

**MINUTES**  
**CITY COUNCIL MEETING - COLUMBIA, MISSOURI**  
**SEPTEMBER 19, 2005**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, September 19, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS and NAUSER 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 6, 2005, were approved unanimously by voice vote on a motion by Mr. Ash and a second by Mr. Hutton.

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

Mayor Hindman noted Report C regarding Route 763 would be added to the Reports section.

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

**SPECIAL ITEMS**

**Courtney Herbst, Columbia Housing Authority Acting Director - presentation of PILOT check.**

Courtney Herbst, 4606 Knipp Court, presented the 2004-2005 Annual Report and CHA's payment in lieu of taxes (PILOT) check for the fiscal year ending September 30, 2004. She noted the financial audit covering the 2004 fiscal year had been delivered to the City Clerk and was also available at the Columbia Public Library. She named the Commissioners and provided survey results. She explained a CHA Task Force was appointed in 2002 to guide CHA's homeownership programs and to provide advice and guidance regarding future affordable housing opportunities. They organized their work in two phases. The first phase was to provide homeownership opportunities for low income families in the Central City neighborhood and to that end, three adjoining lots had been purchased on McBaine Avenue where six affordable homes were planned for purchase for low income individuals and families. Phase two was to examine the feasibility of redeveloping the older public housing units. She pointed out CHA's mission statement stated they would seek partnership and collaborative efforts with local organizations and other governmental agencies that provided services to improve the quality of life for their residents. She noted the partnerships were listed on page eight of the report. She thanked the City for helping them carry out their mission and presented a check in the amount of \$40,968.81, which represented the Housing Authority's payment in lieu of real estate and personal property taxes for their fiscal year ending September, 2004.

**SCHEDULED PUBLIC COMMENTS**

**Vanderveen Crossing - Speakers: Carrier, Winkelmann, McDade, Grant and Gebrehiwot.**

Melody Carrier, 3709 Armadillo, addressed the development of land south of Armadillo Drive, north of Amazon Drive and west of Providence Road. She explained that when they purchased their lot in March of 2003, she and her husband asked the developer if anything would be built on the land between Armadillo and Amazon. They were told no and that the tract was not large enough to put in a road or houses. They were also told that it was in a floodplain and that the

developer was going to donate the land to the City of Columbia as a greenbelt. She commented that within the last month, the developer had cleared the land of many of the trees and vegetation with the intent to build 8 to 10 homes in the area. After visiting with the neighbors on Armadillo and Amazon, she found they had also been told, either through their real estate agent or by the developer, that this land would be a greenbelt. She learned last week that a preliminary plat had been filed for the land in question in 2002 and that it had been approved. Ms. Carrier believed the developer misrepresented the intended use of the land to those who purchased property adjacent to it. She asked that the City help them block the development of this land and force the developer to return the land to its original state.

Mayor Hindman asked Mr. Boeckmann to comment on this issue. Mr. Boeckmann explained the property had been preliminary platted and final platted and then brought back for a replat. He commented that there was a note on the final plat, which indicated the property would not be used for residential development. He stated that note was binding as long as the plat was in effect, but it did not prevent them from asking for a replat, which was what they were doing. He noted it had not been finally replatted. Mr. Boeckmann explained that having a note on a plat did not mean the property owner was bound by it and could not come in and file another plat.

Mayor Hindman asked if the Council would act on the plat. Mr. Boeckmann stated the Council would act on it, but like any other plat, it was an administrative matter and if the property owner complied with all conditions of the subdivision ordinance, the Council really had no discretion to deny it.

Mr. Janku understood, as a City, we did not have any technical recourse because all of the technical and legal procedures were followed. He pointed out that did not mean the property owners might not, personally, have some recourse.

Ms. Carrier asked if there was any way they could cut the development from 8 to 10 in half. Mr. Janku did not think so and stated he would be happy to talk with the neighbors.

Julie McDade, 3705 Armadillo, explained that in addition to the misrepresentation, they also had flooding concerns. She noted they had brought in truck loads of dirt today and were in the process of building up the area. The more they built it up, the more it was forcing the water back toward their homes. She stated it was already on the brink and ready to come over. She was concerned because she felt it would soon be in their yards and homes. She asked the Council to help safeguard the existing homes.

## **PUBLIC HEARINGS**

Mayor Hindman asked that all budget related items be read and discussed together. He noted they would vote on each separately.

**B324-05      Adopting the FY 2006 Budget for the Special Business District.**

**B325-05      Amending Chapters 13 and 22 of the City Code to increase sanitary sewer rates.**

**B326-05      Amending Chapter 11 of the City Code relating to public health service fees.**

**B327-05      Amending Chapter 17 of the City Code relating to Parks and Recreation fees.**

**B328-05      Amending Chapter 27 of the City Code relating to water fee changes.**

**B329-05      Amending Chapter 27 of the City Code relating to electric rates.**

**B330-05      Amending Chapter 27 of the City Code relating to water rates.**

**B331-05      Amending Chapter 27 of the City Code relating to load management.**

**B350-05      Establishing new group insurance premiums for the employee health and dental care plans.**

**B351-05     Amending the Classification Plan and adopting the FY 2006 Pay Plan.**

**B352-05     Amending Chapter 19 of the City Code as it relates to personnel policies, procedures, rules and regulations.**

**B291-05     Adopting the FY 2006 Budget.**

The bills were read by the Clerk.

Mr. Beck stated the total budget was \$280,884,000, which was a 1.4% increase overall. He pointed out the property rate would remain the same with this budget, but due to reassessment, revenues to the City general fund were up between \$250,000 and \$300,000 this year. He noted increases in several of the enterprise operations such as water, electric and wastewater. He pointed out an amendment sheet had been prepared for B291-05 at the request of the Council.

In regards to B327-05 and the shelter rental fee, Mr. Janku asked if the new level would be sufficient to recover the operating cost and provide some contribution to the capital improvement fund. Mr. Hood replied it would and explained that they based their revenue estimate using those fees. They felt they would recover approximately \$16,000, which they believed would cover their expenses and provide additional revenue for other activities. He noted the figures were based on 40 to 45 rentals per year.

Mayor Hindman made the motion that B327-05 be amended per the amendment sheet and that B291-05 be amended per the amendment sheet dated September 15, 2005. The motion was seconded by Mr. Janku.

Ms. Crayton noted that in addition to City water, electric and sewer rate increases, there would also be a gas rate increase. She asked how they would maintain the amount of money in the Dollar More program to assist residents who might not be able to keep up with all of the increases. Ms. Fleming explained there were two programs, CASH and HELP. She thought the Dollar More Program was run by Boone Electric. She stated she would provide a report showing the balances in these programs. She noted that they had increased their limits on what they could give out, but if the Council wanted those limits reviewed again, they could do that. She pointed out that they were reliant upon the public to assist them in doing that.

Ms. Crayton was also concerned about the senior citizens. Ms. Fleming stated the last report they did showed funds available for seniors, but getting them to ask for assistance was sometimes an issue. Mr. Windsor noted that staff provided education on conservation measures. While it might not be significant, it could help reduce costs. Ms. Crayton pointed out that if someone did not own their home, they could not insulate it. She felt the City should help those who were not able to make their landlord insulate their homes.

Mayor Hindman opened the public hearing.

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

B324-05 was read with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B325-05 was read with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B326-05 was read with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The motion to amend B327-05 per the amendment sheet, made by Mayor Hindman and seconded by Mr. Janku, was approved unanimously by voice vote.

B327-05, as amended, was read with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill

declared enacted, reading as follows:

B328-05 was read with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B329-05 was read with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B330-05 was read with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B331-05 was read with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B350-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B351-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B352-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The motion to amend B291-05 per the amendment sheet dated September 15, 2005, made by Mayor Hindman and seconded by Mr. Janku, was approved unanimously by voice vote.

Mr. Janku asked for clarification regarding the CDBG funding in the budget. Ms. Fleming explained the City Manager's recommendations for CDBG funding were incorporated in the overall budget. The total dollar amounts being appropriated would remain the same, so it did not change the line items, but it was an appendix to the budget and they needed to fill in the Council recommendations for the specific agencies. Mayor Hindman understood if they approved the budget as it was, it would include the City Manager's recommendations and if that was what they wanted, they would not need to make any further amendments. Ms. Fleming replied that if they were satisfied with the City Manager's recommendations, the Council could pass the budget as it was.

B291-05, as amended, was read with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B217-05A Rezoning property located on the south side of Clark Lane, east of Crump Lane from R-2 and O-P to C-P.**

The bill was read by the Clerk.

Mr. Teddy explained this property was located east of Crump Lane, which was a dead-end residential street near the curve of Clark Lane where it transitioned into Ballenger Lane. It was located mid-way between the Lake of the Woods and US 63 Interchanges. The applicant wanted to unify all of it into C-P, planned business district. He noted there had been several rezoning requests since its annexation in 1969, at which time it was zoned R-2 and A-1. The Metro 2020 Plan designated this as employment district. Street access would be off of Clark Lane. If

developed as a commercial property, he believed there would be no access directly onto Crump Lane. Staff recommended denial of the request, but if Council favored rezoning the property to C-P, they were recommending that only the part to the east of Ballenger Place, extended, be zoned C-P. He explained that they presented an alternative recommendation to the Commission, in which they indicated, should they favor the rezoning, a condition be attached that would require a traffic study upon submittal of a development plan and the installation of traffic related improvements that would be attributable to a commercial development. The Commission recommended denial. He noted that Mr. Van Matre provided a neighborhood agreement indicating the terms and conditions by which they would develop the property in agreement with specified owners of property surrounding the site.

Mayor Hindman opened the public hearing.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, spoke on behalf of the applicant. He distributed copies of an agreement negotiated since the last meeting. He pointed out that his clients had signed the agreement as had several of the neighbors. He felt they had done their best to work with the neighbors and to incorporate, within the restrictions under which this property would be rezoned, solutions to all of the problems raised by the neighbors in their discussions with them. He stated the rezoning request was timely because it was before the roadway needed to be acquired by the City. He noted it also conditioned itself on having the roadway established and on having improvements to the roadway. Mr. Van Matre felt it would be foolish to leave the property zoned as it was when everyone knew Ballenger Lane would go across there and the City would need to acquire right-of-way. He did not think the City wanted to acquire the property with a bunch of duplexes on it. In addition, he felt the neighbors needed to know what was going to happen to this property and needed the protection built in to this agreement.

Mr. Ash thought this was tabled to determine what kinds of businesses would be involved and where they would go. He also thought there had been concern voiced about having the roads in place before any development occurred. He felt paragraph 8 addressed the road issue, but asked if the other issues had been addressed.

Mr. Van Matre pointed out paragraph 5 listed a series of prohibitive uses and paragraph 6 stated a quick stop would not be located within 300 feet of Crump Lane. They also agreed to a series of bufferings to the Crump Lane residences which were exactly what the people on Crump Lane wanted. Mr. Ash thought it was not an issue of what kind of businesses could not go there, but an issue of what kinds of businesses could go there.

Karl Skala, 5201 Gasconade, Chair of the Hominy Branch Neighborhood Association, stated he provided a letter to the Council earlier today and presented a petition signed by both the Zaring and Hominy Branch Neighborhood Associations and residents of Crump Lane. He noted the petition contained 66 signatures. Mr. Skala explained the incarnation of this application started out with almost 22 acres, which had been unanimously rejected by the Planning and Zoning Commission in 2000 and sent on to the Council. Because the application was changed substantially, it was sent back to the Commission for a reevaluation. He noted the Commission and Council rejected it unanimously one more time on the basis of a 12 acre tract. He pointed out this tract was about 16 acres. In regards to neighborhood participation, Mr. Skala stated the Godas representatives had contacted the Zaring Association and some of the residents on Crump Lane, but had never contacted the Hominy Branch Neighborhood Association. He pointed out some people sat down to work things out, but not all of them. He thought the reason Hominy Branch was not contacted was because of the 66 signatures against commercial zoning in this particular area. He felt the primary motivation to rezone this property had to do with value, which he did not think was the proper way to go about it. He stated planning was more important than rezoning and that rezoning should not be driving development. He commented that we should be planning for access management and for land use. He felt this had turned into a decision based on increasing value for the sake of rezoning the property.

Mayor Hindman asked about the locations of the neighboring associations. Mr. Skala explained the Zaring Neighborhood Association to be almost directly north, where the curve was

on Ballenger and Clark intersected it. The corner of the Zaring Neighborhood Association was contiguous with this property. Just to the east and to the north a great deal was the Hominy Branch Neighborhood Association, which was bounded by Ballenger on one side, Hominy Branch Creek on the other side, Clark Lane on the south and Rice Road on the north. The largest contiguous border, he pointed out, was with the Hominy Branch Neighborhood Association.

Judy Johnson, 1516 McKee, spokesperson for the Zaring Neighborhood Association, explained that she met with Mr. Van Matre and the group on August 1<sup>st</sup>. Before that meeting she talked to her neighbors and asked them if they were for commercial rezoning. She provided the petition for them to sign if they were not. She commented that there had been no marketing to decide what would be needed in the neighborhood, so she asked the neighbors what kind of businesses they would not want in the neighborhood if this passed. She brought that to the meeting with Mr. Van Matre and felt they automatically assumed that meant the neighborhood was in favor of the rezoning. She noted that any businesses that went in would have to be viable to the area because there was not access to I-70. She stated they were adding close to 30 acres of C-P in this area and there was another 11 acres west of Crump Lane that was currently O-P. She asked if they would come back and ask for C-P and extend it even more. There were also another six lots on Ballenger where the owners had tried to get commercial in the past. She suggested they look at the big picture when considering this. She noted that Ballenger Place was not designed to be developed and asked how they could have a proper intersection there if this area was developed. She stated the traffic would be tremendous. Regarding the six foot berm, she noted the wording that had been used was "at its highest point". At their meeting, she pointed out they had asked that it be a six foot tall earth berm.

Mr. Ash asked if the agreement made the neighborhood feel better or if they were still opposed even with the agreement. Ms. Johnson thought they felt more comfortable with the type of businesses they asked for, but thought the structure needed to be there first. She understood they would not do anything until the Ballenger overpass was aligned, but pointed out it would not have to be developed for them to be able to start building. She understood Clark Lane would be improved, but stated they would still have the intersection problem.

Jim Ford, 2205 Lafayette, Pastor of Charity Baptist Church, thought there were plenty of reasons to favor the request for rezoning. Although the church members realized there were traffic problems, they knew those problems would be addressed in time. He was ready for development in the area. He noted there was a lot of residential and felt it was time they had a grocery store and some other things in this area.

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

Mr. Hutton understood the rezoning agreement could, by motion, be made part of the zoning ordinance itself if the request was approved. He asked what would make this binding and if it would be enforceable by the City. Mr. Boeckmann assumed it would be between the property owner and the parties who signed it. He stated the City could arguably enforce it, but procedurally, he thought it was a bad road to start going down to have agreements between the neighbors and the property owner and incorporating them by reference. If everyone was happy with the agreement, he suggested making them conditions in the ordinance rather than incorporating it by reference.

Mr. Janku asked Mr. Van Matre about his understanding regarding the overpass. Mr. Van Matre replied his understanding, based on discussions with his client and his representatives, was that he was willing to wait and not develop any part of this until the City finalized where Ballenger Lane was going to be. If that was going to be awhile, it would be awhile before anything could be built on this property. In terms of the language on six foot at the highest point, it obviously needed to be at a uniform height all along the length of the entire berm. He stated there were to be no breaks in the berm. If the language was not as precise as they would like it, he commented that he would be happy to clarify the point. He explained it was supposed to be six feet in height at the top of the berm, but that height would continue throughout the entire length of Crump Lane, above the elevation of Crump Lane. In terms of the procedure as how to incorporate this, he noted another

way to do it would be to condition it upon working out a development agreement, which incorporated substantially all of the restrictions in the agreement between the developer and the City.

Mr. Hutton asked if that would be any easier to enforce than this. Mr. Boeckmann stated it was preferable. He felt if they were going to have an agreement in which the City would be enforcing, the City should be a party to it.

In the Ballenger Lane overpass paragraph, Mr. Janku noted they referenced a traffic study. He noted Mr. Teddy requested a traffic study and asked if it would be a problem to include it as a condition as part of the approval. Mr. Van Matre replied that they stated they would pay for a traffic study if they received the zoning. As a condition precedent to any development plan being approved, they understood they would have to fund that traffic study. Mr. Janku pointed out it usually involved recommendations for improvements that might go beyond what they listed. Mr. Van Matre stated that was correct, but questioned who would pay for the additional improvements. If they were on-site, it might be pretty easy to tax them to the developer. If they were substantially off-site, Mr. Van Matre stated they would probably have an argument and would have to negotiate it. He thought that would best be dealt with in a development agreement, which would be a conditioned precedent to the approval of the development plan itself.

Mr. Ash asked how they decided who to negotiate with and whose signatures to require on the agreement. Mr. Van Matre replied that initially they did not think anybody, but the Crump Lane people would be interested. Then, the circumference of interested parties was expanded. They talked to the people who appeared to speak against this the night of the Council public hearing. He stated they met at George's Restaurant and there were probably 20 people there. He commented that they did their best to hammer out the framework of the agreement and then polished it up and sent it around asking for people to sign it. The only people that came in to sign it were the people whose signatures appeared before the Council today. He explained Ms. Johnson told him she wanted input into the agreement, but felt she did not have the authority to sign it on behalf of the Zaring Neighborhood Association.

Because there appeared to be no rush in regards to this matter and because they had been given a substantial amount of reading material this evening, Mayor Hindman suggested they table the issue again.

Mr. Ash agreed, but was afraid they might forget what had been discussed like he did this time. Mr. Janku agreed that his understanding that was that they were going to get a greater understanding of what was going to happen to the property and how it would be built out.

Mayor Hindman noted that Mr. Boeckmann advised them that what was proposed right now was not the best way to deal with the issue and that it would be better to have a development agreement or to incorporate these things in the ordinance, which he felt would be impossible to do tonight. Mr. Janku agreed and stated he wanted to see more of the specifics, currently in the other documents, in the ordinance. He felt a development agreement at a future point would be nice, but wanted to have as much as possible incorporated into the ordinance.

Mr. Ash thought the agreement addressed some of the concerns voiced before, but was not sure it addressed all of them. Mayor Hindman felt that was another reason to table the request.

Mr. Hutton stated he would prefer to see a written report on how to best handle this. His understanding was that if a development agreement were to come forward tying all of these things together, it would be in the planning process as opposed to zoning. Mr. Boeckmann explained that planned districts had a two part zoning process - the ordinance placing zoning on the property and then approval of the development plan. They were both part of zoning and he thought Council had the discretion that went with zoning for both parts.

Mayor Hindman made the motion that B217-05A be tabled to the October 17, 2005 Council meeting. The motion was seconded by Mr. Janku.

Mr. Loveless asked Mr. Boeckmann if he could include in the ordinance, to the best of his ability, what was in the rezoning agreement when this came back to them. He was not comfortable with having to amend it at a meeting or having it in an agreement that came after the rezoning was

approved. Mr. Boeckmann replied he could take all of it and add it to the ordinance as conditions of the rezoning. Mr. Janku pointed out that Mr. Van Matre offered up a traffic study and suggested it be included in the conditions.

The motion to table B217-05A to the October 17, 2005 Council meeting, made by Mayor Hindman and seconded by Mr. Janku, was approved unanimously by voice vote.

### **B333-05      Approving the Houlihan's C-P Development Plan.**

The bill was given second reading by the Clerk.

Mr. Beck described this as a 1.7 acre tract located at the northwest corner of Broadway Bluffs Drive and Trimble Road. The plan was recommended for approval by the Planning and Development staff and by the Planning and Zoning Commission on a 6 to 2 vote. The proposal was for a restaurant.

Mayor Hindman opened the public hearing.

Matthew Kriete, Engineering Surveys and Services, 1113 Fay Street, noted that one issue that came up during the Planning and Zoning meeting was the parking requirement. It was noted that parking was greater than what was required by ordinance. He noted the restaurant planned to have 270 seats at 47 tables and assumed one car per table. They also assumed a minimum of 25 spaces for employees, 27 spaces for bar seating, 20 spaces for patio seating and 6 spaces for those waiting for seating. That totaled 125 seats and they were requesting 129. Houlihan's specified 125 as their minimum requirement. Mr. Kriete stated he interpreted the ordinance as addressing a minimum requirement as opposed to a maximum. Mayor Hindman commented that he did not interpret it that way.

Mr. Janku asked about the lighting height and if it was consistent with the other properties in the development. Mr. Kriete replied it was a maximum of 25 feet from the base and consistent with the rest of the Broadway Shops and the Broadway Bluffs. Mr. Janku asked if they were full cut-off. Mr. Kriete replied they were shoe box type, full cut-off fixtures. Mr. Janku asked why the patio was not facing west over the Lake and City as opposed to the shopping center. Mr. Kriete replied that he was not sure.

Jay Lindner, 1400 Forum Boulevard, noted a restaurant like Houlihan's had a lot of experience in regards to what they needed. The 125 parking spaces was what they established it took for a restaurant of this size to survive. If they did not need the parking, they would not be putting it in due the cost of building it. As a City, he thought we owed them, for fair competition, the same rights other restaurants had, such as Chili's or Macaroni Grill. He stated they would look at doing 20 foot standards in regards to the lights, but that needed to go back to their lighting engineer to see what the affect would be. Mr. Lindner passed around handouts of the landscape plan, which, he noted, had been approved by staff. He stated that although there was not a lot of land that touched along the bluff, they provided almost double the amount of trees required by City ordinance. He pointed out they met with the City Arborist, who was satisfied with the plan. He did make a couple of suggestions to help with the hill side, which they were planning to do to stabilize it further even though they did not own it any more. Mr. Lindner reminded the Council that they donated the tree buffer to the City at the time of rezoning.

Mr. Ash asked if Broadway Shops had been one large chunk rather than a piece at a time. Mr. Lindner replied it had. Mr. Ash felt it was a nice looking strip mall where they shared parking. This one was like CenterState where each C-P plan operated as if it was within a vacuum and each needed their own "x" amount of parking. He noted there was probably a certain time when they were all completely full, but felt there could be some more sharing of parking. He asked if they had considered making some of the parking shared. Mr. Lindner replied that they looked at it, but it created some difficulties in terms of cross easements. When a restaurant came in, one of the biggest things they wanted, even in a shopping center with shared parking, was to stipulate in the lease "x" spots reserved for just their use. Mr. Ash asked if they were selling off pieces of Broadway Bluffs or if they would retain ownership and lease it out. Mr. Lindner replied that some were being sold off, but they retained a master subdivision regulation on which they sat on the

Board of Directors that stipulated all of the architectural, maintenance, and landscaping requirements, so they still had physical control over the appearance of the property. Mr. Ash asked if that made things like shared parking a little harder to do. Mr. Lindner replied it did.

Mr. Loveless noted a boundary greater than the footprint of the Houlihan development on sheet C2 and C3 of the plan and asked if that was their property. Looking at the landscaping plan and recalling one of the major objections to the rezoning being the visual impact from Stephens Park, Mr. Loveless pointed out all of the plantings on the north side were small trees or shrubs and nothing of a significant size that would aid in shielding this particular development from the park. He asked if they were planning on planting outside the Houlihan footprint. Mr. Lindner replied that they were retaining that property as the developer and it was an area where they would address additional screening.

Ian Thomas, 2616 Hillshire, felt 129 parking spaces seemed excessive. He noted a lot of other parking in the area and commented that the retail shops would be closed during the time the restaurant was doing its greatest business in the evening. He also pointed out Broadway would be very well served as a pedestrian and bicycle route when the current road improvements were completed and that a very large parking lot, such as this, was unfriendly to pedestrians and cyclists getting to and from the restaurant. He noted Columbia was a model city for the National Non-Motorized Transportation Pilot Program and suggested looking for opportunities to encourage non-motorized transport and not constantly making things easier for motorists.

Barbara Hoppe, 607 Bluff Dale, President of the Hinkson Valley Neighborhood Association, explained they were currently inundated by stormwater and were concerned about excess impervious surface. She felt the parking was excessive and that this was Houlihan's average. She noted that Columbia was not an average City and added that the City had an aggressive PedNet Program, \$25 million coming in, a pedway going down Old 63 and a pedway across Broadway. She felt we should expect more people to walk and bike to this area. She explained the reason no one spoke at the Planning and Zoning meeting was because they were not aware it was coming up. She suggested the parking meet the City requirement of 70 spaces to see how it worked out. If it did not work out, a reserved area could be used for parking at a later time. She stated this was at the edge of Stephens Park and although it was important to have enough lighting for the safety of the customers, they wanted to see the lights reduced to 20 feet to help shield the park. She felt the proposed trees on the edge were very small redbud trees, which would not provide the necessary shielding of this development and lighting for the park. She stated larger trees would provide a buffer and preserve the park asset.

Jeanine Pagan, 701 Bluff Dale, commented that she wanted to see shared parking in this particular area. She stated there were a lot of areas where they shared parking, such as Schnucks and where K-mart used to be. She was concerned about the impervious surface creating more runoff for people down stream. She felt the greenbelts would no longer be able to handle this in an adequate manner and asked the Council to consider less impervious surface for this area.

Michael Powers, 1500 Stonehaven, owner of the Houlihan's franchise for Columbia, explained that Houlihan's was pretty adamant on the 125 spaces. He noted they had been in business 30 years and this was one of the things they had learned. He stated that they did talk about shared parking, but the problem was that this was at such an odd intersection and there was nothing else developed around it yet. To cross the street from the Applebee's lot or the strip center down the way, one would have to cross the main artery into the whole Supercenter. He felt it was a safety issue with the site being 10 to 15 feet higher than the road. In addition, he did not think Applebee's would want his customers parking in their lot.

Mr. Ash agreed they were the first on that side of the road, but understood there would be others there eventually. Mr. Powers pointed out there was nothing sold or leased at this point. If they went down to 70 parking spaces and packed the place with people having to park down beyond Applebee's, he thought it would be a detriment to the business. He noted they would be asking the elderly and families with little kids to cross the main street. Mr. Ash stated he was expecting more sharing on their side of Trimble Road. Mr. Powers asked the Council to keep in

mind many of the smaller restaurants where people were forced to park in the grass, fire lanes and handicapped places. He stated they would light their area, keep it safe and be responsible for the parking lot area.

Mr. Kriete commented that the stormwater would be detained on this site and the peak would be no higher than the pre-development flow for the two, ten, and twenty-five year storms. He pointed out an additional cost was being taken on by the developer to where no water was going directly toward Hinkson Creek as another outfall to the north. It would all be taken south to a public storm sewer system. The amount of impervious area would not increase runoff based on detention. He pointed out this would be accessible from the pedways along Broadway and Trimble Road.

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

Mayor Hindman was concerned about a couple of things, including the parking. He thought shared parking would be a smart thing, but understood the argument about competitors sharing parking for their patrons. He questioned the legality of denying a development plan based on the lack of shared parking. He noted there was a provision to build less than the required amount of parking to leave green space for future parking, if needed. Mayor Hindman stated he objected to large parking lots because he felt they were only needed on rare occasions. He suggested approving the plan subject to a reduction in parking spaces with added green space that could be converted to parking when and if needed.

Mr. Ash cautioned against the CenterState situation in which they considered parking for each restaurant independently. He pointed out they forced people to think ahead for subdivisions for stub streets and etc. He noted another problem with CenterState was that there was no way to walk around within the area because there were no pedestrian things designed into the plan. He suggested they look at connectivity from the view point of parking and pedestrians, not just streets and sidewalks, like they did in subdivisions.

Mr. Janku noted that when there was not ample parking, it was the employees that had to park way out and walk in. He also questioned telling the next restaurant coming in that they had to share parking with Houlihan's. He was fearful their business would be impacted during certain times of the year, during their peak times.

Ms. Nauser felt to say we would only allow parking to accommodate one-third of their patrons and to tell them they would have to share parking with the future owner next door was going down the wrong path. She noted inadequate parking at a lot of the restaurants today.

Mayor Hindman pointed out he was not set on the number of spaces being 70.

Mr. Ash stated that although he had been hammering the parking issue, he agreed that some of our minimum requirements were unrealistic. He felt that when they had a tract that was developing in pieces as C-P, they needed to have more thought regarding how the pieces would fit together. Mr. Janku reminded him that they just amended their rules to not require C-P plans before selling off individual parcels.

Mr. Hutton agreed that maybe they should look at some of those requirements, but felt it was unfair to the current developer who was trying to work under existing ordinances and policies. He felt they would be costing him business if they limited the amount of parking he could have to much lower than what he anticipated his needs being. He stated they would always see C-P development in pieces and thought there might be some legal issues with shared parking as well.

Mr. Janku felt it was okay to have minimums that were low as long as they recognized that people could go above it. The advantage of a low minimum was that it did not force somebody to buy land and pave what they did not want or need. In this case, they were paying a very high price for the property and if they were willing to pay the cost of paving it. He thought they must feel strongly about their needs.

Mr. Hutton thought our minimum parking requirements were based simply on square footage, the size of the facility. There was not a calculation for the number of seats they had, inside and out. Mr. Hutton stated it would be a lot cheaper for him to build the parking lot now to the size he needed than it would be to build it, landscape it, irrigate it and then tear it out to add

parking.

Mr. Loveless stated they had been trying to put lights on 20 foot poles wherever possible. Here, he felt, we had one of the highest locations in the development and 25 foot poles were proposed on a 2 ½ foot base. He asked Mr. Lindner if the poles could be shortened to 20 feet. Mr. Lindner stated they would look into that, but had to talk to their lighting engineer. He noted he would hate to shorten them to 20 feet and end up with three or four more toward the park instead of one. He reiterated that they would talk to the engineer regarding the issue.

B333-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B334-05     Approving the Boone Hospital Medical Center C-P Development Plan.**

The bill was given second reading by the Clerk.

Mr. Beck described this as 7.75 acres along the north side of Broadway, west of Old 63. The proposed development was a 69,181 square foot medical office building. Approval was recommended by the Commission on a 6 to 1 vote with a number of conditions. Since that meeting, all conditions had been met and were no longer an issue.

Mayor Hindman opened the public hearing.

Rod Stevens, an attorney with offices at 11 N. Seventh, spoke on behalf of the Board of Trustees of Boone Hospital. There were currently three medical office buildings on the north side of Broadway and a fourth was needed. The building would be constructed by the Graham Group, the same group that built two of three existing office buildings, and would be to the east of the existing buildings. The Graham Group would pay for the building and then lease it to the Trustees for 75 years at which time the building would revert to the Trustees. The Trustees would pay for the construction of a parking garage that would cost approximately \$8 million. The garage would be located behind building #3 and adjacent to the proposed building #4.

Mr. Ash noted the other buildings were connected and asked if building #4 would be connected. Mr. Huss, an engineer with Trabue, Hansen & Hinshaw, explained building #4 would be connected to the parking garage and the parking garage would be connected to building #3 via an enclosed walkway.

Mr. Janku asked about parking being restricted at the eastern most driveway. Mr. Huss stated they would construct a triangular shaped island at the entrance so that traffic going eastbound on Broadway had a deceleration lane to turn into the development. Traffic that was trying to exit the development, coming south out of building #4, would not be able to turn eastbound on Broadway. They would only be able to turn westbound. Traffic that was going east on Broadway would not be able to turn into the development at that location. The island would force them to either go east to the signal and north and come in through Jack Estes Drive or turn into the existing driveway to the west at building #3. Mr. Ash understood it to be a right in/right out entrance. Mr. Huss replied that was correct.

Mr. Janku asked why the bike racks were moved. Mr. Beckman, Boone Hospital, explained there were two bike racks. One was at the front of the building and the other toward the back. One of the racks was moved into the garage for inclement weather purposes.

Barbara Weaver, 1415 N. Countryshire, Chair of the Board of Trustees, Boone Hospital, explained that the parking garage would provide parking for buildings #3 and #4. She reminded the Council that they had told the Hospital not to request any more surface parking, if at all possible, and that was why they were building up. She noted that each space would cost about \$13,000 making this a very expensive parking garage.

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

Mr. Janku asked about the lighting standards. Mr. Huss replied the proposed standards were 30 feet, which was the same height as the existing lights. The parking lot lights outside building #3 were a 30 foot standard with a down light and the proposed exterior standards were basically the same fixture as what was there. There were some shorter standards used for

pedestrian ways, but the primary parking lot lights were the taller lights. Mr. Beckman stated there were some old fixtures that were about 10 feet tall with a round bulb on top, but those fixtures were about 25 years old. The proposal was to remove those and match the Master Plan of the whole site with 30 foot poles.

Mayor Hindman asked why they were taking out the shorter poles. Mr. Beckman replied it was because buildings #1 and #2 had the 30 foot poles, which were newer. They could not buy the older ones. He explained they also wanted everything to look the same.

B334-05 was given third reading with the vote recorded as follows; VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B342-05 Authorizing construction of water main serving Bristol Lake, Plat 1; providing for payment of differential costs.**

The bill was given second reading by the Clerk.

Mr. Beck explained the City's long standing policy to pay the differential cost for over sizing water lines. This project was for 1,005 feet of 12-inch, instead of 8-inch, at a cost to the City of \$10,793 and 1,880 feet of 8-inch, rather than 6-inch, at a cost of \$8,290.

Mayor Hindman opened the public hearing.

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

B342-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, NAUSER. VOTING NO: NO ONE. ABSENT: LOVELESS (Mr. Loveless stepped out during the discussion for B342-05 and did not return until after the official vote was taken). Bill declared enacted, reading as follows:

**B343-05 Authorizing construction of water main serving Forest Ridge, Plat 3; providing for payment of differential.**

The bill was given second reading by the Clerk.

Mr. Beck explained this project to consist of 1,175 feet of 8-inch line rather than a 6-inch line. The estimated cost was \$5,416.

Mayor Hindman opened the public hearing.

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

B343-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B344-05 Authorizing construction of water main serving Quail Creek West, Plat 1; providing for payment of differential costs.**

The bill was given second reading by the Clerk.

Mr. Beck described this as a 1,200 foot section of an 8-inch water main, which would cost the utility \$6,000.

Mayor Hindman opened the public hearing.

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

B344-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B345-05 Authorizing construction of water main serving The North Woods, Plat No. 1; providing for payment of differential costs.**

The bill was given second reading by the Clerk.

Mr. Beck commented that this project consisted of 360 feet of a 8-inch line versus a 6-inch line and would cost the utility approximately \$2,034.

Mayor Hindman opened the public hearing.

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

B345-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(A) Voluntary annexation of property located on the west side of Strawn Road, across from the Worley Street intersection.**

Item A was read by the Clerk.

Mr. Beck described this as a 82.21 acre tract located northwest of the current City limits. There were no structures on the property and the tract consisted of a mixture of pasture and forest land in the Harmony Creek drainage basin. The applicant was requesting R-1 zoning.

Mayor Hindman opened the public hearing.

Henry Warren, 301 Bright Star Court, President of King's Meadow Subdivision, commented that there had been a lot of development in the area. He noted some was good and some had problems relating to not having adequate attention paid to the water runoff and traffic volume situations. He noted that there was a closed road sign frequently on Strawn Road when it rained. In addition, there were three signs in the area warning that the road was impassible during high water. Because of the way the area was being annexed, with the hole left on Broadway, he pointed out there was no access to Broadway. The only way in and out was on Strawn Road for this property. This did not make sense to him and he saw this as an accident waiting to happen under current circumstances.

Mayor Hindman asked where the flooding occurred on Strawn Road. Using the overhead, Mr. Teddy pointed out the location of the warning signs with Mr. Warren's assistance. Mayor Hindman asked if where this came into Strawn Road was in the floodplain. Mr. Warren replied he was not sure since he did not have a floodplain map. He pointed out across from Worley was a bluff, which was steep, and his guess was that the most likely access would be on the northern end. He felt, as that area developed, there would be additional runoff.

Bruce Beckett, an attorney representing the contract purchaser, with offices at 111 S. Ninth, stated there were some areas of the 100 year floodplain in the northern part of this property and all along Strawn Road, but most of the flooding occurring along Strawn Road was north of this property. He commented that the property would access Broadway down Strawn Road and had a way out through the new West Worley Street. He pointed out that he did not think this was an appropriate issue to talk about during an annexation hearing. He stated they were requesting R-1 zoning in connection with the annexation and this was in line with what had been done with every other piece of property that had been annexed. He noted that there might be some platting issues, which was why they had already submitted a preliminary plat to staff for review. He was hopeful the plat would appear before the Council the same evening final action took place on the annexation request. He commented that if it could not be developed according to a preliminary plat that was acceptable to the contract purchaser, they would not want the property. If there was a stormwater problem along Strawn Road, he asked if Council would rather address it while this piece of property was in the County or in the City where they could have some control over it.

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

**(B) Voluntary annexation of property located along both sides of Maple Bluff Drive, south of Grant Lane.**

Item B was read by the Clerk.

Mr. Beck explained this tract consisted of 17 acres owned by 12 property owners within Maple Bluff Acres Subdivision. He pointed out it was an island within the City. The property contained single family residential structures on individual lots. Access to the subdivision was by way of Maple Bluff Drive, a private street. The City provided water and electric service to the area and the nearest City sanitary sewer line was located northwest of the site.

Mayor Hindman opened the public hearing.

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

**(C) 2005 annual sidewalk construction.**

Item C was read by the Clerk.

Mr. Beck explained that each year staff provided a list of sidewalk gaps. Eleven locations had been identified with a total 3,305 feet needed. The estimated cost was \$103,160 with abutting property owners being tax billed. The remainder was being paid for by the City. The next step would be for Council to direct staff to proceed with plans and specifications.

Mayor Hindman opened the public hearing.

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

Mr. Ash understood this was to fill gaps. He asked if there was another program where they looked at high priority projects. Mr. Janku explained that would be the CIP. Mr. Ash noted the City was actually having to build some of these sidewalks and pointed out the City was doing their fair share.

Mr. Loveless made the motion that staff be directed to proceed with plans for the projects. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**OLD BUSINESS**

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

The bill was given second reading by the Clerk.

Mr. Teddy explained the subject property was located north of Green Meadows Road. There were 62 R-1 lots under construction, one of which was not for dwelling construction. In reviewing the plat, staff found it met all subdivision regulation requirements and was conforming and consistent to the approved preliminary plat. He noted none of the lots at the south end would have direct driveway access onto Green Meadows Road. There would be a new public local street for access. Staff recommended approval.

Mr. Beck noted that concerns of property owners in the area had been brought to his attention earlier today and he had passed along those concerns to the Council. He also asked the Public Works staff to review the concerns so they could respond to Council questions.

Mr. Ash asked if they needed to do anything to make certain the lot that was not going to be built upon, which was lot 12 located in the northwest corner, would not be built upon in the future. Mr. Teddy replied it was a drainage easement over the entire lot and a building could not be built in an easement unless the easement was vacated. Mr. Boeckmann stated the ordinance would accept the dedications. Mayor Hindman questioned the wording on the plat. Mr. Boeckmann thought it would be better if it indicated all of the lot was covered by the drainage easement. Mr. Glascock pointed out that if they tried something they would be in violation of their stormwater plan. Mr. Boeckmann stated the Council could approve it conditioned upon the language being changed to more clearly indicate that it was a dedication of an easement.

Mayor Hindman made the motion to amend B336-05 per Mr. Boeckmann's suggestion to make the language more clear. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Roger Wilhelm, 3304 Skylark, explained that his residence was immediately west of the subject property and that he was speaking on behalf of the Green Meadows Neighborhood Association, of which the subject property was a part. He stated he also represented a sizable group of people opposing the final plat because it was not consistent with the applicant's original preliminary plat previously approved by the Council. He asked how many preliminary plats a developer could submit on the same parcel of property. Previously, the developer promised a certain lot width, minimum square footage of homes and number of homes on the tract. He also promised many Trail Ridge homeowners and abutting property owners that all lots within Trail

Ridge would be 100 feet wide at the building line, 1,600 square foot minimum one level homes, 1,800 square foot two level homes and 2,000 square foot multi-level homes and that it would be a 70 lot subdivision. In blocks one and two, he thought there were 44 lots and now the applicant and contract purchaser had come back with an additional 62 lots. Mr. Wilhelm noted the 62 lots were less than half the size of what they were originally told and what the Council approved on the original preliminary plat. He noted that brochures were printed stating all of the above information. In regards to stormwater, Mr. Wilhelm felt the Trail Ridge Stormwater Management Plan was not protecting the downstream properties or the site and facilities as required by City ordinances. He felt the site graded elevation would cause water to back up on lots 36 and 37 of block 1, Green Meadows Subdivision and lots 3 and 4 of block 2, Green Meadows Subdivision. He thought the Council had a responsibility to see to that not happening. He noted no permanent provision in the applicant's stormwater plan to provide for a drainage easement to carry the water away from lots 36 and 37. The rock checks along the western edge of the property adjacent to the permanent berm were initially installed correctly. Within 48 hours, a crew came back and tore out the fabric and the drain tile that was implanted in the permanent berm. Part of the fabric was now lying on top of the rock check as was part of the drain tile.

Michael Von Godanyi, 3110 Skylark, explained that his property backed up to the lot dedicated for runoff. He stated this evening it was obvious that the area dedicated for runoff was probably incapable of handling it. He felt the workmanship was shoddy. He pointed out the water from the site currently drained across lot 6, block 2 of the Trail Ridge Subdivision and was not contained within the drainage easement. It appeared the 100-year rain fall event, which was 7.3 inches, would exceed the designed water level in the emergency spillway. Mr. Von Godanyi asked that the water situation be looked at before this plat was given approval. He also thought there was a problem with the size of the culverts that emptied into the detention pond. He noted we had a 1.6 inch rainfall in 2 hours and 45 minutes on August 26<sup>th</sup> and it seemed to be overwhelmed. He asked that this item be tabled in order to allow enough time for staff to review the adequacy of the provisions for drainage.

Lawrence Garvin, 500 N. Brookline, stated he had been watching the development of this property for the last 18 months. During the rain earlier this evening, he looked at the retention pond and the water was already overflowing the emergency outlet. He stated it did not appear the pond would be able to meet standards for the 100-year rainfall.

John Clark, 403 N. Ninth, encouraged the Council to table action on the plat and to ask staff to thoroughly review the designs for stormwater management.

Mayor Hindman noted they were supposed to approve the final plat if it met the requirements of the preliminary plat unless there was some reason they could not perform this administrative act. He understood the opponents to say the final plat did not meet the requirements of the preliminary plat. Mr. Boeckmann explained if there was a reason for doing so, they could continue the issue for two weeks if they wanted staff to look into something. He thought Mr. Wilhelm was saying this final plat did not meet the requirements of the original preliminary plat. He did not think he was arguing that it did not meet the current preliminary plat.

Mr. Ash asked if they approved a stormwater plan, what power they had to examine it and make sure it was working properly. He also asked what kinds of tools were available to make sure things were being done correctly. Mr. Glasock replied that inspectors were on site daily viewing the progress and making sure they were complying with the plans that were provided the City. Some of the things that were brought up were temporary measures that would be gone when the job was complete. The detention basin was acting as a sediment basin right now. He stated it was not functioning as a detention basin. It was keeping the sediment off the property owners downstream. Right now, that basin had to function on a 10-year storm event. In regards to the 36-inch pipe, it functioned for a 10-year capacity. Anything over that would flood Skylark regardless of the detention basin because that was the standard for crossroad structures. He explained that they checked the situation every time a question was raised and the calculations indicated they were still within the ordinances.

Mayor Hindman understood the issues they were facing now were things they had very little, if any, control over. The answer in the future would be to try and do something about the ordinances. He pointed out that the Stormwater Task Force had been working for several years now.

Mr. Janku asked about the spillway that was built and then changed. Mr. Glascock explained those were rock ditch checks, which were temporary in nature. He stated there were seven of them that were supposed to be on site at one time or another during development. As they graded, they changed the way the water flowed. He pointed out they could be graded out later and he did not know what happened in this case. Mr. Janku asked if the drain under Skylark was there currently and if it was in the original design of the road. Mr. Glascock replied yes to both questions. Mr. Janku asked if it would benefit the neighbors if the City went in and fixed it. Mr. Glascock replied that they would have to resize the pipe and decide if they wanted to go to a 25-year event in order to handle more without overtopping the road. He stated they could look into it. Mr. Janku suggested it could be addressed with money set aside for stormwater improvements. Mr. Loveless thought they would want to wait until this project was complete and functioning to see whether the 10-year drain under Skylark was functioning properly. If they found it inadequate, he felt that would be the time to come back. He pointed out that things looked bad during construction and thought the issues might be resolved when it was done.

Mr. Janku asked if detention ponds normally existed on construction sites. Mr. Glascock replied this one had detention, but this was not a detention pond yet. It was a sediment basin collecting stormwater and allowing sediment to fall out and cleaner water to go on through. After each event, these things had to be cleaned out. Once the site was finished, it would be graded, seeded, mulched and then they would build the detention basin and seed it. From then on it should function properly. That was when you would get the peak reduction on the 2, 10 and 25 year storms. Mr. Janku thought they should be taking into account the fact that it would be filling with sediment during construction. He suggested considering that issue when developing the new ordinances.

Ms. Nauser agreed that the site was a muddy mess. She was hopeful once the sod was laid and there was more vegetation, the runoff would decrease. She did not think there was much else they could do at this point as far as stormwater if it met the ordinances.

Mr. Hutton felt there were enough legitimate questions that needed answers. In addition, he felt there were several discrepancies.

Mr. Hutton made the motion that B336-05, as amended, be tabled to the October 3, 2005 meeting and that staff be directed to report back on the objections raised by the document provided by Mr. Wilhelm. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**B340-05 Amending Chapter 14 of the City Code to establish all-way stop intersections and to set the speed limit along a portion of Brown School Road.**

The bill was given second reading by the Clerk.

Mr. Beck explained this would restrict the speed along Brown School Road between Rangeline and U.S. 63 to 45 mph. It would also establish an all-way stop intersection at Oakland Gravel, Smiley and Springdale, an all-way stop at Oakland, Roger I. Wilson Drive and Brown School Road and an all-way stop at Derby Ridge and Brown School.

Mr. Janku stated he provided the Council an abbreviated version of the report developed on the speed study with graphs, which summarized the speeds.

After traffic became accustomed to a new road, Mr. Glascock explained they did a speed study. He noted seven locations where they tracked speeds and in those locations the speed was generally set by the Manual on Uniform Traffic Control Devices at the 85<sup>th</sup> percentile speed. At all seven of the locations, it exceeded 45 mph. They recommended 45 because it was an arterial street, they wanted to move traffic and it was what people were comfortable driving.

Mr. Janku stated the graphs had given him a good understanding of the 85<sup>th</sup> percentile. The

report indicated that at least half of the vehicles were traveling in the 40 to 44 mph range or a lower speed. He thought that seemed fairly consistent, although there was a percentage above it. He thought it should be set at or below where 50% of the people were driving it.

Mr. Glascock explained the reason they set it at the 85<sup>th</sup> percentile was because they wanted people who were pulling out into the flow of traffic to know the speed people were traveling. He felt going with the 50%, 50% of the people were breaking the law and that became an enforcement issue. They tried to set it where most of the people were not breaking the law and people who pulled into the flow of traffic understood what speed people were traveling. If it was set artificially lower, people would think they were traveling 30 mph and there would be more accidents.

Mr. Ash asked Mr. Janku what he thought the speed should be. Mr. Janku replied that he had looked at streets he thought to be comparable and had chosen Nifong, which was a 40 mph street. Mr. Ash asked if any other arterial streets were 40 mph. Mr. Glascock replied that we had arterials with all different speeds. He reminded them that the portions of Brown School we built were mostly four lanes without parking. He felt people would tend to drive faster. Mr. Beck pointed out it was also limited access.

Mayor Hindman thought they should be deciding what speed they wanted people to drive in an area before building the road and the road should be built to where people would be comfortable driving at the speed the Council felt they should be driving at. If Mr. Janku was right about what the speed limit should be out there, they built the wrong road in the wrong place.

Mr. Janku felt the road would function fine at 40 mph and stated he was more comfortable at that speed than the higher speed. It would serve its purpose by moving the traffic through the area at a good rate and yet be more friendly with the surrounding neighborhood. He noted that much of the neighborhood was there first.

Mr. Ash did not think setting it 5 mph lower would cause that many people to speed or create a big enforcement problem. He found that people tended to take whatever the speed limit was and then go 10 miles over it.

Mr. Janku made the motion that B340-05 be amended by lowering the speed limit to 40 mph. The motion was seconded by Mayor Hindman and approved by a voice vote with Mr. Ash, Mayor Hindman, Ms. Crayton and Mr. Janku voting in favor of it.

B340-05, as amended, was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B346-05      Authorizing conveyance of a street easement to the City of Hallsville.**

The bill was given second reading by the Clerk.

Mr. Beck explained the City of Hallsville was asking for a street easement over railroad property in order to connect two dead end streets. Staff reviewed the request and felt it should be granted. It would provide for better traffic circulation for them. They would pay the City of Columbia \$1,000 for the easement with the agreement not to tax bill us toward any improvements made to the streets or sidewalks.

B346-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B348-05      Authorizing an amendment to the agreement with Central Missouri Counties Human Development Corporation for the purchase and lease of city-owned property located at 900-902 Range Line Street.**

The bill was given second reading by the Clerk.

Mr. Beck explained this would extend the time frame for the project by one year and would require HDC to submit a six month progress report.

Dan Cullimore, 715 Lyon, General Project Coordinator, asked the Council to approve the extension. He noted the Board was reorganized in the Spring and this was essentially a new board undertaking the project. He felt they had accomplished a lot in the last four months and were on track for completing the renovation easily within the next six months.

Mr. Beck asked if he was talking about improvements to the building itself. Driving by it frequently, he had not noticed any progress. Mr. Cullimore stated there had not been any construction done. The accomplishments had been in terms of setting out a task list and a timeline for accomplishing them.

Anita Sanderson, 311 Grampion, Director of the Human Development Corporation, stated the Council asked that a packet of information be given to them, which she provided. She asked if there were any questions regarding it.

Mr. Loveless asked who would decide how the building was to be used when it was finished. He noted a couple of different groups had requested use of the building. He wondered how the space would be divided and who would make those decisions. Ms. Sanderson replied that the amended floor plan showed how it would be divided. Mr. Loveless asked for clarification because there were three plans in the packet. Ms. Sanderson stated plan identified as the amended floor plan was the plan they were submitting to the architect to be worked on. She explained they could not go any further with the architect until they received approval from the Council.

Ms. Nauser understood the plan had not been submitted to the architect yet for blue prints or plans and asked what their estimated time was once they were given the go ahead. Ms. Sanderson replied two weeks. Ms. Nauser asked if a one year extension was realistic. Ms. Sanderson replied it was if they could get going on it now. Regarding the budgeted items already raised and expected, Ms. Nauser asked if those were funds that had already been raised. Ms. Sanderson replied the office furniture was not, but they had a lot of people committed to provide donations. Ms. Nauser asked about funds collected for future development. Ms. Sanderson replied that they had pledges at the moment of over \$30,000. Ms. Nauser asked how much was needed. Ms. Sanderson replied they needed a little over \$200,000.

Mayor Hindman asked what gave them the optimism that they would pick up the extra \$170,000. Ms. Sanderson replied it would be from the sale of NAP credits. They had several companies interested in helping them, who would receive NAP credits in return. She noted the architect's services would be donated for NAP credits.

Mr. Ash commented that they had not seen much accomplished in five years and was hopeful it could be done in one year. He pointed out this was a real deadline that he did not think would get extended again.

Robin Williams, 401 Pyrenees, explained that he was the Chair of the Board and Vice-Chair of Progressive Artists, Inc. They were the group responsible for the resurgence toward renovating the building. In addition to bringing a new kind of energy, they brought an idea of a program. They were interested in developing community arts resources for young people in the area. He pointed out a vote of good faith from the Council would mean a vote of good faith from many of the people who had otherwise dedicated their support to them.

Mr. Hutton noted the plan mentioned a sound stage and control room and that they heard things about music production and etc. He understood the Progressive Artists group to be more about art than sound. Mr. Williams replied that they were an arts organization with their main interest being in establishing a sound studio at this location. They were particularly interested in focusing on social development. Mr. Hutton noted significant money would be needed for sound equipment and other things that went along with the sound studio. Mr. Williams stated the money needed for sound equipment was not included in the report because much of it would come from Progressive Artists' own funds. Mr. Hutton asked if they had the money for the sound equipment already. Mr. Williams replied that they were raising their own money separately from the budget the Council was looking at. He explained that in exchange for using the audio equipment, they

would be enrolled in the tutoring and mentoring programs.

Mayor Hindman stated he had talked to the Director of Progressive Artists about their program and was sold on it. He had seen a similar program in his travels and it had been extremely popular with the young people. He asked if there would be other tenants in the building and what their relationship would be with them. He also wondered who would be in control. Mr. Williams stated there were no other tenants, as of yet, competing for the space. Mayor Hindman asked if it would end up being a 100% Progressive Artists building. Mr. Williams replied it would not. He stated it would be shared by the community and NCCNA was also interested in using the space. As far as programming was concerned, he felt there was nothing to compete with them because they planned on using the space on a daily basis for either programming for younger people or for a running the studio like a business for profit. He thought the NCCNA was mostly interested in using the building for their monthly meetings. Mr. Cullimore interjected that they had been contacted by Central Latino and by a gentlemen representing a number of performance artists groups looking for possible use of the building for that kind of performance practice space or theater presentation space.

Ms. Nauser asked that when they received the six month report that it be in a more generalized format prepared by an accountant. When dealing with donations, she thought there should be an independent authority preparing financial statements. Ms. Nauser asked what position the City would be in if at six months no progress had been made. If they appeared to be half way there, Mr. Janku thought it would be difficult to say no.

Mr. Hutton asked if we would allow construction to begin, if they only had partial funding. If we allowed a building permit to be taken out prior to 100% of the funding being in place, he felt we would be committed. He asked who was going to say that some other group could not come in and request use of the building. He understood it was a public building. Mr. Hood pointed out the City sold the building to HDC for \$10 and then leased the ground to them. There was a provision that if the building was not renovated with an occupancy permit issued by September 19, 2005, the whole agreement was null and void. His understanding was, at that point, the building would come back to the City. He assumed the other provisions would remain in effect and the date would just change to September 19, 2006. Mr. Hutton stated that would not solve the problem if they were three-quarters finished with the work. Mr. Janku suggested they keep the Council better informed.

B348-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: HUTTON, LOVELESS, NAUSER. Bill declared enacted, reading as follows:

**B349-05 Accepting a Land and Water Conservation Fund grant from the Missouri Department of Natural Resources relating to the development of Flat Branch Park Phase II; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Beck explained the City had been awarded a grant in the amount of \$149,850 toward Phase II of the Flat Branch project. The required matching funds would come from the Parks Sales Tax fund and the budget had been adjusted accordingly.

B349-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B353-05 Authorizing an intergovernmental cooperation agreement relating to the Northwoods Transportation Development District.**

The bill was given second reading by the Clerk.

Mr. Beck commented that the City had a policy guideline they tried to follow to ensure these sales tax funds were used only for those projects over and above what was normally anticipated

for the developer to do. He felt they should not be using this money for interior streets, landscaping or other required for those that were not involved with a TDD. He noted this was followed in the beginning, but has changed some recently. He was not sure what the answer was. He pointed out the City did not initially approve TDDs. It was done by Circuit Court. He noted these reimbursements were well within those allowed by statute. He stated staff worked with MoDOT last year to try to change the legislation. He felt a lot of decisions regarding sales tax in the future were not being made in the Council Chamber. The change they were trying to make was to require a Council development agreement prior to going to Circuit Court.

Mayor Hindman asked why the Council could not say those improvements could not be included in a TDD. Mr. Ash thought their only leverage was if it connected to a City street. He asked if any of these connected to City streets. Mr. Watkins replied that some of them would be City streets, but they were already approved because Council, with the recommendation of staff, had approved the development plan prior to knowing that a TDD would be formed and how it was to be paid for. He added that staff had no concern with the particular streets and how they were to be built because they were being built to City standards. The real concern was the fairness of how they were being paid for. His understanding was that we did not have leverage at this point for this particular TDD.

Mr. Hutton asked if this particular TDD had been approved by Circuit Court. Mr. Watkins replied that it had been approved and formed. It was his understanding that they could pretty well do everything they needed to do without a development agreement. Mr. Hutton asked if the City had an opportunity to protest. Mr. Boeckmann explained there were limited grounds in the statute in which one could oppose the formation of a TDD and none of those had applied to any TDDs formed in Columbia.

Mr. Ash felt this was setting a bad precedent for doing internal streets that had historically been the developer's responsibility and asked if they had to approve it even though they disagreed with what it was doing. Mr. Janku understood they could operate without the City's participation. He asked if the City had to be the collection agent. Mr. Boeckmann replied no and explained they could do what they wanted to do. The only thing we were doing was collecting the money.

Mr. Ash asked if there was a down side to defeating this. Mr. Watkins replied this agreement gave the City a seat at the table. It did not give us additional oversight, but helped us ensure the operations of the TDD Board were public, more so than if we were not a party to it. He recommended approval of the agreement.

B353-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: ASH. Bill declared enacted, reading as follows:

## **CONSENT AGENDA**

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

- B335-05**      **Vacating sanitary sewer easements in conjunction with the proposed Final Plat of Trail Ridge Subdivision Block 3.**
- B337-05**      **Approving the Final Plat of Bear Creek Village; authorizing a performance contract.**
- B338-05**      **Approving the Final Plat of Creek Pointe Subdivision, Plat No. 2; authorizing a performance contract.**
- B339-05**      **Approving the Final Plat of Bay Hills, Plat No. 2; authorizing a performance contract.**
- B341-05**      **Authorizing a Right of Use Permit with ALL, LLC to allow the installation of landscaping, an irrigation system and lighting within a portion of the**

**Saddlebrook Place right-of-way.**

- B347-05**     **Accepting conveyances for utility purposes.**
- R189-05**     **Setting a public hearing: construction of water main serving Brookside Square, Plat 2.**
- R190-05**     **Setting a public hearing: construction of water main serving Mill Creek Manor, Plat 2.**
- R191-05**     **Setting a public hearing: 2005-2009 Consolidated Plan.**
- R192-05**     **Authorizing an agreement with the Missouri Department of Health and Senior Services for the Missouri community-based home visiting program.**
- R193-05**     **Authorizing an agreement with the Missouri Department of Health and Senior Services for the regional public health emergency planning and preparedness program.**
- B194-05**     **Authorizing an agreement with the Missouri Highways and Transportation Commission for FHWA and FTA planning grants.**
- R195-05**     **Authorizing an agreement with The Curators of the University of Missouri for use of the Hearnes Center for a Halloween event.**
- R196-05**     **Authorizing an agreement with the Federal Aviation Administration for lease of the Automated Flight Service Station at Columbia Regional Airport.**
- B197-05**     **Designating the Director of Human Resources as the authorized representative in the Medicare Part D prescription drug benefit employer subsidy program.**
- R198-05**     **Authorizing a film project at several city buildings.**

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

**NEW BUSINESS**

- R199-05**     **Transferring funds for the construction of a new restroom/concession building at the Antimi Sports Complex.**

The resolution was read by the Clerk.

Mr. Hood explained that the low bid was \$269,800, which was substantially over the budgeted amount of \$205,000. A change order was negotiated, which would be approved at the time the contract was awarded and would allow the contract to be awarded in the amount of \$239,607. Due to rising costs, staff felt it would be advantageous to award the contract at that amount. As a result, transfer of approximately \$40,000 was required. Council authorization was required for transfers between funds, therefore, this resolution would transfer \$24,000 and allow them to award the contract. If approved, construction would begin this fall and he was hopeful the facility would be available for play next spring.

Mr. Hutton asked what increased the cost so much. Mr. Hood replied that they could not point to anything special. He explained the complex had increased from four fields to eight and they were trying to increase restroom and concession space. He explained they could not dramatically increase the square footage of the building because of its footprint, so they added a second story for storage, umpire changing rooms, and etc., and devoted the entire first level to restrooms and concessions. Mr. Hutton asked what had to be given up to lower the price. Mr.

Hood replied there was an extra screen wall with a shade on the rear of the building was taken off because they felt it could be added at a later time. He noted the Diamond Council requested the upper level have an air conditioning unit. That had been taken out. If they raised the money, the unit would be added back in.

The vote on R199-05 was recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R200-05 Authorizing an agreement with the Missouri Highways and Transportation Commission for construction of the Hinkson Creek Trail between Grindstone Park and Stephens Lake Park.**

The resolution was read by the Clerk.

Mr. Beck noted that Columbia was recommended for a \$342,000 enhancement grant for the trail between Grindstone Park and Stevens Lake Park. The 40% match would come from the City's greenbelt and trails account.

The vote on R200-05 was recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R201-05 Establishing an affordable housing policy committee.**

The resolution was read by the Clerk.

Mr. Beck explained the committee would define the characteristics of affordable housing and establish guidelines and incentives to be included in the Metro 2020 Plan. Their report would be referred to the Planning and Zoning for their recommendation back to Council. He asked Mr. Teddy if there was a deadline involved. Mr. Teddy thought as long as they got the effort underway during year one of the five year period, which was this year, they were okay.

Mr. Ash felt a committee of 15 was too large and questioned the productivity of a group that size. Mr. Teddy commented that the housing study committee was pretty large. Mr. Janku thought it seemed like a lot also.

Mr. Janku made the motion that R201-05 be amended by striking the language that stated of at least 15. The motion was seconded by Mayor Hindman.

John Clark, 403 N. Ninth, commented that the housing market analysis committee had 16 members and that the City had been well served by that group. He stated he was supportive of this effort and encouraged the Council to run this through the Community Development Commission with the results being involved in the Consolidated Plan. He noted very little of it had to do with the 2020 Plan, but a lot had to do with the idea of the City establishing an affordable housing policy. He stated the Consolidated Plan dealt with all of the housing issues. Mr. Clark felt there might be a few things that would then need to go through Planning and Zoning and be added to the 2020 Plan.

The motion to amend R201-05, made by Mr. Janku and seconded by Mayor Hindman, was approved unanimously by voice vote.

Mr. Ash asked about providing the Committee direction. Mr. Janku understood they would be directing the Committee after Council had a work session and decided what their charge should be and how long they would have to accomplish it.

The vote on R201-05, as amended, was recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R202-05 Authorizing the City Manager to provide assistance to the victims of Hurricane Katrina.**

The resolution was read by the Clerk.

Mr. Beck noted a lot of positive things were happening and stated a lot of people were working on various projects to aid in the Hurricane relief efforts.

John Clark, 403 N. Ninth, thought this would allow the City Manager to instruct staff to provide further response to disaster areas without obtaining specific Council approval.

Mr. Beck explained this resolution expanded what he could authorize without coming back to Council. He stated he would keep the Council informed and seek approval of other support the Council felt the City should provide that was not already authorized by this resolution.

Ms. Crayton commented that she was proud of the number of groups that had stepped up to the plate before being called upon.

The vote on R202-05 was recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. 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:

- 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.**
- B355-05**     **Voluntary annexation of property located along both sides of Maple Bluff Drive, south of Grant Lane; establishing permanent R-1 zoning.**
- 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.**
- 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.**
- 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.**
- B362-05**     **Amending Chapter 14 of the City Code to prohibit parking along a portion of Providence Road.**
- B363-05**     **Authorizing the transfer of title of property on New Haven Road to the Columbia School District.**
- 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.**
- B365-05**     **Authorizing construction of water main serving Brookside Square, Plat 2; providing for payment of differential costs.**
- B366-05**     **Authorizing construction of water main serving Mill Creek Manor, Plat 2; providing for payment of differential costs.**
- B367-05**     **Amending Chapter 27 of the City Code to establish a commercial lighting program for commercial and industrial customers of the electric utility.**

- B368-05**     Authorizing acquisition of easements for construction of a water main from the water treatment plant at McBaine to Scott Boulevard.
- B369-05**     Accepting conveyances for utility purposes.
- B370-05**     Declaring restrictions with respect to the development and use of a portion of Stephens Lake Park; authorizing a mitigation agreement with The Red Oak Development, L.L.C.
- B371-05**     Authorizing acquisition of land for park 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.

## REPORTS AND PETITIONS

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

Report accepted.

**(B)**     Parks and Recreation Master Plan update - Neighborhood parks and trails.

Mr. Beck explained the Commission held the hearing they were directed to have and were now returning with their recommendation. Alternative actions were prepared for Council consideration. One would be to advertise the updated Plan and move forward with it during the month of October as far as a hearing on it and another involved a work session on the issue. He saw no reason why they should not add these to the Neighborhood Park Plan. He noted the ballot language would allow Council to come back and prioritize future neighborhoods except those that were specifically indicated.

Mr. Loveless thought staff should be directed to advertise a public hearing and introduce a motion to accept it and add it to the City's Parks Master Plan.

Mr. Ash stated he did not want the work session. He advocated number one or two, preferably two because it would allow for more public input.

Mr. Loveless made the motion that staff be directed to schedule a public hearing on the proposed master plan updates and that a resolution be introduced adopting the proposed updates. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

**(C)**     MoDOT Route763 Project.

Mr. Janku thought this was an important project, which needed to move forward. He wanted to authorized Mr. Beck proceed consistent with what he suggested. He thought the basic outline suggested, with facilities, was appropriate. He stated he would not quibble over adjusting the buffer in one particular way or another, but thought the sidewalks were important as were the four lanes being extended all of the way to 63, so it went the full length. He stated he wanted Mr. Beck to have some degree of flexibility when talking to the people at MoDOT.

Mayor Hindman felt we should go in trying to get the best road possible. He stated he did not think the information was ever complete as to what right-of-way people would donate, what right-of-way we would be able to get from developers, and etc. He did not think the figures projected were realistic.

Mr. Beck thought an important question was if it was more important to go with the original design for part of the distance. He stated we would have to get it back into their planning process in order to get it built all of the way to 63. He thought that might be a priority, if they could discuss it with the County Commission. He noted they were agreeable to putting the intersection in since the TDD would pay for it.

Mayor Hindman thought Mr. Beck should be authorized to work with MoDOT in coming up with the best possible solution. He also wanted to know what others were willing to do and what

the cost of moving the utilities would be. Mr. Beck understood the property owners in the area would not indicate a donation until they knew what the right-of-way would be used for. He understood they would support a narrower project, but that was not agreeable to the City. Mayor Hindman stated he had been talking with some who wanted it wider.

Mr. Janku commented that when they came back with a plan from MoDOT, they could work to improve it in various ways. He thought they needed a commitment before moving forward and approving something. After obtaining the commitment, they could ask for extra wide sidewalks in spots where they felt it was needed or ask for landscaping to be put in. He felt they could always work to improve something.

Mr. Beck stated the property owners had been meeting with MoDOT for some time now and the project had been reduced in scope. Now, the Council needed to respond to MoDOT's last offer, which was a sidewalk on one side for a little distance and a reduced project. He was willing to try to get more money out of the MoDOT main office, but if Council wanted to work with a mediator, staff would support that.

Mr. Janku made the motion that the City Manager be directed to proceed as outlined and to see if anything better could be negotiated. Mr. Hutton seconded the motion.

Mayor Hindman agreed that Mr. Beck should talk to MoDOT, but reiterated that he felt they should ask for the best road possible.

Ms. Nauser commented she would prefer to see the road built all of the way through to 63. She felt there would be tremendous fallout if we let the funding escape us. She wanted Mr. Beck to see if he could get more, but did not feel we needed to hold out. Mayor Hindman agreed.

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

## **BOARDS AND COMMISSIONS**

Upon receiving the majority vote of the Council the following individuals were appointed to the following Boards and Commission:

### **CONVENTION & VISITORS ADVISORY BOARD**

Bank, Gail I., 1214 S. Fairview, Ward 4 - term to expire 9/30/07  
Berends, David J., 2400 Calico Ln., Ward 3 - term to expire 9/30/07  
Gilbert, Linda K., 2607 Pine Dr., Ward 3 - term to expire 9/30/07  
Patel, Utsav G., 2210 Bay Brook Dr., Ward 6 - term to expire 9/30/07  
Schultz, Thomas D., 1311 Troon Dr., Ward 5 - term to expire 9/30/07

### **ENERGY & ENVIRONMENT COMMISSION**

Skala, Karl, D., 5201 Gasconade Dr., Ward 3 - term to expire 6/1/07

### **BOARD OF HEALTH**

Dierker, H. Dennis, 2208 Bluff Pointe Dr., Ward 6 - term to expire 8/31/08

### **NEW CENTURY FUND BOARD OF DIRECTORS**

Digges, Kathryn Y., 7 Bingham Rd., Ward 5 - term to expire 9/30/08  
Roper, Robert L., #3 Woodrail Terrace, Ward 5 - term to expire 9/30/08

### **PERSONNEL ADVISORY BOARD**

Jenks, Ron, 5501 Carrick Ct., Ward 5 - term to expire 9/30/08  
Kamps, Tom H., 1603 Castle Rock Ct., Ward 4 - term to expire 9/30/08  
Neal, Sandra, 812 Timbers Ct., Ward 6 - term to expire 9/30/08

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

John Clark, 403 N. Ninth, encouraged Mr. Beck to run something by Dan Burden to see if he had ideas for stretching \$29 million for the 763 project. Regarding the speed limit on Brown School Road, he felt for urban areas the standard engineering tool of setting speed limits was a bad idea. He suggested directing staff to contact Mr. Burden about some ideas about how to make Brown School Road more traffic friendly for the speed limit now that it had been built. He thanked the Council for approving the lease extension for the property on Rangeline. Mr. Clark also stated he was glad the City was approaching the legislature regarding TDDs.

Mr. Loveless asked about the status of replacing the sound system in the Chamber. Mr. Dasho explained the system was not a problem. The difficulty was caused by trying to capture people who sat too close and too far back from the microphones. When the amplification was turned up to catch the voices from far back, it made the closer microphones hum. Mayor Hindman thought they asked for a new system. Mr. Janku thought they received a report regarding the issue. Mr. Beck stated he would check into it.

Mr. Loveless commented that it had been some time since staff had been asked to report on porous parking surfaces. He felt if the parking lots allowed water to infiltrate into them, the size of them would not be nearly as critical.

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

Ms. Nauser made the motion that staff be directed to report back on the progress of the Stormwater Task Force. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Ash remarked that he would rather see multiple page reports as opposed to one page reports using smaller fonts.

Mr. Ash thought a report regarding the interconnectivity of commercial and office developments, both for parking and pedestrian movement, might be needed. He felt it was broader than what they were discussing, but thought maybe it should be discussed in the big picture. Mr. Beck noted it had been discussed in the Hoerr and Hoerr Plan of the mid 1960's and they were never able to get many connections implemented. Mr. Ash stated it was something they did not tend to discuss when dealing with office and commercial development.

Mr. Ash made the motion that staff be directed to report back on the interconnectivity of commercial and office developments. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku pointed out that Mr. Boeckmann explained to them that notes on plats could cause problems in regards to replatting. He understood a conservation easement was something more permanent. Mr. Boeckmann explained if the City had an easement on a plat, it was a property interest the City owned and could not be unilaterally changed by the property owner. Mr. Janku stated the other issue the earlier replatting brought up was that the property owners had no notice this was occurring. He asked how this situation could be addressed. He wondered if the group meeting with Planning and Zoning in regards to Processes and Procedures was the appropriate group to look into this and provide input as to whether or not this was the type of situation where there should be some sort of notice. Mr. Teddy explained the Process and Procedure group was a special committee.

Mr. Janku made the motion that the issue be referred to that group for them to report back on any procedural change that might help. The motion was seconded by Mayor Hindman.

Mr. Ash asked if asking for easements as opposed to notes on plans was a direction to staff or if there would be a policy resolution. He asked how they would start learning from their mistake.

Mr. Janku thought it would be a good idea to ask staff to request it when the subject came up. Mr. Beck stated they could not let anyone bring an approved plat in that had such a note on it. Mr. Janku pointed out that it had met all of the requirements, so it was being done administratively. Mr. Hutton stated it was not a requirement that the sole purpose of the replat was to do away with the no build clause. Mr. Boeckmann commented that platting was an administrative thing and if someone came in for a replat, he did not know why there would be any more discretion than they would have had the first time. He did not think they could make people dedicate something by easement if there was no other obligation to do it. Mr. Ash thought they should be able to learn from this mistake. Mr. Boeckmann stated he was not sure it was a mistake. He noted it was not a good thing that happened, but, if anything, it was a misrepresentation the owner allegedly made. Mr. Janku thought it could be a mistake if they rezoned something in reliance on it. Mr. Hutton felt it was a significant change to an approved plat. It would be administrative, if the new plat or the replat or the final plat was significantly the same as the first, met all City ordinances and was in compliance with the preliminary plat. He felt to replat property to create 10 lots and specifically do away with a note was a significant change. He did not think they had to approve it. Mr. Boeckmann asked why, because it was a significant change, he thought they had the authority to say no and if so, he wondered what Trail Ridge was about. Mr. Beck pointed out the City had a lot of replats. He felt this was a misrepresentation.

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

Mayor Hindman reiterated Ms. Crayton's concern about utility bills, which he thought would get really high this winter. He wanted to look into anything else that could be done in the way of utility aid. He thought they might want to finance a public campaign to get contributions. Ms. Crayton agreed.

Mayor Hindman made the motion that staff be directed to report back on utility aid measures. Mr. Janku seconded the motion and felt that should include the New Century Fund. Mayor Hindman agreed.

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

Mayor Hindman stated he also wanted to look into getting insulation in rental property. He noted a lot of older houses were rental property set up to where the tenants paid the utilities, so there was no incentive on the landlord's part to insulate the home. He suggested looking into a program where the City inspected for insulation. If it was determined there was inadequate insulation, he wondered if we could require the landlord to pay the utilities or require insulation. Mr. Janku pointed out the City had a rental rehab program. Mr. Teddy stated there were some HOME funds available. Mr. Janku thought they could direct some funds into the area. Mr. Ash thought there might need to be a fundamental shift in the system. Mayor Hindman stated he wanted to see what had been tried elsewhere.

Mayor Hindman commented that Dan Burden had come up with some very good ideas regarding intersections and suggested we begin looking at intersection standards. He noted the intersection design for the new Wal-Mart on West Broadway had used these same theories. Mr. Loveless thought this issue of new intersections had already been referred to staff. Mr. Ash thought Mr. Loveless was correct, but did not think staff had looked into Mr. Burden's ideas.

Mayor Hindman made the motion that staff be directed to look into Mr. Burden's intersection ideas. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The meeting adjourned at 12:50 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk