

**MINUTES**  
**CITY COUNCIL MEETING - COLUMBIA, MISSOURI**  
**OCTOBER 3, 2005**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, October 3, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER and ASH were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF MINUTES**

The minutes of the regular meeting of September 19, 2005, were approved unanimously by voice vote on a motion by Mr. Janku and a second by Mr. Loveless.

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

Mayor Hindman noted a special request had been received by Boone County Presiding Commissioner Keith Schnarre to speak at the beginning of the meeting.

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

**SPECIAL ITEMS**

None.

**SCHEDULED PUBLIC COMMENTS**

**Keith Schnarre, Boone County Presiding Commissioner**

Keith Schnarre, 801 E. Walnut, spoke on behalf of the Boone County Commission and as a member of the CATSO Coordinating Committee about R223-05, the preliminary plat of Old Hawthorne on Route WW. He felt the City and County had a tremendous opportunity in the I-70/Route WW area to do infrastructure planning ahead of development because this was the first development moving into the area. He noted the CATSO coordinating and technical committees had been working on a plan for this area and had a proposed plan, which would affect this development. Those committees looked at this development and realized a large block, which was included in the plan, would be a golf course. They were also working on the EIS 740, another joint effort between MoDOT, the City and the County, in this area and did not know where 740 would go. Commissioner Schnarre stated that over the past two plus years, he and the City Manager had discussed the best way to move traffic, which involved having collectors every half mile and arterials every mile. He noted the City's 2025 Plan was based on those numbers and pointed out this preliminary plan showed Grace Lane with the next major road, Olivet, being a one and one-half mile distance without a cross road. He gave examples, such as Providence to Stadium without Garth or Clinkscales, Blue Ridge to Brown School without Smiley, and Green Meadows to Southampton without Nifong, for perspective. Commissioner Schnarre felt it was important to look at these issues, if we intended to develop this in a city-like atmosphere. He thought the infrastructure should be planned for this area. He provided copies of the CATSO proposed roadways for the area and noted a public hearing would be held in December.

**Caya Tanski French - Request for speed bumps along Hulen Drive, east of W. Rollins, and a stop sign at the intersection of Hulen Drive and Malibu Court.**

Ms. Tanski was not present.

**PUBLIC HEARINGS**

**B248-05 Approving the Providence and Third Avenue C-P Development Plan.**

Mayor Hindman noted a request had been received by the applicant to table this item. Mr. Teddy stated the applicant was requesting the item be tabled to October 17, 2005 in order to have more time to revise the plan.

Mayor Hindman made the motion to table B248-05 to the October 17, 2005 Council meeting. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

**B354-05 Voluntary annexation of property located on the west side of Strawn Road, across from the Worley Street intersection; establishing permanent R-1 zoning.**

Mayor Hindman noted there was a request by the applicant that this item be tabled.

Mr. Beck pointed out this was an 82.2 acre tract in west Columbia with a proposed use as a single family dwelling. The plat was recommended for approval by staff and the Commission.

Mr. Janku made the motion that B354-05 be tabled per the applicant's request to the October 17, 2005 Council meeting. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

**B355-05 Voluntary annexation of property located along both sides of Maple Bluff Drive, south of Grant Lane; establishing permanent R-1 zoning.**

The bill was given second reading by the Clerk.

Mr. Beck explained there were 12 property owners in this southwest Columbia subdivision, which had been an island for many years and consisted of approximately 17 acres. He pointed out there was an additional 18.5 acres for which annexation had not been requested. Both staff and the Commission recommended approval.

Mayor Hindman opened the public hearing.

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

B355-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B356-05 Rezoning property located on the northwest side of Hanover Boulevard, across from Hidden Creek Court from PUD-4 to PUD 7.2; approving the Hidden Creek Condominiums PUD development plan; approving a building height modification.**

The bill was given second reading by the Clerk.

Mr. Teddy described this vacant property, consisting of 56.95 acres, as being located west of Hanover Boulevard, just east of Hinkson Creek. A portion of the Creek ran through the northwest portion of the tract. It was proposed, fully built out, to have 402 total dwelling units in buildings of 8, 10 and 14 units each. Access would be off of Hanover Boulevard, an improved neighborhood collector street. There would also be an extension of Riney Lane, located just to the southeast corner of the property. Sidewalks were required on one side of all adjacent streets and along both sides of all internal streets. Although there were not any public streets, other than the Riney extension, there would be an internal walkway system proposed within the development. The applicant indicated they would provide the required

on-site parking. Conceptual landscaping and stormwater management plans had been tentatively approved by staff and one identification sign was proposed at six feet in height and 20 square feet. The property was located in an area designated as needing neighborhood park land. Hinkson Creek was one of the City's designated greenbelts and the applicant indicated a recreational trail would be part of the development. All City utilities were available to the site. Mr. Teddy noted previous conditions attached to the PUD-4 zoning. One was that the rezoning was subject to a condition that would not allow construction of more than 170 dwelling units until such time as Mexico Gravel Road and Vandiver Drive were connected. Another condition was that the I-70/63 intersection improvements needed to be completed. Staff recommended approval of the request subject to reiteration of the original 170 dwelling unit limit. Another condition was that not more than 227 total dwelling units would be constructed until other improvements, such as left turn lanes at Hanover and Clark and Olympic and Clark, were completed. At the Commission hearing, a property owner to the north of this tract stated objections and concerns regarding access, particularly where the Riney Lane extension would be run. The Planning Commission ended up in a tie vote, which meant they had no recommendation.

Mr. Janku asked if the ordinance provided for the Riney Lane connection. Mr. Teddy replied the intent was to have that north connection available so Riney would, in his view, have to be extended. Mr. Janku noted the ordinance did not actually spell that out.

Mr. Hutton felt the property owner to the north had a legitimate point and wondered how a private developer, without his cooperation, would not be able to build Riney Lane to the north, even if Vandiver and Mexico Gravel were connected. Mr. Teddy agreed it would be very difficult and stated they would have to persuade him to join the program. Mr. Hutton understood the property owner was unwilling to do that.

Mayor Hindman opened the public hearing.

Brian Harrington, Allstate Consultants, 3312 LeMone Industrial Boulevard, stated they felt the Riney Lane extension was the key to the plan. He thought it was fully intended by both staff and themselves that the Riney Lane connection be a part of the 227 unit trigger. He noted they would not be opposed to that amendment. Mr. Harrington displayed a drawing and explained that they were trying to add some density while still allowing for a lot of green space. He stated the owners had met with the neighbors, specifically those along Hanover, in the Glendale Gardens area, and along Rice Road. He provided 58 signatures in support of the request. Generally speaking, the neighbors to the south were in favor of this, primarily because of the opportunity for a relief valve, Riney Lane, which would give them another option other than Clark Lane to get out of the area. Mr. Harrington stated they felt the connection justified the increased density they were proposing with this development. He explained one of chief concerns of the neighbor to the north was that they would be land locking a ridge. The neighbor was basically asking them to put a street up a road at a grade greater than what they could reasonably do. Using the drawing, he pointed out an existing road, which connected to the ridge, and noted there was an opportunity for that to be extended with existing infrastructure. He pointed out another road already stubbed immediately across a draw and a planned road where there were other opportunities for connections. He agreed they did not have the power to force the property owner to the north to cooperate and stated that was why they had the trigger of the units. They could not build the additional density without the connection, so if they could not build the connection, they were essentially at the plan they currently had for zoning.

Mr. Ash noted the property owner to the north indicated a street connection he could not access because of the topography was the same thing as no street connection at all. He asked if they were saying not to focus on only Riney as far as land locking his tract because there were other street connections. Mr. Harrington replied there were other opportunities,

just not in front of the ridge like he was asking, but the primary thing was topography. Using the drawing, he showed there was a significant grade and if they tried to run a public street up there, it would not be feasible without some very significant improvements. He pointed out these were the same improvements the property owner to the north would have the same opportunity to do off of Riney Lane on his own property. Mr. Ash understood both wanted the other to pay for it. Mr. Harrington replied that they did not want to have to pay to develop his property.

Mr. Hutton asked about the four phases mentioned at the Planning and Zoning Commission meeting. Mr. Harrington showed the phases on the drawing and stated phase 1 would consist of 120 units, which was under the first trigger and phase 2 was an additional 112 units, bringing the number of to 232, which meant they could not complete it until they met both triggers.

Mr. Janku noted a walking trail and asked if it would connect to the Hinkson Creek Trail. Mr. Harrington replied that there were no definitive plans on the trail, but because of the steep topography, which would make construction of the trail problematic, they anticipated it would on the west side of the creek. He showed where they would have sidewalk connections with a bridge over it on Vandiver. They would be happy to connect it if the trail was on their side of the creek, but were not proposing a bridge over Hinkson Creek. Mr. Janku asked if Mr. Harrington envisioned the dedication of the trail easement occurring with phase 1. Mr. Harrington replied that when they filed the plat on that area, the trail easement would be part of the plat.

Mr. Hutton asked if this would be platted by one plat or if it would be platted in phases. Mr. Harrington replied he was not sure. He indicated they had no objection to the trail easement and stated they could take care of it sooner by separate document if needed.

Mr. Loveless recalled a situation they were informed of at the last meeting involving a plat where the developer initially labeled a portion not for development, but later decided to develop it. He noted they were talking about a significant amount of undeveloped land here and asked if there was a way to have some assurance that a future owner would not renege. Mr. Harrington pointed out this was a PUD zoning and any changes would come back to the Council. Mr. Boeckmann explained this was a different situation and pointed out one of the conditions of the ordinance was the dedication of a greenbelt trail easement to which the applicant was not objecting.

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

Mr. Hutton commented that density was good on land that could not be developed otherwise, but he also noted they would be funneling "x" number of units onto Clark Lane. He saw the positive as the future connection, but stated it was dependent upon the ballot issue because the Vandiver and Mexico Gravel Road extension was on the ballot. He also felt it was dependent upon the developer being able to work out something with the northern neighbor. He pointed out there was no guarantee that Riney Lane would be extended to Mexico Gravel or Vandiver any time in the near future. Mayor Hindman asked if he understood correctly that they could develop 170 units under the current zoning with the traffic going to Clark Lane. Mr. Hutton responded that was correct. He wondered if they should amend the ordinance to say that no more than 170 units could be built until all of the conditions of the ordinance were met.

Mr. Janku asked if the City could build the connection if they found it to be in the public interest. Mr. Hutton thought, if Vandiver was funded, it could happen if the Council so chose. He understood, if Riney was to be extended, it would still be at the developer's expense to their property line. He also understood that if we could somehow acquire the right-of-way, it could still be built at the developer's expense all of the way to Vandiver.

Mr. Ash asked if Mexico Gravel was extended to Vandiver, but we did not have the

Riney Lane extension, what good it would do in this area. Mr. Hutton replied that there would still be another way out with Mexico Gravel. It would not be an immediate help, but one could go east on Rice Road and hit Clark Lane/PP and go out Mexico Gravel. Mr. Ash understood that would still allow people to avoid Clark Lane just by getting the first part done. Mr. Hutton agreed and stated that was why it was a ballot issue.

Mr. Ash asked if, under the current PUD-4 zoning, they could build 170 units. Mr. Hutton replied it would be 228, but by ordinance they were limited to the 170 until the extension was done. Mr. Hutton asked if the ordinance in effect right now referred to Riney Lane. Mr. Harrington stated he did not believe so. His understanding was that, as it was with no improvements, they could build 170 units with the PUD plan and once Vandiver was extended and the I-70/63 Interchange improvements were made, they could build the 227 units. He pointed out Riney Lane had not been a thought when the current zoning was approved. He explained they tried to craft this so that until Riney Lane was extended, they, effectively, did not change the zoning. Mr. Harrington stated would not want to reduce that amount because it would be a down zoning until Riney was extended and they felt the private money involved justified the density that would come after the connection was made. Mr. Hutton felt it would be a temporary down zoning and then an up zoning after the connection was made. Mr. Harrington pointed out that was assuming they could get the property to the north. If that land did not become available, it would become a permanent down zoning. Rather than taking that risk, he thought his client would withdraw the request.

Mr. Janku asked if amending B356-05 by inserting language from the staff report stating the Riney Lane street extension between Hanover Boulevard and the proposed eastward extension of Vandiver Drive be completed (with a grade not exceeding 10%) and accepted by the City was acceptable. Mr. Harrington stated it was. Mr. Loveless understood that would replace the language in (2)(b).

Mr. Janku understood the zoning would go from 227 to 402, a difference of 175 units, and that the infrastructure improvements were the connection they had been talking about plus the turn lanes at both Hanover and Olympic. Mr. Harrington replied that was correct and added that basically nothing changed until they got to the 227 point. At that point, they had to have the Riney Lane connection and the left turn lane on Clark Lane at both locations.

Mr. Loveless asked how the street would be classified once Riney Lane was built through. Mr. Glascock replied it would be some type of collector, probably closer to a major than a neighborhood.

Mr. Janku made the motion that B356-05 be amended by striking the wording in Section 3 (2) (b) and inserting language stating the Riney Lane street extension between Hanover Boulevard and the proposed eastward extension of Vandiver Drive be completed (with a grade not exceeding 10%) and accepted by the City. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Ash stated he felt getting an additional road for that many more units was a good trade off.

Mr. Janku thought the connection would have a significant benefit because it would allow people to go west into the City without going through Clark Lane.

Mr. Hutton stated after the discussion, he had come full circle and thought it was a good trade off as well.

Mayor Hindman commented that he was hopeful it would end up looking like the drawing they were shown. He stated the clustered density would be accompanied by proper infrastructure as the density was put in. He noted he was concerned about the run off and understood it would have to be carefully dealt with when the plan was brought in. This being at the edge of a hill, he felt, raised questions on whether they should be concerned about construction on a prominent point. He understood that was not going to be resolved tonight

and stated the positives of this were strong, so he was in favor of it.

B356-05, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH.  
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B365-05 Authorizing construction of water main serving Brookside Square, Plat 2; providing for payment of differential costs.**

The bill was given second reading by the Clerk.

Mr. Beck explained the project to consist of 1,040 feet of 12 inch water main instead of 8 inch. The estimated cost to the City's Water and Light Department was \$10,171. He noted he recently sent the Council the City's ISO rating in which the water system scored very high. Part of the reason for that was because Water and Light was tracking the importance of the sizing of our water mains throughout the City. This was an example of over sizing for community benefit as it could affect all insurance rates.

Mayor Hindman opened the public hearing.

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

B365-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B366-05 Authorizing construction of water main serving Mill Creek Manor, Plat 2; providing for payment of differential costs.**

The bill was given second reading by the Clerk.

Mr. Beck described this project as 2,850 feet of a 12 inch main and 600 feet of 8 inch main. The cost to the Water and Light Department was \$40,135.

Mayor Hindman opened the public hearing.

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

B366-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**R224-05 Approving an amendment to the 2005-2009 Consolidated Housing and Community Development Plan.**

The resolution was read by the Clerk.

Mr. Beck explained that the Community Development Commission reviewed the Plan and felt the suggested language change would be helpful and more easily interpreted.

Mayor Hindman opened the public hearing.

Mike Crist, Executive Director of Enterprise Development Corporation, 910 E. Broadway, commented they were quite proud to be associated with this program, which they had administered since its beginning. He stated it had a noticeable affect on the quality and nature of lower income neighborhoods in the community and had done so by promoting home ownership, which was its primary function in its earliest days. The primary impetus was not necessarily assisting low income people into owning homes, but more to improve those neighborhoods through the mechanism of promoting home ownership. Over the years, roughly 30% of the homeowners they assisted with this program were single individuals. He pointed out they would be excluded by this rule, which would substantially decrease the impact of the program, particularly on the mechanism of improving those neighborhoods through promotion of home ownership. He remarked he was not aware of any overriding budgetary issues driving this change. He noted the program had a substantial impact and

that home values had increased substantially in some of the neighborhoods, largely due to opening up a pool of buyers that were not able to afford to buy houses before. He asked the Council to consider the change very carefully.

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

Ms. Crayton commented that she had been fortunate in the early 90's to be able to go through this program to purchase her home. She felt it did make a difference. She encouraged forward movement of the home ownership program and stated she would like to them tap into others methods.

Mr. Ash understood the one that had stuff lined out was the Commission's version. Mr. Teddy replied that was correct and that it was the proposed amendment. Mr. Ash understood staff's recommendation was the one that added an area in bold and italics. Mr. Teddy replied that was correct and explained the staff's recommendation was to expand the geographic area for a single person making 60% to 80% of the median income out of the NRT area to an area bounded by Stadium, I-70, Broadway and Old 63. In researching the issue, they found that was where the majority of the beneficiaries of the program that were single were buying homes. He pointed out staff's version would add the phrase "or an area of the central City bounded by I-70, Stadium, Broadway and Old 63." Otherwise, the amendment would be the status quo, meaning the priorities would be related households or individuals who were disabled or elderly, or in the case of single persons, buying a home within the NRT area. He stated they had found that a number of those that had taken advantage of the program had been buying homes just to the west of the NRT area. The proposal from the Commission would just make it accessible to that class of person, single and making 60% above the median. The other was a more geographically targeted strategy that focused on the inner-City neighborhood.

Mr. Ash understood the Commission wanted to do things as it had been done. Mr. Teddy replied the Commission's version would limit to only the NRT area. He explained that without any changes, starting in calendar year 2006, persons that were using the program with incomes over 60% of the median income would have to be either in a related household (a family of 2 - 4 or larger), elderly or disabled, or if they were single they would have to be purchasing the home within the NRT area. The staff alternative would expand that a bit to allow for a single person to purchase a home within the NRT area or within the larger area around it, Stadium, I-70, Broadway and Old 63.

Mr. Ash asked if the Commission felt the guidelines had been too restrictive. Mr. Teddy thought there was a concern that it was singling out a class of persons who might be very worthy of using the program. He stated it was a popular program and they thought it ought to be available to someone in that income bracket who happened to be a single person household. Mr. Ash understood staff's version as keeping that restriction in it, but expanding the geographical area so it was not the NRT area, but also the other areas. Mr. Teddy stated that was correct. The priority was still those in related households, elderly and disabled, but it would allow the purchase of homes within that larger geographic area.

Mr. Janku made the motion that R224-05 be amended by using the staff's version instead of the Commission's version. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

The vote on R224-05, as amended, was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

## **OLD BUSINESS**

**B336-05A Approving the Final Plat of Trail Ridge Subdivision Block 3; authorizing a performance contract.**

The bill was read by the Clerk.

Mr. Beck explained this issue was tabled at the last meeting in order to get more detailed information from the Public Works staff, particularly related to stormwater management.

Mr. Glascock explained staff reviewed all of the documents and had found an error in area G as far as the detention basin and the drainage area. The area was recalculated by the consultant and found not to be an additive that would increase the size of the detention basin. They also found the inlet structure that was built was a little different dimension-wise, but that would be corrected once the sediment basin was converted over to the detention basin. Mr. Glascock stated everything was in compliance except those two items. Once the development was completed, everything would be in compliance as per the plans. He noted the Department of Natural Resources had been to the site numerous times and to date there had been no written violations. The City had written some violations on the silt fence and installation, but those had been corrected. Mr. Glascock noted our stormwater ordinance and erosion control ordinance were reviewed a few years ago by DNR. Where we were allowed 2.5 ml per liter of sediment to leave the site per hour, they stated our ordinances would withstand 1 ml per liter per hour. He pointed out our ordinances were strict enough to comply with State statute.

Tracy Wilson-Kleekamp, 2905 Greenbriar, thanked Mr. Glascock for the report and his responses. She stated she had been confused about items in the initial report versus his responses today. It had not been clear to her that the items had been corrected. She commented that this had been a learning process for her and the neighborhood in regards to stormwater. She noted that the cutting of concrete had been occurring late in the evening, around 11:30 p.m., and asked for a clarification on work hours and who was responsible for the enforcement of them. She also felt that if construction was going on, the work site should be kept clean.

Mr. Glascock commented that there were time restrictions on construction and pointed out the developer did not have authorization to be cutting at 11:30 p.m. Mr. Glascock suggested they call the Police Department for after hour disturbances. He stated they had the authority to stop them.

Roger Wilhelm, 3304 Skylark, the contact person for the Green Meadows Neighborhood Association, stated he felt the Trail Ridge homeowners did not have a chance to present their side of the issue to the Council and that it was unfair to limit the public's right just because it was a non-PUD hearing. In regards to the staff report, he objected to the first paragraph and conclusion because he felt it was misleading. He commented that there were many items in the report with which he disagreed. In reference to items 3, 4 and 5, Mr. Wilhelm noted water had to run up hill at least six or seven feet and the only time water ran up hill was during an earthquake. He felt now was the time to revise the plan and show the two people involved how they were going to address the drainage of water away from their lots. Regarding item 7, he commented that the storm water did not take into consideration the run off from the lots of the Green Meadows Subdivision. Mr. Wilhelm felt item 9 was not difficult to understand and all one had to do was to look at the foot bridge photos. In item 10, he commented that it was not explained why staff inspectors were not requiring the developer to comply with the plans they submitted. He pointed out there was a 24 inch stand pipe where the plan called for a 12 inch pipe. In regards to item 11, he felt it was a disaster waiting to happen because a hard rain would cause water to gather around the emergency spillway, which could cause the stand pipe to collapse. Under item 12, the staff report indicated rip-rap was not required. He questioned why it was on the plan for the emergency spillway if it was not required. Mr. Wilhelm stated he discovered there were two lots on block 2 that were on the plat for block 3. They had been assured by the developer's attorney

during the Planning and Zoning proceedings that those would be removed. The problem that presented was the restrictions for covenants were being prepared for block 3 when, in fact, those two lots already had restrictions and covenants on them from block 2. Mr. Wilhelm asked that either the plat be tabled until the construction plans were corrected to reflect what was actually constructed, the Council turn down the final plat and require the developer to file another preliminary plat without the two lots on block 2 on the block 3 plat or the Council turn down the final plat and require the developer to bring back a plat with lot widths more in line with the original preliminary plat.

W. T. Morgan, 2802 Butterfield Court, asked about the stand pipe that appeared to not have been replaced and the top on it. Mr. Glascock explained it restricted the flow down the pipe so it was not a 24 inch opening. Mr. Morgan commented that when it rained, there was a lot of muddy water than ran down behind his house. Once there was grass on the property to replace the grass that had been peeled away, he was hopeful there would not be as much run off. He stated the whole area between Bethel and Skylark drained right across the subject property. He felt on paper everything worked out, but in reality it would not. Regarding the two properties east of Trail Ridge Drive, Dr. Morgan commented there were apparently two sets of covenants that would apply to them. He thought they should be covered by the covenants they were now under, which were those for the original Trail Ridge Neighborhood. He did not know what the new covenants would be and was concerned about his property value.

Jay Gebhardt, A Civil Group, 1010 Fay Street, explained the two referenced lots were included in the plat because there was a sewer running up between the two lots. He stated it was a matter of simply dedicating easements for that sewer and that there would be no change to the restrictive covenants. Regarding the sediment basin, Mr. Gebhardt explained they were designed for a ten year storm. He stated the plans were living documents. He explained that they created a plan and made adjustments in the field as they felt were needed to make them work more appropriately. In regards to the stand pipe being 24 inch verses 12 as shown on the plan, he stated that could be resolved by simply revising the plan. The trash rack on top of the pipe was something that occurred because someone complained that the plan showed a trash rack. The contractor went out and turned the pipe somehow to keep debris from getting into it. It was simply a reaction to a complaint. Mr. Gebhardt pointed out that all of the street, sewer and stormwater plans met City standards and had been approved. The final plat also met all subdivision regulations. He thought the Council was obligated to approve it and asked that they do so tonight.

Dan Simon, an attorney with offices at 203 Executive Building, spoke on behalf of the applicant's, Donald and Belinda Stohldrier and asked the Council to follow the law, which they were required to do. He stated they had no discretion to reject the plat. He noted the Public Works Director stated it met all requirements of the subdivision regulations as did the project engineer. He thought the City Counselor would tell the Council they had no discretion to deny approval of a plat that met all requirements of the subdivision regulations. He explained that once a preliminary plat was approved, when a final plat came in that met all of the requirements of the preliminary plat that sought no variances whatsoever, they had no discretion to deny approval of that plat. He asked the Council approve the plat as they were required by law to do.

Mayor Hindman asked Mr. Boeckmann what the Council's discretion was in this case. Mr. Boeckmann replied none and added that what Mr. Simon stated was accurate. This was an administrative action and if it met all of the rules the City had set up for subdivisions, which apparently they did, the Council did not have discretion to turn it down because the neighbors did not like it or because the Council did not like it. Mayor Hindman asked Mr. Glascock if he still took the position that this met all of the requirements of the different ordinances involved.

Mr. Glasock replied yes.

B336-05A was read with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B357-05 Authorizing an annexation agreement with Frank and Michelle Baumstark for property located on the west side of Old Mill Creek Road, south of Old Field Road.**

The bill was given second reading by the Clerk.

Mr. Beck explained this request was in accordance with the policy on extensions of City sanitary sewer lines outside the corporate limits.

Mr. Ash understood the zoning would be determined when the property came into the City. Mr. Beck replied that was correct.

B357-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B362-05 Amending Chapter 14 of the City Code to prohibit parking along a portion of Providence Road.**

The bill was given second reading by the Clerk.

Mr. Beck explained this would remove parking north of I-70 to the City limits on both sides of Providence Road.

B362-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B364-05 Confirming the contract with Emery Sapp & Sons, Inc. for construction of the C-3 Trunk Sewer Project serving the Bristol Lake Development; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Beck explained that five good bids had been received under the estimated project cost of \$215,000. The low bid was from Emery Sapp & Sons in the amount of \$145,075. Staff recommended approval.

B364-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B367-05 Amending Chapter 27 of the City Code to establish a commercial lighting program for commercial and industrial customers of the electric utility.**

The bill was given second reading by the Clerk.

Mr. Beck explained that this ordinance would implement a plan that would offer great potential for energy savings in commercial and industrial settings.

Mr. Dasho noted they felt lighting was one of the areas where conservation could do a lot of good. Commercial and industrial lighting, in particular, were areas where they could find a lot of energy savings. In order to encourage customers to look into lighting programs that could reduce their energy usage, staff wanted to start a rebate program. He pointed out the program had worked well in other areas and they had a number of customers who were very interested in getting started on it. Because this would be a pilot program, they would report back after one year to let the Council know how the program was working out.

Mr. Beck noted it had been presented to the Water and Light Advisory Board and they

had recommended approval.

B367-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B368-05 Authorizing acquisition of easements for construction of a water main from the water treatment plant at McBaine to Scott Boulevard.**

The bill was given second reading by the Clerk.

Mr. Beck explained this was follow up of a discussion with the Council regarding an alignment for a second major water line to connect the plant to the City. This ordinance would authorize the acquisition of necessary easements from four property owners. He noted the public hearing for this project had been held in December of 2004.

B368-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B370-05 Declaring restrictions with respect to the development and use of a portion of Stephens Lake Park; authorizing a mitigation agreement with THF Red Oak Development, L.L.C.**

The bill was given second reading by the Clerk.

Mr. Beck explained THF Red Oak had been working with the Parks and Recreation staff for a number of months to make improvements to Stephens Lake Park to fulfill obligations with the Corps of Engineers relating to work they were doing off of Grindstone. As part of this, the City was required to preserve the area in regards to development. He noted there was no cost to the City.

B370-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B371-05 Authorizing acquisition of land for park purposes.**

The bill was given second reading by the Clerk.

Mr. Beck explained staff's goal was to purchase neighborhood park sites on a timely basis. He noted money had been set aside for this in the Capital Improvement Plan. The area was located in the proposed Brookside Square development, just south of the proposed Smiley Lane extension.

B371-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**CONSENT AGENDA**

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

**B358-05 Abrogating the Final Plat of Eastport Plat 1-B; approving the Final Plat of Eastport Centre Plat 2-B; authorizing a performance contract.**

**B359-05 Approving the Final Plat of Sterling University, Plat No. 1; authorizing a performance contract.**

**B360-05 Authorizing a Replat of Lot 11, Valley View Place.**

- B361-05**     Approving the Final Plat of Greenbriar Village Plat 1; authorizing a performance contract.
- B363-05**     Authorizing the transfer of title of property on New Haven Road to the Columbia School District.
- B369-05**     Accepting conveyances for utility purposes.
- B372-05**     Appropriating SEMA State Homeland Security Grant funds for the purchase of an incident response vehicle and rescue equipment for the Police Department.
- R203-05**     Setting a public hearing: voluntary annexation of property located on the southeast side of State Route KK, west of Red River Drive.
- R204-05**     Setting a public hearing: voluntary annexation of property located at the north terminus of Beacon Falls Drive and east of Howard Orchard Road.
- R205-04**     Setting a public hearing: voluntary annexation of property located on the east side of Maple Bluff Drive, south of Grant Lane. (2940 S. Maple Bluff Drive).
- R206-05**     Setting a public hearing: special assessments for the 2003 Annual Sidewalk Project.
- R207-05**     Setting a public hearing: construction of roofing over the stairwell in the southwest corner of the City ramp facility adjacent to the Police Department.
- R208-05**     Setting a public hearing: construction of water main serving Trail Ridge, Block 3.
- B209-05**     Setting a public hearing: 2006 Annual Action Plan.
- R210-05**     Authorizing a cooperative agreement with the Missouri Department of Conservation for a T.R.I.M. grant to inventory city owned trees.
- B211-05**     Authorizing a cooperative agreement with the Missouri Department of Conservation for a T.R.I.M. grant for maintenance and restoration in the Grindstone Nature Area.
- R212-05**     Authorizing an agreement with the Missouri Department of Health and Senior Services for child care health consultation services.
- R213-05**     Authorizing Adopt A Spot agreements.
- R214-05**     Authorizing agreements with various cultural arts organizations.
- R215-05**     Authorizing agreements with various organizations for FY 2006 tourism development funds; transferring funds.
- R216-05**     Authorizing an agreement with Pedestrian Company for the coordination of artistic services for the Columbia Values Diversity Celebration.
- R217-05**     Authorizing an agreement with Engineering Surveys & Services to provide engineering, geotechnical and construction material testing services.

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

## NEW BUSINESS

### **R218-05 Authorizing an agreement with CH2M Hill for engineering services relating to rehabilitation of Deep Well #8.**

The resolution was read by the Clerk.

Mr. Beck explained Columbia was the first City that worked with DNR to pump City water into the aquifer of the deep wells. This would be the second well and they were recommending they hire the same engineering firm, CH2M Hill. The estimated cost was \$65,000.

The vote on R218-05 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

### **R219-05 Authorizing an agreement with Olsson Associates Consulting Engineer's Inc. for engineering services relating to an alignment study and concept plan design for Brown School Road from Creasy Springs Road to Providence Road.**

The resolution was read by the Clerk.

Mr. Beck noted this would authorize an alignment study and concept plan design for Brown School Road from Creasy Springs to Providence Road. The estimated project cost was \$195,841. He pointed out this would not include detailed plans and specifications. This was just the concept. He pointed out studies involving federal funds were costly.

The vote on R219-05 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

### **R220-05 Establishing the National Incident Management System as the standard for incident response.**

The resolution was read by the Clerk.

Mr. Beck described this as a federal requirement, which the City had in place since April of 2004. He explained that it had to have City Council approval.

Mr. McNabb noted the program did have many training requirements on the part of City staff members. The training was free requiring only staff time. The purpose for having this system adopted was primarily to continue receiving grant funding for Homeland Security Grants. Up to this point, the City had received \$1 million plus.

The vote on R220-05 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

### **R221-05 Designating the City Council Chamber as the place where Municipal Court shall be held during renovation of the Howard Building.**

The resolution was read by the Clerk.

Mr. Beck commented that staff continued to move forward in implementing a plan to enable renovation work on the Howard and Gentry buildings. It was felt the Court should be moved temporarily into the Council Chamber while the renovation work was taking place on the upper level of the Howard Building. The Council was required to approve the location where Municipal Court proceedings would be held per City ordinance.

Mr. Ash asked who was getting bumped in order for the court proceedings to be handled in the Council Chamber. Mr. Beck explained the Municipal staff would be moved to the lower level of this building into the areas vacated by a portion of the Finance Department.

Mr. Boeckmann added that the Court would have priority use of the Chamber during normal working hours, but evening meetings such as City Council, Board of Adjustment and Planning and Zoning meetings would not be affected. Mr. Ash asked about its use during the day time hours. Mr. Boeckmann explained no one that regularly used it would be bumped.

The vote on R221-05 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R222-05 Naming the new water distribution building located at 1514 Business Loop 70 East the “Joe Paul Crane Building.”**

The resolution was read by the Clerk.

Mr. Dasho explained the new building was completed last year at which time there had been discussion about naming the building. He noted Mr. Crane’s name came up unanimously as everyone felt he had been a fixture in the Water Division and that it would be appropriate to name the new building after him. The Water and Light Advisory Board also felt the building should be named after Mr. Crane in honor of his years of service.

Mr. Beck stated everyone knew Mr. Crane well and he had done a great job for the City.

The vote on R222-05 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R223-05 Approving the Preliminary Plat of Old Hawthorne; granting variances to the Subdivision Regulations.**

The resolution was read by the Clerk.

Mr. Teddy explained this to be the largest piece, 631 acres, of the development located north of Route WW and east of Rolling Hills, which was also known as Grace Lane farther to the north. He displayed a generalized plan showing the single family lots, the PUD lots and the planned business district within the tract. The development itself, he noted, would be served by an internal curvilinear street system. The street system consisted of two types of streets. One was a local, 28 foot wide street in a 50 foot right-of-way and other would be built to residential feeder standards of 32 feet in width in a 50 foot right-of-way. Within the tract, on the west side, was 100 feet of right-of-way for the future extension of Rolling Hills to the north of WW. Per the development agreement, that right-of-way would be dedicated by the developer and improved as a two lane roadway by the developer. Mr. Teddy noted there were two variance requests. One was for the scale of the preliminary plat drawing being drawn at a one inch equals 200 foot scale and the other was for the cul-de-sac length on two cul-de-sacs. They were approximately 900 feet instead of 750 feet, which was the limit. Staff was supportive of the variance requests. Staff also suggested the preliminary plat not be approved until additional stub streets were indicated on the plat. They suggested at least one additional stub to the east and one to the north to promote better circulation. With future development, they felt there might be collector roads that could be connected to north and east of the development. He noted a maximum block standard suggested in the subdivision regulations of 1,000 feet. The additional stubs would get them closer to that block standard. He noted the ordinance indicated the blocks should be 400 to 1,000 feet in length. Since there was some flexibility, they did not identify that as a variance to the request. Mr. Teddy stated the Major Roadway Plan, as it currently existed, called for Rolling Hills to be extended to the north along the west boundary of the property, as a minor arterial. There were not major collectors or arterials planned to traverse this property or be adjacent to it. He noted a pending amendment to the CATSO plan and if approved, collector roadways

might be near the tract. That was driving staff's concern regarding the number of stub streets along with connectivity. The Planning and Zoning Commission recommended approval of the request as it was and with the two variance requests. Prior to final platting, there were a few street name issues that needed to be worked out. Joint Communications commented three to four street names.

Mr. Janku asked if anyone had mentioned that Old Hawthorne kept the same name as it wound through and changed direction. Mr. Teddy agreed it was a loop street and thought that might have been what was implied in the feedback they received, but was not sure.

Mayor Hindman understood what was handed out by Commissioner Schnarre was not the current CATSO Major Roadway Plan, but a proposed plan. Mr. Teddy replied that was correct and stated there were a number of proposed roadways that were not currently in effect. He noted there would be a public hearing on the proposed changes in December before the CATSO Coordinating Committee. Only the Technical Committee had met on them at this point. Mayor Hindman asked if they had taken the proposed amendments into consideration when making their recommendation. Mr. Teddy replied only regarding the stub streets and added that they were looking at a general need for connectivity to the north and east of the tract.

Mr. Ash noted the drawing showed the new streets dead ending when they got to this tract. He asked what the purpose would be of having a road dead end on one side and then start on the other side. He asked if the idea was to funnel around the tract and then join up with the intermediate roads. Mr. Teddy replied, in general, it was good to have a nice grid, but they recognized there was a development agreement that did not contemplate any major roadway right through the tract. He noted the locations were very generalized and there were a lot of different parcels involved. Mr. Beck asked if the locations had been looked at from an engineering standpoint. Mr. Glascock replied there had been a traffic study done for the whole development, not just this parcel. It did not state that any new roads were needed, but had taken into account the roads the developer showed.

Bruce Beckett, an attorney with offices at 111 S. Ninth Street, stated he was speaking on behalf of the applicants. He pointed out this preliminary plat only involved their property north of WW and to the extent any concept plan the County Commissioner gave out affected some other property, he felt, should not concern anyone this evening. He stated the whole property was shown as a neighborhood district in the Metro 2020 Plan, which called for mixed housing types and a neighborhood market consisting of C-P zoning near the intersection of arterial streets such as Rolling Hills and Route WW. Although he could not comment on whether this preliminary plan complied with some concept that CATSO or somebody on CATSO might have, he could say the plan was in strict conformance with a number of things that had been discussed over the past two years and at the many hearings before the Planning and Zoning Commission and the City Council. Mr. Beckett noted the plat complied with the current Major Roadway Plan, which was approved by CATSO, which was a combined task force of State, County and City officials and which all developers were bound to follow. Mr. Beckett reiterated the plan was in 100% compliance with the recommendations made by the traffic study, which he reminded everyone was jointly commissioned by the developer, the City and the County. He felt the plan was in strict conformance with all of the concepts, representations, promises and agreements made to the Planning and Zoning Commission, the City Council and to the neighbors to the east in the Harg area concerning how this property would be developed once it was annexed and zoned. At no time during this long and sometimes contentious project were any streets, other than those shown on the preliminary plat, suggested. Nor was it indicated to the developer that any other additional streets would be required of him. In the development agreement, the developer made an enormous financial commitment to improve the streets and thoroughfares in this area,

including the dedication of 106 feet of right-of-way for a four lane Rolling Hills extension to the north, dedicating property along Rolling Hills and WW for sufficient right-of-way so there were 53 foot half widths, signalized intersections, turn lanes, and committing himself to putting shoulders in on WW. He noted that none of these streets had even been suggested by their very vocal opposition in the Harg area. He explained they had a respectful disagreement with staff about the additional two stub streets to the north and east and noted the Planning and Zoning Commission had agreed with the developer that they were not appropriate or necessary on this particular development. He felt connectivity could be accommodated with the existing streets planned.

Mr. Ash asked if staff had locations in mind in regards to the additional streets. Mr. Teddy replied there would be some opportunity mid-way up the east property line, about one-quarter of the way up WW and about one-third of the way down the property line. The future PUD could have a public street because of its extensive frontage along the property line. He thought the rebuttal to that had been the arrangement of the PUD around a golf course where there might be a private drive system.

Mr. Janku asked if there was anything from a topographical standpoint that would preclude either of the first two suggestions. Mr. Teddy replied he did not think there was a significant obstacle that would prevent the additional stub streets.

Mayor Hindman commented he was in favor of connectivity and that there was a lot to be said for the streets that were shown on the proposed CATSO Plan. Because they were not there yet, it complicated his thinking. In reference to the two long cul-de-sacs, he was not concerned about the one in the east corner, but was concerned about the other one because of it being the only way in and out and also because the people at the end were very far from the public street system. If there was no street connectivity, he wanted to see a walkway between Stable Stone Court and North Bridal Bend or Sandy Bottom Circle that would, in effect, shorten the block and give some connectivity. He asked if that had been discussed. Mr. Teddy replied that there had been another version of the preliminary plat they looked at and made suggestions to. He did not recall making that kind of suggested change.

Mr. Ash understood not wanting to run streets through the golf course, but in regards to this not being brought up before, he thought, unfortunately, until getting to a certain point in the process, they did not think to look at things like street stubs and etc. He was not concerned about the cul-de-sac length, but commented that whatever they did here would affect the area around the site.

Mr. Janku thought the PUD-4 along the northern edge was about 70 acres, which meant about 280 units. He thought that seemed like a lot of residents to be exiting through one exit. He understood they might do something that would be part of the PUD development that might be some sort of a private entrance, but stated it would be better if the traffic could get out to a collector street taking it off the neighborhood streets. He thought it made sense to allow people to get out of the subdivision without driving the length of the residential streets.

Mr. Beckett commented that connectivity, east to west, was interrupted by a 200 acre golf course that ran almost the full length of the development. He added that connectivity was usually by direct route and there would not be a direct route in this situation because it would be interrupted by the golf course. As part of the development agreement, he pointed out, they had a residential density limitation where they agreed they would keep density under two units per acre on all residentially zoned properties in this 631 acre area and on the land that was to the south. Because of that, there was a maximum of 900 plus units in all of the R-1 and PUD areas. If they loaded that up completely, they would be taking away from what they could do down south. His point was that the density was going to be slightly over one unit per acre. They would not be developing 631 acres of R-1 subdivision. After taking a

look at all the engineering considerations, the fact the density was limited and the fact that the golf course interrupted connectivity east and west, they felt more than two stub streets to the north and east were not needed. If some day an arterial street went in on the east and north side, people would be able to get wherever they wanted by way of the two stub streets they had. They would only be serving one side or the other of the development. For aesthetics, density and design reasons, they did not think any more than two stub streets were needed either to the north or to the east.

Mayor Hindman asked what they thought about some sort of passageway between the 900 foot cul-de-sac and one of the roads. Mr. Beckett stated he was not prepared to comment on that, but pointed out there was an abundance of walking trails, both north and south of WW that had been provided for in the development agreement. There would be plenty of pedestrian rights-of-way. Mayor Hindman stated he preferred automobile connectivity, but that might eat away a lot. Mr. Loveless asked them to look at lot 104 off of Stable Stone Court and lot 125 off of North Bridal Bend. Mayor Hindman was thinking between lots 102 and 103 and between lots 125 and 126. Mr. Stamper noted topographical concerns and stated there was a major draw that ran along the back of those lots. He did not know what that would accomplish for a handful of lots on one side of the street or the other. He asked why they would not want to use the five foot sidewalks that would be provided on both sides of the street. Mayor Hindman stated he felt shorter block connectivity was a good thing. He pointed out there was a reason for our 750 limit on cul-de-sacs. Mr. Stamper agreed, but stated these were not significant variances by contrast to others that had been granted in similar circumstances. He felt the rules where stub streets were called for every "x" number of feet were based on a typical and standard residential development. This was limited to two units per acre. He commented that they were suggestions because sometimes the lay of the land and how it configured with other streets just did not allow for the equal spread every 1,000 feet of a stub street. He thought it was a "should" not a "must". Mayor Hindman asked how much of a terrain issue was there. Mr. Stamper replied there was a major draw there and the lots fell to that draw. Mayor Hindman stated if there was too much of a draw, he would withdraw his suggestion.

Tim Crockett, Crockett Engineering Services, 2608 N. Stadium, stated in regards to crossing the draw, there was a fine line as to whether or not they had to meet ADA standards on it. If it was indeed a pedestrian access, a paved walking path, it was Protective Inspection's feeling that it would have to meet ADA standards. He noted it would be difficult to maintain those standards. With regard to stub streets to the north and east, he stated he had talked to Public Works and they were agreeable to what had been proposed by the developer. If they were simply serving adjacent pieces of property from this development with the stub streets, he believed that would be one situation, but having additional stub streets that would tie into future, major roadways, was a completely different situation on the design aspect. If they had three or four stub streets to the property, the adjacent property could be required to have three or four stub streets, which would create a situation similar to Scott Boulevard where there were streets that tied into it relatively often, creating a significant traffic problem.

Mr. Ash commented that there was supposedly going to be another big road to the north of this as well as to the east of this. He asked if it would fall on the property owners to the north and to the east or if this property owner would be expected to give up a half width. Mr. Beck thought it would most likely be from the east. Mr. Glascock stated it was just like on the west side where Grace Lane was all on this developer.

Mr. Loveless stated he did not see the need for another exit on the east side. He felt Ripling Water Way and Cash's Crossing could satisfy. He also felt the guidelines used the

word “may” instead of “shall” for good reason.

Mayor Hindman stated he did not agree. He thought the traffic should have as many choices to get in and out as possible. He thought the policy was sound on stub streets. Mr. Loveless stated he was not disputing the soundness of the policy.

Ms. Nauser agreed with Mr. Loveless and noted an additional stub street would serve a limited number of residents. From the perspective of a future homeowner, she did not think the additional stub would be of much benefit. She felt people would take the most direct path to get to an arterial road. If the adjacent property was another residential neighborhood, she did not think residents would want to go through there.

Mr. Ash commented that outside of this development, any stub street would basically funnel in to Old Hawthorne Drive. He was not sure what would be gained with more stub streets.

Mayor Hindman made the motion that R223-05 be amended by adding a section that stated approval of this preliminary plat was subject to the condition that an additional stub street be added between Cash’s Crossing and Rippling Water Way on the east side. The motion was seconded by Mr. Janku.

Mr. Hutton questioned the need for the additional stub street. He pointed out the major arterial on the east side might not get built because there was another one a half mile over.

The motion to amend, made by Mayor Hindman and seconded by Mr. Janku, failed by voice vote with only Mayor Hindman, Mr. Janku and Ms. Crayton voting in favor of it.

The vote on R223-05 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

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

- B373-05     Approving the Fairview Market Place C-P Development Plan; granting a variance to the Subdivision Regulations.**
- B374-05     Renaming a section of the old alignment of Sinclair Road to Stanley Pitts Lane.**
- B375-05     Amending Sec. 1-11.161 of the City Code to correct the legal description of property annexed into the City limits.**
- B376-05     Vacating unbuilt street right-of-way in conjunction with the proposed Final Plat of Walnut Brook Subdivision Plat 5.**
- B377-05     Approving the Final Plat of Walnut Brook Subdivision Plat 5; authorizing a performance contract.**
- B378-05     Approving the Final Plat of Stratford Chase; authorizing a performance contract.**
- B379-05     Approving the Final Plat of Longview Acres Plat 1; authorizing a performance contract.**
- B380-05     Approving the Final Plat of Mid-City Lumber; authorizing a performance contract.**
- B381-05     Approving the Final Plat of Madison Park Plat 2; authorizing a performance contract.**

- B382-05     Approving the Final Plat of CenterState Plat 9; authorizing a performance contract.
- B383-05     Approving the Final Plat of Eastport Village Plat 7; authorizing a performance contract.
- B384-05     Vacating a sewer easement located within Woodland Springs Subdivision.
- B385-05     Vacating a sewer easement located within La Grange Place Subdivision.
- B386-05     Authorizing Change Order No. One; approving the Engineer's Final Report; levying special assessments for the 2003 Annual Sidewalk Project.
- B387-05     Calling for bids for construction of roofing over the stairwell in the southwest corner of the City ramp facility adjacent to the Police Department.
- B388-05     Authorizing acquisition of easements for construction of the H-17 S Extension - South Grindstone Outfall Sewer Phase 1, El Chaparral Lagoon Interceptor.
- B389-05     Authorizing an amendment to the agreement with Larkin Group, Inc. for engineering services relating to the design of the Harmony Branch Detention Project; appropriating funds.
- B390-05     Authorizing construction of water main serving Trail Ridge, Block 3; providing for payment of differential costs.
- B391-05     Accepting conveyance; authorizing payment of differential costs for water main serving Vanderveen Crossing, Plat 14; approving the Engineer's Final Report.
- B392-05     Accepting conveyances for utility purposes.
- B393-05     Accepting and appropriating federal forfeiture funds for the purchase of equipment for the Police Department.

**REPORTS AND PETITIONS**

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

Report accepted.

**(B)    Street closure requests.**

Mr. Beck noted at the time the Council packets were prepared, a report had not been received from The District. It was received today and they concurred with the requests.

Mr. Ash made the motion that the street closure requests be granted as requested. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

**(C)    Parking prohibition - Providence Road south of Stadium Boulevard.**

Mr. Glascock explained the University and MoDOT had requested the prohibition. He pointed out it was to restrict the parking for all events and noted a new parking lot at the bottom of the hill.

Mr. Janku commented it was not be an ideal situation even if parking was removed. He thought there should be some sort of sidewalk.

Mr. Loveless made the motion that staff be directed to come back with the proper

legislation to amend Chapter 14. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

**(D) Proposal to change the name of North Providence Road, north of Bear Creek, to “North Providence Parkway”.**

Mr. Janku expressed appreciation for the report and explained he had asked the neighborhood for their comments. He wanted to wait until he heard back before asking for a draft ordinance.

**(E) Smith-Manhasset Neighborhood Park Development report.**

Mr. Beck noted the plat was there before the City bought the land from the Smith family.

Mr. Loveless stated he thought staff was on the right track by pursuing the purchase of lot 88.

Mr. Loveless made the motion that staff be directed to proceed with investigation of options for acquisition of lot 88. The motion was seconded by Mr. Hutton.

Mr. Ash reminded everyone about the park discussion they had the last time a dead end street was involved. Mr. Hood stated they were proposing a compromised alternative solution. He explained his staff had met with Public Works staff and he felt what they were going to propose was doable. It would provide an alternative turn around and they would be bringing it to the Council. Mr. Loveless suggested they look into having no parking in the area.

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

**(F) Proposed revisions to the Subdivision Regulations regarding the definition of a lot.**

Mr. Beck explained the next step would be to refer the issue to the Planning and Zoning Commission. He noted the definition of a lot had been discussed a lot over the years. Every time a change was made, there was an impact. He felt it was a good idea to have it discussed by developers, the City’s own staff and the Planning and Zoning Commission.

Mr. Hutton made the motion that the issue be referred to the Planning and Zoning Commission for a public hearing and recommendation back to the Council. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

**(G) Howard/Gentry Rehab bids.**

Mr. Beck explained six competitive bids had been received on the two buildings, but that they were over the estimate by quite a bit with the mechanical, technical and plumbing aspects being the problem. Staff met with the architects, the bidder and sub-contractors and looked at various options. He did not think much would be gained by rebidding and suggested the bid be awarded to the low bidder and that they continue to look at possibilities where costs could be reduced in the area of about \$150,000. He gave some examples of where there could be substantial changes made without hurting the project much. After making some transfers, there would be adequate funding in the budget and an appropriation ordinance would not be required.

Mr. Ash wondered if there was a possibility, since two bidders came in so close and showed their hands, that they would reduce their bids if the project were to be rebid. Mr. Hutton replied it was almost unheard of to rebid it without changing the scope of the project.

Normally, they assumed the low bidder was the successful bidder and if they were going to change the scope of the project, they would negotiate with the low bidder for the cost savings. Mr. Janku stated rebidding could affect bids in the future if people did not trust us. Mr. Loveless agreed and felt we would be destroying the credibility of our bidding process.

Mr. Janku made the motion to direct staff to award the bid and to work along the lines suggested by staff. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

## **BOARDS AND COMMISSIONS**

None.

## **COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Ms. Crayton stated she received a call from a cab driver who was trying to get someone to the emergency room at the hospital after the football game. She asked how someone would get through the traffic to get someone to the hospital because this person had trouble getting there due to the barricades and traffic. Chief Boehm explained that the University Police Department and the Missouri State Highway Patrol handled that traffic. He stated the barricades were staffed and if an individual were to tell them they had an emergency, they would make provisions to let them through. He agreed it was not easy to do at certain times, especially when the game was over for about a 30 to 45 minute period of time, but they did make provisions to get individuals to the emergency room.

Ms. Crayton stated a lot of boarded up and abandoned houses were noticed when they took their tour on Thursday. She commented that she would supply the City Manager with a list of addresses. Mr. Janku did not think there were ordinances dealing with vacant houses. Mr. Hutton asked if these houses were dilapidated and needed to be inspected as far as building codes. Ms. Crayton replied that they did. Mr. Beck stated the Neighborhood Response Team could take a look at them.

Mr. Janku thought that some communities had ordinances that indicated if a house was vacant for so long, they would be charged something like a licensing fee. He stated the program gave an incentive to get the house back on the market to either sell it or rent it.

In regards to Commissioner Schnarre's comments about the future road plans in the area east of town, Mr. Janku understood that issue would come to the Council at a later date where they would weigh any proposals by the CATSO group. He commented that he did not think their vote this evening on the plat was a decision, one way or the other, on what Mr. Schnarre was suggesting. He stated he was looking forward to getting the CATSO proposals that were now moving through the process.

Mr. Janku pointed out that Mr. Loveless brought up the issue regarding the number of blue bags versus the number of yard bags a couple weeks ago and had asked for some kind of a report. Mr. Loveless replied they had been told that staff was working on that. Mr. Janku stated he and the Mayor had both heard from constituents who had asked them to follow up.

Mr. Hutton received a call regarding the crosswalk on William Street just south of Broadway at Boone Hospital. The complaint was that the crosswalk was not safe. He asked if they could make it safer. He was told it was not signed.

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

Mr. Hutton asked about the potential for adding a section of sidewalk that had never been built on Hanover at Clark Lane. He stated it was on the west side of Hanover from the Light House Car Wash on around to the north. He felt this was a sidewalk that would be an infill type situation as the property was undeveloped.

Mr. Hutton made the motion that staff be directed to check into the potential of adding it to the City's sidewalk plan. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Glascock commented that they were currently working on the gap program for next year and they would check into the possibility of adding it to the list.

Regarding sidewalk gaps, Mr. Loveless asked staff to look at the south side of West Rollins, from Scott Boulevard to the park. He explained there to be a couple of lots along that stretch that did not have sidewalks. He asked that staff look into the situation for possible placement on the gap list.

Mr. Loveless reported attending a couple of neighborhood meetings recently where the theme was traffic calming. He asked if staff could call a couple specific people. He stated he would give the names and numbers to the City Manager. One complaint was about Hulen Drive, between Malibu northward to West Rollins. People northbound on Fairview did not want to slow down for the school speed limit in front of Fairview School, so they dove off to the east on Malibu and whipped up Hulen Drive to connect with Rollins at that point. He reported the other situation was on Bourne, at the other end of Rollins, just before it reached Stadium, where southbound motorists on Bourne were making a turn at a fairly high rate of speed at West Rollins and Vegas.

Mayor Hindman stated he received a complaint about cut through traffic off of Old Highway 63 going down Chinaberry, turning right onto Lacewood and then going out onto Bluff Creek Drive. He explained there was a roundabout at the south end of Old Highway 63 where one took a right turn to take them over to AC. He pointed out that the City agreed to the abandonment of a section of Old Highway 63 that would have taken people to Bluff Creek Drive and on into the business section. The caller stated the Public Works Department had been doing traffic studies in the area and had indicated there was a tremendous amount of cut through traffic. Mr. Glascock clarified that there was some cut through traffic, but not a tremendous amount. He stated the City did abandon Old 63, but it had not been connected to anything. The person requesting the abandonment wanted to bring a street across by the retirement home that would hook into Chinaberry on that side so the cut through would not be going through the neighborhood. Mr. Glascock commented that there was a report done a few years ago on cut through traffic, which could be refreshed and brought to the Council.

Mr. Ash commented that there had been some talk about putting a stop light at Bluff Creek and AC, which he thought could actually make the cut through traffic worse because it would be easier to turn left with the signal. He suggested stop signs or some type of impediments to make the route less attractive.

Mayor Hindman reiterated the blue bag versus the yard waste bag situation. Since they all seemed to be hearing about it, he felt that must mean it needed to be looked into.

Mayor Hindman reported receiving many touching letters from teachers and students regarding the death of Patrick Knedler. The complaint was that there were no sidewalks in the area and the speed limit was too high. They suggested a park at the intersection of Scott and Bethany. He asked that staff look into the park situation in the area as well as trail

connections. He stated he would get copies of the letters to the Council. Mr. Loveless pointed out there were sidewalks and not one block from Bethany, there was a relatively large City owned area that belong to the parks system. He also noted they had access to the trail, via a sidewalk, from the east side. Mr. Loveless stated he had no objection to looking into the issues, but felt the problem was one of supervision. He explained he was not willing to accept the shift of responsibility from the parents to the City.

Mayor Hindman made the motion that staff be directed to look into the situation and report back. The motion was seconded by Mr. Janku.

Mr. Janku stated he would also like to see police reports and the numbers of accidents at the Scott Boulevard/Bethany Drive location.

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

Mayor Hindman noted they were receiving more and more objections to problems resulting from stormwater. He understood the City had a stormwater committee and that there was disagreement amongst them. He felt something had to be done. Mr. Glascock stated staff was moving forward with a RFP to get a consultant to help them write a manual on stormwater. He explained they were not going to wait for the task force. They would take the consultants' recommendations to the task force for their approval. Mayor Hindman thought that was a good idea. Mr. Janku agreed and felt they were forced to respond incident by incident and filters were being required for some people, but not for others.

The meeting adjourned at 10:45 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk