

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
MAY 2, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, May 2, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU and HUTTON were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the April 18, 2005 regular meeting and the April 27, 2005 special meeting were approved unanimously by voice vote on a motion by Mr. Janku and a second by Mr. Ash.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Upon his request, Mr. Janku made the motion that Mr. Ash be allowed to abstain from voting on B119-05. The motion was seconded by Ms. Crayton and approved unanimously by voice vote. Mr. Ash noted on the Disclosure of Interest form that he owned a business that had a grease trap and could therefore be impacted by the ordinance.

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

SPECIAL ITEMS

(A) Resolution of Appreciation - Lowell Patterson.

Mayor Hindman announced this was Mr. Patterson's last Council Meeting and voiced appreciation for everything he has done for the City of Columbia.

Mr. Beck commented that Mr. Patterson had been the Director of Public Works for over 19 years. He noted he was a hard working department head and had done a great job.

Mayor Hindman presented Mr. Patterson with a Resolution of Appreciation signed by each Council Member and congratulated him on his well deserved retirement.

Mr. Patterson thanked the Mayor and City Manager for their kind words and stated his tenure with the City had been a great experience. He noted that the kind words addressed to him would be more appropriately directed to the men and women of the Public Works Department.

(B) Award of Continued Excellence - Dan Dasho, Director of Water & Light.

Mayor Hindman explained that the 2005 ACE Award was presented to the Columbia Water & Light Department by the American Public Power Association. The award recognized the utility's long-term support of energy efficient development. He re-presented the award to Mr. Dasho and thanked him and his staff for the honor.

Mr. Dasho explained it was an award of continuing excellence which went to his staff who, over the years, had looked for ways to present better energy efficiency programs to the City of Columbia. He introduced the staff members that were present.

(C) Phoenix Programs, Inc. 2005 Community Award to the City of Columbia, Office of Community Services.

Mayor Hindman explained that the City's Community Services Office was presented with the Community Award at the eighth annual Celebration of Recovery by the Phoenix Programs on April 24. The award was in recognition of an organization that supported or furthered the work of substance abuse or treatment in the community. He re-presented Mr. Steinhaus with the award.

R83-05 Accepting the gift of a Robotronics "McGruff and Cruiser Robot" to be used by the Police Department for crime prevention education and public relations.

The resolution was read by the Clerk.

Chief Boehm introduced McGruff, who, he explained, had been a part of law enforcement in the Columbia Police Department for a number of years. He commented that this "new look" McGruff was in a robotronics vehicle and had already made his debut at a couple of major community events. Chief Boehm noted a big part of community policing was having the opportunity to interact with people and, in particular, the youth of the community. Sergeant Grant demonstrated the robotronics vehicle, which he noted was a donation from the Columbia Police Foundation and made possible by generous contributions from State Farm Insurance and Alarm Communications Center. Chief Boehm introduced Jim and Billie Silvey, Co-chairs of the Columbia Police Foundation, and thanked them for being present.

The vote on R83-05 was recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

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 given second reading by the Clerk.

Mayor Hindman noted that a request had been received to table the issue to the May 16, 2005 Council meeting.

Mr. Janku made the motion that B112-05 be tabled to the May 16 Council meeting. The motion was seconded by Mr. Loveless.

Mayor Hindman opened the public hearing.

Gorden Sabel, 3800 Mint Julep, read from a letter written by his wife, objecting to the rezoning of this property because it was in a residential district. She felt that commercial would infringe on their residential area and noted two schools located within a short distance of the property. Mr. Sabel provided a copy of the letter for the record and asked for denial of the request.

There being no further comment, Mayor Hindman continued the public hearing to the May 16, 2005 meeting.

The motion to table this issue to the May 16, 2005 meeting, made by Mr. Janku and seconded by Mr. Loveless, was approved unanimously by voice vote.

B113-05 Rezoning property located on the south side of Cooper Drive North, across from Rockman Lane from C-1 to C-P.

The bill was given second reading by the Clerk.

Mr. Beck described this as a 0.84 acre tract located in south central Columbia with the proposed use as an automobile repair facility inside an enclosed building. Both the staff and Commission recommended approval.

Mayor Hindman opened the public hearing.

Tim Reed, a land surveyor with Engineering Surveys and Services, 1113 Fay Street, spoke on behalf of the contract purchaser and offered to answer questions.

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

Mr. Loveless asked if this was the same Joseph Tosini who had the property on Scott Boulevard rezoned five years ago. Mr. Watkins replied it was.

B113-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B114-05 Rezoning property located on the east side of North Tenth Street (316 North Tenth Street) from R-3 to C-2.

The bill was given second reading by the Clerk.

Mr. Watkins described the property as 0.11 acres, which had been zoned R-3 since 1957. The Metro 2020 designation was City Center. All public utilities were available to the site. He noted that parkland was not an issue and there was not a greenbelt on or adjacent to the site. Both staff and the Commission recommended approval of the request.

Mayor Hindman opened the public hearing.

Skip Walther, an attorney with offices at 700 Cherry Street, spoke on behalf of Brent and Amy Gardner, the property owners of the subject property. Since C-2 was downtown commercial property, he felt it appropriate to have this property zoned as such. He noted the neighborhood was a mix of many uses including R-3, O-1, C-P, C-1, C-2 and M-1. He thought most of the uses for the M-1 zoned property were more commercial than industrial. The subject property had 43 feet of frontage on Tenth Street, immediately north of the existing Columbia Photo property. He noted the owners of that store recently obtained rezoning to C-2 for part of their property and Mr. Walther was sure they were intending on developing the south part of their property into some uses that would be very appropriate and common to what one would see in downtown Columbia. He noted that Tenth Street was classified as a major collector as it was one of the main avenues into downtown Columbia and to Columbia College. He explained that his client spent a substantial amount of money in the purchase and renovation of the property. As it sat, he noted, it could be used for its present zoning classification; however, he felt it was more appropriate that the property be available for office uses, perhaps commercial uses or a mixed use of two or more of those uses. Because it had such a small street frontage and was such a small lot, he thought the uses were limited and that most of the uses in C-2 would not be appropriate because of the limiting nature of the lot size. Mr. Walther noted that the North Central Neighborhood Association was now in favor of the request. Since the Planning and Zoning meeting, he noted that his client and representatives of the neighborhood association had agreed to a set of restrictive covenants that would be recorded if the property was rezoned. They would be restricting, by private covenant, the most intensive uses. He also noted that Ms. Zaring, the neighbor immediately to the north, recommended approval. He felt approval from the neighborhood association and Ms. Zaring was due to a common sense idea that retail would be a completely appropriate use in this area for Columbia College students. He suggested a coffee shop, a restaurant or office uses for the property.

Mr. Loveless asked who would enforce the private covenants between the property owner and the neighborhood association. Mr. Walther replied that it would be drafted to favor the benefit of the North Central Columbia Association as well as all property owners within 500 feet. Mr. Loveless understood that would have to be a private suit brought by the Association or the immediate neighbors. Mr. Walther replied that was correct.

Mr. Ash assumed the main reason for seeking C-2 was to avoid the parking requirements. Mr. Walther felt that was not a fair statement, although the absence of parking

on the lot was an important consideration. He noted a lot of parking on the street and stated that there did not seem to be an over-demand for the supply that was there. He explained the main reason was the cost for implementing a C-P plan given its size. He felt it was out of proportion to the benefit derived from going through the C-P process. Mr. Ash felt planned zoning was a fair trade when upzoning. Mr. Walther recognized the City's interest in planned uses and added that he was not sure there was any C-P in downtown Columbia.

Mr. Hutton asked if there was any parking on the lot at all. Mr. Walther thought there was a parking space by the garage. Mr. Hutton asked about on-street parking. Mr. Walther replied that there was metered parking. Mr. Hutton commented that a commercial business was market driven and if people came there and could not find a parking space, they would probably not come again. Mr. Hutton noted that there was very little time when any of the College's lots would be available to anyone wishing to visit the house. He also noted that he did not think Columbia Photo would not look kindly on patrons on the commercial property next door parking in their lot. Mr. Walther was confident they could overcome that, if it became an obstacle. If it was a restaurant, Mr. Hutton stated he could guarantee there would be no parking places within a mile in the evening during the week. He noted there were twice as many evening students on campus. Mr. Walther commented that if he was operating a restaurant in the evening and could not find parking for his clientele, he would be interested in arriving at some type of arrangement with those who did have parking in the vicinity.

In regards to the private covenant, Ms. Nauser wondered if someone could challenge its validity at a later date, if they wanted a business allowed under the C-2 zoning. Mr. Boeckmann replied that they might be able to challenge it on some basis, but if the covenant was drawn properly, it would be enforceable.

Mr. Walther noted the property was currently zoned R-3 and that they could have a sorority, fraternity or boarding house. If there were a number of students housed in that building, he thought they would all have cars and would park overnight. No matter what use was placed on the property, he felt there would be a parking issue. He reiterated the size of the property and stated there was no way they could put parking on it.

Mr. Hutton asked about a change in the restrictive covenant by a future owner. Mr. Boeckmann explained his understanding was that they would have to have the consent of the neighborhood association and property owners within 500 feet. Mr. Walther interjected that they specifically addressed the issue of amending the covenants and that the language was submitted to and approved by the neighborhood association.

John Clark, 403 N. Ninth, President of the North Central Neighborhood Association, noted that they had reached an agreement on a number of exclusions. He was pleased with the section of amending because 25% of property owners within 500 feet and the neighborhood association would have to agree. He felt the covenant provided some flexibility to a private land use control document and gave them a process for amending covenants or dealing with zoning issues down the road. He stated they were quite satisfied and felt it addressed the long term issue on an extremely important corridor.

Mr. Hutton asked how the neighborhood association justified allowing commercial zoning to displace housing. He asked if they thought this commercial was good enough to afford losing housing. In their planning for this particular area, Mr. Clark replied that they thought in terms of corridors as well as areas within them. With increasing land values, he stated that it might not be appropriate to insist on the housing use and might be more appropriate to use the form based approach of having a residential feel to it. They felt it was important to maintain the feel it had now. Mr. Hutton pointed out that zoning went with the land and the building was not going to be there forever. Mr. Clark agreed that was true and that if somebody wanted to build a three story apartment building, they could.

Mr. Hutton noted a "creep" of commercial zoning northward and asked how far Mr. Clark saw it going. Mr. Clark replied that it would be up to the Council. He stated that they would have preferred C-P zoning, but were satisfied with this. He also commented that in

about a year, they would be before the Council with an overlay district, part of which would address the corridor surrounding them and within them. It would be different than what might be on Ninth Street, which was not a corridor. They thought the overlay district and some of the zoning issues addressed in it could remove the need for addressing these types of issues lot by lot.

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

Mr. Hutton felt the question before the Council was how far commercial zoning should go northward on Tenth Street. If the answer was that it was okay for commercial, the next question was whether or not C-2 was the appropriate zoning, as opposed to C-P. He understood the owner was rehabilitating an old house, but noted that at some point this would be a C-2 zoned lot and the house would be gone. At that point, someone would be building something else that worked in C-2, which he thought could be a lot of things because there were no parking or setback requirements.

Mr. Ash asked what the procedure would be if someone wanted to keep everything as is and do a C-P plan with need parking variances. He assumed the request would not be warmly received, since staff would require a certain amount of parking spaces. Mr. Watkins replied they would have to go through a rezoning process, much like this one. They would also have to file a statement of intent and come back through with a limited C-P plan if there were no changes being made to the house, but the uses were being changed. At that point, parking would become an issue.

Mr. Janku asked if the property zoned C-P across the street was Village Glass Works. Mr. Watkins replied that was correct.

Mayor Hindman stated a comment had been made about C-P being a very costly route to take. With the new requirements, he felt it would not be very costly except for the possible necessity for a waiver of parking requirements. Mr. Watkins stated they would still need a C-P plan, which had to meet certain requirements. Under the recent provisions the Council just approved, the process was streamlined provided they did not want to do any additions to the building. Mayor Hindman asked what streamlined meant. Mr. Watkins stated his interpretation was that many of the other requirements normally provided in a C-P plan would be waived, such as the site layouts because there would not be any change in the building, only in use. Mayor Hindman stated their goal with respect to the changes was to have people feel more comfortable in requesting C-P by simplifying it and reducing the complications and costs. Mr. Watkins stated there were additional costs, but believed the changes made it significantly less costly. He noted that when this case was first filed, the changes to the C-P ordinance had not yet been approved by Council and under previous ordinances, it would have been quite expensive.

The C-P plan for this particular lot, Mr. Hutton commented would simply be a survey of the lot showing the structure where it was. He pointed out this was different than new construction or new development because it was simply rezoning an existing facility. Mr. Hutton understood they would not have to do a stormwater or landscaping plan because they were only asking for rezoning and asked if that was correct. Mr. Watkins stated there was a provision in what was just approved called a quick C-P plan, where they were simply doing a change in use. He stated that was substantially less onerous than the full blown C-P plan.

Mr. Janku asked if an initial C-P plan was approved for the existing structure to house a restaurant and they wanted to put a patio or deck on the back sided, if that would require another plan to be filed. Mr. Watkins replied he would consider that a major use change and would require them to refile for a C-P plan amendment. Mr. Hutton pointed out that if it was zoned C-2, all they would have to do was apply for a building permit. Mr. Janku felt it came down to what their vision was for what this area would be like in the future. He stated there had been appropriate discussion that conceivably these buildings could be torn down. He commented that commercial had already moved northward on North Tenth Street as shown by Village Glass Works to the west. He also noted existing commercial on Rogers along that

corridor up to Rangeline. He felt Tenth Street was starting to take off and agreed with the Commission that this part of the City Center was going to be that type of area in the future. What had made downtown function well, he thought, was when a business changed hands and an owner changed tenants, they could quickly adjust because they were able to make modifications without going through a bunch of meetings that took months. Mr. Janku stated he intended to support it because he wanted to see it have the flexibility of C-2 zoning.

Mr. Loveless agreed with Mr. Janku, but understood the Council's general opinion that they should encourage planned zoning, particularly in an upzoning. He was comfortable with this expansion of downtown. He thought it appropriate for the downtown to expand some and given the peculiarities of this small lot, he stated he would endorse the request.

In exchange for getting a more intense use, Mr. Ash felt it was fair for the City to require that they offer the neighborhood and the City a chance to be part of the process. When Columbia Photo got their C-2, he pointed out that it had been a down-zoning from M-1. He thought they would have a stronger case if they did not have the C-P zoning right across the street. He felt they were asking for C-2 because of the parking issue. He pointed out that if C-P zoning was still too cumbersome, the issues should be looked at again. He was supportive of what they were trying to do, but felt they would be setting a bad precedent if they ever allowed an upzone to open zoning.

Ms. Crayton pointed out that they had been asking people to bring their property values up in this part of town and now that it was starting to happen she did not want anything to get in the way. She was comfortable with the covenants and did not think parking was an issue.

Mayor Hindman asked about the C-P across the street and how it came about. Mr. Janku remembered it was an historic structure, which they were not intending to change. They were basically preserving an existing structure. Mayor Hindman stated that was what was happening in this case also. Ms. Nauser pointed out that the Glass Works lot was larger and had some limited parking. She thought perhaps it was more conducive to go into C-P.

Mayor Hindman agreed they should be going for planned districts in these areas, but in this particular case he thought he would go along with the request on the theory they began this process before the new system was in place. He understood the downtown association was also working on an overlay district, which would assist with these types of issues.

Mr. Hutton stated he was not necessarily opposed to commercial zoning, but was concerned about it moving the entire distance north to Rogers Street. He agreed an argument could be made about that not being a bad thing. He was concerned about the residential in behind it, with their only access to it being off of Otto Court. He commented that he would rather see planned and stated the new planning process had been improved to the point that it was a whole lot easier and cheaper to do. He thought any future commercial zoning along this corridor should be planned.

B114-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: ASH. Bill declared enacted, reading as follows:

B125-05 Authorizing construction of improvements to the Columbia Terminal Railroad (COLT) Corridor - Phase I, between Fay Street and Rogers Street; calling for bids.

The bill was given second reading by the Clerk.

Mr. Beck explained this project would be funded with Community Development Block Grant money.

Mr. Dasho explained this to be phase I of a two phase project that would involve the development of the site from Rogers Street up to College, along the railroad corridor. Their

intention was to clean up the site by putting in proper drainage and adding a walkway, which they would be designated the Wabash Walkway, along a portion of the area on the west side of the railroad tracks. In addition, he noted they would redo the rail bed and refurbish the tracks. He commented that would not be included in the cost of this project. The engineer assumed it would cost about \$138,000 to do the project. They initially anticipated it would cost \$150,000 before they received the final design.

Mayor Hindman was interested in this project as the beginning of a trail along the railroad tracks. He noted it had the potential of going all of the way to Centralia at some point. He asked how hard it would be to make it eight feet wide. Mr. Dasho stated they would have to go back in and redesign that portion of it. If there was enough room to do it, he did not think it would be a significant increase in cost. Mayor Hindman thought it looked like the phase I Wabash Walkway did not connect to anything in phase II. Mr. Dasho replied that they were in the process of working out the design on phase II and that pedestrian access was intended to continue.

Mr. Hutton thought in phase II there was a 12 to 14 foot road along the area. Mr. Dasho explained they decided that would be a one-way alley, but that there would be access along College, Fay and Rogers. Mr. Hutton asked if there would be a walkway in addition to the alley. Mr. Dasho replied that was his understanding of what they were trying to design into the project.

Mr. Janku asked about the chain link fence and if it could be vinyl covered so it would retain its appearance over time. Mr. Dasho stated it could be and thought they could ask for a separate quote on the fence.

Mr. Beck pointed out if the estimate was changed very much, they might have to change the Action Plan because it was CDBG money.

Mayor Hindman opened the public hearing.

John Clark, 403 N. Ninth, stated he was the President of the North Central Neighborhood Association and thanked the Council for all phases of the project. He commented that they were happy about the trail and, from their perspective, if they just had something that allowed people to get from downtown out through the neighborhood they would be satisfied. This included the combination of the walkway going from Rogers up to College. He wondered what would be the designated walkway/bike route from that back downtown. He asked if it was just public streets or signage. Having it well designed and well marked, he felt, was a key part of linking.

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

Mr. Hutton asked if the Fay Street crossing was phase III. Mr. Dasho replied it was. Mr. Hutton asked about an estimated cost. Mr. Dasho believed the estimated cost to be \$44,000. Mr. Hutton understood phase II to be funded. Mr. Dasho replied that was correct.

Mayor Hindman wanted to try to get the eight foot trail, but noted he did not want to delay the project.

Mayor Hindman made the motion that they change the width of the Wabash Walkway to eight feet as long as it came in within the budget estimate and would add in the fence issue if Mr. Janku wanted. The motion was seconded by Mr. Ash.

Mr. Ash asked if this would be considered a modification to the ordinance. Mr. Boeckmann stated they did not have to modify the ordinance. He explained they would be modifying the plans and specifications or looking into the possibility of whether it would change the cost estimate significantly.

Mr. Loveless asked Mayor Hindman if he would be willing to have his amendment put forth as a bid alternative. Mayor Hindman stated he was okay with that if it made sense to bid it both ways. Mr. Ash agreed to second the change in the motion.

Mr. Beck understood they would be directing staff, before the plan specifications went out to the purchasing agent, to revise the plans to include the color of the fence and to widen the walkway from six feet to eight feet by taking an alternate bid on the extra two feet and the

fence. He summarized there would be a base bid and two add on alternates.

The motion, made by Mayor Hindman, amended by Mr. Loveless, and seconded by Mr. Ash, was passed unanimously by voice vote.

B125-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the south side of Old Plank Road, west of High Point Lane.

Item A was read by the Clerk.

Mr. Beck described this as a 97.3 acre tract located in south central Columbia and presently zoned A-2 in the County. Primary access was off of Old Plank Road, which was maintained by the County. The property was within Boone Electric Cooperative's service territory. In addition, City sanitary sewer was available and the property was within Consolidated Public Water Supply District No. 1 territory.

Mr. Watkins noted that the County had provided two minor comments regarding this issue. One was from the Public Works Department regarding a small piece of Old Plank that would remain in the unincorporated area. They asked that the City consider taking care of it. He stated the project engineer was willing to address the issue. The other comment involved the County's Planning Department. They thought an A-type zoning, which would allow a less dense development, would be more appropriate. Mr. Watkins stated that City staff felt the R-1 would be more appropriate. The lots were proposed to be fairly large and they were talking about something similar to The Cascades development.

Mayor Hindman opened the public hearing.

Robert Hollis, an attorney with offices at 1103 E. Broadway, spoke on behalf of the petitioner, Commercial Capital, LLC, and offered to answer any questions.

Gordon Brown, 1398 W. High Point Lane, commented that he did not oppose the annexation of this property, but pointed out there were two access points from which to egress from his neighborhood. One was High Point Lane, the first road to the north of the subject site, which was already treacherous getting from High Point onto Route K. Farther north, the primary road out was Hillcreek Road, which he felt to be equally treacherous. Mr. Brown noted that Route K was a narrow road without any shoulders. He felt considerable improvements to the road were needed to handle the increased volume of traffic that was using it. He questioned the role of the City in planning and bringing their vision to how the highway could be improved. Because this was a request for R-1, Mayor Hindman pointed out the City would have relatively little input into the issue.

Mr. Beck explained that on the lettered roads, City staff was working with the State in trying to program them at a date as early as possible. He noted that these improvements were user driven and that they would not widen Route K without a demonstrated definite need. In this case, they would work with them in trying to schedule improvement work on it, probably in phases. He thought shoulder and curvature work would be their highest priority at this point.

Mr. Loveless gave Grindstone Parkway as an example. When the State decided it was high enough on their priority list to construct, the Mayor appointed a group of citizens to work with the MoDOT to get the sidewalks and the median included in the plan. His point was that there was an opportunity for the City to be involved, but reiterated that it was a state project and any additional costs for amenities would probably have to be generated from other funds.

John Clark, 403 N. Ninth, reiterated his feelings regarding voluntary annexations and suggested the Council adopt a policy saying there was no need to request annexation unless asking for something other than open zoning.

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

(B) Potential projects for STP Enhancement funding.

Item B was read by the Clerk.

Mr. Beck explained the public hearing was for the purpose of obtaining public input regarding suggested projects to be submitted for the next round of competitive STP Enhancement funds. He noted these funds were typically used for non-roadway type projects, such as walkways and trails. The Council had looked at a submitted list of nine projects, which staff felt would be eligible for these funds. He pointed out the Council had already had a public work session on the issue.

Mayor Hindman opened the public hearing.

John Clark, 403 N. Ninth, encouraged the Council to look at doing the intersection design standards next year. He suggested applying for the money for a consultant to come in and work with the street standards group to develop new intersection design standards and then, as a package, do a major intersection design demonstration. He mentioned Providence and Business Loop, Providence and Broadway or Rogers/Worley and Providence.

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

Mayor Hindman felt that number one should be Grindstone Park to Stephens Lake, phase 1. He stated that would be a major interconnection. He believed it would be a huge step toward getting further linkage in the future on the north side. Mr. Janku agreed with the Mayor's recommendation.

Mr. Watkins suggested that Council pick the projects they wanted to see go through the whole application process. At the next meeting, a resolution would be brought to Council authorizing the filing of the applications.

Mayor Hindman made the motion that they choose projects numbered one, four and six. The motion was seconded by Mr. Loveless.

Mr. Ash was concerned about one and four looking like they tried to split something up in order to get under the threshold. Mr. Watkins believed they could write an application that would split the two.

Mr. Janku questioned whether to include project four. He thought it would draw attention to the middle not being a strong situation. Mr. Watkins agreed that number four would not be as strong an application as number one.

Mr. Ash thought they discussed number three having some possibility. Mr. Janku recalled talking about it being subsequent to the southern portion of number one.

Mr. Janku agreed that number one should be the priority, but noted that if they did the part on the Bear Creek Trail that was on City owned property and just made a connection to the sidewalk that went along Blue Ridge and did not take it under the creek, it would be a pretty low price project. He thought he would throw that into the mix.

Ms. Nauser was interested in the intersection projects. Although parks and their interconnectivity were important, she commented that in looking at the costs they could do three intersection projects to one park improvement. She thought the public need was greater for intersection work.

Mr. Ash asked if it would be better for them to pick a lower priced project and perhaps multiple lower priced projects or if they should try to pick the most expensive projects and get the most bang for the buck. He asked if there was a certain strategy when applying for these type grants. Mayor Hindman thought there was a strategy, but stated he also thought they needed to consider the public good aspect. His view was that the extension of the trail from Grindstone to Stephens would be of immense public value. From a strategy point of view, he noted staff also thought it was good.

Mr. Janku stated that they needed to figure out the best competitive project to submit

although they could lose. He thought they should submit what was considered to be the most important. He also thought their first choice should have a big safety impact.

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

OLD BUSINESS

B111-05 Voluntary annexation of property located on the north side of Brown School Road, west of the City limits.

The bill was given second reading by the Clerk.

Mr. Watkins described this as a 3.79 acre tract and noted the applicant was not requesting zoning at this time. No County comments were received on this request. He explained that the City would need to initiate permanent zoning within six months.

Mr. Ash recalled that when the property to the east of this was developed, there had been some talk about the need for additional connectivity to the west. He asked if they had already missed the boat. Mr. Watkins pointed out that this was an annexation request and stated that they were not looking at land use or platting. He explained this was an individual who owned a house whose sewer system had failed and wanted to tie into the City sewer that was being extended. He noted the property was not subject to eminent development.

B111-05 was given third reading with the vote recorded as follows; VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B115-05 Approving the Final Plat of Concorde Office & Industrial Plaza Plat 14; authorizing a performance contract; granting a variance to the Subdivision Regulations relating to sanitary sewer service.

The bill was given second reading by the Clerk.

Mr. Watkins explained the location to be on the east side of U.S. Highway 63, north of New Haven. He noted a requested variance for sewer line extension to each lot. The staff supported granting the variance. He added that they could not serve lots by gravity sewer at this time; however once the Grindstone Creek Outfall was in place, gravity sewers could be provided. Their recommendation for approval was subject to no building permits being issued for any lots until the sewers were available. The Commission agreed with staff.

B115-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE: Bill declared enacted, reading as follows:

B116-05 Approving the Final Plat of Creasy Springs Ridge; authorizing a performance contract; granting a variance to the Subdivision Regulations relating to utility easements.

The bill was given second reading by the Clerk.

Mr. Beck described the location of the property as being on the northeast corner of Proctor and Creasy Springs Road. He explained this would correct an easement description.

Mr. Janku remembered that at one point there was going to be a connection to Creasy Springs, but later it was decided there would not be. He noted a stub towards the west was remaining and asked if it was required for access to the property or if there was still some thought about going through to Creasy Springs.

Jay Gebhardt, a civil engineer with A Civil Group, explained that when they did the preliminary plat, the street that came out on Proctor came out onto Creasy Springs Road. He stated that was what staff had a concern about because it was so close. The neighbor, who owned the property, asked them for access to it and Mr. Gebhardt understood the Public

Works and Planning Departments did not have a problem with it because it was far enough way from the intersection. Mr. Janku wondered if he would have access onto Creasy. Mr. Gebhardt replied this allowed the neighbor to have the option to do either and to work with the City to have it go through his property and access Creasy Springs or to cul-de-sac it and not access Creasy Springs, whichever was desirable.

B116-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B119-05 Amending Chapter 22 of the City Code and the City of Columbia Food Code to require a routine maintenance schedule for grease traps or interceptors connected to the sanitary sewer system.

The bill was given second reading by the Clerk.

Mr. Patterson explained that the ordinance was in response to problems experienced last fall when there were some sewer line overflows caused by grease blockages resulting from food handling establishments. During that process, they determined, while the City had an ordinance prohibiting the discharge of these greases into the public sewer, there was really no procedure in place for people to know what they were supposed to do in the food handling areas, how to take care of it, and how to make sure they were regularly maintained. The ordinance, he thought, was more of an educational tool for the restaurants by simply requiring, during the normal food and health inspection program, records to be kept demonstrating the grease trap interceptors had been properly maintained periodically. It would not require the health inspectors to make physical inspections. They would continue to determine whether or not there was a violation through the use of their sewer television crews that periodically videotaped the lines. Mr. Patterson pointed out that they had located the areas of high probability of occurrences and those were viewed on a more frequent basis.

At his request, Mr. Janku made the motion that Mr. Hutton be allowed to abstain from voting on B119-05. The motion was seconded by Mr. Loveless and approved unanimously by voice vote. Mr. Hutton noted on his Disclosure of Interest form that his employer required him to be responsible for a kitchen with a grease trap.

Mr. Ash asked if it would be left up to the individual establishments to create their own forms or if something would be provided by staff. Mr. Patterson replied that they had developed a sample form that they would consider to be acceptable if the restaurant chose to use it. He noted it did not prevent them from suggesting other options if they wished.

B119-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSTAINING: ASH, HUTTON. Bill declared enacted, reading as follows:

B120-05 Amending Chapter 12A of the City Code relating to approval of development plans prior to approval of land disturbance permits.

The bill was given second reading by the Clerk.

Mr. Beck stated this would allow approval of a development plan prior to approval of the land disturbance permit.

Mr. Patterson explained that this ordinance should have accompanied the ordinance that revised the procedures for planned developments. It would simply make the affects of the revisions to the planned developments to be able to be implemented because it would allow them to approve the plans without going through the process of having a full land disturbance permit approved. It did not change or release the developer of any of the ultimate requirements for land preservation, stormwater management, and tree preservation. It simply allowed conceptual plans to be reviewed at the time of the C-P plan review so the

developer would not be required to invest a lot of money at a time when he was unsure if he would get approval of his zoning request.

B120-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B121-05 Authorizing an agreement with Threesixty Architecture relating to the renovation and interior redesign of the Wabash Station Refurbishment Project (Phase I).

The bill was given second reading by the Clerk.

Mr. Patterson explained that the Wabash renovation encompassed a lot of challenging issues. It was being funded with a FTA grant, included MoDOT Enhancement funding, was subject to state and federal historical preservation requirements, and the site itself was involved in environmental mitigation several years ago. He stated the design and implementation of it was much more complex than it would normally be in a typical renovation project. For this reason, the contract amount appeared to be higher than what they normally saw. Mr. Patterson noted it had been carefully reviewed by the Federal Transit Administration, MoDOT and all of the other regulatory agencies to assure that they had encompassed the entire scope of services essential for full compliance with the regulatory requirements. This firm was selected after interviewing three firms.

Mr. Janku noted Attachment A mentioned the design include future eatery space. He thought they did not actually agree to put in a restaurant. Mr. Patterson stated they had not. The concept at the public hearing on the preliminary design was to have the provisions for a complete inter-modal facility, which could, if warranted at some point, incorporate a restaurant. Ideally, it was to accommodate all modes of transportation. If it generated traffic, there might be a reason to put one in, but it was not part of this particular project.

Regarding the previous environmental mitigation, Mr. Janku asked if they were confident there would not be a further problem. Mr. Patterson replied they were very hopeful. He noted that Union Electric's clean up had been very extensive and that they continued to monitor the site. They were aware that there was a potential for additional remediation of some type. Mr. Janku asked if the City owned the Orr Street warehouse. Mr. Patterson replied they did not, but that they would be introducing an ordinance at the next meeting for the acquisition of it. He noted that had been part of the public hearing process.

B121-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B128-05 Authorizing the issuance of Water and Electric System Refunding and Improvement Revenue Bonds, 2005 Series A.

The bill was given second reading by the Clerk.

Mr. Beck noted that eight bids had been received, which he considered a good sign in itself. He explained that the good interest rates related to the bond rating of the City and how well the bond market felt overall about the operation of the City, particularly the Water and Light Department.

Ms. Fleming explained the amount of the bonds to be \$30,630,000 with only \$11,205,000 of that being for new projects. The remaining \$19,425,000 was a refunding. By doing the refunding at this time, we had a savings of \$1.455 million. She stated they were very pleased with the response received. The winning bid was a true interest cost of 4.07% on a 25 year debt, which she remarked was very good.

Mr. Hutton made the motion that B128-05 be amended per the amendment sheet.

The motion was seconded by Mr. Ash and approved unanimously by voice vote.

B128-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON.
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.

- B117-05** Approving the Final Plat of Red Oak Subdivision; authorizing a performance contract.
- B118-05** Approving the Final Plat of Westcliff Plat 2; authorizing a performance contract.
- B122-05** Confirming the contract with J.C. Industries, Inc. for construction of Blue Ridge Road from Garth Avenue to Rangeline Road.
- B123-05** Confirming the contract with Emery Sapp & Sons, Inc. for construction of the Meridith Branch Regional Detention Basin.
- B124-05** Authorizing a Right of Use Permit with The Curators of the University of Missouri to allow the installation of various utilities within a portion of Ninth Street right-of-way.
- B126-05** Accepting conveyances for utility purposes.
- B127-05** Changing the administrative support assistant I position in the Information Services Department from a one-half time position to a full-time position; appropriating funds.
- R77-05** Setting a public hearing: voluntary annexation of property located northwest of the intersection of Old Field Road and Harvest Road.
- R78-05** Setting a public hearing: voluntary annexation of property located on the south side of the western terminus of Brookside Lane, west of Bethel Church Road.
- R79-05** Authorizing a contract with the Missouri Department of Health and Senior Services for the summer food service program.
- R80-05** Renewing agreements with the Missouri Department of Corrections to provide tuberculosis screening, Hepatitis A, Hepatitis B, Twinrix and Flu vaccinations.
- R81-05** Authorizing an agreement with B-SIB, L.L.C. for construction of a sidewalk along B-SIB's property on Business Loop 70.
- R82-05** Approving CDBG and HOME agreements with various community agencies.

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

NEW BUSINESS

- R84-05** Amending the FY 2004 Action Plan.

The resolution was read by the Clerk.

Mr. Beck explained this would amend the plan in accordance with the bids received on the Donnelly Avenue project.

Mr. Loveless asked about a shortfall of \$32,000 and change. He understood there was an amendment transferring \$20,000 of FY 2003 CDBG money. He asked how the remaining \$12,000 would be made up. Mr. Watkins explained the \$20,000 was the remaining contingency they had from CDBG on the project and that was all they had. Mr. Beck asked if the remaining portion was coming out of a different part of the CDBG budget. Mr. Patterson stated that they would have to check into it, but thought the \$20,000 covered the shortfall they ended up with. Mr. Watkins thought the answer was that a \$15,000 contingency was included in their original number and it was no longer needed. Therefore, the \$20,000 was all that was needed at this time.

The vote on R84-05 was recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R85-05 Approving the Preliminary Plat of Broadway Bluffs; granting variances to the Subdivision Regulations.

The resolution was read by the Clerk.

Mr. Watkins described this as a 13.76 acre tract located on the north side of State Route WW and Trimble Road. The existing zoning was O-1 and C-P. He noted some technical variances were being requested with this preliminary plat, particularly a street degree of curvature and a public street frontage for lot 10. Access was off of State Route WW, a major arterial street, which was presently under construction. Internal access consisted of one through-street. He noted some access issues would be addressed in conjunction with a request for C-P zoning, which was being introduced tonight. All City utilities were available to the site and the proposed plat would create 10 lots. Staff's recommendation was approval of the plat and the two variance requests. The Commission's recommendation mirrored the staff's recommendation.

Mr. Ash noted there was no access to lot 10 and asked if there would be a problem if they approved this, but denied the rezoning request. Mr. Watkins stated they did not see that as a problem and noted the topography of lot 10 was essentially the hillside of the cliff. While it was desirable from staff's perspective in terms of buffer and aesthetics, he noted it was really not buildable. Mr. Ash asked who determined access onto Broadway. Mr. Patterson replied that the City controlled access, but added that they made certain commitments to MoDOT when they entered into a contract with them about the management of accesses in order to maintain traffic capacity along this stretch. Mr. Ash understood the developer was requesting a three-quarter access. Mr. Watkins stated that was correct. Mr. Patterson clarified the new signalized intersection at the relocated Trimble Lane would be full access. Whether the one to the west could be three-quarter would need to be determined based on the traffic impact and zoning of the property. That would be determined at a later time. He assured them that it would not be a full access though.

Mr. Janku asked about the City's commitment to MoDOT. Mr. Patterson stated that they basically committed to Access Management Guidelines for arterial streets of this nature. Any entrance on it, in addition to what would be approved, would have to be warranted in accordance with MoDOT Guidelines for Access. Mr. Janku understood that when they approved the plans for Broadway, certain accesses were lost by some people. He asked if we anticipated future requests for more accesses based on changes in land use or existing land use. Mr. Patterson did not foresee any. He stated that the criteria in discussing this with property owners and interested parties had been that we had guaranteed we would maintain

the capacity of that roadway. If a development demonstrated that they could put improvements in that would not adversely impact the intersection capacities or turning movements at the entrances proposed and approved, we could consider additional access points. He noted they could not degrade the capacity of the roadway.

Mr. Hutton was surprised to see the access point at the proposed Broadway Bluffs Drive. He understood that it was encouraged by staff. Mr. Patterson stated that he thought the right in/right out had always been anticipated between the new Trimble Road and the bridge. They felt anything other than a right in/right out would not be suitable. Mr. Hutton guessed a second right in/right out could relieve pressure at the intersection.

Mr. Loveless asked how the Harris family accessed their property. Mr. Patterson explained they had a private driveway that came out onto Broadway. As part of this process, they had been encouraging connecting it so the driveway could be eliminated. Mr. Loveless did not think there was much distance between the new Trimble outlet and this proposal for a Broadway Bluffs Drive. He stated he would feel more comfortable if it bulbed on the west end with traffic generated coming back onto Trimble. Mr. Patterson explained the problem with that was that the Trimble Road access at traffic volumes that close to the intersection caused a blockage.

Mr. Janku asked if the Harris property had full access. Mr. Patterson stated it did and that he was under the impression that right would continue. They were trying to provide an alternative because they recognized it was not the safest type of entrance.

Matthew Kruete, Engineering Surveys and Services, offered to answer any questions. He noted they were still working with the Public Works Department to finalize access issues.

Mr. Janku asked what they would be approving with this preliminary plat. Mr. Patterson replied they would simply be approving the preliminary plat. The design of the streets would come back to the Council at a later point. Mayor Hindman asked if at that point, it could be limited to right in/right out. Mr. Patterson replied that was correct. Mayor Hindman asked if there would be no left turn regardless of whether or not they approved this plat. Mr. Patterson clarified that they would be approving the preliminary plat, which showed there would be access on Broadway. They would determine right in/right out, three-quarter, or etc. access as part of the plan approval and other plat approval. They were not giving a green light for anything tonight.

The vote on R85-05 was recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R86-05 Approving the Preliminary Plat of Eastport Centre Phase 2.

The resolution was read by the Clerk.

Mr. Watkins gave the location of this proposed plat to be on the south side of I-70 Drive Southeast at the eastern end of Bull Run Drive. The acreage was approximately 38.1 with the existing zoning being a combination of C-3 and C-P. Access was off of I-70 Drive Southeast, an unimproved major collector street, and Bull Run Drive, a local non-residential street. Additional internal access was from Burnside Drive, a local non-residential street. Two lots also had access on Port Way, another local, non-residential street. Staff recommended approval of the plat, as did the Commission.

The vote on R86-05 was recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R87-05 Approving the Preliminary Plat of Heritage Woods.

The resolution was read by the Clerk.

Mr. Watkins described this plat as consisting of 34.77 acres located on the east side of Sinclair Road, south of Southampton Drive. The existing zoning was R-1 and the proposed preliminary plat would create 45 lots with access off of Sinclair Road, an unimproved major collector street. Internal access included two streets and four cul-de-sacs. City water and sewer were available and Boone Electric would provide electric service. Staff recommended approval, as did the Commission.

Mayor Hindman remembered there would be sidewalks on Sinclair. Mr. Watkins replied that was correct.

Mr. Ash questioned connectivity to Sinclair and asked if Heritage Estates Plat 2 had been built out completely where there would be no opportunity to connect Worchester Lane to Kingbridge Drive. Mr. Watkins replied that the Council had already approved the plats for the area. Mr. Ash assumed it was too late in that case. Mr. Watkins thought it was.

Mayor Hindman stated it was not too late to think about it to the south. Mr. Hutton asked if there should be some connectivity. Mr. Watkins replied that staff believed it met all of the access requirements the City had. Mr. Hutton asked if there should be a roadway system connecting more than just one little tract. Mr. Watkins thought Mr. Crockett could address the issue.

Tim Crockett, Crockett Engineering Consultants, 2608 N. Stadium, explained they looked at adding a stub street to the south. There was a ridge on the southeast side, but it cut back across and came back onto their property, which had already been developed. Therefore, due to the terrain, there really was no great location for a stub street that would easily be connected in the future.

Mayor Hindman asked if it could be connected in the area of lots 8, 9 and 10. Mr. Crockett stated they would get close back into running a parallel street up against Sinclair Road with a relatively extreme cross slope to it.

Mr. Loveless reiterated Mr. Ash's comments in that if the plats had come in together, they could have had some decent connectivity.

The vote on R87-05 was recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R88-05 Approving the Preliminary Plat of Forest Park South.

The resolution was read by the Clerk.

Mr. Watkins described this plat as consisting of 25.9 acres located on the east side of Rock Quarry Road, south of Nifong Boulevard. The existing zoning was R-1 and A-1. The proposed plat would create 80 lots with access off of Rock Quarry Road, an unimproved major collector street. Internal access consisted of through streets and two cul-de-sacs. There was a stub street to the east and there were no access issues. City sewer was available to the site and City water and electric were located north of the site. Staff recommended approval of the preliminary plat, as did the Commission.

Mayor Hindman asked if stormwater could be easily dealt with because of the way it was platted. He was concerned that this was not planned in the area where they made it a policy that it would be planned. Mr. Patterson did not want to say the stormwater issues could easily be handled, but noted they would certainly be held to the standards listed in 12A. Obviously, in a planned district, the Council would have more opportunities for requiring something that might be in addition to what the staff would be able to do with just open zoning. While he could assure the Council they would comply, he could not tell them they would be as effective as what might be obtained with a planned development. Mayor Hindman remembered a discussion about this going into somewhat the same watershed as the Philips tract. Mr. Patterson replied that was correct. Mayor Hindman commented they

had very high requirements with respect to the Philips tract and asked if they would be allowing lesser requirements if they approved this open zoning plan. Mr. Patterson reminded the Council that they were not discussing zoning, but were discussing the final plat. He was not sure they could connect the two. Mr. Boeckmann reminded them this had R-1 zoning. The Philips tract was an annexation and there was no requirement to annex it, so they could put conditions on it. Most of it, he said, was planned zoning. Mayor Hindman was wondering if they approved this if they would be put in a situation where they were approving something in the same watershed as the Philips tract but with, in effect, lesser requirements. He asked if they were in the position where they had to allow it. Mr. Loveless thought the answer was yes. He added that they did not have to accept this plat. They could deny it if they had serious safety issues with traffic. Mr. Boeckmann commented that if someone had zoning and came in with a preliminary plat that met all of the ordinance requirements, the Council had an administrative duty to approve it. They could pass whatever stormwater regulations they wanted and they would have to abide by that, but this was a platting matter.

Mr. Ash noted discussion at the Planning and Zoning meeting about requiring a stub street to the north. They were unsure if they were public streets or private streets. There was some discussion about that being a legal reason to deny the plat. He asked if anyone determined whether or not the streets to the north were public or private.

Jay Gebhardt, a civil engineer with A Civil Group, explained that Cambridge Place was there and that he had spoken with Planning and there was no public street stubbed to their northern line. They did connect to the east to the properties that were undeveloped there. He pointed out that they planned on following City regulations. His client was volunteering to do more than what the minimum requirements were for storm drainage. He could not say it was to the same standards as the Philips tract because he did not know what that was. Mr. Gebhardt commented that they would provide detention to City standards for detention, even though he did not believe detention would normally be required on this project. He also noted that when originally planned, this area had 100 lots, but before talking to anyone, they reduced it to 79.

Mr. Ash was concerned more about traffic than stormwater. He asked if they considered a second connection so that all of these homes would not have to funnel out through one entrance on Rock Quarry. Mr. Gebhardt replied that the point where the access road came out was the only location for adequate sight distance. One hundred feet either way, there would not be sight distance. Because of the terrain and the curvature of the road, there was not a safe intersection, even if they could get a road to it.

Mr. Janku pointed out that Philips Farm Road would eventually extend to the east and add another access point. Mr. Gebhardt noted they were platting half of the Philips Farm collector street and eventually it would be connected to a collector that would go to the Phillips Farm and into that street network. He pointed out that it would take a while for the development to occur that would create all of these connections.

Mr. Ash thought it looked like it would also connect to Rock Quarry. Mr. Gebhardt replied that was correct and added that it was shown on the 2025 Transportation Plan. Mr. Ash thought it also looked like there would be sidewalks for all of the Rock Quarry frontage. Mr. Gebhardt stated that was correct. Mr. Ash saw that as a positive, but still had safety concerns.

Mr. Loveless voiced disappointment in the layout because it did not use the natural features of the tract in an attractive way. He agreed the plat met all of the Subdivision Regulations, but thought there would be a significant downstream stormwater problem after it was built. Mayor Hindman stated he was also concerned about the stormwater issues.

The vote on R88-05 was recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R89-05 Approving Preliminary Plat 3 of Thornbrook.

The resolution was read by the Clerk.

Mr. Beck described this as a 12.5 acre tract having 17 R-1 lots. Both staff and the Commission recommended approval.

The vote on R89-05 was recorded as follows: VOTING YES: LOVELESS, NAUSER, ASH, HINDMAN, JANKU, HUTTON. VOTING NO: NO ONE. ABSENT: CRAYTON (Ms. Crayton stepped out during the discussion for R89-05 and did not return until after the official vote was taken). Resolution declared adopted, reading as follows:

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

- 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.**
- 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.**
- B131-05 Rezoning property located on the south side of Clark Lane, east of Ballenger Place from A-1 to C-P.**
- B132-05 Rezoning property located on the northwest corner of the existing intersection of Broadway and Trimble Road from O-1 to C-P.**
- B133-05 Approving the Fastlane at CenterState Crossings C-P Development Plan.**
- B134-05 Changing the uses allowed on C-P zoned property located on the southeast corner of Woodridge Drive and I-70 Drive Southeast.**
- B135-05 Authorizing grant agreements with the Mid-Missouri Solid Waste Management District; appropriating funds.**
- 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.**
- B142-05 Amending Chapter 27 of the City Code relating to security deposits for utility services.**
- B143-05 Amending Chapter 3 of the City Code by repealing Sec. 3-3 relating to the Columbia Regional Airport.**
- B144-05 Authorizing an intergovernmental cooperation agreement relating to the Grindstone Plaza Transportation Development District.**

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

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Street closure request.

Mr. Beck explained that several businesses on North Ninth Street, between Broadway and Walnut, had asked that Ninth Street be closed on May 25, June 22, July 27, August 24 and September 21 from 5:00 p.m. to 11:00 p.m. for free concerts. He noted that the Central Columbia Association recommended approval.

Mr. Janku made the motion that the request be approved. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

(C) Mold.

Ms. Browning noted that setting a standard for mold and taking action would be a very difficult task to undertake. She stated the complaint the Council originally received had an implication that the Health Department received many, many calls on a weekly basis. She commented that they did get a fair number of calls, but generally most were from citizens living in their own home and trying to ascertain whether or not it was something that could be a threat to their health. She noted that they tried to resolve those through education. Ms. Browning commented that the tougher calls were those they received from people in rental properties. She pointed out there were no national standards for mold and what bothered one person might not bother another. Ms. Browning stated they felt their best course of action was to try to do as much education as they could. She explained that they had a lot of excellent material available and that staff would go to the home to try and give suggestions for how it could be remediated or abated. She noted they also worked with Protective Inspection and through their programs tried to identify sources of water that caused the mold in the first place.

Mr. Hutton asked if they could add something to the ordinances for rental property regarding visible mold. Ms. Browning stated they could and added that the EPA recommendation was that when you saw mold, the goal was to eliminate the source of water and then remove that material. Mr. Hutton understood that if the inspectors were seeing visible mold, they would look for a source of water, cite the dwelling unit for the source of water, and order it to be corrected. Mr. Patterson replied that was what they were supposed to do.

Ms. Nauser asked about a situation where there had been prior water damage and it was an ongoing problem with the mold remaining. Ms. Browning stated they would need to amend the ordinance to compel it to be removed. If they were going to do anything, they felt it should be to require removal without the testing. She noted that testing was very expensive. Mr. Patterson thought that was about the only way it could be done and probably something the Building Construction Codes Commission would want to review in regards to incorporating it into the Minimum Property Standards. He suggested a joint effort between the Board of Health and the Building Codes Commission because it would require close coordination.

Mr. Janku made the motion that the issue be forwarded to the Board of Health and the Building Construction Codes Commission for their review and a report back to the Council. The motion was seconded by Mayor Hindman.

Instead of coming up with an all-encompassing cumbersome type thing, Mr. Ash

suggested starting out small by being vague as to who determines the cause of the mold. He was not opposed to referring the issue, but wanted the Council to do something. He saw the issue more as a rental inspection issue rather than a Health Department issue. Because of the large number of rental units, Mr. Ash felt it was difficult for Protective Inspection to do thorough inspections on all of them based on their current staffing. With a slight increase in inspection fees, he thought they could have people to look at mold and other things. He suggested they revisit the subject at the Retreat to look at putting some more “teeth” into the rental inspections.

Ms. Crayton agreed with Mr. Ash. She was concerned about lead as well as mold.

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

(D) Potential Sanitary Sewer District on Manor Drive.

Mr. Hutton made the motion that staff be directed to proceed with the preliminary design to determine the feasibility and costs associated with a sewer district. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(E) Progress report - Use of building adjacent to Field Neighborhood Park.

Mr. Janku asked if the insurance was being maintained on the building. Mr. Hood replied that they met with the HDC and was assured they were maintaining the insurance on the property. He noted, however, that he had not received a copy of the insurance.

Ms. Nauser pointed out the progress report made no mention of what had been completed, yet they were asking for an extension.

Mr. Hutton commented that he received a call about the building and the fact that the Boys and Girls Club was looking for an additional location. He was told the Club was interested in the building and thought that was worth looking into before deciding on any extension. He stated that he referred the group to Community Services because they had dealt with that office in the past. Mr. Janku stated he would like to give it some time and find out what the possibilities were for the Club. Rather than having an ordinance prepared, he suggested having more details before they voted on anything.

Mr. Janku made the motion that staff be directed to work with the Boys and Girls Club and bring back information about their interests. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

John Clark, 403 N. Ninth, President of the North Central Neighborhood Association, commented that at one of their neighborhood meetings regarding their planning project, their consultant had been talking about planning issues, but the people there only wanted to talk about the inadequate level of code enforcement. He stated this was in both code enforcement and animal control. He thanked Mr. Ash and Ms. Crayton for their input and for asking that the issue be discussed at the Retreat. He also asked that they look into the 180 day building permit allowed for correcting problems.

Mr. Ash commented he had received an e-mail regarding noise the night of the concert at the Mizzou Amphitheater. He stated, from his home near Stadium and 63, it was very loud and sounded like the concert was happening at Jefferson Commons. He had gotten the

feeling there was not much that could be done about it. Mr. Janku understood it was a student activity and thought it was held on the east side of the Hearnese parking lot and not down in the bowl. Mayor Hindman pointed out that the City's noise ordinance did not apply to things on University property. Mr. Janku suggested communicating with the University and making them aware that there had been complaints. Mr. Beck stated he had it noted and correspondence would be prepared.

Mr. Janku commented on a new shopping area in North Kansas City called Zona Rosa. He stated it was a unique design in that it was a mixed use of both residential and commercial, including big box commercial. He asked the staff to obtain information from Lenexa, Kansas and other cities to determine what type of special zoning districts were created to encourage and facilitate this type of mixed use zoning.

Mr. Janku noted that on the Consent Agenda, there was a property owner constructing a sidewalk on the Business Loop (along Parkade Center), in the portion we were going to have funded in part by the State grant. He asked if that meant we would have extra money from the grant that could be used to extend the project. Related to that, Mr. Janku was hopeful they could keep the momentum going on the Business Loop and asked the Council to think about funding on an annual basis, so improvements could be continued.

Mr. Janku noted they had the rezoning at the last meeting for Providence and Blue Ridge at which time it was pointed out that Providence was being designed as a parkway. He was hopeful it would be landscaped to look like a parkway. In addition, to his knowledge there were no business addresses assigned to the stretch north of Bear Creek. He asked if they could name it Providence Parkway or North Providence Parkway to reflect what it would look like and to also help establish its identity. Mr. Beck suggested they discuss it at their work session on May 11.

The meeting adjourned at 10:47 p.m.

Respectfully submitted,

Sheela Amin
City Clerk