

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
SEPTEMBER 6, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Tuesday, September 6, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, ASH, HINDMAN, CRAYTON, JANKU and LOVELESS were present. Council Member HUTTON was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of August 15, 2005, were approved unanimously by voice vote on a motion by Ms. Crayton and a second by Mr. Ash.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman noted that R188-05 would be added under New Business and Reports F regarding a street closure and G regarding cable television would be added under Reports.

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

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENTS

None.

PUBLIC HEARINGS

Mayor Hindman asked that all budget related items be read and discussed together. He noted the public hearing would be continued to the September 19, 2005 meeting at which time they would be voted on separately.

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

The bills were read by the Clerk.

Mr. Beck stated the Council had been through four budget work sessions with each of the City departments. Notes were taken as to where the Council proposed changes to the budget and an amendment sheet was prepared reflecting those suggestions. He noted that staff suggestions were also reflected on the amendment sheet. The total budget was \$280,000,000 and had a 1.4% overall increase.

Mayor Hindman opened the public hearing.

Ken Greene, Chair of the Cultural Affairs Commission, presented recommendations for funding local arts organizations. He stated the application form had been combined so that agencies submitted only one application and requests were capped. Mr. Greene explained the formula based funding process and their method of notifying applicants of the process. He noted they were able to allocate \$78,408 this year. He commented that the arts were an industry, contributed to the economy, made Columbia a better place to live and contributed significantly to the intellectual development of our children. He stated the group felt fortunate the recommendation was made to give the Commission a 3% increase to work with.

Ms. Crayton asked how someone could obtain an application and learn about the process. She stated she was concerned about diversified programs. Mr. Greene replied that the applications were available at the Office of Cultural Affairs and on-line. He noted they also advertised in the directory and newspapers and the information was included in an arts activity letter and utility bills. Mr. Greene pointed out these projects could not be solely funded by the City and that they had to have other resources, which was a problem for some. He stated they were willing to fund anyone who wanted to go through the process and would educate them in regards to the process.

David Johnston, Chair of the Community Development Commission, commented that funding had been reduced by about \$900,000 and requests had far exceeded the allocation. He thanked the City for providing information to assist in the review of the applications and described the Commission's recommendations. He noted the Home Ownership Assistance was vital because Columbia was moving into a problem with respect to affordability for first time and low income home buyers. He pointed out their overall recommendations addressed these concerns. He commented that the reason Services for Independent living was not fully funded was because they had a build up of funds they had not spent in the past. Some of the Public Improvement items, such as emergency sirens and fire trucks, were not funded because they felt those might be addressed with the upcoming ballot issue. The Head Start request was not recommended for funding, not because it was not an excellent program, but because they felt there might be alternative sources of funding available.

Becky Beach, Chair of the Mayor's Committee on Physical Fitness and Health, passed out a proposed budget. She explained the Youth Fitness Challenge had grown to 1,700 participants this year and because of this growth, they needed to expand their budget, which had not changed since 1999. She noted they also put on three Fitness Forums a year where they recognized citizens that had made major health changes and were role models for health and fitness. She pointed out they had overdrawn due to buying prizes for the Youth Challenge and anticipated a 30% growth. They were asking for \$4,338 for that purpose. She noted a new budget item this year, The Mayor's Mile, which was something that had been funded through the Columbia Track Club in the past. They asked for \$200 to help defray some of the cost of ribbons. Ms. Beach stated they were asking for a 66% increase in their

budget from \$3,248 to \$4,894.

Emily Churchill, a 6th grader at Columbia Catholic School, explained that she participated in the Passport to Fitness Program as a 5th grader. She noted she was not participating in any sports at the time and thought it would be a challenge and a good way to stay fit. She explained the goal was to exercise 34 minutes a day and to keep track of the minutes. She had fun trying different types of exercise and stated she felt a sense of accomplishment seeing how many minutes she had written down for each day. She noted the Passport to Fitness booklet was very helpful and thought the program was important because it provided the tools for a healthy life.

Paige Selman, a 5th grader at Columbia Catholic School, stated the Fitness Challenge taught her that exercise could be fun. She noted it was also a good way to spend time with her mother because she walked or exercised with her. She pointed out exercise was easier to learn when you were young.

Judy Knudson, the organizer of Bike, Walk and Wheel Week, stated the whole purpose was to have a one week event during the year to encourage people to get out and get to their destinations under their own steam. Because the numbers had grown to the thousands, their budget had increased substantially. She pointed out they were a volunteer committee and during the months of January-May, they put in 10-40 hours a week. She stated that not only were they encouraging physical fitness, but they were also encouraging people to seek out alternative forms of transportation, which was good for the environment. She asked for \$5,000 toward their expenses and stated their projected budget was \$11,000 for this year, taking into consideration the projected growth. Their total donations in 2005 totaled \$6,600, but they were able to use carryover money from 2004 to help with expenses. This year they would either have to raise more money or get some help from some other sources. She provided copies of their budget.

Marty Riback, Chair of the Citizens Task Force on Cable TV, explained they had been asked to advise the City on matters pertaining to the franchise renewal of the cable contract and to help establish a public access television station in Columbia. Mr. Riback stated, with a grant from the cable company about one year ago, CAT Channel 3 was established and was a tremendous success. The demand for CAT services was overwhelming and although they had many volunteers, there was still not enough money to last until the conclusion of the cable franchise negotiations. The Task Force was recommending the Council immediately raise the franchise fee from 3% to 5% and that the additional 2% be provided to CAT Channel 3 as bridge funding to finance their continued operation until negotiations were concluded. He stated this raise in franchise fees might cause cable rates to go up, but felt the companies tended to raise rates whether or not the franchise fee was raised. His guess was that bills would go up in the future, but it might not have anything to do with the franchise fee. Mr. Riback felt the cable companies owed this money to the City as rent for use of right-of-ways and utility poles. If their expenses went up as for profit businesses, they could raise their fees. If people objected, he noted they could switch to satellite TV. He thought the competition of satellite TV had more to do with rates than franchise fees. He commented that the Task Force and consultant felt this would be an advantage for the City in franchise negotiations because it would show the City supported community access TV and were putting their money where their mouth was and not just asking them for the whole thing. He gave examples of 18 cities that had their public access channels funded by franchise television. Mr. Riback stated television was expensive and most communities dedicated the full 5% to it. In addition, they received grants from the cable companies. He was hopeful the City would get substantial grants from the cable companies during negotiations, but could not say how much we might get. He had been asked if this would be a KOPN or public library

and stated community radio was different from TV as far as how much money it took. Radio could be done for very little money, but TV was very expensive because the equipment was expensive.

Mayor Hindman asked if they could raise the franchise fees. Mr. Riback replied they could, but noted there was a 5% maximum per federal law.

Donna DeLong Hamilton, spoke on behalf of Enterprise Development Corporation and their CDBG funding request for a locally administered micro-loan program. She explained they were a non-profit organized in 1983 to administer a specific small business administration loan program called the 504 Loan program. The program provided fixed rate long term financing for the purchase of real estate and capital assets. In addition to the 504 program, they also administered the City's Downpayment Assistance Program, approving over 400 grants to date totaling \$811,000, and the Columbia Community Development Corporation's Affordable Housing Program where they went into older neighborhoods to select the most dilapidated housing, raze them and build new houses. With the help of the City they subsidized the housing to make them affordable to low to moderate income families. To date, they had built 18 new houses in central neighborhoods. In 2004, Enterprise started a locally administered micro-loan program utilizing locally raised funds from Regional Economic Development, Inc., Columbia Community Development Corporation and Premier Bank. During the pilot year, they funded four micro-loans totaling \$35,000, which helped create 23 new jobs. All of the micro-businesses in their portfolio were doing very well. In July of this year, Enterprise received their SBA and micro-lender intermediary status to administer their programs in the Counties of Boone, Calloway and Cooper. As part of the application process, they had to raise the 15% match funds. She thanked the City for awarding \$12,000 in CDBG funds that helped make the program possible. With the match funds and their new status, SBA awarded them \$193,000, which they would re-lend to small businesses in the three counties. Their request for 2006 CDBG funding would be used to leverage additional SBA loan funds. The Commission recommended they be funded at \$13,500 and with the additional funding they would be able to achieve a sustainable loan pool for their micro-loan program. Ms. Hamilton explained a micro-loan was a small loan, under \$25,000, that could be used for working capital, inventory and equipment for small businesses or individuals who could not qualify for conventional bank financing. The majority of micro-loans were given to women, minorities and people with low income. She noted this was not a one to one program since they used the funding to leverage other funding.

Ms. Crayton asked what other funding was provided to help at risk neighborhoods. Ms. Hamilton explained the small businesses that had trouble getting funding to either start up or expand their businesses were the very reason they began the program. In addition to loaning to small businesses, she pointed out they provided a lot of technical assistance on an on-going basis. Ms. Crayton asked if they tried to match these people up with federal dollars. Ms. Hamilton stated that for any specialties outside their own expertise, they tried to match them up with individuals who could assist them. She noted they also partnered with The Small Business Development Center and SCORE, which had retired individuals with small business experience.

Ian Thomas, spoke on behalf of the PedNet Coalition in support of the requests for funding for the Mayor's Council on Physical Fitness and Health and for Bike, Walk and Wheel Week. With a national obesity epidemic and record high gas prices, he stated both were contributing to the City's growing reputation as a healthy, activity friendly city. Mr. Thomas noted this reputation had attracted competitive national grants and national media attention to include the non-motorized transportation grant. He felt it was important for that to succeed and that these programs could assist.

Naoma Powell, thanked the Council for recognizing the importance of the arts for Columbia. She stated there was something in the human spirit that needed expression and wholesome release and through the arts was where it often came. The more technology took over our lives, the greater the need in human beings for expression. If we did not have wholesome, creative expression, Ms. Powell felt we would go out and find other means of expression, and often the other means would be destructive to society.

Christine Gardner, President of the Board of CAT TV, stated other communities were doing fabulous things and Columbia could also. She believed we were on the cusp of a huge creative force coming to be in our community. A lot of creative people in our community had found CAT and they were stretched to capacity to give these people the services they deserved. She asked the Council to consider their request for funding.

Jeff Wheeler, President of the Board of Directors of the Missouri River Cultural Conservancy encouraged the Council to continue funding for CAT 3. He stated they were members and used the services to record, document, archive and foster an awareness of the unique culture of the Central Missouri River Region.

Pam Forbes, an employee of Square D and a member of CAT TV, stated she was also a member of the Columbia Chapter of the Daughters of the American Revolution and several other groups who documented and preserved events and people for historical value. She commented that people were overjoyed with the opportunities offered to them by CAT TV. She urged the Council to continue the funding.

John Fonville, CEO of Shalom Christian Academy, spoke in favor of the Academy's CDBG request. He explained that his sister had started the Christian school on June 9, 2003 and passed away later that same month. He and his wife started a day care in order to keep the school running and to keep her dream alive. The daycare opened at 6:00 a.m. and did not close until midnight in order to help single parents. In addition, it would house 60 kids and there was a definite need in the area for this kind of help. He felt it would have a positive effect on the community.

Ron Barry, Missouri Progressive Vote Coalition and the Missouri Citizen Education Fund, asked for continued support of the public television system. He stated that Pro Votes had a program called Labor Vision that was broadcast on Channel 3.

There being no further comment, Mayor Hindman continued the public hearing to the September 19, 2005 meeting.

Mr. Ash thanked the staff for redlining the Parks and Recreation budget so he could see what changes were suggested.

In regards to B329-05 and the electric rates, Mr. Ash stated it seemed that they were trying to set up price points and incentives to conserve energy over the summer because that was when it was most expensive. For his business, summer was their slowest time of the year and yet it was the time they used the most electricity. He wondered if there was any way, at least on the demand part to spread it throughout the year so it would not be spiked during the summer months. He noted he did not expect it to be rewritten, but asked that his comments be kept in mind when trying to create incentives to conserve in the summer.

Mr. Ash stated someone asked him if the load management discount charge could be broken out on the bill with an explanation of how it was calculated. With the change to the in-house software, he asked if it would be possible to show this on the bill. Ms. Fleming explained that the bill print process was to the point where they had no more room on the bill. She thought they might be able to do some standard language and add it pre-printed to the back, but to go through and list out the formula would be difficult since they did not have the capacity to add a line. If they went to a two page bill, they could do it, but that would mean tens of thousands of dollars in printing and postage.

Mr. Loveless made the motion that B291-05 be amended per the amendment sheet dated September 6, 2005. The motion was seconded by Mr. Janku.

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

The bill was read by the Clerk.

Mr. Teddy explained this request had been tabled from the August 1st meeting. The property location was just south of Route AC and was part of the existing Hyde Park PUD development. Sixteen units were being proposed for redevelopment. He noted a number of uses, principally those having to do with outdoor storage and automotive service uses, would be excluded from the C-P category. A public hearing was held in the spring and no objections had been voice at that time. The Commission voted in favor of approval.

Mayor Hindman opened the public hearing.

Robert Hollis, an attorney, passed out a copy of his presentation and spoke on behalf of the property owner, Alex Waigandt. The plan was to demolish and remove 16 units and a development plan would be submitted later with more specific plans for the property. Using the overhead, he pointed out the existing surrounding area and stated this portion of Columbia was transitioning from residential to commercial. He noted letters from the three surrounding property owners, who were all in support of the rezoning request. Mr. Hollis stated the Hyde Park Association had unofficially approved the succession of this property from the Association.

Mr. Ash asked what uses under C-3 they wanted that could not be done with C-1 and why they wanted such an intense use with a C-P. Mr. Hollis replied it was not certain who the users would be, although people had approached Mr. Waigandt saying they would be interested in a spot at that location. He thought they could narrow the uses if there was something the Council wanted to rule out. He pointed out they had come up with the list of exclusions after visiting with staff.

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

B130-05 was read with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

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

The bill was read by the Clerk.

Mr. Teddy explained this issue had been tabled from the August 1st meeting. The proposed use was an auto parts store on property that had been zoned C-P since November, 2004. Access would be off of Third Avenue and off of a public alley to the north of the site. There would be no direct access to Providence Road. Sidewalks were in place on both of the intersecting public streets and there was provision for on-site parking. He noted parking to be in excess of the minimum number of spaces required for this class of use. Landscape plans and stormwater management plans had been approved by Public Works and all City utilities were available to the site. There were no freestanding signs as part of the proposal at this time and the wall signs would comply with office and commercial district requirements. There would be no freestanding site lighting, however, there would be four building mounted lights. The North Central, Ridgeway and Douglass Park neighborhoods were affected by the request. Staff recommended approval of the C-P Plan subject to a comment originated by City staff and MoDOT that the alley be paved from Providence Road to the access point on the north. The Commission did not recommend approval of the C-P Plan.

Mayor Hindman opened the public hearing.

George Smith, an attorney, provided a copy of the plan and spoke on behalf of Thomas Kardon. He noted the plan was the same as on the overhead except that it showed access onto Providence Road. He stated they were not proposing that be the change, but were offering that either access would be acceptable to them. Using the overhead, he showed where delivery trucks would be coming into a double wide glass door. He noted they were talking about UPS and Fed-Ex trucks, not semi's. Mr. Smith stated there would be no delivery truck movement down Third Avenue. Regarding parking, Mr. Smith noted that Mr. Kardon was amenable to reducing his number of 23 spaces to as few as 18. He stated they needed two handicapped spaces near the front entrance, three spaces for Mr. Kardon's delivery trucks, up to five parking spaces for employees and then parking spaces for customers. In regards to whether or not the building should be located on the back side of the lot or abutting Providence Road, Mr. Smith stated that from their perspective, it was a moot point because it would be unfeasible to locate the building abutting directly against Providence Road. He felt this would create an odd visual appearance when everything else was backed away from the street with the parking lots in front. If the building were to be placed adjacent to Providence Road with parking in the back, he felt that would increase traffic hazards. He pointed out the increase in traffic this business would cause on traffic was minimal, but locating the building up against Providence Road was just not practical. In regards to landscaping, he stated Mr. Kardon was proposing that approximately 25% of the site be put in landscaping, significantly higher than what was required. If he reduced the number of parking spaces, that would also increase the amount of landscaping that would be used.

Thomas Kardon, stated his building would cost over \$255,000 and would be brick on three sides. He noted he wanted to have more parking so he did not have the parking problem he currently had. Mr. Kardon pointed out the building would not be a cheap building, but it would not look like a house. It would look like a parts store. He wanted it to be like everything else with the building in the back and parking in the front.

Karen Cupp, passed around pictures taken recently at Mr. Kardon's present business location. She stated they showed the concerns they had about the new location. She pointed out an illegally parked vehicle and noted there were parking spaces along the side of his building, which were reserved for Clover's parking and limited his parking, but she still felt he had a rather large parking area. She also felt the reason he wanted so many parking spaces was so he could transfer the vehicles. If the store was specialized, she could not imagine there would be that many customers. During discussions about the Providence Corridor, Ms. Cupp recalled a commitment being made about having no on-street parking. She also understood MoDOT did not want any more access on to Providence because of the existing situation with the high school. She stated they were not opposed to the alley and the Third Avenue access, but did not want this end of Providence to look like the pictures she passed out. She pointed out the drawing they had seen was not to scale, which also concerned them.

Pat Kelley, noted the neighborhood had been present seven years earlier in opposition to the Kardon car parts store. By using Third Avenue, public money would have been used for delivery trucks and commercial traffic to come in and out of a private business. She stated this was the first time they had heard about the possibilities of any changes to the plan being made. Ms. Kelley commented that Kilgore's was being used as a precedent for commercial on Providence Road. She pointed out the Kilgore's business had been a long time and necessary business in the Ridgeway area. She noted they also spent months working with the neighborhood groups to develop a plan with 99 exceptions. She commented

that they wanted to support the precedent of working with neighbors, not necessarily commercial development on Providence. She felt there was much more work to be done on this plan and asked the Council to deny the request.

Bob Gerau, a county resident, explained that he owned a piece of ground that adjoined the subject property on the northwest and fronted on 206 E. Forest. He felt Mr. Kardon was trying to make a living by increasing his business. He saw the alley as an issue because the alleys were not taken care of in Columbia. Mr. Gerau felt Mr. Kardon was trying to better the neighborhood and asked the Council to let Mr. Kardon have his business.

John McFarland, Secretary of the Ridgeway Neighborhood Association, provided a copy of his presentation. He stated the Neighborhood Association was not opposed to development on their side of North Providence per se, but wanted this plan and future plans to be neighborhood friendly with mixed use stores and shops with living quarters overhead as well as mixed street and road use for pedestrians and bicyclists. Until they saw an artist's impression of both sides of the intended construction, they would not know what to expect. He asked the Council to request such a rendering from Mr. Kardon before considering his request any further. He noted Mr. Kardon did not intend to use a dumpster and wondered if litter would be blown in the neighborhood. He noted Third Avenue was essentially one lane due to Hickman students parking along there and stated traffic snarls would occur there.

John Clark, President of the North Central Columbia Neighborhood Association, pointed out that Planning and Zoning Commission unanimously voted against the C-P plan. Mr. Clark stated a set of guidelines had been adopted by the Council and those guidelines were known by Mr. Kardon well before the Commission hearing. He felt to approve this plan would be to basically trash all of the work the Council and Commission had done to develop guidelines for Providence Road. He assumed Mr. Kardon made his living mainly by fixing and selling cars for which he needed a used car lot. He noted he had used up his parking on Coats and wanted to move it over to Providence Road. He asked the Council to reject the plan.

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

Mr. Janku noted there did not appear to be a designated location for a dumpster. Mr. Smith replied that was correct and stated they felt a dumpster outside would be unsightly and unnecessary. Mr. Kardon informed him the primary trash the business would generate was cardboard boxes. Those boxes would be placed in large plastic containers that would be placed out at the collection site on Monday mornings for pick up. Mr. Janku noted that a lot of plans had dumpster locations with screening, which took care of the unsightliness. Mr. Smith understood, but stated they felt they would not generate that much trash. Mr. Janku asked about the width of the landscape strip between the existing sidewalk and the parking lot on Providence Road. Mr. Teddy replied it was 10 feet per their site plan. Mr. Smith agreed and stated shrubs and small trees would be placed there. Mr. Janku asked about the depth of the parking spaces. Mr. Smith replied they would be 8 feet. Mayor Hindman commented that the scale of the plan was confusing. Mr. Janku asked where the sugar maples would be placed. Mr. Smith stated he was not sure. Mr. Boeckmann pointed out the parking spaces would be 18 feet, not 8 feet. Mr. Janku asked if Mr. Kardon would be willing to commit to the three brick sides in the ordinance. Mr. Smith replied that he would. Mr. Janku asked about the paving of the alley. Mr. Smith responded that was Mr. Kardon's responsibility and he would bear the cost for that.

Ms. Crayton felt the neighborhood was concerned about the precedent Mr. Kardon's other store had set. She stated the pictures had the neighbors concerned the same thing would happen at this location. She suggested he assure the neighborhood the issue would not repeat itself on Providence Road. Ms. Crayton noted they worried about the trash as

well. Mr. Kardon replied that if trash was a problem, they could dedicate some space for it. He reiterated this business would be different. It would be a parts store and would take the pressure off his present shop with 50% of that business moving to the new parts only store. Ms. Crayton asked Mr. Kardon if he would meet with the Neighborhood Association if she went with him. He stated he would, but added that he did not want anyone there that did not belong to the Ridgeway Neighborhood Association. Mr. Kardon pointed out he would have a sign posted outside the building saying no repairs would be allowed in the parking lot.

Mr. Ash commented that this C-P Plan was the least detailed he remembered seeing. He suggested an artists rendering and explained to Mr. Kardon that when he got the C-P zoning, that was only the first step. The second step was to reassure the Council and the neighbors that what he was going to do would look nice and fit in well with the neighborhood. He stated that they need drawings and things to help them visualize what this would look like, not just a verbal description. Mr. Smith replied they would come back with an artist's drawing. Mr. Ash suggested meeting with the neighborhood before having a drawing done.

Mayor Hindman pointed out the Council's concern about Providence Road and its appearance and stated they had adopted parameters for what they hoped to see happen along the road. This did not conform with those parameters. Mayor Hindman noted that Mr. Kardon was a very hard worker, but noted he could understand the neighbors concerns when looking at his present business. Not only did the drawings not conform well to the ideas the Council had for Providence Road, they were not to scale, which did not ease anybody's concerns. He stated the Council wanted to see this be an attractive business for the neighbors as well as Providence Road.

Mr. Loveless noted he was not in favor of moving commercial this far south on Providence Road. While he appreciated Mr. Kardon's desire to build a nice looking, brick building, he was adamant that the building front Providence. He assured him if it came back with parking on Providence, he would oppose it.

Mayor Hindman stated he was pleased that three sides would be brick, but was concerned about the side that would be facing the neighbors that would not be brick. Mr. Kardon stated if they had to, they could brick one more wall. Mr. Smith understood there would be an 8 foot fence along the back property line.

Ms. Crayton made the motion that B248-05 be tabled to the October 3, 2005 meeting. The motion was seconded by Mr. Loveless.

Ms. Nauser thanked Mr. Kardon for his willingness to work with everyone. She felt commercial development in this area would bring needed economic development. She was supportive of what he was doing, but added that she would also appreciate seeing more detailed plans.

The motion to table B248-05 to the October 3, 2005 meeting, made by Ms. Crayton and seconded by Mr. Loveless, was approved unanimously by voice vote.

B295-05 Voluntary annexation of property located on the north side of St. Charles Road, east of Upland Creek Road (5107 St. Charles Road); establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Beck described this as a 0.7 acre tract and stated both the Commission and staff recommended approval.

Mayor Hindman opened the public hearing.

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

B295-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE.

ABSENT: HUTTON. Bill declared enacted, reading as follows:

B296-05 Voluntary annexation of property located on the west side of Wellington Drive, north of Mexico Gravel Road (3631 Wellington Drive); establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Beck noted a connection between this bill and the next. This tract consisted of 16 acres in northeast Columbia. Approval was recommended by both staff and the Commission.

Mayor Hindman opened the public hearing.

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

B296-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE.

ABSENT: HUTTON. Bill declared enacted, reading as follows:

B297-05 Rezoning property located on the west side of Wellington Drive, north of Mexico Gravel Road (3631 Wellington Drive) from A-1 to R-1.

The bill was given second reading by the Clerk.

Mr. Beck described this as a 7 acre tract and stated both staff and the Commission recommended approval of the request.

Mr. Teddy noted this tract was in the City, whereas the previous case with the same owner was a request for annexation and zoning. They wanted all of the property, totaling about 23 acres, to be zoned R-1.

Mayor Hindman opened the public hearing.

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

B297-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE.

ABSENT: HUTTON. Bill declared enacted, reading as follows:

B298-05 Rezoning property located on the west side of Brown Station Road, north of Starke Avenue from A-1 to R-1.

The bill was given second reading by the Clerk.

Mr. Beck described this as 138 acre tract of ground and noted the staff recommended approval, while the Commission recommended denial.

Mr. Teddy explained the property to be located east of the Boone County Fairgrounds. He noted established neighborhoods were on the east side of Brown Station Road and a City park site was nearby. The Commissioners commented that the terrain on the site, which contained natural drainage ways and woods, would lend itself more to a PUD approach. He noted the applicant wanted to see their R-1 request go through the process, but would give consideration to what the Planning and Zoning Commission advised.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering Consultants, spoke on behalf of the applicant, Steve Herigon, and stated he felt the Commission was thinking along the lines of a PUD-8 with some mixed densities throughout the site ranging from 6 to 12. While they were evaluating that possibility, they were looking at some other adjacent properties that could coincide very nicely with it. Mr. Crockett explained they wanted to proceed with the R-1 zoning in order to set up their long term financing.

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

Mr. Ash noted there had been a few times when the Commission recommended denial

because they felt it was not dense enough. He felt it was up to the applicant to ultimately decide what sort of density they wanted. He noted it could always be up-zoned and added that it was rare that someone down-zoned something later. He was uncomfortable with turning something down because it was not dense enough. He stated he would welcome a planned development versus open zoning and would be willing to grant a higher density in exchange for the positives that came with planned zoning, but to say no because it was an area that demanded higher density, he did not agree with.

Mayor Hindman felt they should change policy and make everything come in planned. Because that was not present policy, he stated he would support the R-1 request.

B298-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B299-05 Rezoning property located on the southwest corner of Route E and Sunflower Street from A-1 and M-1 to R-1.

The bill was given second reading by the Clerk.

Mr. Beck described this as a 62.5 acre tract located in northwest Columbia. He noted there was a difference of opinion between staff and the Commission regarding a traffic study recommended by MoDOT.

Mr. Teddy explained that in the initial concept review for the subdivision, the Missouri Department of Transportation commented that a traffic study should be performed to determine the extent of off-site improvements, if any, that would be generated by the site traffic. He thought they were referring to the possibility of turn lanes into the subdivision or perhaps even a turn lane off Route E at Sunflower. He explained he had only discussed this with the man from the permit section who had participated in the review, who indicated they would prefer the traffic study to be done up front before any final plat was approved for any construction, so they could anticipate what the needs were and, if necessary, require an improvement as part of the permit that would be needed for access to this tract, if direct access was taken off Route E. Mr. Teddy did not have anything detailed in writing. From the staff point of view, they agreed it would be beneficial to have some notion of what turn lanes, if any, were warranted along Stadium Boulevard and Route E. The applicant indicated they would do what ever study was required to get the permit and would also put in a turn lane, if it was demonstrated it was necessary for safety.

Mr. Janku asked if MoDOT had the authority to require this regardless of what the City did. Mr. Glascock replied they could require it as part of the permitting process for the break in access or the access to the property off of Route E. Mr. Janku asked how the City's action or inaction affected that. Mr. Glascock replied the only difference it would make would be when they issued the permit, they might require some turn lanes on Route E, but it would not affect the plat or the rezoning.

Mayor Hindman asked what MoDOT's decision would be based on. Mr. Glascock replied the traffic study would tell them whether the turning movements would require some type of auxiliary lanes on Route E or Stadium. He pointed out they would not get their permit until they actually showed what they were going to do there, as far as the number of lots, where the access would be and whether they had site distance or not. Mr. Loveless understood MoDOT would not get this at all unless they were asked for an entrance onto Stadium or Route E. Mr. Glascock replied affirmatively.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering, spoke on behalf of Con- Agg of Missouri and Darren Wilcoxon, the contract purchaser, and noted a preliminary plat for this site on tonight's

agenda. Of the approximate 60 acres, 20 plus would be dedicated as open space. He noted an 80-acre point sewer extension was required for this property and they would be taking out an existing pump station. The sewer project and authorization for acquisition of easements for the extension had been approved by Council. With regard to the access off of State Route E, they concurred with Mr. Glascock in that MoDOT would hold them to the letter of the law as far as what it would take for them to get that access. They would have to demonstrate whether or not a turn lane was needed. If they needed it, their client was willing to put one in. They wanted to defer the traffic analysis for this intersection until the time of final platting because at that time, they could nail down the exact location of their proposed entrance. As indicated, if they brought in both access points off of Sunflower Street, they could avoid going to MoDOT altogether. He pointed out that even though Sunflower was a newly constructed improved collector roadway, when one drove down it, there was a relatively sharp hill and even though Route E was an unimproved State Route, he believed it to be a safer intersection than taking both entrances off of Sunflower.

Mr. Ash understood the debate to be about timing, the time of the preliminary plat or the time of the final plat. Mr. Crockett stated that was correct and noted they were committed to doing the traffic study at the final plat stage. He pointed out that regardless of how the Council approved the preliminary plat tonight, MoDOT would still hold them to that requirement, barring them bringing in both entrances off of Sunflower, which he did not think was a good idea. When a traffic study was done, Mr. Ash asked if it would take into account the fact that they were across the street from a concrete plant with big trucks coming in and out. Mr. Crockett replied there would be a percentage of truck traffic entered into the equation which was typically 7%, but with the concrete trucks, gravel trucks and supply trucks in this situation that number would increase. Mr. Ash asked if Sunflower actually intersected at such an odd angle as shown on the map. Mr. Crockett replied it did not. He noted Sunflower was reconstructed several years ago and had been at a much worse angle. It did have a sharp bend at the end, but that was done in an effort to square up the intersection, to make it more of a T-intersection. Mr. Loveless pointed out the drawing provided showed it in the old configuration, but the overhead showed the current configuration.

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

Mr. Janku stated he wanted to see a traffic study, but with the plat following closely behind, he thought they would get one. Mr. Ash agreed. Rather than hold up the preliminary plat, he felt comfortable knowing they would get the traffic study fairly soon after hearing Mr. Crockett.

B299-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B317-05 Authorizing construction of water main serving Woodhaven Apartments; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Beck described the project as being 1,330 feet of 12-inch water main to serve the Woodhaven Apartment area. The City would pay the differential cost between an 8-inch line and a 12-inch line for an estimated cost of \$13,419 from Water and Light funds.

Mayor Hindman opened the public hearing.

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

B317-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

(A) Construction of the Aztec Boulevard-State Route PP Safety Project.

Item A was read by the Clerk.

Mr. Beck described this as a 430 foot long project with an estimated cost of \$125,408. A developer in the area agreed to provide the engineering design and pay \$15,000 toward the project.

Mayor Hindman opened the public hearing.

Don Stamper, spoke on behalf of Lote Development and stated they were in agreement with what had been proposed by staff and were anxious to get started.

Bob Gerau, a county resident, explained that a piece of the adjoining property belongs to him. He had no problems with the plans and added it would be an improvement to the area. He offered his land for parking purposes during the construction. He also stated they could dump any excess dirt on his property if they leveled it out. Mr. Gerau offered to meet with the people working on the site and reiterated he would work with them to the best of his ability. He felt the improvement should go further.

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

Mr. Janku asked if staff would be in touch with Mr. Gerau. Mr. Glascock replied that he would ask staff to contact him regarding his offer.

Mayor Hindman made the motion that staff be directed to proceed with final plans and specifications for the construction of the Aztec Boulevard-Route PP Safety Project. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

OLD BUSINESS

B201-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Building Code.

B202-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Code Council Electrical Code Administrative Provisions.

B203-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Plumbing Code.

B204-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Mechanical Code.

B205-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Residential Code for One and Two Family Dwellings.

B206-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Property Maintenance Code.

B207-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Fuel Gas Code.

B208-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Existing Building Code.

B209-05 Amending Chapter 9 of the City Code relating to adoption of the 2003 International Fire Code.

Mr. Beck explained that early next year a new version of the codes would be coming out, which meant these revisions would only be effective for a short period of time. He discussed this with both the Fire Chief and the Public Works Director and they believed the

amendments should be withdrawn and that the process be started again as soon as the new series of codes were available.

Mayor Hindman made the motion that B201-05, B202-05, B203-05, B204-05, B206-05, B207-05, B208-05 and B209-05 be withdrawn. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B300-05 Granting a variance to the Subdivision Regulations relating to sidewalk construction along the west side of Lake of the Woods Road, north of Kelsey Drive.

The bill was given second reading by the Clerk.

Mr. Teddy noted there was not a sidewalk currently on Lake of the Woods Road on the Church side of the roadway. In addition, there was not a sidewalk present on Lake of the Woods Road at the subdivision just to the south. In reviewing the request for a variance, staff made use of policy resolution 171-01A. Traditionally, they looked at the 8 criteria for granting variances and had generally taken the approach that all or most of them be met before a variance was recommended. The two that met the criteria had to do with there not being a park or school in the vicinity and the development itself, the church, was not likely to generate a lot of potential use for a sidewalk in that location. He noted there were two other criteria that could be argued. The Commission felt the applicant's burden had been met and therefore recommended the variance be granted.

Mr. Ash compared this to his three criteria and stated it would be physically feasible to build a sidewalk here, he assumed it would not be a large burden considering the overall project, and he would argue this was not infill development surrounded by existing development without existing sidewalks on a quiet, internal street. Because the street had not been improved was the very reason he thought they should build a sidewalk. He did not think Lake of the Woods was a safe road to walk on and felt even a brief strip of sidewalk could let cars go around and serve a useful purpose until the road was built. He was open to an alternate type of walkway if they did not want to build a conventional sidewalk.

Mr. Loveless pointed out a significant ditch between the roadway and where the sidewalk would be. He stated anyone walking on the roadway that wanted to get to the new sidewalk would have to walk down into the ditch and back up to get to it. He commented that there was a significant natural barrier from the roadway to where the sidewalk placement would be.

Mayor Hindman agreed in that he did not think the variance should be granted.

Bonnie Lee, Chairman of the Church Building Committee, spoke on behalf of Open Heart Baptist Church and stated they had granted a 50-foot easement for development when the road was redone. She noted there was nothing to connect it to at this point from either side and she did not see that happening soon. In addition, when the road was improved, any sidewalk would have to be torn out. She stated they did not mind paying for a sidewalk, but did not want to spend the money until there was a use for it and it would not be destroyed.

Mayor Hindman felt that when building on an unimproved roadway, safe places to walk needed to be provided. He stated if the City was getting ready to redo the road, he would feel differently. He did not see that happening for some time.

Mr. Loveless agreed philosophically and thought the policy was a good one, but felt they needed to temper it with some judgment. He stated this was a relatively large lot and would have a five foot sidewalk, which would connect to nothing on either end. The house that would connect it to Rice Road had already been built, so there was no requirement for that stretch of sidewalk to be built unless we wished to pay for it. He stated there was nothing going on to the north of it and nothing in our CIP about rebuilding that particular road any time soon. He thought this was a case where Ms. Lee was exactly right in that a

sidewalk would be built, nobody would use it and it would be busted up when rebuilding the road only to have to rebuild the sidewalk.

Mayor Hindman noted that if someone were to build up to the north, they would say there was nothing to connect their sidewalk to. Mr. Loveless felt, at that time, we could require the Church to build their sidewalk to the south. Mayor Hindman thought we could do that only when the road was being built.

B300-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, LOVELESS. VOTING NO: ASH, HINDMAN, CRAYTON, JANKU. ABSENT: HUTTON. Bill defeated.

B301-05 Approving the Final Plat of Brookside Square Plat 4; authorizing a performance contract; granting variances to the Subdivision Regulations.

The bill was given second reading by the Clerk.

Mr. Teddy explained two variances were being requested. The first was for a different type of sidewalk than the standard. It would be a six foot wide meandering sidewalk generally running along the south side of Smiley Lane instead of a five foot sidewalk exactly parallel to the roadway. The second was the elimination of a cul-de-sac at the end of Jackal, which abutted the subject property. He explained this to be a single lot subdivision containing about 5.4 acres, which was planned to be a City park. Currently there was a dead end at the south boundary and it appeared to be a temporary gravel turn around. The request had general support from staff and the Commission on the sidewalk variance request. The elimination of the cul-de-sac turnaround created a difference of opinion amongst staff. The perspective represented by Parks and Recreation was that the turnaround would take up space within the park itself. The other perspective from a services standpoint was that refuse collection trucks would have to back out and not be able to make easy maneuvers. He stated there were 7 or 8 homes fronting on Jackal. The Commission recommended approval of both variances.

Mr. Hood noted they had been discussing this possible acquisition with the property owner for several months. The reason the plat was before the Council was because they were advised by Mr. Boeckmann to have the property platted before proceeding with the ordinance to acquire. He stated they had worked closely with the property owner and that the two requests for variances were probably a direct result of requests by the Parks and Recreation staff. As far as the plan, they would go through a formal planning process, but wanted to make sure they could put the typical neighborhood park facilities on the site. He showed concept drawings with and without the cul-de-sac. He noted the playing field, area 7, would be reduced somewhat in size with the cul-de-sac. Another concern with the cul-de-sac was that traditionally, they planned the parks as walk to facilities designed to meet the needs of the immediate neighborhood. They tried not to penetrate the neighborhood parks with roads or parking within the park. Generally, any parking was on-street parking adjacent to the park. If the cul-de-sac was built, it would become a parking area within the park and tended to be a gathering spot for late night activities, which usually concerned the neighbors.

Bob Walters, consultant for the owner, Tom Bass, offered to answer any questions. He noted Plat 2 of Brookside Square was on the Consent Agenda and that would see the extension of Smiley Lane where it stopped at the narrow tip of the park area to the western terminus. From his observation, he felt the residents of Jackal Drive were supportive of it not going any further than it was. He stated the refuse trucks had been operating satisfactorily there for the past few years.

Mr. Janku understood the hammerhead alternative would take up less space. He also agreed trucks needed a lot of open space in the middle of a cul-de-sac to be able to

maneuver their turn around. He was wondering if there would be something in between the traditional size and no turnaround, so it would not impact the park very much, but still accommodate Public Works.

Mr. Ash noted they listed Shepard Park as an example potential problem area and stated it still had problems without a cul-de-sac or anything. It just dead ended like this would. He understood the danger of backing trucks, but felt the distance was not a long stretch. Mr. Janku pointed out the road was not straight and he would not want to back down the length of it in his car, much less in a truck. Mr. Ash stated he imagined a cul-de-sac would only make the Shepard Park situation worse. He felt it was more important to allow the variances in this instance, based on his experience with Shepard Park.

Mr. Janku wondered if there was any way to make it feasible to turn around without a full cul-de-sac. Mr. Glascock commented that he thought he and Mr. Hood could come up with an alternative design to the cul-de-sac that would be less intrusive.

Mr. Janku asked if he understood correctly that if they approved the variance, it would be worked into the park plan when it came forward. Mr. Hood replied yes. He pointed out they would bring forward any park plan with a public hearing before proceeding with development. Before that, if the plat was approved, they would be bringing back an ordinance to acquire and then move forward with their final negotiations to hopefully purchase the park property in the near future. Then they would begin the actual master planning process.

B301-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B311-05 Appropriating grant funds for a consultant survey of a portion of the Garth's Addition neighborhood.

The bill was given second reading by the Clerk.

Mr. Beck explained that the City received a historic preservation grant in the amount of \$9,300 to partially fund a survey of the Garth's Addition neighborhood. The City's funding match would be \$6,200.

B311-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B332-05 Authorizing a Unit Power Purchase agreement with the Missouri Joint Municipal Electrical Utility Commission.

The bill was given second reading by the Clerk.

Mr. Beck pointed out that the City had been looking at this project for several years.

Mr. Dasho explained this as an opportunity to do a power purchase agreement with the Municipal Power Association. The Association secured 100 MW out of an 800 MW power plant, 20 of which the City would be able to obtain through this agreement. They felt comfortable with this because it was being built by a large IOU. Mr. Dasho considered this a very useful part of our power future and stated it would serve the City well. The Advisory Board reached a unanimous decision to move forward with the purchase.

B332-05 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B302-05** Approving the Final Plat of Brookside Square Plat 2; authorizing a performance contract.
- B303-05** Approving the Final Plat of Copper Beech, Plat No. 1; authorizing a performance contract.
- B304-05** Approving the Final Plat of Stonecrest Plat No. 8; authorizing a performance contract.
- B305-05** Approving the Final Plat of Bristol Lake Plat 1; authorizing a performance contract.
- B306-05** Approving the Final Plat of Williamson Place Plat 1; authorizing a performance contract.
- B307-05** Approving the Final Plat of Deer Ridge, Plat No. 3; authorizing a performance contract.
- B308-05** Approving the Final Plat of Chapel Hill Meadows; authorizing a performance contract.
- B309-05** Approving a Replat of Lot 10 of Vintage Falls Plat 1-A.
- B310-05** Vacating part of a sewer easement located on Lot 1 of Red Oak Subdivision.
- B312-05** Authorizing acquisition of easements for construction of the EP-3 Trunk Sewer project.
- B313-05** Authorizing Change Order No. 1 to contract with Admire Construction LLC; approving the Engineer's Final Report relating to the Fifth Street and Cherry Street sidewalk improvement project.
- B314-05** Authorizing a Right of Use Permit with The Curators of the University of Missouri to allow installation of crosswalk improvements within portions of University Avenue right-of-way.
- B315-05** Authorizing a Right of Use Permit with Garry and Brenda Lewis to allow the installation of landscaping, an irrigation system, lighting, electrical conduits and water service lines within a portion of the Corporate Plaza Drive right-of-way.
- B316-05** Accepting conveyances for drainage, sewer, utility, sidewalk and street purposes.
- B318-05** Accepting conveyance; authorizing payment of differential costs for water main serving Oakland Park Estates, Plat 1; approving the Engineer's Final Report.
- B319-05** Accepting conveyances for utility purposes.
- B320-05** Authorizing a tax collection agreement with Boone County.
- B321-05** Authorizing an agreement with Jeffrey L. Bruce & Company relating to

consulting services for the downtown redevelopment strategy and implementation plan; appropriating funds.

- B322-05** **Appropriating funds for the purchase of replacement AS/400 servers for the Information Services Department.**
- B323-05** **Appropriating donated funds for the purchase of supplies for the D.A.R.E. program.**
- R175-05** **Setting a public hearing: voluntary annexation of property located on the west side of Strawn Road, across from the Worley Street intersection.**
- R176-05** **Setting a public hearing: voluntary annexation of property located along both sides of Maple Bluff Drive, south of Grant Lane.**
- R177-05** **Setting a public hearing: 2005 annual sidewalk construction.**
- R178-05** **Setting a public hearing: construction of water main serving Bristol Lake, Plat 1.**
- R179-05** **Setting a public hearing: construction of water main serving Forest Ridge, Plat 3.**
- R180-05** **Setting a public hearing: construction of water main serving Quail Creek West, Plat 1.**
- R181-05** **Setting a public hearing: construction of water main serving The North Woods, Plat No. 1.**
- R182-05** **Authorizing an agreement with the Missouri Department of Health and Senior Services for WIC services.**
- R183-05** **Authorizing Adopt A Spot agreements.**
- R184-05** **Authorizing an agreement Columbia Online Information Network (COIN).**

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

NEW BUSINESS

- R185-05** **Approving the Preliminary Plat of The Gates.**

The resolution was read by the Clerk.

Mr. Beck explained that this 97.3 acre tract would create 205 R-1 lots. Both staff and the Commission recommend approval.

Rick Coffman, an engineer with A Civil Group, offered to answer any questions.

The vote on R185-05 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Resolution declared adopted, reading as follows:

- R186-05** **Approving the Preliminary Plat of Monterey Hills; granting a variance to the Subdivision Regulations.**

The resolution was read by the Clerk.

Mr. Beck described this as a 62.49 acre tract located on the south side of Stadium, west of Sunflower. It would create 125 R-1 lots. He noted that 20 acres of this was not being considered for development at this time. Staff and Commission recommended approval.

Mr. Teddy noted the Subdivision Regulations required platting all of the property up to a size of 80 acres, if that much was under one ownership. In this case, the applicant was asking for a variance to reduce it to approximately 62 acres. The reason for the request was the applicant's awareness of the Major Roadway Plan and the indication of a future extension of Scott Boulevard north of I-70. If the alignment was taken literally, Mr. Teddy stated it would be somewhat west of this site, but there was the potential that platting the entire tract would limit the possibilities for that extension. He pointed out of the 62 acres, 20 acres would be open space. Staff felt the variance would be within the spirit of the law as did the Commission.

Tim Crockett, Crockett Engineering, noted this was the plat previously discussed on the agenda regarding the access issue onto the MoDOT maintained Route E. He noted they were in discussions with staff and they would see a proposed plan in the near future with regard to the variance and Scott Boulevard.

The vote on R186-05 was recorded as follows: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Resolution declared adopted, reading as follows:

R187-05 Authorizing an agreement with Black & Veatch for a power supply study.

The resolution was read by the Clerk.

Mr. Dasho commented that they wanted to hire Black & Veatch to look at the City's power supply planning options for the future. There were a number of things they were looking at from ownership of power plants to power purchase agreements. They would also work with them to develop an RFP to see what other long term, 20 years plus, arrangements might be available that the City could take advantage of. He stated Black & Veatch would be responsible for putting these together and coming back with a report showing long term lease cost options.

The vote on R187-05 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Resolution declared adopted, reading as follows:

R188-05 Authorizing emergency assistance to governmental entities needing assistance as a result of Hurricane Katrina.

The resolution was read by the Clerk.

Mr. Beck explained several requests had been received through SEMA to provide assistance in the Gulf Coast area. This would allow the City Manager to authorize sending personnel to a specific area. They were currently looking at the Health and Fire Departments.

Mayor Hindman commented that he received numerous communications regarding the Hearn facility and turning it over to people who were displaced by the storm. He explained the City had an emergency plan in place to deal with emergencies of all kinds. When it came to dealing with the evacuees, the primary source of coordinated aid was through the Red Cross. They had a shelter set up and were in contact with JCIC, SEMA and the Red Cross chapters on the scene. Mayor Hindman commented that the City was available to help in any way it could, but was told that these things needed to be done through a coordinated

technique. Regarding aid, it was recommended strongly that the aid be in the form of cash. If material goods were donated, at this point, it would be difficult for them to deal with.

Mr. Beck noted there had been a press conference earlier in the day and the social service groups had a meeting earlier this evening.

The vote on R188-05 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Resolution declared adopted, reading as follows:

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

- B333-05 Approving the Houlihan's C-P Development Plan.**
- B334-05 Approving the Boone Hospital Medical Center C-P Development Plan.**
- B335-05 Vacating sanitary sewer easements in conjunction with the proposed Final Plat of Trail Ridge Subdivision Block 3.**
- B336-05 Approving the Final Plat of Trail Ridge Subdivision Block 3; authorizing a performance contract.**
- 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.**
- 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.**
- 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.**
- B342-05 Authorizing construction of water main serving Bristol Lake, Plat 1; providing for payment of differential costs.**
- B343-05 Authorizing construction of water main serving Forest Ridge, Plat 3; providing for payment of differential costs.**
- B344-05 Authorizing construction of water main serving Quail Creek West, Plat 1; providing for payment of differential costs.**
- B345-05 Authorizing construction of water main serving The North Woods, Plat No. 1; providing for payment of differential costs.**
- B346-05 Authorizing conveyance of a street easement to the City of Hallsville.**
- B347-05 Accepting conveyances for utility purposes.**
- 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.**

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

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Columbia Festival of the Arts street closure.

Mr. Janku made the motion the request be approved as written. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(C) Providence Road north of Bear Creek - parking prohibition.

Mr. Janku felt it needed to be done and stated there was new development in the area where there was some on-street parking. He reminded the Council of his request several weeks back to reconsider renaming this area North Providence Parkway. Mr. Teddy responded that a report would be coming soon regarding the suggestion.

Mr. Janku made the motion that staff be directed to submit an ordinance to remove parking along Providence Road, north of I-70 to the north City limits. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(D) Easement acquisition report for the South Grindstone Outfall Sewer - Phase 1 El Chaparral lagoon interceptor.

Mr. Beck noted the goal was to try to have a trail over sewer easements. He stated that was particularly true where there were no federal funds involved. Staff surveyed the proposed Phase 1 sewer alignment and determined that portions of the project were compatible with a future pedestrian trail. The next step would be to have appraisal work completed. Where there would be joint use of easements, they would need to determine how that would be paid for. Mr. Beck noted that this section of the outfall would have SRF funds involved, which would also mean separating the value.

Mr. Janku understood this would be the link to the Sapp development where they would donate trail easements as part of their development.

Mayor Hindman made the motion that staff be directed to proceed with acquisition of both sewer and trail easements for the South Grindstone Outfall Phase 1 - El Chaparral Lagoon Interceptor Project. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(E) Affordability Housing Policy.

Mr. Ash understood they were supposed to direct the City Manager to draft a resolution to create a committee. Mr. Teddy explained their recommendation was to get a process underway while in the 2005 year.

Mr. Loveless noted that a group had just examined Columbia's housing stock. Mr. Teddy replied there was a 2004 report which J Quad was contracted to undertake. That work was completed recently and he thought it would still have a lot of relevance. Mayor Hindman suggested that the housing committee be reconstituted. Mr. Janku asked if they needed to talk about some of the issues to get a sense of what direction they might want the committee to take. Mr. Loveless thought it was clear because their plan of action report indicated they would establish an affordable housing policy. He suggested directing the City Manager to prepare a resolution, which would allow the appointment of a committee to draft an affordable housing policy that would be sent to P & Z for their review and then back to the Council for their review. He pointed out that most of the committee was still around. Ms. Crayton commented if the same committee were used, it would not take long for them to get up to speed. Mr. Loveless thought the group would not have to be quite as large. Ms. Crayton agreed.

Mayor Hindman made the motion directing the City Manager to draft a resolution authorizing the creation of an Affordable Housing Policy Committee. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(F) Street Closure Request - Pagan Pride Day.

Mr. Janku made the motion to approve the request as written. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(G) Cable Task Force Interim Report.

Mayor Hindman stated he wanted to add the bridge funding for the Cable Task Force to the budget amendment sheet. Mr. Ash asked if they were sure the extra 2% would generate enough money. Mr. Boeckmann stated he thought it would generate twice as much. Mayor Hindman asked if they could legally raise it. Mr. Boeckmann replied they could. Mr. Janku stated the money could come out of Council reserves to some extent. Mayor Hindman commented that he just wanted to get it out there for discussion purposes. He understood they could not make an amendment to the budget if there was not an ordinance designating a source of funding. Mr. Loveless thought they could put it on the amendment sheet and then ask to raise the franchise fee to cover that cost. Mr. Boeckmann stated they would be presuming they were going to pass that ordinance if they passed the budget with that as a funding source. Mayor Hindman suggested putting it in like they did with capital improvements where they indicated it was to be financed out of the ballot issue. Mr. Ash felt they would be okay even if they did not decide by the time they passed the budget because they did not need the money until January. He noted they could certainly have an ordinance decided or not decided by then. He agreed with the Mayor in that we could use similar wording to the things conditioned on the ballot issue. Mr. Boeckmann pointed out they did not have to do this as part of the budget. He explained they were asking for bridge funding that would not happen until January. Mayor Hindman stated he was willing to leave it out and bring it up as a separate item. Mr. Janku thought they needed to examine the request and really look at what they were asking for. Mayor Hindman commented that he was only asking that they get it started. Mr. Ash suggested asking for a report. Mayor Hindman noted they did receive a report from the Task Force. Mr. Janku thought they might

want a report from staff. Mr. Loveless noted the Task Force request for funding was non-specific and wondered if they should ask for an explanation of the breakdown. Mr. Ash wondered how this would impact the franchise fee negotiations. Mr. Boeckmann stated it was his thought that this was better postponed until they got into the franchise negotiations. He thought, however, that Marty Riback was indicating that Sue Buske thought it would be a good signal if Council showed support by raising the fee. He pointed out that Ms. Buske had not told him that. Mr. Ash asked if she was scheduled to report to the Council anytime soon. Mr. Boeckmann stated she wanted to come to the second meeting in October. He noted they would also be bringing forward an ordinance amending the City Code provisions on cable franchises with the goal to introduce it at the first meeting in October and she would be here for the second meeting.

Mr. Ash made the motion that staff be directed to provide a report which included their reaction to the Cable Task Force report and their recommendations as to what should be done next. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Loveless commented that they had spoken briefly about consolidating executive summaries of the various plans into one document so that when people wanted to see a total plan for the City, they could be handed a fairly broad spectrum, but concise document that would lead to other reports. He stated he would like to see forward movement on the suggestion.

Mr. Loveless made the motion that staff be directed to proceed with gathering executive summaries of the various planning documents and putting them together as an overall document for the City of Columbia. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Loveless asked Mr. Teddy to move forward with the Broadway Sidewalk Plan, which had been delayed.

Mr. Loveless asked where things were with outdoor lighting/parking lot lighting specifications. He asked if it had been left in staff hands. Mr. Janku thought the staff had been asked to come back with a plan that was doable.

Mr. Loveless asked that staff come back with something the Council could consider as an outdoor lighting plan. Mr. Teddy asked if they should focus on private on-site lighting and not necessarily get into public street lighting fixtures. Mr. Loveless replied it was not so much public street lighting as it was parking lot lighting, on building, canopies, and etc.

Mr. Ash remembered a report from the Energy and Environment Commission or Planning and Zoning, which had been really detailed. He thought it had been passed to the staff for their review. He also remembered his comments being to try to set up something to where we took baby steps and focused more on the outcome base similar to the noise ordinance where they used the number of feet.

Mr. Loveless commented that he was accumulating rolls of recycling bags, but always found himself out of yard waste bags. He asked about the possibility of people trading one

set of bags for another if the costs for disposing of them were similar. Mr. Glascock explained that they were looking at a different way of distributing bags, maybe a coupon system, but stated they had not come up with a solution as of yet.

Ms. Crayton noted that vacant and boarded up houses were creeping up in the First Ward again. She stated the elderly were being cited by the NRT, but the landlords were not. She asked why these houses were continuing to be boarded up if we were doing neighborhood revitalization. She pointed out the area between 4th Avenue and Garth as one of the areas in question. She asked for a report on where and why these were being allowed to continue.

Ms. Crayton expressed pride in Columbia and explained that this past weekend services were made available for the people displaced by Hurricane Katrina that had come to Columbia. She stated the residents of Columbia provided compassion to these people.

When discussing power supply options a few weeks ago, Mr. Janku stated they talked about whether or not there might be different types of programs the City could implement to affect the demand side management programs. He was wondering what we might consider for the future to increase our efforts in that area. One area in the past they adopted in the building codes was higher standards for insulation. Maybe now that we were taking a time out with respect to building codes, he thought we could look at the codes to see if there was anything in them that could be changed to make us more energy efficient.

Mr. Janku made the motion that the staff be directed to report back on possible demand side management programs, ordinance changes, and etc. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku mentioned a program he read about in Indianapolis where they addressed the concern about foster children when they left foster care and they were often times on their own without much support. Indianapolis was developing a program called Fostering Independence and suggested the information might be helpful in connection with the housing study that was being updated.

Mayor Hindman reiterated his preference of having everything coming into the City or being rezoned as planned. He thought he had asked for a report on the issue. Mr. Teddy explained they were working on the commercial zoning to the extent there were planned districts in commercial zoning, but he was not aware of an on-going effort on planned unit developments. Mayor Hindman stated he would like to look at the possibility of making it our overall policy, that everything, as it came into the City, be a planned unit development. He felt it was unfair because they were in a totally different negotiating position for R-1 versus planned. He did not know why they put themselves in that situation and thought they should treat everyone the same. Mr. Ash pointed out they recently simplified all of the planned districts. Mayor Hindman stated that was why he thought this was a good time to look at it. Mr. Ash assumed he was talking about any annexations or upzonings whether it be residential or commercial.

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

The meeting adjourned at 11:50 p.m.

Respectfully submitted,

Sheela Amin
City Clerk