property rates in their area and would allow a place for children to gather. Traffic on school days and the commute time, she pointed out, was already heavy. Ms. Sabel stated that they wanted to keep this as a neighborhood district and that they would welcome a park or additional residential. She noted a good deal of commercial development of this type along Rangeline and pointed out a commercial development was recently approved for the corner of Rangeline and Blue Ridge. Ms. Sabel commented that she had spoken with the principals of both schools and was told that the applicant tried to get on the agenda the day of the meeting. She pointed out that no one living south of Smiley Lane had been contacted regarding this issue.

Mr. Ash asked Ms. Sabel where her house was located in relation to this site. Ms. Sabel replied that she lived behind Derby Ridge School and about five houses down from the school grounds.

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

Mr. Janku noted an interesting mix of uses in the area. He stated part of that was the legacy with some established before coming into the City and others still outside the City. He noted the industrial and commercial uses had already been established. As property had been brought into the City, it had been brought in as residential, duplex developments, and single-family starter homes. He agreed with the recommendation of staff and the Commission that this be denied. He thought Council position had been to maintain single family residences along Smiley Lane. He explained the duplex development was north of this. He felt this was a precedent they should keep and one that should be done away with very reluctantly. He felt single family homes would be best suited across the street from schools and thought that should be encouraged and supported. He agreed this was a small parcel, but pointed out there were additional parcels, particularly to the west, along Smiley that were undeveloped. If they established commercial as appropriate in this area, he thought they would soon see additional commercial development in the area. He questioned the appropriateness of a restaurant in the middle of a residential area that would be open late at night, especially in this area where there was a lot of student rental. Mr. Janku reiterated that he felt the highest and best use for property immediately across from an elementary school was residential development.

Mayor Hindman asked if he understood that staff felt there should not be commercial

development in a residential neighborhood. Mr. Watkins replied that was a good part of it. He explained that they thought commercial would be better located at the higher volume streets rather than the local residential or non-residential streets. He stated they also felt this would be spot zoning. With the exception of the manufacturing use off to one corner, there was not any other commercial in the area. From a use perspective, particularly across from a school, they felt it was not the best location. Mayor Hindman felt one of the problems we had was that there were huge areas of residential without any services. What some people referred to as spot zoning, was to him an opportunity to present neighborhood services. With use restrictions and with it being C-P where the City would have significant control over the plan, Mayor Hindman thought this might be a situation that called for the possibility. He noted the engineer indicated the surrounding neighbors were in favor of the request. He thought neighborhood commercial could work well across from a school.

Mr. Ash felt neighborhood commercial made more sense at the corner or fringe of a neighborhood, so it would cause less disruption. He was more concerned about what the parents of the kids going to Derby Ridge thought than what the neighbors thought. He could not think of any type of commercial he would be comfortable with in this location.

B112-05 was read with the vote recorded as follows: VOTING YES: HINDMAN. VOTING NO: NAUSER, ASH, CRAYTON, JANKU, HUTTON, LOVELESS. Bill defeated.

B129-05 Voluntary annexation of property located on the south side of Old Plank Road, west of High Point Lane; establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Beck described this as a 97.3 acre tract, which was being recommended for approval by both staff and the Commission.

Mayor Hindman opened the public hearing.

Robert Hollis, an attorney with offices at 1103 E. Broadway, handed out a copy of his presentation and explained this property was contiguous to the City limits. Using the overhead, he showed the location of the site. Mr. Hollis noted their request was contingent upon receiving R-1 zoning. He stated the development would be governed by rocky terrain with the engineer determining a maximum of 208 lots. The lots would range from one-quarter of an acre to three acres. Square footage of the homes would vary from 1,700 to approximately 10,000 square feet. Lot prices would start around \$40,000 and go up to a maximum of \$100,000. Home prices would vary from about \$180,000 to \$1.2 million. He showed examples of homes in current developments and indicated the homes in this development would look similar.

Jay Gebhardt, an engineer with A Civil Group, explained that they met with Public Works and discussed concerns about Old Plank Road, which was a narrow two-lane road with a sharp bend in it. Because it was a feeder for the south part of the County, it carried quite a bit of traffic. He commented that they discussed what could be done about the road, especially around the curve, to lessen the severity of it. They also met to make decisions on future alignments and to dedicate the right-of-way for it. In regards to the sewer, he explained that there was a large regional pump station built for The Cascades on John Sam Williamson's land, which was northeast of this tract. Currently there was a sewer being extended along Old Plank that Mr. Williamson was proposing they tie into. In order to serve the subdivision, Mr. Gebhardt stated they would have to do some work to the pump station itself. He did not see the pumps as a problem, but thought it was more a problem of storage capacity. They would probably build additional storage for the pump station. As far as access to the site, he stated they would need at least two accesses. He showed the approximate location of the accesses on the overhead. He noted they had a concept review on the preliminary plat and that no other problems were raised.

Mr. Ash asked if Mr. Gebhardt saw the road improvement as the biggest issue. Mr.

Gebhardt replied they would be adding, over the next five to seven years, 200 homes to this two-lane road. Over time, he felt, it would become the issue.

Ms. Nauser understood they would be putting in a community area park center. Mr. Gebhardt explained there was a piece of ground that could not practically be developed, which lent itself to a tree preservation and park area. Mr. Hollis explained that he had spoken with Parks and Recreation today and that staff was concerned with the residents of this development trying to make their way across Route K to the park. Staff envisioned the uses being a shelter, a playground and/or a trail. He noted they would have a trail in the forested area as well. He pointed out that in the middle of the development there was a lot that was not developable and a community area was planned for it. The applicant agreed to something of that sort depending upon what that community wanted. In regards to the jog in the road, Mr. Hollister understood the area around it had already been conveyed to the City for the purpose of straightening Sinclair to connect with Old Plank.

Mr. Ash asked how the City would be assured of improvements being constructed. Mr. Gebhardt replied that the improvements could be shown on the preliminary plat and made a condition of approval. He stated that would bind them legally.

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

Mr. Janku was thankful they were setting aside space for a community area park.

Mayor Hindman appreciated the wide variety of sizes and prices of homes in the development.

Mr. Ash was grateful for the offer to do the off-site improvements, which normally did not happen with R-1.

B129-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B130-05 Rezoning property located on the north side of Cooper Drive North, east of Hyde Park Avenue from R-2 PUD to C-P.

The bill was given second reading by the Clerk.

Mr. Watkins commented that the applicant requested that this issue be tabled to the June 6th Council meeting. He described the property as being 1.59 acres in size. The Metro 2020 designation was a commercial district. Street access would be on the north side of Cooper Drive East, which was east of Park Avenue. All City utilities were available. The proposed allowed uses were all uses allowed under C-3 zoning with a large list of exceptions. Mr. Watkins stated they also requested allowed uses under C-2 zoning with another large list of uses that would not be allowed. In addition, uses under C-1 were being requested, except printing shops, provided the total mechanical power used in the operation of such a printing plant would not exceed five horsepower. All conditional uses would be allowed under C-1, C-2 and C-3, subject to the standard permit procedures. Staff recommendation was approval of the rezoning request. The Commission also recommended approval, subject to the list of allowed uses.

Mr. Loveless made the motion that B130-05 be tabled to the June 6th Council meeting. The motion was seconded by Mr. Hutton.

Mayor Hindman opened the public hearing.

Robert Hollis, an attorney for the applicant, with offices at 1103 E. Broadway, requested tabling the issue to the June 6th Council Meeting.

There being no further comment, Mayor Hindman continued the public hearing to the June 6, 2005 Council Meeting.

The motion to table the issue until the June 6th meeting, made by Mr. Loveless and seconded by Mr. Hutton, was approved unanimously by voice vote.

B131-05 Rezoning property located on the south side of Clark Lane, east of Ballenger Place from A-1 to C-P.

The bill was given second reading by the Clerk.

Mr. Watkins explained that the initial request contained a lot D, which was withdrawn before the Planning and Zoning hearing. The item was tabled at the April 7 Planning and Zoning meeting in order for the applicant to revise his list of allowed C-P uses. The uses were revised to include all C-3 uses with a list of exceptions. Staff recommended approval of the request contingent upon a traffic study being done in conjunction with the C-P Plan. He explained that they wanted to see this traffic study integrated into the traffic study being done by the golf course and apartment developer. The Commission recommended approval of the proposed C-P zoning, subject to the allowed C-P uses being limited to all the C-3 uses with the list of exceptions and the traffic study being performed.

Mr. Ash asked how the two parties would coordinate the traffic study. Mr. Watkins replied it would be coordinated by getting together and talking and, perhaps, by having the golf course traffic engineer include this property within their study and receive some compensation for that.

Mayor Hindman opened the public hearing.

Dave Harr, 1313 Vandiver, spoke on behalf of his neighbor, Keith Klepper, and himself as owners of property at 5104, 5116 and 5120 Clark Lane. He explained they wanted to build a residential/business/condominium complex. They felt the development would appeal to business owners who needed an office or store location and would find it advantageous to have living quarters above their store front. A condo complex such as this, he thought, would appeal to insurance agents, dental labs, medical labs, artists who might need a gallery, photographers, doctor's, attorney's, professional engineers, consultants and etc. Due to the lay of the land, he noted, rear basement parking would be available for the tenants, while still allowing ample storefront parking

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

Mayor Hindman commented that he was pleased with the plan.

B131-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B132-05 Rezoning property located on the northwest corner of the existing intersection of Broadway and Trimble Road from O-1 to C-P.

The bill was given second reading by the Clerk.

Mr. Watkins described this as an 8.15 acre tract, which was rezoned to O-1 in 1986 with a request for C-3 zoning being denied in 1990. The Metro 2020 designation was a commercial district. Street access was off of Trimble Road, a local non-residential street, and Broadway, a major arterial street. All City utilities were available to the site. The neighborhood association that was recognized and affected was the East Walnut Neighborhood Association. He noted neighborhood parkland was not an issue. The designated Hinkson Creek greenbelt was adjacent to the site on the west. He commented that traffic and access had initially been a major concern for staff. A traffic study had been submitted and while East Broadway reconstruction was underway, the project would include the realignment of the Trimble Road intersection. Commercial zoning on the site could have a traffic impact on the Broadway/Trimble signal. He showed the proposed traffic layout of Broadway on the overhead. The existing signal at Brickton was to be removed with a right in/right out and left in from Broadway to Brickton. He noted this had been proposed prior to the request for rezoning. The signal at Brickton had been moved to the relocated Trimble Road, where full signal and full access would be located. The proposed right in/right out and left in from Broadway would provide additional access to the development without having to

come through the new Trimble Road/East Broadway intersection. Staff felt there were some advantages to that. In addition, the developer proposed constructing, at his expense, certain improvements to the proposed public street that were not initially seen and agreed to certain restrictions in terms of traffic uses in the development. He felt those things mitigated staff's concern about the traffic. Staff recommended approval of the request subject to additional conditions for C-P zoning. He listed them and explained that all had been agreed to by the developer. The first had to do with a maximum traffic equivalent of 29,000 square feet of restaurant space using an average trip generation rate for high turnover restaurants. Second was that if, at some point in the future, the City found the left out turn movement occurring at the road connection to Trimble Road caused unsafe traffic conditions, the City reserved the right at its sole discretion to prohibit left turns from that road. Third was that a left turn lane be provided by the developer from Trimble Road to access the development. Fourth was that the left-in from Broadway be designed in accordance with MoDOT Access & Management Policies and that a right turn lane would be constructed at this driveway as well. Last was that the plans be submitted to Public Works for approval prior to construction. He noted the Planning and Zoning Commission recommended denial of the proposed rezoning.

Mayor Hindman felt the Commission had seen something different than what was being discussed now. Mr. Beck asked if they recommended denial before or after the traffic situation was worked out. Mr. Watkins replied it was during the time the traffic study was being done. He stated they worked out the proposal with the developer the day of the first Commission hearing. The Commission tabled it to the next meeting. There had been some confusion at that time so they added some slides to better clarify the issue for the Council.

Mr. Ash remembered that when the Commission saw the plat they wanted to go back and revisit the rezoning request because the plat came after they denied the rezoning.

Regarding the 29,000 square feet of high turn over restaurants, Mr. Janku assumed that was not saying they could have 29,000 square feet of high turnover and whatever else. He felt they were saying that once that capacity was reached, by what ever combination, including things that might have a higher trip generation than a fast food restaurant, they would be used up. Mr. Watkins replied that was correct and clarified that if they put in one 29,000 square foot fast food restaurant, the City would insist there be no other development. He added that they were talking about a traffic capacity and this was the way they decided to frame that cap. He reminded them that they were talking about the afternoon peak and pointed out that a doughnut shop would not have an appreciable impact on afternoon peak capacity. Mr. Janku asked how they took into account the morning peak. Mr. Watkins stated their concern was the afternoon peak because they saw that as the limiting factor at the intersection.

Mr. Hutton asked if he understood that staff felt the left in off of Broadway going east would have a positive impact on the signal traffic at Trimble. Mr. Glascock replied that was correct, if they allowed the commercial development. Mr. Hutton was bothered by this because they limited left turns off of Broadway for safety reasons. Mr. Glascock thought they mostly limited the left turns out because those were accident generators. If you forced the left turns in to go through the signal, they would force the signal to be over capacity. He stated they would go up Trimble to turn left into the development anyway and if we could keep them out of the signal we would be better off.

Mr. Beck thought the left turn at Stephens Lake Park had originally been closer to the intersection and the concern was that a left turn would back up to the 63/Broadway intersection. Mr. Glascock thought that was correct. Mr. Loveless thought there was also something having to do with aligning it with the development on the south side so they would line up at the same spot.

Mayor Hindman opened the public hearing.

Jose Lindner, 1400 Forum Boulevard, explained that they developed the Broadway Shops complex presently existing at the intersection of Brickton and Broadway. He noted

their intent was to create an entrance into the City of Columbia that everyone could be proud of. He thought they had done that and was hopeful the Council agreed. Using an aerial display, he pointed out the Broadway Shops and its proximity to Stephens Lake Park. He displayed a slide of the subject area being requested for rezoning to C-P and where the new Trimble Road would be located. He also pointed out an area they were proposing to donate to the City. He commented that the Parks and Recreation staff was very excited about getting that area under their control. He noted the area contained a great amount of tree cover.

Mr. Lindner understood one issue raised by the Commission was what the propriety of the commercial zoning was in relation to what was now O-1. He stated the Metro 2020 Plan showed the site as being designated for commercial uses. The left turn lane was another issue, which their traffic engineer would address by showing some simulations of the traffic. He felt it important to understand their traffic study recommended the signal and that the City agreed the signal would actually improve traffic conditions at the intersection and also on Trimble Road. Visibility from Stephens Lake Park was also an issue for the Commission. By donating a four acre parcel of land, Mr. Lindner felt they were providing a permanent buffer that was very important for the park. He showed photographs from the approximate roof level of where the new buildings would be. He also showed photos taken toward the site from the park. His point was that it was difficult to see much because of the buffer. By donating the land to protect the tree buffer and by going C-P, they would be giving up the ability to take some of the tree cover out.

Mr. Lindner stated there was an organized citizens group, which he understood had a meeting yesterday afternoon. He noted they had spoken with Mr. Hagan, the owner of Broadway Village, on Friday and offered to be at the meeting to address any issues. They declined the offer. The citizens they had spoken to and the citizens that spoke at the Planning and Zoning meeting listed the same concerns the Commission raised. In addition, they also had a concern about the amount of traffic volume that would be created by the commercial zoning. He noted that the current O-1 zoning could generate substantially more traffic than what they were being restricted to by their agreement with the City. He pointed out they could increase it by at least 50% because there could be as much as 200,000 square feet of office space built on the site. They were agreeing to build what would probably end up being no more than 29,000 square feet. They envisioned a number of different high quality restaurants in the area. One announced recently was Houlihan's. He thought there could still be medical offices or some other types of uses, but they were not certain. Another issue brought up was the intrusion of lighting from the parking lots, both towards the park and towards Broadway Village. He presented slides showing the proximity of these areas from their lighting. He pointed out the distances were substantial and explained they would use high quality, cut-off, low light fixtures designed to keep lighting away from the outside of the property. He noted the townhouses close to the shopping center and stated that they had not had one single complaint from any one living across from their current shopping center. Mr. Lindner stated their goal when coming into an area was to improve it and to make sure they ended up providing a positive impact for the neighborhood. He pointed out that they would not be done tonight if they received the rezoning. In order for them to construct anything, they would have to come back to the Council and go through the public hearing process again when they brought the development plans for Council approval. He pointed out that they could simply apply for a building permit, if they wanted to proceed as they were currently zoned.

Charlie Schwinger, a traffic engineer with Bucher, Willis & Ratliff Corporation, gave an overview of the traffic study they performed. The two major issues they addressed were to provide a comparison of the O-1 and C-P zoning and a left turn off of Broadway into the site versus a right turn only. He showed a simulation of what traffic would look like under the existing zoning with a right turn only on the Broadway driveway. He noted the queuing they

would have with the heavy left turn movement and then also the left turn movement back into the site. They assumed 13,000 square feet of fast food on the existing C-P portion. Under O-1, they came up with a total of 163,000 square feet of development and under C-P, they would have a total of 62,000 square feet of development. When using the average rates compiled by the Institute of Transportation Engineers and the number of trips you would expect to generate based on square footage, they came up with about twice as many trips generated off of the O-1 and C-P zoning as they did the proposed zoning. He stated that would have an impact on the Broadway and Trimble intersection. By allowing the left turn in on Broadway, they would be taking the traffic and moving it through at that point instead of bringing it through the intersection and then back into the site again. He noted they could take the extra green time and distribute it to the other movements. He demonstrated using the overhead. He commented that this would benefit the apartment complex across the street by getting traffic off of Broadway where it was closer to the site and turning it away from the apartments and into the shopping center site. He noted sufficient space in the median to accommodate the left turn lane and that the developer would be paying for it. He also noted sufficient room for stacking so traffic did not back out onto Broadway.

Mr. Ash understood the left turn signal was the type that would trap one in there, so one could not pull in there, change their mind, and get back out onto Broadway. Mr. Schwinger replied that was correct.

Mr. Janku asked about a traffic study done in 2002. Mr. Schwinger replied that they used counts taken from 2002 because of the construction going on currently. They thought it would be more typical. They added in the traffic from the Broadway Shops on top of that as part of the existing. He commented that they also did some counts at Brickton and Broadway on a Saturday and reassigned it over to Trimble since the new intersection was not there yet. Mr. Janku asked about growth projections. Mr. Schwinger replied that they used typical growth projections that were reviewed by the City. He thought it was about two percent per year compounded over the next 20 years. He commented that they also did a 2015 scenario, which was full development, and a 2025, which was long range. Mr. Janku asked if they assumed the transportation plan was implemented and designed. Mr. Schwinger replied that they assumed the infrastructure was based on the 2025 projections. They looked just at the intersection of Trimble and Broadway and the driveways associated with the site. They did not go all the way down the road. He pointed out traffic produced by the site was about eight percent of the 2015 forecast. Mr. Janku asked about the office numbers. Mr. Lindner explained the Broadway Shops were sitting on about 7 ½ acres and had approximately 95,000 square feet of development. If one compared the office development that could take place on the tract in question, they would end up with a total of 12 acres by the time both properties were combined. He noted the Woodrail office development at the corner of Forum and Nifong had approximately 150,000 to 160,000 square feet on 7 to 8 acres and were just on two story buildings. On a site like this, they could build up to five story buildings and could accommodate as much as 200,000 square feet.

Mr. Janku asked about the possibility of connecting the single family home to the west to the property in question. Mr. Lindner explained that the Harris' owned the property and had no interest in moving. He stated they were going to have a hard time getting in and out of their property because of the Broadway construction. They would allow them to access through the driveways of the development as an alternative to going down their driveway. He noted the property was zoned R-1 and added the agreement indicated that as long as they kept it R-1 and owned the property, they would be allowed access. Mr. Janku asked how capacity would be impacted if it were eventually rezoned to something else. Mr. Lindner replied they had access onto Broadway right now and he thought the City would need to take that into account in a proposed rezoning of the land. It was his opinion that it would be very difficult to access the land on Broadway, but they had full access rights now and he thought it would be difficult to take that away. He was not sure they could compare that eventuality to

what they had today.

When doing traffic projections, Mayor Hindman asked if they took into consideration that Conley was likely to hook up to Business Loop 70. Mr. Schwinger replied that they did not. They assumed the traffic coming out now, plus some growth. If they hooked up further to the north, they would probably have some loss of traffic, but would also likely have additional development, so the dynamics would not change. Mayor Hindman felt their two percent plus figure was a little less than the City's growth rate. Mr. Schwinger stated that they used the 2002 figure and checked with City staff.

Mr. Janku asked if they had figures on the "what ifs". Mr. Lindner replied that there was no way they could take into account what might happen further down WW. The study concentrated on the traffic that existed there and the traffic volumes they had seen grow over time. They projected that forward and dealt with the impact that their particular project was going to have on traffic. If there was a large project that took place somewhere else, that would have an impact on traffic and would have to be taken into account. He felt that should not affect what they were doing now and counted against them.

Matthew Kriete, a civil engineer with Engineering Surveys and Services, offered to answer any questions.

Mr. Ash asked if they could have more detail on how the left turn lane would be constructed. Mr. Kriete replied that the final plat was submitted today and the road plans had gone with it. He clarified that once someone committed to the left turn lane, there was no turning back and going east on Broadway again because there would be a median there. If someone pulled out of Broadway Village, Mr. Ash asked if they would be able to turn into the left turn lane. Mr. Kriete replied they would not.

Mayor Hindman thought originally, there was to be a divided road, partly to make sure it would be right in/right out only for the apartment complex. Mr. Glascock replied that was correct. Mayor Hindman understood the apartment complex was limited to right in/right out, but left turn ins would be allowed into Broadway Bluffs. As traffic was queued in the left turn lane, Mr. Kriete stated it would go back toward the Trimble signal. This scenario allowed more volume to move to the west. Mayor Hindman recalled it was to be a large landscaped median and asked what would be left. Mr. Kriete replied that they would maintain the brick pavers in the portion along the left turn lane. As the median widened out and as one got past the left turn lane to the east, there would be landscaping in that area.

Tom Schneider, an attorney with offices at 11 N. Seventh Street, spoke on behalf of Dan Hagan, owner of Broadway Village, who he stated had issues with the accuracy of several slides that were just shown by the applicant. He asked that the slides be put up again so that Mr. Hagan could discuss his concerns.

Dan Hagan, Broadway Village, used the traffic photos displayed to refer to the left hand turn and noted there had been a lot of discussion about it relieving pressure at the light. He felt that was not true because he had a plan from the Burns & McDonnell engineering firm, who were the designers of this complete section of roadway, and they had no problem with all of the traffic being at the light. He commented that he did not think they had been consulted about this new possibility. Mr. Hagan's plan showed the right hand turn at Broadway Village, as one would go out, stacking on the right side at the opening. The new plan showed the stacking removed from exiting out to where it started now. He commented that the stacking was now shown on the left side of Broadway and that there was no benefit gained because they just separated the stacking by moving the traffic back so the left turn in could be justified. He asked why the City would spend \$417,000 on a study from Burns & McDonnell if they were not going to take their advice. Another issue he had dealt with the slides shown to justify the proposed lighting. He noted that the slide shown from one of his buildings towards the Broadway Shops was taken from Building 22, which was the building farthest away. He felt it was a total misrepresentation. Another slide showed no landscaped

island. It was pavement only, which was not what was shown 30 minutes ago by the City. Regarding Mr. Lindner's request to meet with him, Mr. Hagan asked if anything had changed with regard to the left hand turn or the buffer. He explained that they requested a 250 foot buffer or one lot zoned office because they wanted to have a 30 foot landscaped buffer that could be dedicated to the City. He had a copy of their request to refute the statement about them being unwilling to negotiate. He noted the Burns & McDonnell plan showed a 28 foot wide large planter island and that it had been completely removed. He also noted the drawing showed traffic flowing easterly and where they would stack. He pointed out that the first barrier was past the Broadway Village entrance, which had serious safety implications. He felt there would be a continuous stream of cars coming around the corner from the shopping areas turning right because they did not have to wait for the light and that there would not be a "miracle opening" to turn left. He reiterated that they were opposed to this due to safety concerns.

Mr. Schneider pointed out the rezoning applications were not all or none proceedings because they could be a win/win situation. He stated that sometimes the parties were able to arrive at an agreement. He noted they had made a proposal to the developer, which was rejected. He suggested the Council consider the proposal, which included leaving the frontage at a depth of 200 feet as O-1 to act as a buffer with the rest of it in back getting rezoned because it would not affect Broadway Village and not embedding the left turn into the process at this time. He felt it be the subject of future Council action.

Jerry Kennett, 1101 Canterbury, spoke in favor of the rezoning request and asked the Council to consider the track record of the developer. Mr. Kennett noted there was nothing east of Business 63 on Broadway that looked any nicer than their current project. He pointed out what they were proposing was better for the City and the traffic than what could be developed on the property under its current zoning.

Barbara Hoppe, 607 Bluff Dale, was concerned about the affects this project would have on Stephens Lake Park. She felt there had been misrepresentations regarding the four acres of donated park land and whether or not there would be a real barrier to the sight and sound of the park. She passed around pictures of the park and noted the trees had been removed from the edge of the cliff, which would make this development very visible from the park. In addition, she felt traffic sounds would impinge totally on the soccer area of the park. She stated the developer acknowledged at the Commission hearing that this would be very visible. Now, they had taken a different approach. Ms. Hoppe noted the four acres were on a vertical slope and would provide no buffer at all. She asked for mixed use development that would not create the light and the traffic next to the park. She also recommended that the developer donate additional land on the top of the ridge so that trees could be replanted for a visual and sound barrier.

Charles Istaholt, Broadway Village, was concerned about the safety issues of the left hand turn. With cars speeding on that stretch of road, he did not see where there would be much gap in the traffic to allow for safe left turns.

Barbara Reed, 104 W. Lathrop, a frequent Stephens Lake user, noted that many people worked very hard to make Stephens Lake Park what it was. She stated that they did not do so with the idea of a commercial district of doughnuts and parking glaring through the trees. She felt the area would be perfect for a quality multi-family condominium complex. She thought there was enough commercial in that area.

Patrick Fehan, 32 Broadway Village, spoke about the left turn issue. He thanked the Council for the East Broadway project saying it would give them a light to get out on, which would be a big improvement. His problem was with the left turn lane because of the hazard in crossing the high speed lanes on the arterial. He felt they would be creating a high speed by-pass for the stop light. He thought the traffic model shown earlier assumed everybody would be going into the shopping center, which was not true. Traffic going across the

shopping center, he felt was important and something that had been omitted.

Mike Sleadd, 607 Bluff Dale, was hopeful the development would be thoughtful and something that would protect the park. He felt the noise coming from the cars on the bluff would be very irritating to park users. Since this was one of the quieter areas of the park, he noted the development would be very visible because there would be no tree cover for six months out of the year. He was hopeful the developer would donate some flat land for the buffer.

Sarah Weaver, a Broadway Village resident for eight years, asked that the Council take into consideration the fact that there was a safety issue involved here. She also asked that careful consideration be given to the aesthetics of the median since it would be the gateway of the east.

Adeil Kefar, Broadway Village, stated he had lived there for two years because it was very quiet and peaceful. He asked that whatever was put in be required to close early so they would not disrupt the peace of the 600 residents of Broadway Village. He was also concerned about the 600 residents getting in and out of the apartment complex.

Dee Chapman, 37F Broadway Village, commented that they had been looking forward to this four-lane highway, but now were concerned about the traffic the developer would be putting in the left turn lane. She liked the development, but was concerned about accidents resulting from this one development.

Donna Sue Kuhl, 14 Broadway Village, a 15 plus year resident of the complex, was concerned about the possible detriment and damaging affects some of the applicants requests would have. She asked the Council to consider the safety concerns carefully. Having grown up in a restaurant family, Ms. Kuhl commented she realized what the noise, traffic, and late night hours would mean to the residents of Broadway Village.

Deb Roberts, 37G Broadway Village, felt that not only should the peace and quiet of Stephens Park be considered, but also the peace and quiet of the 600 residents. She asked the Council to give careful consideration to what was being allowed with this rezoning request. She felt there was a little too much commercial development in this area and suggested that it be toned down a little to keep everything balanced. She preferred the first proposal with the wide, landscaped median.

Alan Purdy, Green Valley Drive, thanked the Council for giving Columbia citizens the opportunity to express their views and for the time they invested for the City.

Matthew Kriete noted their drawings were based on surveyed information and information taken directly from the Burns & McDonnell plan. What was shown, he stated, was to scale and not misrepresented. He noted the traffic engineer created a representation, not a design. The four foot wide median along the left turn lane onto Broadway Bluffs Drive was 240 feet long. He noted the island that was wider than 4 feet, where it could be landscaped, was 160 feet long, just east of the left turn lane. He thought it was 15 feet wide. He noted an additional island at Trimble Road and Broadway, which was 70 feet long and 8 feet wide. He stated the combination would total 310 lineal feet along the roadway, which would be landscaped. He pointed out the access being proposed was the same kind of access being proposed in other locations by Burns & McDonnell within their plan. Mr. Kriete stated that the developer would maintain the landscaped islands at their cost. In regard to comments regarding speeding, he noted the reduced radii would provide traffic calming so traffic would have to slow down through the development. In addition, making the left turn out of the access onto Trimble would not be an easy movement. It would be much easier to go to the light at Trimble and Broadway to make the left turn movement.

Mr. Lindner pointed out that the shorter stacking being provided by the left turn lane did, in fact, improve traffic because it would speed up the traffic through the intersection. He stated it was a very important part of the design. He noted there were only two entrances to their entire development along Broadway, one for the Broadway Shops and one into the

Broadway Bluffs. The entrance there currently, he noted, would go away. Mr. Lindner stated that their traffic study was not flawed. He explained there had been an issue where the City had not reviewed some of the information sent and this caused confusion, but they did not find the traffic study to be flawed.

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

Mr. Janku asked that the applicant address the concerns of the Broadway Village residents in regards to the impact of the left turn lane. Mr. Kriete showed the existing island proposed by Burns & McDonnell and the access into Broadway Village Apartments. He described the median that would be constructed for the left turn lane as 240 feet long and noted it was approximately centered on that entrance. He stated there was no chance, unless someone drove over a curb, to turn into the left turn lane from the entrance. In addition, once someone was committed in the left turn lane, they were there to stay and would have to wait for the gap opening, which would occur when the light changed.

Ms. Crayton was reminded of the "one stop shop" on Vandiver and commented that the traffic moved so fast people could not get out. She asked that the two sides get together and come to an agreement everyone could live with. Mr. Lindner stated they would like very much to work with everyone and assured her that safety was their most important concern. The design of the street and the left turn lane had been done by their engineers in such a way as to maximize safety and promote the best traffic possible. He stated they would be happy to explain it to anyone.

Mr. Hutton asked that a zoning map be displayed to illustrate the currently zoned C-P piece that would be part of this development. Mr. Watkins described it as the blue piece. Regarding the request for 200 feet of office zoning along the Broadway frontage for a buffer, he commented that they really were only talking about the area west of Old Trimble Road to the end of the development that would be affected by this due to the existing C-P zoned land.

Mr. Loveless asked Mr. Hagan to show how many entrances there would be into Broadway Village. Using his board, Mr. Hagan showed one entrance off of Broadway, which he described as the landmark entrance, and a second entrance to the east, which he stated would be connected with the new Trimble when it was completed. He noted that they had asked for a left turn lane about four years ago, but had been denied by the City and MoDOT.

Mr. Janku asked Mr. Schneider to reiterate the request of his client in terms of buffering and zoning. Mr. Schneider stated they were proposing that the O-1 frontage for a depth, north/south, of 200 feet be kept as O-1 as a buffer from the fast food and late hours of operation. He stated the problem was that instead of stopping operation at 5:00 p.m. with office zoning, it would stop at midnight. The second request was that the left in be removed or at least not be embedded in the process at this time. He stated that they wanted to make sure the safety hazard issue was addressed by the Council at a public hearing at the appropriate time.

Mr. Janku noted that they had also heard the request that there be a buffer on top of the bluff. He asked Mr. Lindner to address both requests. Mr. Lindner explained that if they were to comply with the requests they would have little property left to develop. He noted a huge distance existed between new Broadway and the beginning of their property. If they left a buffer area of 200 feet, it would be very difficult to even access into the area. If they left additional buffer area along the back, it would simply add to the tree cover he showed earlier, which was probably about 30 feet tall right now at the top area. He had trouble understanding why more would be needed. If any of those conditions were to be imposed upon them, Mr. Lindner stated they would not be able to develop the property adequately, in which case he would have to ask to have the rezoning request pulled.

Mr. Ash asked Mr. Lindner if he would be able to make any sort of concession as far as hours of operation to alleviate the neighbors concerns. Mr. Lindner replied that they felt the uses would be a combination of restaurant uses and office uses, to include a medical

office use. He stated they were guessing and did not know how much space people would want to use for these various things. It would be easier for them to leave it as open zoning. He pointed out that they were actually putting themselves under the gun by coming to the Council with a C-P request because they would have to come back to the Council for development plan approvals. Mr. Ash pointed out that Houlihan's would be open late because they served alcohol. He asked if they were picturing a mixture of both fast food and sit-down restaurants. Mr. Lindner replied that they thought it would be a mixture of restaurants, but stated they had no intention of putting in what would typically be called a fast food restaurant, like a McDonald's. He noted they had one business that was interested in going in, which was a family type restaurant. He stated they would not be serving alcohol in that restaurant so it would be a different kind of use. Houlihan's would be different from the standpoint of serving alcohol, but they would be a high quality establishment that would be very good for the area. Mr. Ash asked if it would be too restrictive to strike anything with a drive-thru. Mr. Lindner felt it would put them in a bad position. The family restaurant, he mentioned, had a drive-thru they wanted to put in. He noted that some of the better restaurants were putting in drive-thru's for pick up orders.

Ms. Nauser asked if they did not get their requested zoning and were left with open zoning for office, if they would remove the tree cover. Mr. Lindner was not sure what they would do with the property if it were not to be zoned C-P. He stated they knew how to develop commercial properties because that was what they did. He guessed if the property were to be developed by someone for some other use that the tree cover on top would be partially removed so they could look down into the park and because it would be a necessity to maximize use of the area. Ms. Nauser liked the tree cover and the fact that it would help shield the park from any development going in.

Mayor Hindman voiced concern about the lighting that would come with restaurants. Mr. Lindner explained the elevation would be substantially lower than what was there today and the parking lot lights would be identical to what they were using at the Broadway Shops. It would not be really bright lighting. He stated it would be cut-off lighting, specifically designed to cut off the lighting that would escape towards the south so that it was concentrated on the parking lot itself. Mayor Hindman asked if the buildings would be at about the same elevation as the Applebee's that was being built currently. Mr. Lindner stated it would be very close to the same elevation. He noted that the site right now was very misleading because they had a lot of extra dirt on it that would be removed. Mayor Hindman commented that he liked the lighting in the shopping area at Nifong and Forum. Mr. Lindner invited the Council to see the lighting they were using.

Mr. Janku asked if staff was comfortable that the maximum capacity of the entryway would not be recognized at the very beginning of the development going into place. He asked if they felt there was a large enough margin for error, one way or the other. Mr. Glascock responded that they had Burns & McDonnell look at this, and while they did not do a full-blown study, they did provide comments and their data was used. He stated that they went back and looked at the development and to try to get some sense of the square footage they could accommodate to high end use. Mr. Glascock commented that staff had a comfort level with it. Mr. Janku asked for staff comments about the safety of residents of Broadway Village coming in and out. Mr. Glascock replied it would be a right in/right out where they currently had one full access on Broadway. They would still have one full access plus a right in/right out. He felt their access would be improved over what they have today. He felt they would have better access because of the signal.

Mayor Hindman was concerned about giving another access besides the one that was already designed plus making left turns across high speed traffic. That seemed to him to be the very thing MoDOT complained about on Rangeline. He also questioned how much pulse time there would actually be with all of the constant right hand turning movements.

Addressing the left out and 763, Mr. Glascock pointed out that MoDOT had not given any left outs of those driveways, but did give left ins. He noted that fit their Access Management guidelines and was what was being done here. They were not allowing the left outs, but were allowing the left ins because they created the least amount of conflict. He stated they were also taking the lefts out of the signal, which produced delays for all of the motorists if they were run through the signal.

Mr. Hutton noted that the intersection of Broadway and Trimble had been referred to as a free right. He commented that it was not totally free because there was not an open lane. He thought it was a right turn on red. Mr. Glascock replied that it was not a free right in and that they had to yield to traffic.

Mayor Hindman stated they would be creating a situation where people would have to dart across potentially high speed traffic coming from the east. Regarding the connection to Conley, Mr. Glascock explained that had been taken into account in the model for the 2030 build year. Mr. Hutton asked if he was referring to Business Loop/Conley. Mr. Glascock replied he was and added that it was built into the Burns & McDonnell data.

Mr. Hutton asked at what point the left turn lane would administratively approved or disapproved. He pointed out it was not part of the rezoning request. Mr. Glascock replied it was part of the C-P plan. Mr. Hutton's point was that they were off the subject. Mayor Hindman agreed. Mr. Hutton stated they had not talked about the appropriateness or inappropriateness of C-P zoning on this land.

Mr. Ash commented that if they allowed C-P zoning, but did not allow the left turn lane, he thought staff would have concerns that without the left turn in, it might not be a good thing for traffic in the area. Mr. Watkins agreed. Mayor Hindman felt there were two issues. One was the ease with which to handle traffic and the other was safety.

When debating C-P versus O-1, Mr. Ash felt they needed to decide if they would rather have a less intense use that was open zoning or a commercial use with more restrictions. He thought they would be better off with more oversight. He was sure, if zoned C-P, concerns would be carefully scrutinized. He commented that he had many concerns in regard to the left turn lane until he saw how the median would be designed. It was much safer than he first thought.

Mr. Hutton felt the left turn situation had been adequately explained and he understood how it could be a better situation because of relieving some of the traffic at the intersection. He noted the suggestion of mixed use and condominiums could not be addressed because that was not the request before them. The property was already zoned O-1. If developed as O-1, he pointed out that the Council would have no say over what kinds of lights went in and so on. On the other hand, the good part about an O-1 was that it would most likely be an 8 to 5 process whereas the C-P would be open later. Mr. Hutton stated he would support the C-P because his concerns had been alleviated and because he was now convinced it was the better alternative.

Mr. Janku pointed out that this developer had done an excellent job with the Broadway Shops and this provided them a strong feeling that this type of project would continue. The concerns raised by the residents and owner of Broadway Village, he thought were legitimate in terms of the potential impact for noise and lighting. If approved, he commented that he would pay close attention to their concerns. Along the bluff, because additional buffer might not be possible, he pointed out there were landscaping requirements in which the Council had the final say as to how they were carried out. He intended to support the C-P, but noted that they could have some difficult public hearings down the road.

B132-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B133-05 Approving the Fastlane at CenterState Crossings C-P Development Plan.

The bill was given second reading by the Clerk.

Mr. Beck described this as an approximate two acre tract of ground with the proposed use being a 5,000 square foot convenience store with a small restaurant inside. Both staff and the Planning Commission recommended approval.

Mayor Hindman opened the public hearing.

Brian Harrington, the project engineer with Allstate Consultants, offered to answer any questions. He pointed out they met with the neighbors and tried to address their concerns.

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

B133-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B134-05 Changing the uses allowed on C-P zoned property located on the southeast corner of Woodridge Drive and I-70 Drive Southeast.

The bill was given second reading by the Clerk.

Mr. Beck described this as a five acre tract with the request being recommended for denial by both staff and the Commission. According to the minutes, he noted the concern of the testing of motorcycles in the Woodridge neighborhood.

Mayor Hindman opened the public hearing.

Joe Hires, 3709 Evergreen Lane, explained that his property was within 165 feet of the subject tract. As automotive technology teacher and having been in the automotive repair business for 25 years prior to teaching, he felt he knew the business very well. He noted that 75 percent of their sales were for off road bikes and he could not see them test driving bikes on I-70 Drive when they were not street legal bikes. He felt the most likely place to test them would be right through their neighborhood or through the trailer court below them. Mr. Hires thought if something was built there, it would cut down on the noise from I-70, but he did not think this was the appropriate thing.

Shirley Delbert, 3704 Evergreen Lane, asked the people opposing this request to stand. Approximately 15-20 people stood. She was opposed to not only the noise that would be created by such a use, but also felt it would keep people from wanting to move into their neighborhood. She listed the uses that were around the current motorcycle facility, which were other businesses and not a residential neighborhood. Ms. Delbert did not feel it was appropriate to have this type of facility at the entrance of a subdivision.

Joan Hahn, a resident of Woodridge Court, explained that she and her husband had lived in the Woodridge neighborhood for over 36 years and liked it so well that they built their retirement home only three blocks from their original home. She was not convinced that the test drivers would stay on their designated test path. The test path, being the outer roadway, was quite busy and she did not think it was a safe place to test motorcycles. She also noted this would not be a quiet business and would affect those that slept during the day and worked at night. She complimented Mr. Ousley for the attractive buildings along the outer road and stated it would be a shame to bring in a bad neighbor.

Gwen Richtermeyer, 3815 Evergreen Lane, explained that she purchased her home only a month ago. She noted there was already a lot of noise from I-70 and did not think a motorcycle sales and repair shop was the appropriate thing for this road. She stated it was already surrounded and bounded by a lot of different kinds of commercial use. Putting something else in that would enhance what commercial businesses were already there would be the thing to do. She felt that would also help alleviate the noise problem.

George Dodge, 3637 Evergreen Lane, spoke in opposition to the changed uses. He commented that he had gone to Casey's to ask about the noise factor and was advised that

they could hear the motorcycles clearly almost every day. They did not need something like this at the foot of their hill. He noted this facility would include a repair shop and pointed out that people would also want to test out their repair job before paying for it.

Richard Chapman, 3805 Evergreen, explained that he lived on the cul-de-sac behind the subject site. On his street alone, there were three people that worked nights and needed to sleep during the day. He stated the shop noise would probably keep them awake. Regarding the outer road being their test drive route, he pointed out that if there was an accident on I-70 all of the traffic would be diverted to the outer road.

Allen Hahn, 3711 Woodridge Court, stated he hoped the Council would deny this request. He felt it was inconsistent with their neighborhood and all of the wonderful people that lived there.

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

Mr. Hutton agreed this was an inappropriate location for this type of use and stated he intended to vote against it.

B134-05 was given third reading with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. Bill defeated.

(A) Voluntary annexation of property located northwest of the intersection of Old Field Road and Harvest Road.

Item A was read by the Clerk.

Mr. Beck described this as an approximate six acre tract in the south part of the City. The applicants were requesting single family zoning. He noted the related ordinance would be introduced later on the agenda and that no action was required at this time.

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 the western terminus of Brookside Lane, west of Bethel Church Road.

Mr. Beck stated this tract, owned by the Boone County Regional Sewer District, contained less than an acre of ground. He noted no action was required as an ordinance was to be introduced later in the evening.

Mayor Hindman opened the public hearing.

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

OLD BUSINESS

B135-05 Authorizing grant agreements with the Mid-Missouri Solid Waste Management District; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Beck commented that the City continued to add to its Materials Recovery Program and this would purchase the compactors and balers for commercial recycling. He noted there would also be some educational materials obtained with the remaining grant funds.

B135-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B142-05 Amending Chapter 27 of the City Code relating to security deposits for utility services.

The bill was given second reading by the Clerk.

Mr. Beck pointed out that the rates being used now had been established over ten years ago.

Ms. Fleming thought, even at the proposed levels, the City would be below the security deposit levels of Boone Electric and Water Districts in the area. In addition to raising the deposits, she noted that were suggesting easing up the guidelines as to when a deposit was necessary. She stated the key was to get deposits in an appropriate amount from the people they needed and to not hold deposits when they did not need to. One of the things they were looking at was accepting letters of credit from other utilities, so if someone had a good credit rating with another utility they could provide a letter. Currently, the ordinance called for three years perfect payment history before returning a deposit. As long as people made payments and were not a credit risk, they would be allowed to get their deposits back.

When trash had to be picked up early because of it being left out early, Mr. Janku asked if the City could use the security deposit to help pay for that. Ms. Fleming believed that to be a violation. Mr. Boeckmann thought it was one of the things the City billed for, but stated he was not positive.

Ms. Nauser noted they would be decreasing the requirement for individuals, but increasing the requirement for commercial users. Ms. Fleming replied that the City currently required a deposit on all commercial accounts. Ms. Nauser understood there would be no more discretion on the part of the Finance Director to waive deposits for a good commercial customer. Ms. Fleming stated that was correct and the reason they did that was because they had some bankruptcies on some businesses. She pointed out that they did allow businesses to put the City's name as co-owners on certificates of deposit. She noted they did not actually have to take possession of the dollars. This allowed them to continue to earn interest on their money.

Mr. Hutton asked what kind of affect this would have on the write-off's. Ms. Fleming stated this would not affect write-off's much for a number of years. Mr. Hutton stated there would not be an amount owed if there was an adequate deposit on file. Ms. Fleming replied that was correct and added that she would provide that information later in the evening. Mr. Hutton was concerned about going from a \$75 deposit to \$130, which was significant for people signing up for utilities for the first time. Ms. Fleming pointed out that for electricity only, Boone Electric's deposit was \$100. One of the Water District's was \$60. Because the City provided so many services at one time, it tended to add up.

Ms. Nauser asked if people could pay half of their deposit when they signed up and then get billed for the other half with their first monthly billing cycle. Ms. Fleming replied that they billed the deposit so it became due with the first bill. People did not have to have the deposit the day they signed up.

Mr. Ash asked if the commercial accounts would be able to get their deposits back after a period of time. Ms. Fleming replied they would not. They were proposing the elimination of the City's discretion to refund the deposit. She stated they would keep a deposit as long as they had an active account.

Ms. Nauser asked if there was a provision for someone that had to liquidate their collateral or needed to use their collateral for some other purposes. Ms. Fleming stated a different instrument could be substituted. Ms. Nauser felt it unfair to require a commercial owner, who had been in business for 20 years, to have the City retain their deposit. Ms. Fleming replied that two years ago they had almost \$100,000 in commercial losses due to bankruptcies from businesses that had been in town for 10, 20 and 30 years. Mayor Hindman commented that he was not sure bankruptcy court would let the City keep the deposits. Mr. Boeckmann stated he was not sure and would have to check into bankruptcy laws.

Mr. Ash disagreed with the attitude that it was not a big deal for businesses because they had money. He felt this was a double standard. Mr. Loveless thought it was the

potential magnitude of the loss that was the greatest concern. With a residential customer, the loss would likely be much lower than that of a large commercial user. He saw the logic in retaining the deposit for commercial accounts. Mr. Ash saw the logic in perhaps putting in some extra safeguards because of the additional risk, but did not agree with a policy of not allowing, for any reason, the ability to get your security deposit back. Mr. Hutton reminded him that he did not have to put up a cash security deposit. Mr. Ash pointed out that it was money one could never touch as long as the business was open.

Ms. Nauser commented that she was not against the deposit, but felt it could be very costly if they kept it forever.

Mr. Ash asked about tabling the issue and having staff come up with something that would be somewhere in the middle. Ms. Fleming suggested that they amend the ordinance by removing that portion from the ordinance. She noted that they wanted to have the ordinance in effect before student rush began.

Mr. Ash made the motion that B142-05 be amended by removing item number 2, which would restore it to its former wording. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

B142-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B143-05 Amending Chapter 3 of the City Code by repealing Sec. 3-3- relating to the Columbia Regional Airport.

The bill was given second reading by the Clerk.

Mr. Boeckmann explained that Section 3.3 stated the City shall maintain full control of the Airport at all times. The ACLU, in connection with the lease of the Airport to the Salute to Veterans for Memorial Day weekend, argued that this section meant the City could not turn control over to the Salute to Veterans group. If they were right, that meant the City could not lease anything at the Airport because it was not retaining full control. Mr. Boeckmann explained that had never been the interpretation, but he did not feel the section, as it was, really served any purpose. In order to avoid the issue, he suggested passing an ordinance deleting the section.

Ms. Crayton asked if we would still give them the right to come on the premises. Mr. Boeckmann did not think this would change anything. As a property owner, the City would retain full control of the Airport except to the extent that it entered into any leases or agreements that allowed other people rights to use the Airport.

B143-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B144-05 Authorizing an intergovernmental cooperation agreement relating to the Grindstone Plaza Transportation Development District.

The bill was given second reading by the Clerk.

Mr. Watkins described this as being pretty much our standard intergovernmental agreement between a TDD and the City. It basically had five purposes. It directed and allowed the City to administer and collect the sales tax or special assessments, agreed to various responsibilities during planning and constructing, such as construction administration, limited the scope of the project to be constructed by the TDD, agreed to accept dedication and maintenance of the project constructed by the TDD on City right-of-way when it was complete, and limited the rate of the TDD sales tax. He noted that state law allowed a TDD to levy one percent sales tax. This agreement initially self-limited to one-half percent, but in

order to give the bonds for the TDD a higher rating, it allowed a higher rate if the approved projects required it to pay off the bonds. He stated that they believed that to be highly unlikely, but noted this was a change from what we normally did. He displayed a map showing the proposed area to be included within the Grindstone TDD. The items to be paid for were pedways and pedestrian paths, a reimbursement to the City for the extension of Green Meadows Road along with some expanded intersections at Green Meadows and Providence and at Green Meadows, north of Grindstone Parkway into the development, construction of Gray Oak and Red Oak Drives and other improvements to Grindstone Parkway necessary for the proposed development, and surface water drainage structures, which were fairly significant in this case.

Mr. Ash understood this was the first time they could raise it higher than the one-half percent, if they had to sell bonds. Mr. Watkins replied to his knowledge that was correct. Mr. Ash asked if that was setting a bad precedent and how much of a sticking point it would be if we were to remove it. Mr. Boeckmann thought they were concerned and added that there were provisions in some of the earlier agreements that limited it to five percent without the City's consent. He noted this one did not have that provision, it just stated that they would give us 60 days notice if they were going to raise it. He stated it would be nice if they would agree to that limit, but he did not think they could legally bind themselves to that limit.

Mr. Beck noted other firsts in this agreement were stormwater management, interior streets and the City was being reimbursed for a road that was already under contract.

Mr. Janku asked if they were adhering to the policy of paying a certain amount of expenses developers would normally be expected to contribute. Mr. Beck noted that had been the subject of a lot of discussion. He stated that in order to get the rezoning, they had promised they would reimburse the City.

Because a TDD was more or less its own legal entity, Mr. Ash assumed we could gently make suggestions, but that they could put in it whatever they wanted to. He asked how much legal pull the City had to limit what went in it. If the Council did not approve of it, Mr. Janku commented they could always vote it down. Mr. Boeckmann stated that under current statutes, there were very limited grounds on which one could oppose the formation of a TDD. They derived their power from the state statute. The control over them was with MoDOT. For anything they wanted to do on a state right-of-way, they need MoDOT's consent with an agreement and anything they wanted to do on City right-of-way, they needed the City's consent also. Mr. Hutton asked if they had provisions in the agreement that the City did not like, if the City could tell them they would have to take them out in order to get approval to work in our right-of-way. Mr. Boeckmann did not think we had an option at this point. Mr. Hutton did not mean this TDD in particular, but in general, if they could do that.

Mr. Beck suggested they discuss the general issue further at The Retreat.

B144-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B145-05 Authorizing an agreement for storm water detention facilities.

The bill was given second reading by the Clerk.

Mr. Beck explained this would replace an earlier agreement and would be paid for by a TDD. He stated the good news was that this would become one regional detention facility rather than two.

B145-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. 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.

- B136-05** Authorizing acquisition of easements for the Woodside/Nazarene storm drainage project.
- B137-05** Confirming the contract with J.C. Industries, Inc. for construction of the Donnelly Avenue improvement project.
- B138-05** Accepting conveyance; authorizing payment of differential costs for water main serving Mill Creek Manor, Plat 1; approving the Engineer's Final Report.
- B139-05** Authorizing payment of differential costs for water main serving Deer Ridge, Plat 2; approving the Engineer's Final Report.
- B140-05** Accepting conveyances for utility purposes.
- B141-05** Appropriating donated funds to the Memorial Tree Program.
- R90-05** Setting a public hearing: voluntary annexation of property located on both sides of State Route WW, east of the present City limits.
- R91-05** Authorizing an agreement with J.W. Broadcasting, LLC (KMIZ-TV) for funding for the annual Fourth of July celebration.
- R92-05** Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for the Smallpox First Responder Vaccination Plan.
- R93-05** Authorizing an amended lease agreement with Enterprise Rent-A-Car for operation of a rental car counter at Columbia Regional Airport.
- R94-05** Reappointing Deborah Doxsee as associate municipal judge.
- R95-05** Authorizing an amendment to the First Christian Church parking lot agreement.
- R96-05** Authorizing a CDBG agreement with Enterprise Development Corporation.
- R97-05** Transferring funds to upgrade the aerial device on Fire Engine 1.
- R98-05** Transferring funds for the stabilization and restoration of the porch at the Blind Boone Home.

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

NEW BUSINESS

- R99-05** Authorizing an agreement with The Curators of the University of Missouri for the annual Fourth of July celebration.

The resolution was read by the Clerk.

Mr. Beck explained this was an annual event in which we participated. This year \$1,600 was included in the budget toward leasing the stadium.

The vote on R99-05 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R100-05 Authorizing the Finance Director to write-off certain uncollectible receivables.

The resolution was read by the Clerk.

Ms. Fleming pointed out that these were actually receivables for two years. In response to Mr. Hutton's earlier question, she stated that if they collected an additional \$20 in deposits on each of the non-bankruptcy accounts, this amount would be \$40,000 less than what it was. She pointed out that Chart 1 showed the biggest uncollectible amount in customer services for late fees and penalties. These accounts are kept on the books and they make every effort to collect, but when people were gone there was not much that could be done.

Mr. Ash asked how bad debts were handled. Ms. Fleming replied that they used a collection agency for delinquent bills. Mr. Ash asked if the agency worked on a percentage basis. Ms. Fleming explained that it was a fee that was added to the account so the customer actually paid the fee. Mr. Ash understood the main cost was keeping it internally within our system and asked if it was more of an accounting problem than actual cost. Ms. Fleming stated that legally they could not collect these any more so they could not keep them on the books. Mayor Hindman asked why they could not be collected legally. Ms. Fleming explained that per the Uniform Commercial Code, after seven years we could not collect them. The Fair Debt Practice Act set the statute of limitations for collecting delinquent accounts at seven years. Mr. Boeckmann was not sure that was correct and stated he had his staff checking on it. He thought it might be shorter than seven years under Missouri law.

Mr. Ash asked if there was any kind of database kept to where, if someone tried to do something else with the City, they could not do so until their utility bill was resolved. Ms. Fleming replied that they did that to a certain extent and were working on tying this into the GIS system. On things like licenses and permits they did those kinds of checks and balances.

The vote on R100-05 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R101-05 Authorizing an agreement with The Curators of the University of Missouri relating to construction of a life sciences incubator facility.

The resolution was read by the Clerk.

Mr. Beck explained that this agreement would provide \$150,000 toward the construction of the Life Science Incubator at the University. Being proposed was an \$8.7 million incubator to be financed with federal grants and contributions from other counties and area businesses. This component of the incubator was included in the REDI Master Plan and in the Mid-Missouri Regional Planning Commission's Plan. Mr. Beck stated the goal was not just the incubator, but to provide some areas wherein companies that might come out of the incubator would be able to locate in Columbia and other cities in a nine county region.

Mayor Hindman thought this was a good thing and was the direction our economic development should head.

The vote on R101-05 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R102-05 Authorizing application to the Missouri Department of Transportation for Surface Transportation Enhancement funding.

The resolution was read by the Clerk.

Mr. Beck noted that this had been discussed publicly several times recently. The three projects for which funding was being requested included Grindstone Park to Stephens Lake Park, Phases I and II, and intersection improvements at Stadium and Old 63. If adopted, staff would submit them to MoDOT to compete with other projects within District 5.

Ms. Nauser asked where the City's local matching funds would come from. Mr. Hood stated there was about \$331,000 set aside in the greenbelt and trails account right now to be used for match for these types of grants. Mr. Beck added that this was also indicated in the ballot issue. Mr. Hood clarified that the funds were from the quarter cent capital improvement sales tax.

The vote on R102-05 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

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

- B146-05 Voluntary annexation of property located northwest of the intersection of Old Field Road and Harvest Road; establishing permanent R-1 zoning.**
- B147-05 Voluntary annexation of property located on the south side of the western terminus of Brookside Lane, west of Bethel Church Road; establishing permanent R-3 zoning.**
- B148-05 Voluntary annexation of property located on the south side of Starke Avenue, east of U.S. Highway 63; establishing permanent C-P and O-P zoning.**
- B149-05 Rezoning property located on the north side of St. Charles Road, across from Kipling Way, from A-1 to PUD-10.**
- B150-05 Authorizing amendments to the Major Roadway Plan.**
- B151-05 Granting a variance from the Subdivision Regulations relating to sidewalk construction along the west side of Smokey Mountain Court, south of Faurot Drive.**
- B152-05 Approving the Final Plat of Ridgeway Place Plat 1; authorizing a performance contract; granting variances to the Subdivision Regulations.**
- B153-05 Approving the Final Plat of CenterState Plat 7; authorizing a performance contract and development agreement.**
- B154-05 Approving the Final Plat of Forest Ridge Plat 3; authorizing a performance contract.**
- B155-05 Approving the Final Plat of Brookside Square plat 3; authorizing a performance contract.**
- B156-05 Approving the Final Plat of Creek Ridge Plat 1; authorizing a performance contract.**
- B157-05 Approving the Final Plat of Woodland Springs Plat 3.**
- B158-05 Authorizing acquisition of land for expansion of the Wabash Station renovation project.**

- B159-05** Authorizing acquisition of easements to construct Southampton Drive from State Route 163 (Providence Road) to Nifong Boulevard, south of Grindstone Parkway.
- B160-05** Authorizing acquisition of easements for construction of Sanitary Sewer District No. 149 (Edgewood Avenue).
- B161-05** Confirming the contract with Boone Construction Company for the Auburn Hills sidewalk project.
- B162-05** Confirming the contract with Capital Railroad Contracting, Inc. for construction of sewers in Sewer District No. 141 (Green Valley Drive).
- B163-05** Confirming the contract with Ken Kauffman and Sons Excavating, LLC for construction of sewers in Sewer District No. 158 (Old Plan Subdivision).
- B164-05** Accepting conveyances for drainage, sewer, sidewalk, street and utility purposes.
- B165-05** Accepting conveyance; authorizing payment of differential costs for water main serving CenterState, Plat 3; approving the Engineer's Final Report.
- B166-05** Authorizing an agreement with the Missouri Highways and Transportation Commission for the Blueprint for Safer Roadways Program; accepting portable breath testers and laser radars; appropriating funds.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) HOME funding for Bethel Ridge.

Mr. Beck explained that Jeffery Smith Development had requested approval of \$200,000 from HOME funding for Bethel Ridge, a 72 unit low income senior housing at the corner of Nifong and Bethel.

Mr. Janku made the motion that a public hearing be set for the June 6, 2005 meeting. The motion was seconded by Mr. Loveless.

Mr. Ash asked about the return on the investment in relation to the developer and to the City. Mr. Watkins explained that the return on investment to the developer was particularly low on this development and in order to raise the return on the investment closer to a market return, we were proposing to put \$200,000 in HOME money at a low interest rate into it. He stated the City got money back at a lower interest rate and was essentially buying down the developer's cost. Mr. Ash asked if it was common for projects to get turned down multiple times before getting approved. He asked if the staff had any idea of whether or not this would do any better in 2006. Mr. Watkins replied that they expected it to do better in 2006.

Ms. Crayton noted a slow down of home building in her Ward and asked how they could encourage more home building. Mr. Loveless explained that in this situation Mr. Smith was a relatively large developer who had purchased a sizable tract of property. He noted that Mr. Smith had invested a lot of money in relatively low cost, senior housing whereas what Ms. Crayton was talking about was the opportunity to build houses here and there near the center of town. Ms. Crayton felt they should be pushing home ownership. Mr. Loveless stated they, as a policy making board, could not force a builder to buy a lot downtown to build a small house on it for someone of a limited income. He commented that there were only so many guys that wanted to do that. He noted that we had all the mechanisms in place and had

funds available to encourage people to do it, but we had to have builders who would step up to the plate and jump through the hoops to get the job done. Mr. Watkins pointed out that we had an extremely successful program for encouraging home ownership where within an eligibility area, the CDBG eligible area, they could provide \$3,500 dollars in down payment assistance that was forgiven after five years. He stated they could also provide additional assistance if there needed to be a lead inspection or lead remediation. The Council had allocated \$75,000 this year for that program and they were seeing a lot of people take advantage of it. Mr. Watkins noted that it was becoming increasingly difficult to find vacant lots that could be done economically. He noted the Council had given awards to CHDO's this year in excess of \$100,000 of which much would be used to build new houses in the eligibility area. Some of it went to The Intersection and some to the Human Development Corporation. He stated that they were trying to cover a lot of bases.

The motion, made by Mr. Janku, setting the hearing date for June 6, and seconded by Mr. Loveless, was approved unanimously by voice vote.

(C) Surface Parking Lot - Requested P & Z Report.

Mr. Ash noted that an attachment referred to was not included in the packet. He stated that it would have been helpful to have had it and would like to have it. Since that information was not included, Mr. Janku suggested they put this issue on The Retreat agenda. Mr. Ash commented that he could wait until the next Council Meeting. Mr. Beck stated they would provide the additional information requested.

(D) Historic Preservation Commission Report - Activities for 2004-2005.

Report accepted.

(E) Health Department Condominium.

Mr. Beck stated the suggestion was that Paula Hertwig-Hopkins be appointed to the executive board.

Mr. Loveless made the motion that Paula Hertwig-Hopkins be appointed to the Health Department Condominium Executive Board and the Unit 1 Committee. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(F) Cunningham Road Extension.

Mr. Beck explained that this would involve a change to the Major Roadway Plan and the CATSO plan. He felt the proper action would be to refer it to CATSO for study.

Mayor Hindman thought CATSO might want to leave it on, but that the Council might wish to have it removed. He thought it should be taken off of our Roadway Plan and then provided to CATSO telling them it had been removed.

Mayor Hindman made the motion that the issue be sent the Planning and Zoning Commission. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(G) Adopt-A-Spot Beautification Agreement: Roundabout at Garth and Blue Ridge.

Mr. Beck noted questions had come up about the landscaping of the roundabout and a group had agreed to adopt it once the plantings were in place. The suggestion was that this be bid through the Purchasing Agent to get some idea of cost. The estimated cost was \$4,500 to \$5,000. Staff was suggesting, if Council wished to move ahead with the project, that funds be taken out of the annual landscaping account made available through the 1999 quarter percent sales tax.

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

(H) Transit Assistance for Special Olympics Event.

Mr. Beck explained that a request had been received for using our transit system for the Special Olympics. The estimated cost for the transit staff was less than \$600. Mr. Beck stated the City could provide the services under our federal guidelines.

Mayor Hindman made the motion that staff be directed to proceed. The motion was seconded by Mr. Ash 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:

CONVENTION & VISITORS ADVISORY BOARD

Hill, Trisha L., 2200A Bushnell, Ward 6 - term to expire 9/30/06

ENERGY & ENVIRONMENT COMMISSION

Cunningham, Frank J., 1809 Highridge Dr., Ward 4 - term to expire 6/1/08

Lenhardt, Norman J., 1118 St. Christopher, Ward 4 - term to expire 6/1/08

HOUSING AUTHORITY

McCollum, Mary Anne, 601 N. William, Ward 3 - term to expire 5/31/09

PARKS & RECREATION COMMISSION

Blevins, Marin J., 508 Smoky Mountain Ct. Ward 4 - term to expire 5/31/08

Hine, Larry R., 2505 Primrose, Ward 2 - term to expire 5/31/08

PLANNING & ZONING COMMISSION

Cady, Neil D., 3114 Wind River Ct., Ward 4 - term to expire 5/31/10

Rice, Glenn, 807 N. Eighth, Ward 1 - term to expire 5/31/10

BOARD OF PLUMBING EXAMINERS

Glass, Mike, 128 N. Cedar Lake, Ward 5 - term to expire 5/31/07

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Hutton received complaints about Woodridge Avenue, coming from the north and going into the subdivision. He stated it was in pretty bad shape and asked if it was on the regular summer maintenance overlay schedule.

Mr. Hutton made the motion that staff check into the Woodridge Avenue situation and, if needed, add it to the summer maintenance schedule. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Ash asked about the schedule for the Sapp annexation. Ms. Amin stated she thought the public hearing was set for the June 6 meeting. Mr. Watkins explained they set the public hearing tonight for the next meeting at which time the annexation would be introduced. That would be voted on at the second meeting in June. Mr. Ash understood they would not be going back before the Planning Commission. Mr. Watkins replied that was correct. He stated the zoning that would be requested was exactly the same zoning that P & Z gave the Council a recommendation on. They saw no reason to hear the same thing a second time.

Mr. Beck asked if this annexation request was contingent upon zoning. Mr. Watkins replied in the affirmative. He stated they would also see a development agreement introduced at the same time. The development agreement had some additional wording, but he commented that he would argue that there were no substantive changes. He noted that they had been working very closely with the developer and the Harg group to ensure their concerns were addressed in the development agreement. Mr. Watkins noted they were also working with Commissioner Elkin and hoped to have a memorandum of understanding on some improvements the Council might wish to consider on WW. The developer and MoDOT would probably also be parties to the memorandum.

Mr. Ash asked if they should approve the development agreement before the rezoning or if it mattered in which order they approved things. Mr. Boeckmann thought it reasonable to annex the property before passing the development agreement, but did not think it mattered. He stated they would have read through the development agreement in advance.

Regarding B152-05 introduced this evening, Mr. Ash noted there were no Planning minutes included. He asked that they have them for next time. He also noted that B112-05 and B131-05 mentioned attachments, which were lists of uses, but were not included. He felt the attachments were easier to read because the uses were set out in bullets as opposed to being strung together in the ordinance itself and asked that they be included in the future.

Mr. Janku pointed out that on the Business Loop, west of the roundabout, the bike lanes had faded as had the bike lanes on Silvey across from the middle school. He also reminded staff about the intersection of Garth and Texas where they left out the resurfacing of the intersection last year and that it needed to be resurfaced.

Mr. Janku did not think speed limit signs had been posted on Brown School Road between Rangeline/763 and 63. At the Auburn Hills Neighborhood Association meeting, they requested that speed limits be posted. He was concerned about the limits set, particularly at the intersection of Derby Ridge and Brown School Road because of a sight distance situation. He thought Public Works was suggesting a fairly high limit and felt it should be lowered taking into account the sight distance problem as well as the school and soccer park.

Mr. Janku made the motion that staff report back on suggested speed limits for the area. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Now that they had passed the revised ordinance for planned developments, Mayor Hindman thought it would be a good time to consider whether or not they should adopt a policy that everything should be planned. He felt that they had eliminated most of the objections that developers had and stated that the Council was constantly facing issues where they could not do this or that because of open zoning that had been lying around for a long period of time. He stated there could obviously be exceptions to such a policy, but there would have to be good reasons. Mr. Hutton asked if that would include annexations. Mayor Hindman replied it would include annexations. Mr. Ash felt he only meant annexations. Mr. Loveless thought he meant any zoning. Mayor Hindman clarified that he was talking primarily about annexations or any up zonings. Mr. Janku asked if that included residential property. Mayor Hindman replied it did.

Mr. Ash thought it was a great idea but thought the sticking point would be the transition point for the policy.

Mayor Hindman made a motion that staff be directed to provide a report based upon communities that might have tried this and what the results had been. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mayor Hindman commented that it had been suggested that they rename the Finance

Advisory Committee the Finance Advisory and Audit Committee.

Mayor Hindman made the motion that staff be directed to prepare the proper legislation to change the name. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman felt there should be a review of our public presentation equipment for necessary updates due to the problems this evening. At the very least, Mr. Hutton felt there should be a wireless microphone. Mr. Ash thought another bottleneck was that everything was tied to the one projector.

Mayor Hindman made the motion that staff report back on how the equipment could be updated. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman asked the Council for input regarding membership to the Nuisance Ordinance Committee.

The meeting adjourned at 12:34 a.m.

Respectfully submitted,

Sheela Amin
City Clerk