

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
NOVEMBER 21, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, November 21, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HUTTON, NAUSER, ASH, HINDMAN, CRAYTON and JANKU were present. Council member LOVELESS was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of November 7, 2005 as well as the minutes of the special meetings of November 10, 2005 and November 17, 2005 were approved unanimously by voice vote on a motion by Mr. Janku and a second by Mr. Hutton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

Mayor Hindman welcomed Scout Troop 567 from Columbia Christian Church and noted they were observing the meeting as part of their citizenship in the community merit badge requirement.

SCHEDULED PUBLIC COMMENTS

(A) Ken Midkiff - report on survey of beverage litter.

Ken Midkiff, 1005 Bellview Court, provided handouts of a survey result and noted the report indicated the City was doing a good job. He stated the goals were to document how the City was fairing in its recycling efforts since the bottle deposit was repealed on July 1, 2003, document what those most opposed to the bottle deposit were doing to promote recycling, educate the public on the findings of the survey and make recommendations for action by the City Council, if warranted. The study found a definite increase in the amount of containers collected by the surveyor in 2003. He noted aluminum was the most collected with beer and soda containers outweighing all other beverage containers. The study recommended resources for more education and a "pay as you throw" program with an unlimited amount of recycling or blue bag materials. Mr. Midkiff pointed out the Sierra Club was not prepared to recommend the "pay as you throw" program at this time. He stated a number of municipalities around the Country had instituted various types of "pay as you throw" programs. They felt a committee should be appointed to study the programs with the purpose of determining which programs worked best and if Columbia needed to initiate such a system. He noted his group stood ready to participate in such a study. Mr. Midkiff commented that he would provide the Council a copy of the full report within the week.

Ms. Crayton asked what happened to the families that were collecting cans to supplement their income. Mr. Midkiff replied he did not have an answer to that as they only studied the litter itself, not the results of what happened to those who relied on it as income.

PUBLIC HEARINGS

B414-05 Voluntary annexation of property located at the terminus of Sandker Lane; establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Teddy described the property as 5.37 acres east of Clearview Road. This area of the City was designated for neighborhood district by the Metro 2020 Plan. Street access was at Sandker Lane, a County maintained local street. He noted vacant property within the City that was located to the east and northeast of the tract that ran up to Murphy Drive and had now been interconnected with the new subdivision. He thought that would likely provide another source of access. The Parks and Recreation Master Plan identified this area as a possible neighborhood park service area. Staff recommended approval of the R-1 request as permanent zoning as did the Planning and Zoning Commission.

Mr. Ash noted that when they approved the property to the east, they discussed stubbing a street toward this property, which they ultimately decided not to do. He asked if staff was thinking about running any streets through and connecting to the subdivision to the east. Mr. Teddy replied that he did not think an access could be run directly to the east because of the way the land had been platted.

Mayor Hindman opened the public hearing.

Rick Kauffman, A Civil Group, 1010 Fay Street, offered to answer any questions.

Mr. Janku asked about a potential park site. Mr. Kauffman replied there had been discussion about that, but it was determined the tract was too small. He noted they would be willing to talk to Parks and Recreation staff again, but at this time, they felt it was too small.

There being no further comment, Mayor Hindman closed the public hearing. Mayor Hindman asked if he was seeing a stream on the map. Mr. Teddy explained there was a draw that ran through the property, which he thought was an intermittent stream.

Ms. Nauser asked if they would be required to have a stub street to the south boundary. Mr. Teddy replied they were still discussing that and it would be an issue they would review with the formal preliminary plat submittal. He pointed out there would be an opportunity to combine it with the other property to link it, indirectly, with the Providence Road North extension. At this time, he thought there was only one dedicated street access into the parcel.

B414-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B415-05 Rezoning property located along both sides of Clark Lane, approximately 1,200 feet east of Ballenger Lane from A-1 and C-P to PUD-8; approving the PUD development plan of The Links of Columbia; granting a variance to the Subdivision Regulations relating to sidewalk construction.

The bill was given second reading by the Clerk.

Mr. Teddy described this property as being just under 118 acres and located north and south of Clark Lane. Most of the property was already zoned PUD-8, however, 12 plus acres were zoned a combination of C-P and A-1. The first part of the request was for PUD-8 for those parcels also. The second part of the request was for approval of the planned unit development plan, which contained 64 twelve unit structures making 768 total dwelling units, a nine-hole golf course and related amenities such as a club house, which included a residential unit, swimming pool, fitness center and game room. Access was off of Clark Lane. Private drives within the site would provide internal access. There was a local street at the north boundary, which would be joined for emergency access purposes only. The applicant was requesting a variance to the sidewalk requirements along Clark Lane. He noted this was not a variance that would eliminate the possibility of a sidewalk because it would require a payment in lieu of up front construction. Mr. Teddy noted that sidewalks were required within the development along both sides of all internal streets. The proposed number of parking spaces was 149 spaces fewer than what would be required. Staff was in support of the reduction of parking spaces. In the area of stormwater management and

landscaping, it was his understanding that Public Works had given tentative approval to both. Of the two signs proposed, one was 127 square feet and would go along I-70. The other was a 32 square foot monument sign and would be at the entrance off Clark Lane into the southern portion of the tract. Mr. Teddy pointed out the signs were in compliance with the requirements for an R-3 district. The south portion of the site was in need of additional park land. He noted Hominy Branch, the stream running through the property, was identified as a future City trail corridor and that was planned for the subject tract. Mr. Teddy pointed out clustering of the residential units to make way, in part, for the golf course fairways. Staff recommended approval of the requested zoning as well as the development plan and the accompanying statement of intent with the condition that the developer be responsible for off-site improvements based on the Public Works review. He noted the agreement needed to be made part of the PUD ordinance and that there were a couple conditions in the ordinance already. One had to do with the applicant's responsibility for a roundabout at the Lake of the Woods and Clark Lane intersection. They would also be responsible for a one-half share of another roundabout at Ballenger and Clark. They would do some things to acknowledge the wider right-of-way that future road improvements would require, such as building a culvert 100 feet in length so it would not have to be rebuilt or extended at the time the roadway was widened. Staff supported the variance request as a payment in lieu alternative, not total relief from the requirement to install sidewalks on Clark Lane, and recommended that payment be due at the time of final platting. The Commission recommended off-site roadway improvements that would be agreed to by the applicant and the Public Works staff and completed prior to building permits being issued. They also recommended a riparian buffer be indicated on the site plan and it was suggested that something such as the Audubon International Guidelines for Golf Course Natural Area Management be followed. That was recommended as part of the ordinance because the applicant's representative acknowledged an awareness of those standards. The Commission also recommended a payment in lieu of construction of sidewalks and a condition that no more than 768 dwelling units be constructed.

Mr. Hutton assumed the requirement of the riparian buffer was built into the plan itself and would not need to be spelled out in the ordinance. Mr. Teddy replied they did not have an in-house standard for a riparian buffer, so it was desired that some form of buffer be shown on the plan. Mr. Hutton understood the applicant would be dedicating additional right-of-way for the rebuilding of Clark Lane and asked about the anticipated width. Mr. Glascock stated he thought it was 100 feet. Mr. Hutton assumed certain features of the project would have to be designed and built so that when Clark Lane was widened, it would not affect those features and since those features would be outside the right-of-way, he assumed it would just affect things as far as elevation was concerned. Mr. Glascock replied that was right. He added that they presented them with the vertical control for Clark Lane once it was rebuilt and they would build to that vertical elevation. Regarding the roundabouts at each end of Clark Lane, Mr. Hutton asked how much study had been done to know this was what we wanted. He felt they were designing Clark Lane along with this project, which might be appropriate, but he guessed not a lot of time had been spent on the design of Clark Lane and asked if there was any possibility we would not end up with roundabouts on each end. Mr. Glascock replied there was a good possibility because MoDOT was in control of one end and they would have to approve it. The other end was half controlled by the County and they had not heard from them. Mr. Hutton wondered what would happen with our requirements and them paying for these things, if these did not get approved. He asked if they would have to modify their plan. Mr. Glascock did not know if they would have to modify their plan because they were paying for 50% of a roundabout, which was some type of an improvement. Whether a roundabout went in or not, they should put money toward an improvement at the intersection.

Mayor Hindman opened the public hearing.

Brian Harrington, Allstate Consultants, 3312 LeMone Industrial Boulevard, passed out handouts and stated in regards to the off-site improvements and in particular the Ballenger Lane improvement, they wanted to build in as much flexibility as possible because they started without knowing the status of the Ballenger overpass. This would provide the City with the flexibility, depending upon when the Ballenger Lane overpass was done, to build it as a signal, roundabout or whatever was most appropriate with the recommended improvements from other studies. In regards to turf management, he stated they were working on a management plan that was intended to meet the Audubon guidelines. He pointed out the overhead showed 768 dwelling units whereas their statement of intent shows 769. The additional unit, he explained, allowed for the residential unit in the club house. Mr. Harrington stated the buffer zone received a lot of attention at the Planning and Zoning Commission meeting and was hard to define in this case because what they had proposed close to the Hominy Branch was primarily the golf course in the disturbed areas. He noted it would not have the same impact as what an impervious area would have near the creek. They decided to provide a 25 foot buffer from the top of the bank on each side of the creek. The buffer would be broken down by areas of natural buffer area and maintained buffer area. He pointed out some crossings of the creek, such as a driveway crossing and a couple of cart path crossings, that affected the impervious area that would be within the buffer out of necessity. Using a chart, he showed what the anticipated impervious area within the buffer zone would be as a result of those crossings. Using the drawing, he explained the bulk of their buildings and parking areas were a far distance away from the creek with one exception on the southwest corner that was closer but still well outside the 25 foot buffer area in most cases. That part of the buffer area, he noted, was also a significant portion of their tree preservation area, so even though they were closer to the creek, it would primarily be left as forested land.

Mr. Ash asked how this drawing would tie into the plan before them. Mr. Harrington thought they could put a note on the plan saying they would have a 25 foot buffer from the top of bank along the Hominy Branch and include the text of the chart showing the maximum impervious areas inside the buffer zone. Mr. Ash asked if it could be made an exhibit to which they could refer. Mr. Harrington stated they would be happy to do that or whatever would be the best, procedurally.

Ms. Nauser asked about the amount of traffic this would put on Clark Lane. Mr. Harrington noted their traffic study was based on 840 units rather than 769. The total trip generation, during peak periods, in terms of afternoon trips was 460 and in terms of morning trips was 330. He noted these numbers were based on the National Institute of Transportation Standards for this type of trip generation. Mayor Hindman noted that was less than one trip per unit. Mr. Harrington clarified this was during the peak hours. Ms. Nauser asked about the daily total. Mr. Harrington replied for single family residential, the rule of thumb was about 10 trips per day per unit. In apartments, the rate went down a little. Mr. Teddy pointed out it was usually a little over 5 trips per day per unit.

Mr. Janku asked about the reason for wanting reduced parking on the site. Mr. Harrington replied they requested reduced parking because Lindsey Management, who had approximately 25,000 units in seven states, felt they had a good grasp on what they expected their trip generation to be. In this case, City standards were over what they felt was needed. Mr. Harrington explained they would rather obtain the parking variance versus putting in additional impervious area.

Mayor Hindman understood they calculated they needed even less parking than what they had requested. Mr. Harrington stated they did not take the number down as far as they thought they could because they wanted the City to be comfortable with their request. Mayor Hindman commented that he would have been in favor of a further reduction. Mr. Harrington noted a section of parking on the north side that they did not believe they needed and stated

they would be happy to reduce it further. Assuming City standards were more correct than the management company's history of other units, Mr. Hutton asked if there was space for additional parking which could easily be put in. Mr. Harrington replied there was a limited amount. Mayor Hindman pointed out there was a provision where they could set aside additional space.

Mayor Hindman asked if this would be a gated community. Mr. Harrington replied, no. He explained there was a residential street, Lillian Drive, that currently dead ended into the property and they were proposing to put a cul-de-sac bulb on it. He stated they went ahead and connected to it, but were proposing to put a Nox box gate on it so the Fire Department had access at that entrance. That would prevent any of their traffic from going through the neighborhood and also prevent the neighborhood's traffic from coming through their parking lot.

Mayor Hindman asked about trail easements. Using the drawing, Mr. Harrington showed the trail easement on the north side followed the area west of the creek and east of their buildings. He noted it was a definable corridor and that they could dedicate a 20-foot easement over it. They proposed the grading for that as part of their grading because it made sense. On the south side, however, the terrain was a little different and harder to work with. In discussions with the Parks staff, they proposed a corridor between the buildings and the creek, west of the creek and east of a set of buildings, where they could run the corridor where they saw fit once they were ready to do that. This would allow them to work around trees and with the grade. Once the trail was built, the easement would be reduced to 20 feet.

Mayor Hindman was concerned about the sidewalk situation along Clark Lane. Mr. Harrington replied they were not opposed to the sidewalk going in, but in order to build it where it could be utilized once Clark Lane was improved, it would take a significant amount of earthwork and utility relocation. He noted they had an internal sidewalk system to their neighborhood and felt they could handle the pedestrian traffic through their site.

Mr. Ash stated he would be open to alternatives to a traditional sidewalk that was right along the right-of-way, but could not vote in favor of this request without some sort of pedestrian way along Clark Lane. Mr. Hutton thought there would still be no way to get across the creek if they had sidewalks. Mr. Harrington stated there would be because as part of the proposal for improvements, before the golf course opened, was to include a culvert that would provide a cart underpass and rebuild the structure. He noted there were other portions where there might be some grade issues.

Ms. Nauser asked about the time frame of this project. Mr. Harrington replied it would be 12 to 15 months with the intention to build the south side first. Ms. Nauser asked how many units that would be. Mr. Harrington replied it was roughly half and half, north and south.

Mr. Janku noted the island of C-P property they did not control and asked how they proposed to connect to it in regards to pedestrian and street access. Mr. Harrington replied that with this particular PUD plan, the cross connection had not been addressed. He pointed out the south side of the border was lined with one of their driveways with a sidewalk along the driveway as well as their primary entrance being immediately west of it. He noted there would be no buildings between that property and their transportation facilities and that they had talked to the owner, who had expressed some interest in cross connecting. Mr. Harrington stated they were more than willing to look at that when the owner had a good feel for what he wanted to do on that property.

Mayor Hindman asked if there was an internal sidewalk system that would allow people to walk the entire property along Clark Lane. Mr. Harrington replied they had sidewalks in front of all the buildings and along parking, but there was not a direct connection.

Mr. Janku asked what the payment in lieu of amount was. Mr. Harrington replied they did not know yet, but that they would go with standard City figures. The idea had been that it

would be part of the platting process. Mr. Glascock stated he had not figured a cost on it as of yet, but thought it would be about \$18 per linear foot.

Linda Lacy, 5102 Geetha, pointed out that Audubon International Guidelines was not associated with the Audubon birding organization. The Audubon International Guidelines for Golf Courses was a voluntary program that was developed by the golf course management or the membership of the golf course. She stated there were no environmentally friendly guidelines they were expected to follow. She indicated she could not find, on the web, any of this management group's golf courses that were recognized by The Audubon International Group. She noted the recommended standard riparian buffers for stream banks, such as the Hominy Branch, was 50 feet on either side. This was necessary to maintain water quality, stability of the stream bank and the habitat for those organisms that were living along the creek. She described the location of her house and commented that part of the creek bed already needed to be stabilized. She pointed out there were a lot of, what she called, gentlemen's agreements made with respect to this development. She suggested that everything be put in writing since there was not accountability built into it. Ms. Lacy felt the sidewalk was necessary and noted a concern voiced at the Commission meeting about golf balls on Clark Lane and in everyone's yards. A suggestion had been made to erect large screens and she felt this would block access to the walkways. She also noted a tire dump on the property, which she felt the developer should be responsible for cleaning up.

Keith Klepper, 5104 Clark Lane, spoke about the hill on Clark Lane going from east to west and noted the planned main entrance and exit was immediately west of his property and right over the crest of the hill. He felt the road in that area should be graded through to alleviate the blind spot they had there. Mr. Klepper stated he was willing to work with the developers and the City in regards to grading because it really needed to be done. He felt some type of temporary sidewalk was needed because he saw a lot of people walking along the roadway.

Dave Harr, owner of property at 5116 and 5120 Clark Lane, felt the sidewalk issue could be worked out if they thought of something creative. He suggested a stone based temporary sidewalk be put in. Mr. Harr commented that he had tenants that would not walk the street because it was too dangerous. Over the years the buildup of blacktop, he felt, had caused water problems for some of the properties. He stated he had been unable to nail down with the City the vertical and horizontal cut of the property and felt that was important. He thought the developer was a good one and stated he was willing to work with them. He was disappointed to see where the road was going to go because he felt it encroached upon his and Mr. Klepper's property and would cause them a financial loss. He thought the issue should be revisited.

Mr. Janku asked Mr. Harr about his position regarding pedestrian and automobile interconnection from his property to their property. Mr. Harr stated they were willing to discuss a rear access, which they wanted. They felt some entry points could be taken off their frontage of Clark Lane to make it more safe. He was not pleased with the two points of entry on the north side because he felt they were too close given the way the street was now. He stated they needed to know where the vertical and horizontal cuts were going to be. He was surprised a different path was not considered for this road and noted it went up the back bone of the steepest grade on the entire property.

Mr. Janku asked Mr. Harr if the plan for his development had already been submitted. Mr. Harr replied, no. He pointed out the developer had been very generous with them in that he was bringing sewer to them, but noted it was only a gentlemen's agreement. They were not guaranteed they were going to get it.

Howard Fenster, 5316 Godas Circle, commented that he relayed many of his concerns in an e-mail sent to the Council. He stated there were a lot of details that needed to be worked out and that the ordinary people did not have the details. He felt details needed to be

laid out and made available for the public to view. In addition to the ecological dimensions and the traffic dimensions mentioned, he noted there was a social dimension. Mr. Fenster pointed out they would end up with two golf courses within a ten minute walk from each other, while their kids were still playing basketball in the streets with hoops the families provided for them because they did not have a park. He felt having a park would be useful. He noted there was no way for the children to get to Indian Hills Park because there was no way to bike or walk on Clark or Ballenger. He was hopeful they could split this decision and approve things as they were worked out.

Karl Skala, 5201 Gasconade, stated he was a member of the Hominy Branch Neighborhood Alliance and that his group had not voted on this issue, but had voiced concerns. He noted there was a great deal of interest in trying to provide some protection for the riparian area. Lindsey Management seemed to be a very workable group with neighborhood concerns. Public access to the trail was a very important issue to the neighborhood, which he understood was worked out to some degree. Mr. Skala commented another gentlemen's agreement that had been worked out was the extension of Lillian Drive as an access point out of the Thessalia Subdivision on to Clark Lane. When they last talked to Lindsey Management, they were suggesting it might be possible to continue the road and bring it down to Clark Lane, but he understood that had changed in the latest incarnation. He stated that was an important access point for his neighborhood. He thought some sort of temporary walkway or something creative could be possible rather than demanding concrete be poured, only to have it destroyed. Regarding the road infrastructure, he commented that although the roundabouts might be a good idea, two of the projects that were on the road priority list were shifted off of it. Those were the Ballenger overpass and improvements to St. Charles Road. Both ends of those improvements would impact this area a great deal.

John Clark, 403 N. Ninth, stated he hoped the Council would insist on sidewalks. He felt if it did not happen now, it would never happen. He indicated he was not impressed with the argument that they should be worried about putting in temporary stuff because it would be torn out later and felt if someone only wanted to do it once, they needed to wait to do their development. He noted it was a cost of doing business sooner than later. Regarding gentlemen's agreements, he encouraged the Council to make sure the things discussed at the Council meetings were not just paraphrased, but made into verbatim transcripts. He also thought all meetings between developers and City staff, beyond a certain stage in the process, be recorded so they could be listened to at a later date.

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

Mr. Ash asked about golf balls on the road and what sort of designs would be put in to prevent golf balls from going on to Clark Lane. Kim Fugitt, Project Manager and Architect, Lindsey Management, Fayetteville, Arkansas, explained the large screens suggested had not been their recommendation, but a suggestion by a member of the Planning Commission. They preferred not to use them as they felt them to be unsightly. He explained there was only one hole running along Clark Lane with the others going away from the road. He felt, at this level, there would not be many people that hooked the ball. They tried to design it so those that sliced the ball, which there were more of, would slice it onto the golf course. The elevation of the hole was not so much lower than Clark, but when the new alignment occurred, the low area would be raised quite a bit and the elevation of Clark would be quite a bit higher than it was now. He felt that would also help. Mr. Ash was convinced on the other holes, but not on the hole running along Clark Lane. He noted it was very similar to L.A. Nickel Golf Course where there was a street running parallel to one of the holes on which he had personally hit a few golf balls himself. He asked if there was something that could be done with tree plantings along that one hole. Mr. Fugitt replied they would be open to the suggestion of plantings in the "hook zone" and would be happy to put that in the record. In regards to the issue of gentlemen's agreements, he stated he expected all of those to be

recorded so they and the City could be held to an agreement.

Mr. Hutton commented that he appreciated Mr. Fugitt's comments and added that the Council very strongly tried not to have gentlemen's agreements. As far as he knew, they did not have any and did not know where the earlier comments were coming from. He stated everything they talked about wanting a developer to do, they generally tried to get in writing, and he expected Mr. Fugitt to expect the same from the Council. Mr. Fugitt agreed.

Mr. Fugitt stated they would agree to provide a sidewalk system, but needed to define it and asked Mr. Harrington to do so. Mr. Harrington stated, in trying to reach an appropriate compromise, he thought they could agree to construct a temporary sidewalk. It would be one that followed existing grades for the most part rather than trying to construct it to the final grade, so they did not have to get into utility relocations and things like that. He thought an appropriate proposal would be for them to construct it on the south side of Clark Lane and stated they might utilize part of the golf cart path and make it a shared path through the area. They could basically construct it across the frontage of their south property and then reduce their request for the variance as far as the payment in lieu of for the north side. If that was appropriate, they would construct a five foot, probably asphalt, sidewalk that followed existing terrain. Mr. Fugitt suggested wording it to be whatever material they used for their cart paths. He noted sometimes they used asphalt and sometimes they used concrete. He thought it would be easier to pave it at the same time.

Mr. Hutton pointed out City ordinance required concrete sidewalks built at a certain elevation and asked if they could approve a temporary sidewalk that did not meet the standards. Mr. Boeckmann explained there were provisions in the subdivision ordinance for allowing temporary sidewalks. Mr. Hutton understood the applicant would still be seeking a variance on the north side and paying the cost in lieu. Mr. Fugitt replied yes and suggested looking at the north side as well because some grading issues might not be as great. Mr. Ash commented that he was looking for both sides, not just one.

Ms. Nauser was not as concerned about the sidewalks as she was the roads. She felt Clark Lane needed to be addressed and explained that she had problems with adding more traffic to an already bad situation. She stated she did not see Clark getting fixed for at least 5-6 years and thought if the issue was tabled, it would give the Council time to discuss Clark Lane and the priority list, while they decided where the sidewalks would go.

Mr. Fugitt explained they had been working on this project for well over a year and they relied somewhat on student tenants, so missing the August and September leasing season was critical to them. He felt any additional length of time made that harder.

Mr. Janku understood cross connecting could be discussed when the neighbor's plan came through, but wondered how they could deal with the cross connection on this particular plan and asked if there was some way they could specify language. He felt they also needed to discuss how to integrate the material on the riparian buffer and the Audubon issue.

Referring to the Planning and Zoning minutes, Mr. Fugitt stated he did not believe they had indicated they were members of The Audubon Society, but that they had done a number of courses where they followed the guidelines of The Audubon Society. The handout passed out earlier was put together by their Golf Course Superintendent and was intended to give an idea of the guidelines they had followed. He explained it was a guideline put together by The Golf Course Superintendents Association of America. The particular program was the Environmental Stewardship Program Principles, which was put together by participants in Audubon International, Friends of the Earth, National Coalition Against Misuse of Pesticides, National Wildlife Federation, Sierra Club and the U.S. Environmental Protection Agency. He stated they were agreeable to working with City representatives to come up with something both sides would be comfortable with. Mr. Janku noted it currently stated they would adhere to The Audubon Guidelines, so they would have to substitute some language for it.

Mr. Ash noted several speakers felt the entrances were not planned for the best spots

because of the hilly road and asked if they had any comments. Mr. Harrington replied they believed the site distance in those locations to be adequate. They thought it would get better with Clark Lane improvements. Mr. Hutton assumed they would have to approve the location of the entrances. Mr. Glascock replied they would have to meet our standards. Mr. Hutton asked if that had already been done. Mr. Glascock replied, yes. Mr. Hutton assumed they were within City standards. Mr. Glascock stated they were. Mr. Ash asked if Clark Lane was a City road or State Road. Mr. Glascock replied it was within City jurisdiction, but the State would have jurisdiction on how Clark would tie into Ballenger or PP at the intersection.

Mr. Ash asked if two weeks would be too long to try to wrap up some of the issues that had been talked about or if they wanted it decided tonight. Mr. Fugitt stated he preferred a decision tonight.

Mayor Hindman suggested asking the applicant to escrow a sufficient amount of money to build the sidewalks and if they concluded that Clark Lane should be built now, they would use the money to build permanent sidewalks. If they concluded it would have to wait, they could build temporary sidewalks with the money. That would assure having the pedestrian facilities. Mayor Hindman was a major development and understood the student rental time issue, but stated the Council wanted to make sure they were getting this right for Columbia. He was concerned about adding this many people to Clark Lane. He agreed with a previous comment in that he felt getting the proper sidewalks was just part of the cost of doing business. He reiterated his concern about Clark Lane.

Mr. Janku stated they would be working on the priority list tonight and at a work session next week and after that they would know if Clark Lane was going to be on it. He felt there were too many things that needed to be worked out or added to the ordinance to vote on the issue tonight. Mr. Fugitt stated his concern was that this could be tabled for months and noted previous hold ups were not due to them. He feared this would be tabled again because the City had not determined what the recommendations needed to be.

Mr. Ash suggested they lay out very specific issues to be worked out within the next two weeks. Mr. Fugitt stated that as long as they knew what they were supposed to be doing, they would have no problem doing it.

Mayor Hindman noted sidewalks and details with respect to a possible escrow arrangement needed to be addressed. Mr. Ash reiterated his feelings about sidewalks being needed on both sides. Mr. Ash commented that another was protection of Clark Lane in regards to golf balls in the street. Mayor Hindman stated another was the Audubon issue in regards to what it meant and what the applicant would agree to with respect to it. He noted they needed clarification regarding what they stated versus the previous comments made. Mr. Ash clarified that they wanted to see exhibits specifically referred to in the ordinance or something where all of this could be part of the ordinance. They did not want more testimony. Mr. Fugitt asked if staff approved of the language, if that would be sufficient for the Council. Mr. Ash replied he could not promise that, but it would be a step in the right direction. Mr. Janku stated the golf course standards could possibly be an exhibit they could refer to in the ordinance. Mayor Hindman noted he would like to see the minimum amount of parking the applicant felt was needed put in. He suggested taking out the lot on the side and putting in grass until it was found it was needed. He commented that interconnectivity with the commercial area was another issue they wanted to see addressed. That included road interconnectivity and sidewalk, bicycle and pedestrian interconnectivity.

Mr. Harrington noted they were at the stage where they needed to show something on paper, but the neighbor was not. He felt if they showed a location the neighbor would be locked into it. They thought it was best to indicate their cooperativeness and then when the neighbor came in with his plan, they would have to come in with a minor revision to reflect it on theirs. Mayor Hindman suggested they add a statement saying they would put in pedestrian, bicycle and vehicle interconnectivity with the commercial area. When the

neighbor brought in his plan, the Council could look at it with the idea of making sure the interconnectivity was made available.

Mr. Ash asked that the riparian buffer be tied into the ordinance somehow. Mr. Boeckmann replied that he could do that, but thought they might want to address the issue of whether it should be 25 feet or 50 feet.

Regarding the escrow arrangement, Mr. Fugitt asked if it would be defined by the City. Mayor Hindman replied it would. Mr. Boeckmann suggested the Planning Department be the coordinating agency who could then get the Law and Public Works Departments involved. Regarding golf course management issues, Mr. Fugitt assumed they would take that up with staff, but wondered which staff. Mr. Beck suggested it be brought to Planning because they were being supported by the other departments. Mr. Fugitt asked that the issue not be tabled again if they did their portion of the work in time for the next Council meeting. Mayor Hindman stated they would try their best to accommodate the request. He noted the applicant had been very cooperative and that there were a lot of very good parts to this plan, but they had the responsibility for doing this right.

Ms. Nauser made the motion that B415-05 be tabled to December 5, 2005 Council meeting. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

B416-05 Approving the Corporate Lake, Plat No. 14, Lots 1 and 2 C-P Development Plan.

The bill was given second reading by the Clerk.

Mr. Teddy described the site as being slightly over two acres and located southwest of Southampton Drive and Providence Road Outer Road. The proposed development was a 27,000 square foot building that would be a combination of office and retail uses. Access to the facility was off of Southampton Drive, an improved neighborhood collector street, Corporate Plaza Drive, an improved non-residential street and Executive Drive, a non-residential street. Five foot sidewalks were required on the perimeter streets and 117 auto spaces and 12 bicycle spaces were also required. The plan showed 129 auto spaces and 14 bike spaces. Conceptual landscaping and stormwater management plans had been approved by Public Works. The plan indicated that over 31% of the total site would be in landscaping, which exceeded the minimum by a factor of more than two. The freestanding and wall signs conformed to the equivalent in a C-3 district, with the exception of the retaining wall sign. On-site lighting would consist of 8 light standards in a downward directed "shoebox" type design. Fourteen ground mounted lights, mainly for aesthetic purposes, were proposed for building lighting. Both staff and the 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 applicants, who would be constructing an attractive two-story brick office building on the site. He passed around pictures of the building and explained the insurance company would occupy the second floor of the building with the first floor being leased for office and commercial purposes.

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

B416-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B417-05 Amending Chapter 25 of the City Code relating to driveway access for single-family and two-family developments.

The bill was given second reading by the Clerk.

Mr. Beck explained this would add streets to a list of streets which prohibited driveway access onto them.

Mr. Ash noted that some of the streets already had homes on them and assumed these additions would apply only to future homes. Mr. Teddy thought the ordinance language read it would apply to future subdivisions.

Mayor Hindman opened the public hearing.

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

B417-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B418-05 Amending Chapter 25 of the City Code relating to sidewalk construction along common lots and other non-buildable lots.

The bill was given second reading by the Clerk.

Mr. Beck explained this would require developers to construct sidewalks along common lots in conjunction with street construction.

Mr. Ash felt the ordinance should not have the phrase “along local residential streets” in it when referring to non-buildable lots because he thought they wanted sidewalks built on any street that had any common lots regardless of the streets that were around it. He felt there was confusion because there were two separate issues being discussed; the issue of building sidewalks on common lots and the issue of wanting sidewalks put in on the busier streets. He thought the Council wanted any common lot that fronted a street to have a sidewalk regardless of the type of street.

Mr. Janku agreed. Mr. Teddy thought it might have been a misunderstanding and stated he vaguely recalled a comment about construction access or something that might be important off of a major roadway as opposed to a local roadway. Mr. Beck noted the goal was to have a continuous sidewalk system. Mr. Ash thought the reason it was put in was because of confusion over the second issue about building sidewalks at the time of the collector streets.

Mr. Ash made the motion that B418-05 be amended by striking the phrase in 25-48.1 (e) reading “along local residential streets”. The motion was seconded by Mayor Hindman.

Mr. Janku felt the ordinance focused on when new residential streets were constructed as part of a new subdivision. He asked what if the street was already improved because the ordinance stated “at the time the adjacent street is constructed.” Mr. Glascock clarified that if it was already built, this ordinance did not affect that. What they were after was keeping people from being tax billed later, after the developer had already sold everything and turned it over to the homeowners association. Mr. Janku understood that would apply to a street like Southampton. He felt they needed another amendment to make it more broad. Mr. Hutton asked if he was referring to streets that had already been improved. Mr. Janku replied he was. Mr. Hutton did not think that was what this ordinance was trying to do. He felt this was trying to prevent that from happening in the future. Mr. Janku did not feel the ordinance covered what he wanted it to. Mayor Hindman suggested sending it back to staff. Mr. Janku stated he did not think it would apply to all of the situations that would come up. Mr. Hutton thought it did apply to the situations it was intending to address. He noted they had subdivisions all of the time that had common lots, that were unbuildable lots, in which there was no mechanism, unless they passed this ordinance, to make them build a sidewalk around that common lot. He did not think they were trying to address those that had not gotten constructed in the past. Mr. Janku agreed and explained his point was that it said “shall be constructed at the same time the adjacent street is constructed.” If the adjacent was already constructed, it did not seem to apply and would not reach all of the situations they wanted to reach. Mr. Hutton stated he did not disagree about the stuff that had not gotten built, but thought it should be in a different ordinance. Mr. Teddy thought Mr. Janku wanted the language to cover any case where there was a common lot abutting that street regardless

of street classification and it was agreed that sidewalk had to be put in. Mr. Janku stated if they tabled the issue for two weeks, he would try to convey his thoughts to staff.

Mayor Hindman opened the public hearing.

Don Stamper, Central Missouri Development Council, 2502 Hollyhock, stated they were okay with the wording prior to the discussion of the amendment. To open it to all streets, he felt would peel open a whole bunch of areas that had not been discussed or debated yet. Residential streets were fine and they understood what the Council was trying to get at with the wording submitted to them. Their preference was that the original wording be adopted and that the Council approach this, instead of having an over reaching effort, by examining the issues as they come along and develop in the future. In the past, developers were not held responsible for arterial or major collector streets and by the revision, they would be responsible for any land abutting any street or all streets, whether they be public or private.

Mr. Janku asked Mr. Stamper if he were to build a house that backed up to a collector street, if he would put the sidewalk on the back of the house. Mr. Stamper replied he did not think they were responsible for major arterials and collectors. Mr. Glascock thought they had to put them in. Mr. Stamper replied that was a change that had come in recent years, if that was true. Whenever using the word "all," he felt they would be inviting more problems than solutions. Mr. Stamper stated his group felt the solution proposed was an adequate solution and addressed what it was requested to address.

John Clark, 403 N. Ninth, commented that since the Council was not clear on what the ordinance was intended to solve, he did not think Planning and Zoning was clear on it either. He suggested asking the Commission to work with staff to develop a list of problems for the goal of having sidewalks in all of the places. He thought there would be four or five problems that covered the biggest range of things that had been identified. He felt that would provide a framework to work from.

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

Mr. Janku made the motion that B418-05 be tabled to the December 5, 2005 meeting and that staff be directed to report back on whether the ordinance applied in the situation he described and the issue of the broadness in regards Mr. Ash's motion. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

B420-05 Authorizing Change Order No. One; approving the Engineer's Final Report; levying special assessments for the Sixth Street improvement project; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Glascock explained the public hearing was for the purpose of determining special benefits and levying special assessments against property abutting the recently completed improvements to Sixth Street, between Wilkes Boulevard and Hickman Avenue. This section of Sixth Street was a local residential street extending approximately 990 feet. The improvements consisted of a 28-foot wide pavement with sidewalks along both sides and some minor upgrades to the storm and sanitary sewers. A public hearing was held May 7, 2001 at which time the resolution estimate was \$260,000. The final cost of the project was \$324,698.91, which included \$58,564.88 that was paid from the Water Utility fund for the reconstruction of a water main. Since Sixth Street was within the CDBG eligibility area, tax bills against the abutting properties were reduced to one-half the normal rate, which would be \$16.83 per abutting foot. The maximum tax bill rate established by resolution was \$15.00 per abutting foot, therefore, the resolution rate of \$15.00 was proposed. If the tax bills were assessed, it would generate \$21,409.50. The remaining amount would be paid out of CDBG funds. When considering special benefits accrued to the properties, Mr. Glascock explained the Council was to consider increased property values, marketability of the properties,

increased potential for future use, improved stormwater drainage and improved access and parking.

Mr. Beck noted relief was available to those owner occupied households that met low and moderate income guidelines and that they could receive up to 100% reimbursement of their tax bills upon filing an application with the City.

Mayor Hindman pointed out the interest rate on these tax bills was 9% and they could be paid back over ten years. Mr. Beck stated that was correct and added they could be paid in ten equal installments without a penalty for early payoff. He explained, in the past, the rate was 8% and there was a period where it was cheaper for the developer to let the City carry the tax bill. He pointed out the Council could adjust the interest rate, but stated he was not sure at what point that would have to happen.

Mr. Boeckmann explained the City Code set the interest rate at 9% and if the Council wanted a different interest rate on this or other projects, they would have to amend the Code first. He noted Council had talked about changing the 9% ordinance and if they instructed staff as to what they wanted it changed to, a bill could be introduced at the next meeting and passed at the following meeting. He stated they could change it to a certain rate or ask staff to suggest an indexing. If indexing, he suggested the Council give some direction on the time frame as to when it would be set, such as at the time of the initial public hearing on the project or at the time of tax billing.

Mayor Hindman opened the public hearing.

Mike Martin 206 S. Glenwood, explained that he owned two homes on North Sixth Street. He passed out handouts of a paper he had written about assessing low income residents for street improvements in economically distressed areas. He felt it was neither sound nor responsible to do so for several reasons. He commented that it was like putting an investment in a promising start up and then withdrawing it before the start up began to take off. His felt start up was happening on Sixth Street and asked the Council to leave the money in the neighborhood until it really started to pay off and until the individuals living there were able to pay the City back comfortably and not with the burden he thought the tax bills would impose. He wondered what the City's burden on this was since federal CDBG money was picking up a lot of it. He felt standard policy was what created the problems they were currently facing in the inner City, which involved concentrating low income citizens in one section of town rather than integrating their populations throughout suburban and urban areas. He noted an argument put forth in the policy statement included with his paper from the Brookings Institution, which was studied from an academic perspective and indicated we had to reinvest in our inner cities in order to stop this concentration of poverty. He felt the investments must be left there and not taken out.

Mr. Ash asked how he felt they were taking the investment out of there. Mr. Martin replied by asking the neighborhood to pay back a portion of the money put into the street improvements, which was the one investment that made the most difference. He felt that almost violated the spirit and law of the Community Development Block Grants in and of themselves. Mr. Ash asked if he was saying if a person repaid the money, even a very small percentage, that it was the same as the City pulling their investment from that area. Mr. Martin replied in this particular case he thought the answer was yes.

John Clark, 403 N. Ninth, President of the North Central Columbia Neighborhood Association, noted the federal government was paying for most of this project and stated it was not the City that was bank rolling it. He felt \$21,000 out of \$324,000 was a piddly amount. He thought most of the problems caused in this instance were because notices were sent out omitting the City's policy in CDBG eligible areas and recommended the Planning Department handle all communications when CDBG funds were involved. Mr. Clark noted four properties on Sixth Street owned by a for-profit corporation, the Columbia Community Development Corporation and was hopeful they would not be given the CDBG relief because they built new homes in this neighborhood for low to moderate income people.

He stated they were not low to moderate income people. He asked the Council to support and continue the incentive for Mike Martin to provide decent rental housing for low to moderate income renters and suggested spreading it out over 15 years and bringing the interest rate down to no more than 3%.

Stephanie Foley, a North Sixth Street property owner, commented that it was quite a shock to receive a \$1,200 tax bill. She stated they had no idea there were grant monies because materials were not available until a week later. Ms. Foley noted the improvements had been such a benefit to her neighborhood and added she would hate to see her neighbors leave. She felt \$50 per month for the renters was a lot of money and she was fearful it would push some people out of the neighborhood. Mayor Hindman noted it could be spread out over 10 years. Mr. Ash pointed out it was only the property owner who was billed, not the renters. He understood the landlords would probably pass on the costs to their renters. Mr. Ash explained if he owed the money, he would get a loan and pay it off entirely after getting a lower rate loan from the bank.

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

Mr. Janku remembered how anxious the people were to have improvements made to their streets and felt it was a very good program. In addition to the street being built, in this case they had also incorporated stormwater and sewer improvements. He stated a lot of the investment had been made to the basic infrastructure in this part of town and felt that was one of the reasons it was starting to take off. He explained that every year they went through a difficult process in deciding how to allocate the CDBG funds received from the federal government. If they did not recoup part of this money through the tax bill process, he pointed out they would have to do less projects. He noted the money would be reinvested back into low income areas. He thought it was unfortunate the notice did not include the grant program information, which applied to low and moderate income people, and was hopeful something could be done about the interest rate. He pointed out the people who would be paying the tax bills were primarily investors in the area who could afford them. Just as they expected people in other parts of the community to pay their share of improvements to their neighborhoods, he thought it was only fair that these investors pay a portion of the very reduced cost.

Mr. Ash commented that it was not the residents that had to pay this, it was the property owners, and although, some were residents, they were a small portion. He thought there might be some validity to the argument about the need for the City to invest in this area, but felt that was a separate issue. He thought they were being very fair, if not more than fair, and pointed out the City bent over backwards trying to help people who could not afford to pay it. He agreed they needed to do a better job with the information that was sent out along with tax bills.

Mr. Beck stated there would be better communication in the future.

Mr. Hutton thought the timing could also be improved. He noted this project had been completed for over a year. He felt it needed to be tax billed when the improvements were fresh in everyone's mind. He noted most of this was discussed at the public hearing prior to construction, but that was too long ago.

Mr. Janku asked how they would deal with the interest rate issue. Mayor Hindman understood they would need to table this if they were going to change the interest rate. Mr. Boeckmann stated that was correct and pointed out that they might want to discuss how they wanted the ordinance changed, so it could be moved along expeditiously. Mr. Hutton thought there was some good to it being 9%. He commented that would have been a great rate in the early 80's. If they did an index where they would add a couple of percentage points to the prime rate, and the prime was 10 or 12%, that would raise it to 14 to 15%. Mayor Hindman asked if they could put a ceiling on it. Mr. Hutton asked if it could be a "not to exceed" percentage. Mr. Boeckmann stated they could and added there were a variety of ways they could do it.

Mr. Ash asked how many people left it as a traditional tax bill and how many went ahead and got a loan, so they could pay it off as a loan at a lower rate. Mr. Hutton thought people probably left it as a traditional tax bill or just paid it off. Mr. Beck stated they would have to go back through records to answer that question. Ms. Crayton pointed out that low income people were not likely to get a bank loan. She stated most were on fixed incomes in that neighborhood and would have to go through the grant process. She commented that she thought the landlords would pass the cost on to the tenants and they were already struggling.

Mr. Janku made the motion to table B420-05 to the December 19, 2005 Council meeting and that in the interim they be provided a staff report regarding options for the interest rate. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

B426-05 Authorizing construction of water main serving Brookside Square, Plat 1; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Beck described this project as 230 feet of 12-inch water main at a cost to the City for the differential at \$2,877.30 to be paid out of Water and Light funds. He explained the City paid the differential cost when it was to the community's benefit to have a larger diameter pipe for fire protection and service to the neighborhood.

Mayor Hindman opened the public hearing.

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

B426-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B427-05 Authorizing construction of water main serving Quail Creek West, Plat 4; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Beck described this project as 275 feet of 8-inch water line rather than a 6-inch line at a cost to the Water and Light Department of \$1,542.75 for the differential.

Mayor Hindman opened the public hearing.

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

B427-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B428-05 Authorizing construction of water main serving Forest Park South, Plat 1; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Beck described this project as being 1,670 feet of 8-inch versus 6-inch water main with a cost to the Water and Light Department of \$7,615.20.

Mayor Hindman opened the public hearing.

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

B428-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B429-05 Authorizing construction of water main along Brown Station Road to Route B.

The bill was given second reading by the Clerk.

Mr. Beck described this project as being 800 feet of 16-inch PVC water main that would connect an 8-inch main to a 16-inch main in the Route B area. This would improve reliability of service and enhance fire protection domestic service. The estimated cost was \$98,700.

Mayor Hindman opened the public hearing.

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

B429-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

(A) Consider Amendment No. 9 to Planning Report (201 Facility Plan) relating to sewage improvement.

Item A was read by the Clerk.

Mr. Beck explained this would update the 201 Facility Plan in order to obtain federal loans through the State government. This amendment would include the proposed construction of the South Grindstone Outfall Sewer - Phases 1 - 3, the Southwest Outfall Relief Sewer and the Bear Creek Outfall Sewer Extension.

Mayor Hindman made the motion that staff be directed to proceed with the proposed sewage improvement projects outlined in Amendment 9. The motion was seconded by Mr. Janku.

Mayor Hindman opened the public hearing.

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

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

(B) Voluntary annexation of property located on the north side of State Route KK and on the east side of Howard Orchard Road.

Item B was read by the Clerk.

Mr. Teddy described the property as 118 acres contiguous to the City limits on the far southwest side of the City. The request accompanying the annexation was for permanent R-1 zoning. The Planning and Zoning Commission voted to deny the R-1 zoning because it would set a premature zoning classification considering the condition of the adjacent roadway system as it ran from Route KK and winded north.

Mayor Hindman opened the public hearing.

Skip Walther, an attorney with offices at 700 Cherry, spoke on behalf of the contract purchasers of the subject tract. He stated the question before the Council this evening was whether or not it was reasonable and necessary to include this property into the corporate City limits. He noted the property was immediately adjacent to Thornbrook, which was almost fully built out and that there was still a significant demand for the type of lot found in Thornbrook in this part of Columbia. They felt the City would be greatly benefitted by adding this subject tract since they intended to develop it in a manner consistent with the Thornbrook Subdivision. When annexing property into the City, it enhanced the uniform application of building, plumbing and construction codes, afforded uniform City Police protection and uniform application of the health codes to the area and enhanced land values and tax revenues. Mr. Walther noted concern voiced by some of the neighborhood residents at the Planning and Zoning hearing. He thought those same concerns were echoed in what had been received from the County and City staff. He stated they were fully aware of the concerns and noted they primarily revolved around traffic issues regarding access to Howard Orchard Road or as they would affect the Thornbrook residents. Mr. Walther commented that they intended to address those concerns. In order to sort them out, their engineer was in the process of studying the traffic through Thornbrook, so they had a better gage as to how

this development might affect the Thornbrook traffic infrastructure. He noted they were also communicating with the County in terms of how they might be able to assist them in improving Howard Orchard Road and the Public Works staff in an effort to create a development agreement that would provide for the municipal services needed, restrict the density they would anticipate and provide some input and agreement upon the configuration of the lots themselves. Mr. Walther stated that because they knew they had a lot of work ahead of them, they intended to ask the Council to table the December 5th hearing until some time in January, so they could work with the neighbors, City staff and County officials to sort out the issues.

Ms. Nauser asked how they planned to address Howard Orchard Road. Mr. Walther stated he thought it was extremely unlikely that traffic would ever leave this development and go north because it would be a circuitous route to get back to Scott Boulevard. If traffic left that way, it would go south down to KK. He noted the width of the street needed attention as did the grading and surfacing. He felt it was conceivable it could be graded and slightly widened and perhaps improved with a chip and seal surface. He pointed out that was the issue they would be attempting to explore with the County. He noted it would not be a permanent solution to that road problem because the road was very hilly and fairly narrow. He pointed out a significant improvement of the road would cost far more than any private developer could possibly afford. Ms. Nauser noted they had just discussed road problems in the City and how they were going to fund the problems they had today rather than creating problems into the future. She was curious as to what they proposed to do to help alleviate some of the problems into the future because once this property became annexed, it would open the door to the property across the street and down the way. Mr. Walther felt that was the nature of growth and stated demand for this area was very high.

Stacy Bryant Wimp, 4911 Silver Cliff Drive, explained that she served on the Thornbrook Homeowners Association and was representing the residents of Thornbrook this evening. Ms. Wimp commented that they were looking forward to meeting with the developer because they had a lot of concerns they want to discuss and work through. She noted the Planning staff had indicated the primary access to be Howard Orchard and pointed out there were signs on the road already that stated the road was dangerous. She asked the Council to drive out and see it for themselves. Ms. Wimp noted Boone County indicated the road would not be able to support the impact this development would put on it without improvements and felt the existing County zoning was adequate for the roadway. By annexing this property, the City would be incurring additional financial liability for improvement to the street system and with recent ballot results, it appeared City funding of new City streets would be limited, which was a concern for them. She asked the Council to seriously consider any new annexation requests in areas such as this that did not have access to existing infrastructure.

Mr. Ash explained the difference between homeowners associations and neighborhood associations and suggested they look into creating a neighborhood association as it would be the pipeline for communications with the City.

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

(C) Construction of the C-3 Trunk Sewer Extension serving the University of Missouri South Farm Property.

Item C was read by the Clerk.

Mr. Beck explained staff had been working with the University in the area of U.S. 63/Gans Interchange to develop the South Farm property. Under City policy, the City constructed trunk sewers up to the 80-acre point. The proposal was to construct the sewer into the drainage area that served not only University property, but would also eliminate a pumping station serving a sizable mobile home park. The project would consist of 3,700 lineal feet of trunk sewer at an estimated cost of \$410,000 to be paid for with Sewer Utility

funds.

Mayor Hindman opened the public hearing.

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

Mr. Hutton made the motion that staff be directed to proceed with the C-3 Trunk Sewer Extension for an 80-acre point sanitary sewer to serve the University of Missouri South Farm property. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Hutton asked if they could revisit B417-05, which had been passed earlier tonight. He explained the bill listed all of the collector and arterials where driveways could not be built. He wanted to reconsider the ordinance for the purpose of amending it to add a street to it.

Mr. Hutton made a motion to reconsider B417-05. The motion was seconded by Mayor Hindman.

Mr. Hutton noted they had done this before when they defeated a bill, but did not know if they had done it to a bill already passed. Mr. Boeckmann explained there were procedures for reconsidering a bill that had been defeated, but there were none for reconsidering one that was passed. He pointed out an argument could be made that when once they passed the ordinance and wanted to amend it, there was a procedure for amending it, which meant starting over with the Planning & Zoning Commission.

Mr. Janku stated he had a street he thought about at the last minute also.

Mr. Hutton felt it would save a lot of paper work if they could this. Mr. Boeckmann explained the worst that could happen was someone could later call their hand on it. Mr. Hutton stated he would like to run the risk rather than putting staff, the Planning and Zoning Commission and everyone else through the process.

The motion to reconsider B417-05, made by Mr. Hutton and seconded by Mayor Hindman, was passed unanimously by voice vote.

Mr. Hutton made the motion that B417-05 be amended by adding Route WW. Mr. Janku stated he had been thinking about adding a small collector in his neighborhood. He felt WW was an important road and if someone decided to do something, they might challenge it. He thought it might be worth going back through the paper work. Mayor agreed it was a major street and pointed out Mr. Boeckmann had his doubts. Mr. Janku commented that he would throw his street into it. Mr. Hutton suggested they move on and withdrew his motion.

Mr. Teddy noted that Broadway was listed in the existing ordinance and asked if that would be sufficient. Mr. Hutton stated he did not know and pointed out that both Providence and Route K were on the list.

Mr. Boeckmann suggested B417-05 be voted on again since they had the motion to reconsider it.

B417-05 was read with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS.

OLD BUSINESS

B421-05 Authorizing an agreement with First Christian Church of Columbia, Missouri for lease of parking facilities.

The bill was given second reading by the Clerk.

Mr. Beck explained this would provide for a new lease agreement between the City and the First Christian Church. He pointed out there was a substantial change to the amount of parking that would be left available for the Church. This was a two year lease with an option to renew at one year intervals for three additional years. The City would pay \$1,500 per month. Mr. Beck stated he felt it was important to retain public parking in this sector of

the community as a survey noted a shortage. He stated the arrangement would mutually benefit both the City and the Church.

Mr. Janku noted they had received a letter from a nearby business interested in more spaces being retained for meters. Mr. Hutton pointed out the Church was their landlord. Mr. Janku thought the next bill would be affected if they wanted to make a change.

Mr. Glascock explained that the following bill described the meters and the placement of them, which had been worked out with the Church.

Mr. Ash assumed the City would not have much leverage in this case since the Church owned the lot. Mr. Hutton felt the business should be working with the Church, not with the City, since the Church was their landlord and owner of the lot.

Mr. Ash asked Mr. Glascock if he had seen the letter from The Strand requesting 30 meters instead of 20. Mr. Glascock replied he had and added that staff directed them back to the Church since they were their landlord.

B421-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B422-05 Amending Chapter 14 of the City Code relating to parking in the First Christian Church lot.

The bill was given second reading by the Clerk.

Mr. Beck explained this had to do with the number of spaces and since staff had discussed the meter issue with The Strand he thought they should vote on it.

Mr. Glascock noted it was a function of how many meter spaces and permit spaces they had. Because the Church had taken more spaces for their use, it took away from the metered spaces. All of the other spaces were permitted out. He offered to go back and check that and if it was not permitted out, they could put in metered spaces for those. He did not think it was possible to get the number up to 30.

Mr. Janku understood that if staff found there were some permit spaces available, Mr. Glascock would come back with something that could shift them to metered spaces. Mr. Glascock stated that was correct. Mr. Janku agreed the issue was a landlord/tenant situation.

B422-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B424-05 Authorizing acquisition of easements for construction of the South Grindstone Creek Trail.

The bill was given second reading by the Clerk.

Mr. Beck explained they had been trying to determine, wherever possible, that they had a trail down the same corridor as where trunk sewers were built. He noted the trail and sewer easements did not necessarily have the same alignment primarily because of creek crossings. He pointed out sewer lines went underneath the creek and a trail would require a bridge in some of those locations. The cost of the trail easements would come from the greenbelt fund and the sewer easements would be paid out of Sewer Utility funds.

Mr. Janku asked if construction easements were included. Mr. Hood replied they felt the trail easement would be wide enough for them to work in, but noted they might need construction easements at the bridge crossings. Mr. Janku asked if they should get those now. Mr. Glascock replied they would want to design it first, so they would know what was needed.

B424-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B433-05 Reimposing a sales tax to provide funding for capital improvements.

The bill was given second reading by the Clerk.

Mr. Beck explained the capital improvement sales tax was set to expire December 31st unless approved by the voters to be continued. During the last election, the voters approved the extension of the one-fourth of one percent sales tax for streets and sidewalks and public safety.

B433-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B434-05 Reimposing a sales tax to provide funding for local parks.

The bill was given second reading by the Clerk.

Mr. Beck explained in this case the voters approved the extension of a one-eighth of one percent park sales tax for five years. The tax would have expired March 31, 2006, if it had not been approved by the voters.

B434-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B435-05 Amending Chapter 26 to increase the development charge for new construction.

The bill was given second reading by the Clerk.

Mr. Beck explained the voters approved increasing the development charge from ten cents per square foot to a maximum of fifty cents per square foot. The increases would be phased in over a period of five years. This ordinance would raise the development charge from ten to fifteen cents, effective February 1, 2006.

Mr. Ash reminded the Council that they had talked about revisiting this issue after the election to tweak it a bit. Mayor Hindman suggested he request a report on how that might be accomplished at the end of the meeting. For the time being, the amount was so small that he could not see it having much impact. Mr. Ash agreed, but stated he did not want it forgotten.

B435-05 was given third reading with the vote recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

B419-05 Vacating a sanitary sewer easement within West Lawn Subdivision Plat 2.

B423-05 Appropriating SEMA grant funds for the purchase of electronic gate card readers at Columbia Regional Airport.

B425-05 Authorizing a Right of Use Permit with WJP Properties, LLC to allow the installation of landscaping within portions of Rosedown Drive and Longwood Drive rights-of-way.

B430-05 Accepting conveyances for utility purposes.

B431-05 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Immunization Rate Improvement Project;

appropriating funds.

- B432-05** Accepting a juvenile justice and delinquency prevention grant from the Missouri Department of Public Safety; authorizing subgrant agreements; appropriating funds.
- R255-05** Setting a public hearing: consider an amendment to the FY 2005 Action Plan for HOME funds.
- B256-05** Setting a public hearing: special assessments for the Smith Drive improvement project.
- R257-05** Setting a public hearing: construction of the F-1 Relief Sewer - Phase 2 (UMC South Campus Relief Sewer) and Maryland Avenue drainage project.
- R258-05** Setting a public hearing: construction of the Southwest Outfall Relief Sewer.
- R259-05** Setting a public hearing: construction of improvements at the intersection of Old 63 and East Broadway.
- R260-05** Setting a public hearing: construction of water main to the Bristol Lake Subdivision.
- R261-05** Setting a public hearing: construction of water main serving Broadway Bluffs Subdivision.
- R262-05** Setting a public hearing: construction of improvements to State Route 763 from Big Bear Boulevard to U.S. 63.

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

NEW BUSINESS

R263-05 Authorizing an agreement with the PedNet Coalition, Inc. for the Mayor's Challenge: Bike, Walk & Wheel Week event.

The resolution was read by the Clerk.

Mr. Beck explained the budget showed \$5,000 in support of the event.

Ian Thomas, 2616 Hillshire, Executive Director of the PedNet Coalition, confirmed the organization's willingness to serve as the fiscal agent for this grant. He stated the money would pass through their organization to the Bike, Walk & Wheel committee. Mr. Thomas noted they were a 501(c)(3) non-profit organization and would be audited on their current year's finances. He pointed out they had been involved with the event since its inception. He explained half of the money the City was granting for this event would be paid to the coordinator of the event, Judy Knudson. He stated they considered it important to have the coordinator compensated in order to be able to recruit someone when the time came.

The vote on R263-05 was recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Resolution declared adopted, reading as follows:

R264-05 Approving revisions to the "Creative Columbia: A Blueprint for Action Beyond 2000" cultural plan.

The resolution was read by the Clerk.

Ms. Hunter explained this to be a revision of their original cultural plan that was drafted not long after their office was established. The Cultural Affairs Commission reviewed the plan and made some updates.

Mr. Ash voiced concern about public art and controversy with public comment coming so late in the process. He suggested a bullet be added so they could discuss how to get public input earlier in the process or have it carry more weight. He did not want to undermine the existing set up, but possibly add one more step to it.

Mayor Hindman felt the process had worked pretty well. Mr. Janku thought this was more of a generalized statement and did not think the plan needed to be amended.

Ms. Hunter agreed with Mr. Janku in that she felt this was a general statement. In looking at the Arts Policy section, which would address the Percent for Art, she noted it was really more goal oriented. She felt to get at what Mr. Ash was interested in, they could review their Percent for Art ordinance to look at the process and address it in that way. Mr. Ash thought that was probably more appropriate.

The vote on R264-05 was recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Resolution declared adopted, reading as follows:

R265-05 Authorizing a Memorandum of Understanding relating to road improvements to the Stadium Boulevard corridor between I-70 and Broadway.

The resolution was read by the Clerk.

Mr. Beck commented that they continued to work on getting Stadium Boulevard improved. He noted there were two issues they needed to move forward with and asked Mr. Watkins to explain.

Mr. Watkins stated the resolution would approve a Memorandum of Understanding (MOU) and authorize the City to apply for MoDOT 50/50 grants in the Stadium Boulevard/Mall area. He stated the signatories of the MOU would be the City, MoDOT and the three TDD's in the area and noted the MOU generally described the project scope. He referred to the overhead, which showed a compilation of the three maps in the Council packets, and pointed out this would be in the lobby of the Daniel Boone Building beginning tomorrow. He noted the project scope was subject to change pending further design work, public hearings and the availability of MoDOT funding. He explained that until we knew how much MoDOT was willing to put into it, we might not have a good handle on what it was we were going to be able to build. The project funding would come from a half-cent sales tax from the Stadium, Shoppes at Stadium and Columbia Mall TDD's. He noted the latter had filed a petition, but had not yet imposed the tax. MoDOT 50/50 funding would also be included. Mr. Watkins noted that City funding was not involved in this project at this point. He pointed out the MOU was not binding, but sufficient and required to apply for MoDOT 50/50 funds. The application deadline for MoDOT funding in the upcoming round was December 1st. If all went well, the goal for the start of construction was 2008.

Mayor Hindman asked if this showed the design of the intersections and whether or not there would be sidewalks. Mr. Watkins explained that what it showed at this point, conceptually, were the lanes and turning movements at the various intersections. It also showed where new signals would be. He noted this was the big picture and added they would need to go to the next step before other things would be decided.

Mr. Beck explained that design concept called for, not only the lanes, but for a pedestrian way paralleling Stadium Boulevard and special treatment at the interchanges for handling pedestrians. He noted there were projected improvements for Fairview down to the Worley Street intersection, but not including the intersection. The TDD being formed on Broadway would pay for the treatment at Worley and Fairview southward and onto Broadway and the intersection.

Mr. Janku asked if the TDD for the Mall included all Mall stores. Mr. Watkins replied,

yes.

Mr. Boeckmann noted he neglected to add a Section 2 stating the City Manager was authorized to apply for matching funds from the Missouri Department of Transportation and pointed out the title would need to be changed accordingly.

Mr. Hutton made the motion that R265-05 be amended per Mr. Boeckmann's suggestion. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

John Clark, 403 S. Ninth, asked Mr. Beck if he received a copy of the report from Mr. Burden. Mr. Beck replied he had and stated the consultant working on the design had talked with him in trying to incorporate a few of his ideas into the design. Mr. Clark noted that quite often Mr. Burden's ideas were about more roads and fewer lanes. Mayor Hindman pointed out that Mr. Burden had inspected the intersections and provided designs for them.

The vote on R265-05, as amended, was recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Resolution declared adopted, reading as follows:

R266-05 Approving the Preliminary Plat of The Vineyards, Plat No. 1.

The resolution was read by the Clerk.

Mr. Teddy explained the location of this tract to be on the south side of State Route WW, west of Rolling Hills Road. He noted this was a major component of the development agreement approved earlier this year. The property was already zoned for the purposes for which it was to be platted. The plat divided the property into 424 single family lots. He noted a relatively small tract in the northwest portion of the plat that was zoned PUD-12 and subject to a future development plan approval. Access would be off of State Route WW, a MoDOT maintained arterial street, and off of Rolling Hills Road, an unimproved Boone County maintained minor arterial street. During the review, concern had been raised regarding an internal connection north and south. He noted the south fork of the Grindstone Creek ran through this development creating a geographical barrier between the two parts of the subdivision. Internal access consisted of a curvilinear street system of local streets and residential feeder type streets. Future access had been provided to the south with a largely vacant parcel directly south of this. There was also a street stub they provided to the west at Raccoon Ridge Drive, an existing County local street. He noted an 18-acre park opportunity in the northwest region of the site, which included a lake. In addition, there was a large common lot/greenbelt with pedestrian trail easements provided for the south fork of Grindstone Creek. Staff recommended approval of the plat. Regarding the internal north/south connection, staff acknowledged there would be a fairly substantial cost, including cost to the City, if that were to be done because of the topography and length a bridge structure would be required to span. He noted the petitioner made quite a few revisions to indicate street connections to the north and provide connectivity in the future. The Commission also recommended approval of the preliminary plat subject to the condition that the street connection to Raccoon Ridge Drive from The Woodlands be for emergency use only. He noted details would need to be worked out if Council agreed to the condition. Staff felt it should be a full access. The developer indicated he would do it either way.

Mr. Janku noted discussion regarding the emergency access being sufficient because of a future road which would allow traffic to flow to the south. Mr. Teddy replied there was undivided property to the south that was probably 300 to 400 feet in depth, north to south. He noted a County subdivision south of this that was now under construction. He thought there was one local street stub northward from that subdivision which would provide an opportunity to interconnect. He thought it went back out to Rolling Hills, but also into The Woodlands to the west. Mr. Janku asked how likely it was that another connection would be made as an alternative to Raccoon Ridge. Mr. Teddy stated he was unaware of any pending

subdivision activity on the tract to the south.

Mr. Ash noted the staff report indicated a revised version had not yet been approved by the Public Works Department and asked if they had signed off on it. Mr. Glascock replied they had. Mr. Ash asked about the Planning and Zoning Commission's condition that it be an emergency connection. He noted the ordinance read it was subject to there not being a direct connection and asked if that meant the same thing. Mr. Teddy thought what was intended was that there be a joining of the right-of-way, so there would be the possibility of opening it up for emergency purposes. He stated it would not admit the regular travel of vehicles. Mr. Ash stated he understood what was intended. He was asking if an amendment to the ordinance was needed to include what was intended and noted it could wait until later.

Bruce Beckett, an attorney with offices at 111 S. Ninth, spoke on behalf of the applicants and noted the property was 336 acres and part of the 965 acres covered by the amended and restated development agreement approved this past summer. He stated this preliminary plat complied with the development agreement in all of its particulars, including the granting additional right-of-way for Route WW and Rolling Hills, so both would ultimately have 106 feet of right-of-way. He pointed out the preliminary plat had a note saying there would be a 100 foot building setback line from the centerline of the south fork of Grindstone Creek. They preserved the ability to grant the 18 acre park as soon as the City was ready to accept it. It provided for easements for pedways along Rolling Hills and a trail easement up the south fork of the Grindstone. He commented that it was also subject to the two unit per acre residential unit density limitation that covered all of the residentially zoned areas on the 965 acres of which this 336 acres was a part. In regards to discussion at the Planning and Zoning meeting, Mr. Beckett stated they were opposed to connectivity across the south fork of the Grindstone for a variety of reasons. One was that a bridge across it would cost many millions of dollars and another was that they felt it would destroy the concept of keeping the south fork of the Grindstone corridor going through this development in as pristine condition as it could be kept. Regarding the connection at Raccoon Ridge Drive, he noted the neighbors in The Woodlands did not want a connection to this subdivision. They would live with whatever the Council wished for them to do. He noted the original plat had a cul-de-sac, but they were told they needed to have connectivity so they connected the roads. After that, there was discussion about the road being too long of a straight shot, so they put a bend in it and T'd it into a curved street which ended up in a cul-de-sac as a traffic calming device.

Dale Parker, 4675 Raccoon Ridge Drive, spoke on behalf of The Woodlands homeowners and stated they supported The Vineyards preliminary plat as amended by the Planning and Zoning Commission where it produced an emergency access connection at Raccoon Ridge Drive. He noted the two concerns they had were increased traffic flow through their neighborhood and no transition area between the two subdivisions. They did not want cut through traffic from The Vineyards to New Haven Road. He noted Raccoon Ridge and Winding Trail were approximately 24 feet in width without sidewalks, curbs or street lights. An emergency access connection would prevent cut through traffic, maintain safety, and enhance The Vineyards and The Woodlands by providing pedestrian and bicycle connectivity and a natural transition area between the developments.

Mr. Janku asked if there was anything to the west to connect with New Haven. Mr. Teddy replied that Raccoon Ridge and Winding Trail were the only ways to get down to New Haven. Mr. Janku asked if there was anything closer to 63. Mr. Teddy replied there might be for the lots that were south of Grindstone Creek.

Mr. Ash asked if they would need to amend the ordinance with regard to the emergency access. Mr. Boeckmann pointed out the ordinance stated it "shall not make a direct connection to Raccoon Ridge Drive" and commented that they could add "but shall allow emergency vehicle access."

Mr. Ash made the motion that R266-05 be amended by adding the suggested language proposed by Mr. Boeckmann. The motion was seconded by Mayor Hindman and

approved unanimously by voice vote.

Mayor Hindman commented it was worrisome that there would be no connection the west. Ms. Nauser stated it would be a shame to divert all of the traffic through the other subdivision. Mr. Hutton noted they would still have an option some day in the future. Mr. Ash thought it was better than a cul-de-sac that someone thought would never be extended. Ms. Nauser understood the need for connectivity, but did not like the idea of one subdivision dumping all of its traffic onto another subdivision. Mr. Janku stated they had to live with a lot of connectivity issues now because proper connectivity was not planned earlier. He sympathized with the residents to the south and noted at some point accommodations would have to be made as these subdivisions came together. He felt, to some extent, they needed to be accommodating in regards to these older subdivisions when developed to a different standard outside the City. He noted he might not be as willing to agree if it was a subdivision built within the City limits under City standards.

The vote on R266-05, as amended, was recorded as follows: VOTING YES: HUTTON, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: LOVELESS. Resolution declared adopted, reading as follows:

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

- B436-05** Amending Chapter 10 of the City Code as it relates to franchise regulations.
- B437-05** Voluntary annexation of property located on the east side of Howard Orchard Road, north of State Route KK; establishing permanent R-1 zoning.
- B438-05** Rezoning property located northeast of the intersection of Chapel Hill Road and Mills Drive from A-1 to R-1, PUD-6 and O-P.
- B439-05** Rezoning property located on the northeast corner of West Broadway and Stadium Boulevard from R-3 and C-P to O-P; approving the Shelter Office Plaza O-P development plan; approving less stringent screening requirements.
- B440-05** Rezoning property located on the southeast corner of the intersection of State Route K and RA Nursery Road from R-1 to C-P.
- B441-05** Rezoning property located on the southwest side of Sexton Road, northwest of Mikel Street from R-2 to M-1.
- B442-05** Approving the Bethel Falls PUD development plan.
- B443-05** Approving the Final Plat of Hittsville Subdivision; granting a variance to the Subdivision Regulations.
- B444-05** Approving the Final Plat of CenterState Plat 10; authorizing a performance contract.
- B445-05** Approving the Final Plat of Williamson Place Plat 2; authorizing a performance contract.
- B446-05** Approving the Final Plat of Vanderveen Crossing, Plat No. 7a; authorizing a performance contract.
- B447-05** Approving the Final Plat of Shelter Insurance Subdivision - Plat 2; authorizing a performance contract.
- B448-05** Authorizing Change Order No. One; approving the Engineer's Final

Report; levying special assessments for the Smith Drive improvement project; appropriating funds.

- B449-05 Authorizing acquisition of easements relating to the construction of the F-1 Relief Sewer - Phase 2 (UMC South Campus Relief Sewer) and Maryland Avenue drainage project.
- B450-05 Authorizing Change Orders No. Two and Three; approving the Engineer's Final Report for renovations to the police building.
- B451-05 Amending Chapter 6 of the City Code as it relates to certificates of competency for plumbers.
- B452-05 Appropriating funds to the Fleet Operations FY '05 operating budget to offset expenditures for items for resale.
- B453-05 Authorizing a Right of Use Permit with Stratford Chase Homeowners Association to allow the installation of landscaping, an irrigation system and lighting within a portion of the Stratford Chase Parkway right-of-way.
- B454-05 Authorizing a Right of Use Permit with Wynfield Development Corporation to allow the installation of landscaping, an irrigation system and lighting within a portion of the Burning Bush Road right-of-way.
- B455-05 Authorizing an amendment to the Territorial Agreement with Consolidated Public Water Supply District No. 1.
- B456-05 Authorizing a water interconnect and purchase agreement with Consolidated Public Water Supply District No. 1.
- B457-05 Authorizing construction of water main to the Bristol Lake Subdivision.
- B458-05 Authorizing construction of water main serving Broadway Bluffs Subdivision; providing for payment of differential costs.
- B459-05 Authorizing acquisition of easements relating to the construction of a water main to the Bristol Lake Subdivision.
- B460-05 Appropriating funds for electric capital improvement projects.
- B461-05 Accepting conveyances for utility purposes.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Street closure requests.

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

(C) Commission on Cultural Affairs.

Mr. Beck explained the Cultural Affairs Commission was recommending changes to the qualifications for membership to the Commission. They were requesting that up to three of the members be allowed to be County residents residing outside the City limits and that the month of appointment be changed. If the Council agreed, the next step would be to have an ordinance drafted for consideration.

Mr. Janku stated he would like to see the current make up of the Commission. Mr. Hutton suggested having an ordinance prepared at which time they could debate it. Mr.

Janku suggested discussing it at a work session. Mr. Ash stated he preferred not adding it to a work session schedule.

Mr. Ash made the motion that staff be directed to draft an ordinance. The motion died for lack of a second.

Mr. Hutton made the motion that the issue be referred to a work session. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(D) Cable television issues.

Report accepted.

(E) Bearfield (Miller) pre-annexation agreement.

Mr. Beck explained the request was for a waiver of the conditions for annexation.

Mr. Ash stated he disagreed with the request because they would be surrounded by a lot more development in the near future.

Mr. Hutton agreed and noted he was against two of the four suggestions and had a maybe on the sidewalk. He stated he would support the variance only if it could be written in such a way that there was a payment in lieu or something that would trigger them paying for a sidewalk in the future. He commented that his no's were in regards to the sewage system and the dustless driveway variance.

Mr. Ash stated the sidewalk would be a no in his opinion.

Mayor Hindman gathered they were not going to entertain a motion to amend the pre-annexation agreement and noted no action was required in that case.

(F) Columbia Special Business District signage plan.

Mr. Beck stated the questions was whether or not they wanted to discuss this informally or put it on the agenda and approve the plan.

Mr. Janku suggested putting it on the agenda so they could approve it. He noted had they already had lots of discussion on the issue at work sessions.

Mayor Hindman made the motion that staff be directed to draft the appropriate legislation for consideration. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(G) Adoption of Pascagoula, Mississippi.

Mr. Ash stated he understood they had great needs and did not want to appear selfish, but felt the Columbia also had needs. He was okay with donating surplus items or things truly not needed and noted we had been very good about helping people that came here to live, however, he felt sending money somewhere else was different. He was in favor of taking care of our own first, before sending money elsewhere.

Mr. Janku was not clear as to what the City's role would be, but stated he thought there were people and organizations interested in doing something. He thought the idea of exploring how this would move forward was fine and understood, as a City, they might be limited as to what kind of expenditures they could make.

Mayor Hindman agreed saying he knew there was interest in it, although some of the burning desire to help might have dissipated. He stated he brought the idea up when it was suggested by the U.S. Conference of Mayors and some volunteer oriented people noting there had been a lot of enthusiasm. He thought there were people out there that wanted to help and do something more than just give money to the Red Cross or other helping organizations. He felt that was impersonal where this would be something personal. He suggested getting our Volunteer Services Coordinator and others involved in volunteer efforts together to coordinate this because he thought it might be very appealing to some of the

community.

Mayor Hindman made the motion that staff be directed to prepare a resolution saying that the City would participate in the adoption of the Pascagoula program and authorize City staff to determine how that would be done. He felt they would not have to commit themselves to anything by doing it this way. The motion, made by Mayor Hindman, was seconded by Mr. Janku and approved unanimously by voice vote.

(H) Potential Sister City, Laoshan, China.

Mayor Hindman noted over 1,000 Chinese Nationals were currently living in Columbia and they had organized and held a series of meetings in regards to this. They were promising to support this, which he thought would put it in the same category as our Kutaisi relationship which had been very successful.

Mr. Janku noted there was no action required at this point. Mayor Hindman stated they could give formal approval at the time it became an agenda item.

(I) MoDOT Priorities.

Mr. Janku thought they needed to get a resolution on the agenda so they could move this forward. He wondered why the U.S. 63/AC Interchange would have signals west of 63 near the AC service station. In speaking with the MoDOT Engineer, Mr. Beck understood they were getting quite a few requests to deal with a potential signal on that side of the Interchange. Mr. Ash asked if the signals would be at Bluff Creek. Mr. Beck thought they would have to work out where it would actually be. Mr. Janku questioned it because of his concern regarding traffic exiting to the west. He commented that the backup of traffic seemed to be heavily westbound at the times he regularly went by. He felt a light immediately west of the exit ramp would tie up traffic even more. He did not want to endorse this without having information about how it would impact traffic flow. Mr. Beck commented they could leave "west of 63" off. Instead of saying "near AC," Mr. Ash suggested it say "near Bluff Creek" because it was a legitimately needed signal. Mr. Glascock thought it was intended for Bluff Creek and noted they wanted to make Falling Leaf a right in/right out. Mr. Beck suggested using the wording "just west of 63."

Mr. Hutton made the motion that staff be directed to prepare legislation in regards to this for the next Council meeting. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mr. Hutton asked if it would be a resolution making it eligible for a vote at the next meeting and if they were in any particular priority order. Mr. Beck replied they could specify they were not in priority order, so MoDOT would have some flexibility to match funds with projects.

(See additional action on this item at the end of Report J)

(J) Priority listing for roadway improvements.

Mr. Beck commented this was discussed at a work session. He pointed out the subtotals shown and stated by adding just the first two priorities, it totaled \$47,000,000. He noted that \$55,000,000 would be available. That would leave \$8,000,000 and the annuals. Mr. Hutton asked if the annuals were on top of it or included in it. Mr. Beck replied they were on top of it. Therefore, if they wanted to prioritize or bring up Clark Lane, it could come out of annual or just be shown under priority 2. Mr. Hutton stated he wanted Clark Lane pulled up to priority 2, but did not want to use the annual funds. He preferred using part of the \$8,000,000. Mr. Janku asked if there was any chance of getting any County money. Mr. Beck stated he met with the County Commission about both lists along with 763, which was on the MoDOT list. He indicated he was thinking about asking the Commissioners if they

would participate financially in 763. Mr. Janku agreed with Mr. Hutton's suggestion about Clark Lane, but asked if they could just eliminate the priority numbers. Mr. Hutton suggested calling them the funded list and the presently unfunded list. As they got into building them, Mr. Hutton was hopeful they would get lucky and some would come in under the estimate, which would free up more money. Mr. Beck noted they could also get some partnership money. Mr. Janku pointed out the County had indicated they wanted to see Clark Lane moved up. Mr. Beck stated the County could be given a choice as to which ones they wanted to participate in.

Mr. Ash asked what would happen once the list was created. He understood there would still have to be public hearings and asked what fiscal years they would go in. Mr. Beck stated they would need to update the CIP Plan by the years. He would then get with the Finance Director and look at the one-quarter percent. Mr. Beck noted he had asked the Fire Chief if he wanted to make any changes to the CIP Plan because he thought he wanted a couple of them changed. The years would have to be added and then he would work with the Finance Director to see what, if any, kind of money would have to be borrowed. Mr. Ash understood they would not be pouring concrete tomorrow and that it might be years before any of this was going to happen.

Mayor Hindman stated he had heard considerable comment about LeMone Industrial and felt there would have to be a considerable amount of contribution on that one. Mr. Beck commented that there had been some preliminary discussions about a partnership on LeMone.

Mr. Ash wanted to be able to tell people who asked about it that it was not a done deal and there would still be multiple steps. He wanted to get an idea how many years they were talking about, 2, 5 or 10. Mr. Beck stated they would come back next with the CIP Plan so they could update it.

Mr. Hutton felt they really did not need legislation. They just needed to move forward with the CIP Plan. Mr. Beck thought they could bring in an amended CIP Plan. Mr. Janku asked when they would implement what was in the Plan. Mr. Beck replied that they needed to adopt something so they could get engineering started on them. He suggested a motion to revise the CIP Plan.

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

Mr. Hutton asked if they could discuss Report I, the State Priority List, again because he thought Route PP should be added.

Mr. Hutton made the motion that Route PP be added to the State priority list. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(K) Wabash Station Renovation & Expansion project.

Mayor Hindman noted a suggestion had been made that the Greyhound Bus people participate in some way or, at the very least, space be provided for them so they could interconnect with our local bus system. Mr. Hutton asked if there was a chance that would ever happen. Mr. Beck stated it was supposed to be a central place for City buses, taxi cabs, across the road buses, etc, but at that time, we could not generate any interest from Greyhound. He thought the design could accommodate them. Ms. Crayton felt anything would be better than where they were now. Mayor Hindman agreed it was a terrible situation. Mr. Janku asked if this had capacity for future expansion of our own bus system as well as a number of bays. Mr. Glascock replied it would and added that they had taken Greyhound into account also. Mayor Hindman asked if it would be set up in such a way that cabs could get in conveniently. Mr. Glascock replied, yes. Mayor Hindman asked about bicycle lockers and storage. Mr. Glascock replied they were looking at buying the Orr Street Warehouse and hopefully putting that sort of thing in it. Mayor Hindman asked if the buses would have to back up to get out. Mr. Glascock replied they would have to back up some, but hopefully

they could turn out to the left. They were planning a covered area for people to board and that did not allow the buses to drive through.

Mr. Janku made the motion that staff be directed to proceed with the detailed plans. The motion was seconded by Mr. Hutton 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 Commission and Committee:

COMMUNITY DEVELOPMENT COMMISSION

Cole, Randall, L., 2205 UMC Drive, Ward 6 - term to expire 11/1/08

MAYOR'S COMMITTEE ON PHYSICAL FITNESS

Allen, Thomas B., 1800 Parklawn Drive - Ward 2

Pittman, Megan B., 5809 Canaveral Drive - Ward 3

Teague, Amanda E., 3806 Snow Leopard - Ward 2

Thiedeman, Megan L., 1100 Kennesaw Ridge #506 - Ward 2

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Gary Baugh, MediaCom, 901 N. College, commented on the proposed changes to Chapter 10 of the City Code and stated it could cause problems for them as well as for the City. In the next few years, because of the amount of new construction going on, they could more than double their 30 miles of cable per year. The majority of the trenching was done jointly with the City and/or Boone Electric. According to the amended Code, they would have to have permits in order to do that and the design would have to be approved by the City. He stated they did not have a problem with that, except they did not get the plans from Water & Light until about two weeks before the joint trench opened up. He felt that would not give the City time to approve the plan and issue permits. In addition, it would not give them time to get the labor lined up to get things moving. He noted there were no time tables included and that if they were included, he thought things would work out fine. He commented that a worse problem was that they would be required to get a permit to repair the cable system. He noted it could go down at any time and they would not be able to fix anything until they had a permit. He asked if there would be plans in place to get permits at a moments notice. He stated there were other issues as well.

Mr. Ash asked him to put his concerns in writing, point by point, so they would know about them when they discussed the ordinance in two weeks. Mr. Baugh noted the changes would not take effect until the franchise was renewed, which was about a year away. He did not understand the rush to get this done. Mr. Janku suggested he also provide his comments to staff for them to review.

Mr. Janku commented that the ballot issue had money in it for landscaping, which they had not talked about. He asked that staff start thinking about how to address use of those funds. In particular, he indicated he would like to see something done at 70 and 63.

Ms. Nauser asked to have Sinclair Road, in front of Mill Creek School, and Vawter School striped. She noted the County had done their portion past Vawter School recently. Mr. Glascock stated he would look into it.

Ms. Nauser received a call regarding the new Wilson's building and a concern regarding traffic exiting and entering Forum Boulevard near the bridge.

Ms. Nauser made the motion that staff be directed to report back with suggestions about traffic issues associated with the new Wilson's facility on Forum Boulevard. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Ash made the motion that staff be directed to report back with ways to tweak the new development fee to encourage more infill development and that they examine organizations such as Habitat for Humanity, who were doing infill development to ensure the new fee did not hurt them. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku asked when the lighting ordinance in regards to parking lots and gas stations would be brought back to the Council. Mr. Teddy replied he could have something on the next Council agenda as a report, which could then be referred to the Commission. Mayor Hindman thought it had gone to the Commission already. Mr. Hutton asked if this was something Energy & Environment had already worked on. Mr. Teddy replied it was something staff looked at. He understood the assignment as private site lighting and controlling light spillage and the height of poles. He also understood the Council did not want them to get too technical with it.

Mr. Janku asked if staff had come up with anything regarding commercial interconnection. Mr. Teddy replied they had an old report and he could resubmit it. Mr. Janku replied that would be fine.

Mr. Janku stated he received a complaint about a reconnect of electricity in that they could not get a definite time as to when it would occur. He suggested the issue be looked into. Mr. Dasho explained it was difficult on the disconnects because there were a number of them and not just one person that needed reconnecting, so it was hard to predict. The ordinance, as it was written now, stated it would be within 24 hours for reconnections, however, in the evening, if one had paid their bill, a crew would be out to get service back on, as long as someone was there waiting for them. The difficulty was in saying exactly when that would happen.

Regarding the issue of helping the North Central Neighborhood area with tax bills and etc., Mayor Hindman thought they should be thinking about what could be done to best help improve that central core of the City. One criticism he heard was about the money spent in that area not being very transparent and people not knowing what was being spent. He asked if statistics could be gathered, so the City could show how money, such as CDBG, Parks and Recreation, and so on, had been spent. He felt a list of what had been done to help the area would be helpful to the Council.

Mayor Hindman made the motion that such a list be put together for their review. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Crayton stated she could tell them why that feeling was there and would like to at another time, such as a work session.

Mr. Glascock asked how many years of information they wanted. Mr. Janku thought at least 10 years. Mayor Hindman clarified that he was not just thinking of street improvements. Mr. Ash suggested a map with color coding to show the improvements. Mr. Janku suggested overlays. Mr. Beck stated staff would report back on the issue.

The meeting adjourned at 12:49 p.m.

Respectfully submitted,

Sheela Amin
City Clerk