

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**AUGUST 6, 2007**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, August 6, 2007, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA and WADE were present. Council Member JANKU was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of July 16, 2007 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Ms. Nauser.

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

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

**SPECIAL ITEMS**

**Heroism Award – Fire Department.**

Mayor Hindman explained there was a vehicle fire on Business Loop 70 West on July 17, 2006. Joyce Andrews was at a nearby bus stop when she saw the passenger was not getting out. At great risk to herself, she opened the door and pulled Mr. Smith out of the vehicle. He noted this was a remarkable feat of valor as she was thinking of someone other than herself and it was very much appreciated. He presented the Citizen Heroism Award to Ms. Andrews.

Chief Markgraf stated they appreciated Ms. Andrews' citizen participation as she added a lot to the City of Columbia with that type of act.

**SCHEDULED PUBLIC COMMENT**

**Kimberly Conrow – Korean Baptist Church.**

Kimberly Conrow stated she was a member of the Korean Baptist Church and wanted to address the water availability for fire protection to the Church. She noted the Church was in need of a building addition because they did not have enough classrooms for the children. They were currently teaching class in the hallways of the Church. She stated they had raised the money needed for the addition and purchased a prefabricated structure, which was currently sitting in the manufacturer's parking lot. She explained when the building was inspected, they were advised they were not in compliance with C105-1.2 of the Fire Code, which required 1500 gpm of water flow to a commercial building and, in order to meet the Code requirement, it would cost \$336,000. She noted this was more than the cost of the

building structure and they would not be able to come up with the money. She explained they were told they needed to extend an eight-foot main south from the twelve-foot main on Barberry Avenue. There was currently an 800 gpm water flow to the Church. When they were annexed into the City, they were aware the Church had an 800 gpm of water flow. She commented that the Church was built in 1991 and at that time, they received a variance from the Council to allow the 800 gpm. In December of 1995, they built an addition to the Church and were given a waiver or variance in order to continue with the addition. They were requesting to extend the water line to the Church property from the north. By extending it from the north, it would be extended from Westwind Drive - Hydrant No. 9 and would allow water flow to the Church. She understood tests were done and one indicated 1165 gpm while a previous test indicated 1308 gpm. The cost of this proposal was well below the \$336,000 and was an amount the Church was willing to pay if allowed. Without approval, they would not be able to continue with the already paid for custom built addition and would need to find a way to do something with the structure. She noted they understood the importance of having water flow to protect the Church, community and firefighters, which was why they were not asking for a variance or waiver. They believed the proposal they were suggesting was the best for everyone. She stated it would not cost the taxpayers as the Church was paying for it and it provided additional water flow. She understood the Water & Light Department had no plans to increase water flow to the church, so if they did not do it, the water flow would stay at 800 gpm and would not provide any additional protection. She commented that this involved five additional classrooms, a couple of prayers rooms and a conference room. She asked the Council to look favorably upon their proposal as they felt this was the best situation for everyone.

**Lorenzo Lawson, Jerry Taylor, Youth Members, Corporate Partners - Boone County Community Services Advisory Commission funding recommendation - Youth Empowerment Zone.**

Lorenzo Lawson referred to a June 16, 2004 Columbia Tribune article titled "Advocates Aimed to Put Youth to Work," which indicated he and Nathan Stephens were primarily hired to put youth to work with the aim of reducing public disorder by finding jobs for youth and that the program grew out of a proposal by Ms. Crayton. Since that time, the project had grown into a year round Youth Empowerment Zone organization. In the past year, they served 95 youth who were referred to them by the Division of Youth Service, Juvenile Justice, Missouri Probation and Parole, St. Frances House, Rainbow House, Missouri Boys and Girls Town, etc. He explained they were designed to work with the greatest at-risk youth in the City. They had now grown to the point where they were overwhelmed by referrals and walk-ins. Last year, they came to the Commission asking for funding to hire a youth specialist and the Commission awarded a portion. Since that time, they had created a Board and had 25 corporate partners. He explained they were coming to the Council because the Commission only had a finite pot of money and they were again short in their ability to retain their youth specialist. He noted they had placed 22 young people in mentor employment. They did not give out any subsidies. They put 80 young people back into education either through GED or the public school system. He commented that they were born by the City and would be dependent on the City until they were able to

stand on their own. He believed they were still in the infant stage of this vital organization. They were requesting the \$30,000 needed to pay and provide benefits to a youth specialist. He noted they hired a young man, who graduated from Columbia College and who could relate to this population because he was a former gang member from the Los Angeles area. They wanted to keep his position employed. Mr. Lawson noted they had received some tax credits from the State and were looking at other funding sources so they would not need to continue coming back.

**Jo Sapp - Public, Educational and Government (PEG) programming on cable television.**

Jo Sapp, 1025 Hickory Hill Drive, stated she was a member of both the Cable Television Task Force and the Community Access Television Board. She explained, three years ago, the City and its Cable Television Task Force encouraged supporters of community access television to establish a channel under the provisions of the existing cable television franchise. Stephens College provided studio and office space and utilities with the understanding that when funds became available CAT-3 would renovate the large studio to the benefit of both the station and the school. The City hired the Buske Group to gage public need and interest and to negotiate the terms of a new television franchise, including on-going support for CAT-3. With a modest start up grant from Medicom, the station was underway. The Buske Group's needs assessment survey showed virtually all of the focus group participants felt it was either very important (74%) or important (22%) to have local cable channels that featured programs about area residents, organizations, events, schools and government. The public education and government channels also met this need. She noted the government channel was a valuable service to the community and part of the City's budget. The education channel was funded by Columbia Public Schools. Only the public access channel was funded solely by the cable companies and that funding would cease when the new State-wide franchise law went into effect later this month. This new law left the station hanging. She commented that the CAT-3 staff and volunteers had done everything the City and Task Force had asked them to do. They developed a successful mix of programming and training resulted in full time jobs in the industry for some members. Since the station began operations in 2004, it had achieved much on a shoestring budget and with proper success, it could achieve even more. Demand for classes, cameras and editing equipment regularly outstripped supply and there was no money in the budget for preventative maintenance on a regular basis, so equipment purchased three years ago was beginning to wear or needed replacement. Stephens College was continuing to provide in-kind support at a considerable cost. She asked the City to add the community access channel to the budget and to help find ways for the three PEG channels to work cooperatively in areas such as shared studio space, new technologies and technical support. Implementation of some of the Buske Group's suggestions represented a unique opportunity for Columbia to build on an existing asset. The most straightforward way to fund adequate support of the PEG channels was through an increase in the fee that the cable companies paid to use the public rights-of-way. In Columbia, Medicom currently paid three percent of gross television revenues. These revenues did not include telephone and internet services.

She stated in the rest of Missouri and in most of the United States, the franchise fee was at least five percent and noted an increase in the franchise fee should not mean an automatic increase in the amount the cable companies charged customers. She provided the Council a budget based on the Buske Group's recommendation, a timeline, multi-city PEG comparisons and other relevant materials. She asked the Council to direct staff to include PEG funding in the FY2008 budget.

## **PUBLIC HEARINGS**

### **B197-07 Voluntary annexation of property located on the southeast corner of Roosevelt Avenue and Lenoir Street; establishing permanent C-P zoning; setting forth conditions of approval.**

The bill was given third reading by the Clerk.

Mr. Watkins explained this was a request to annex and rezone property that was currently a mobile home court to C-P. The Planning & Zoning Commission recommended approval subject to conditions that were primarily traffic related. The request was brought to the Council and tabled at the July 2, 2007 meeting. He noted they had received a request to table this issue to the August 20, 2007 Council meeting.

Mayor Hindman opened the public hearing.

Miriam Mahon stated she was the Director of Saints Joachim & Ann Care Services, which served the St. Charles, Lincoln and Warren County areas, and was speaking on behalf of Grass Roots Organizing (GRO) and the 112 people who had signed the "People's Proposal." She explained she was asked to speak because her organization was involved in the relocation of mobile homes in St. Charles County area. She had seen the trauma and difficulties families went through. The families in attendance were concerned as most were low income and had very little reserves. They did not know what would happen to them because no solid word was being provided to them. Elderly people were concerned about the ability to relocate and the costs associated with relocation. Children were concerned about school and their friends. There were some people who had lived in this area for 30 plus years. She stated they were not in opposition of progress or of land owners being able to sell their land, but were concerned about this happening throughout the State without provisions for people that had lived there for years. She explained most of these people would not be able to move their mobile homes because they would fall apart. She asked the Council to require the owner to provide written notification to allow the families to determine how they would save money, where they would move, etc. She noted mobile home relocations caused some people to become homeless, which would then become another issue for Council. She asked the Council to show care for the people by making provisions to enable the availability of affordable housing.

Mayor Hindman asked if she had seen the proposal titled "First Amended Annexation Agreement." Ms. Mahon replied she had seen what the families had signed. Mayor Hindman understood, but wondered if she had also seen the proposal by the land owners. Ms. Mahon replied she had and believed the families needed more assurances.

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

Ms. Hoppe made a motion to table B197-07 to the August 20, 2007 Council meeting. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

**B223-07 Voluntary annexation of property located approximately one-quarter mile east of Oakland Gravel Road, north of the Boone County Fairgrounds; establishing permanent R-1 zoning.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was the voluntary annexation of the Atkins property, which was jointly owned by the City and the County. They were currently in the process of constructing baseball fields on the property. As part of the development agreement with the County, it was agreed it would best be developed within the City. The County Commission and City Council authorized the signing of an annexation petition requesting R-1 zoning. The Planning & Zoning Commission recommended approval.

Mayor Hindman opened the public hearing.

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

B223-07 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA, WADE. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

**B224-07 Rezoning property located north of West Worley Street, between Silvey Street and Strawn Road (State Route ZZ) from PUD-6 to PUD-3.6; replacing the statement of intent for property previously zoned PUD-3.6; approving the PUD Development Plan of North Vintage Falls; setting forth a condition for approval; allowing reductions in the required perimeter setbacks.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this involved a downzoning along with approval of a PUD development plan for North Vintage Falls. The proposed development would consist of 106 single-family attached two-unit structures for a total of 212 dwelling units. The maximum building height was proposed at 38 feet and the development density would be just under 3.6 dwelling units per acre. The Planning & Zoning Commission recommended approval of the rezoning request, the PUD development plan and the variances to the zoning regulations regarding yard setbacks. The Commission also recommended a payment of \$25 per linear foot along the Silvey Street frontage be provided at the time of final platting. He noted the development plan included a 60-foot half-width of right-of-way for the future extension of Scott Boulevard on the far west side of the tract.

Mr. Teddy commented that there was also a 30-foot wide green space trail easement along Harmony Creek.

Mayor Hindman opened the public hearing.

Jay Gebhardt, an engineer with A Civil Group, stated he was representing Burton and Colette Schauf and Greenwing Development, who had a contract to sell most of this property to Fairway Meadows, the developer of Vintage Falls. This was very similar to what had been done for the last twenty years around the Country Club of Missouri. They were two-family, zero lot line homes. Although it was not necessarily geared for older people, historically, that was the group it attracted. He explained they were asking for variances to the perimeter setback in a couple situations. They were also asking for 18 foot front yard setbacks as was

done with Vintage Falls – Plat 1. He understood the concern with regard to parking in front of the garage and explained the land was deed restricted so residents had to park their vehicles in the garage. He stated there was not an issue with cars blocking the sidewalks because people did not park in the driveways very often. The \$25 per foot impact fee was very similar to what was arranged in Vintage Falls – Plat 1 in that if the City did not improve Silvey within seven years, the money would be returned. For this one, it was a ten year period from the time of final plat approval.

Ms. Nauser asked why there was not an interconnection to anything to the north. Mr. Gebhardt replied it had already been final platted into large lots and the topography was such that there was a steep ridge which dropped down to the creek that ran along I-70 Drive, so there was no place for it to go. He explained there would be an extension of Scott to the west at some point and he hoped the extensions would go to the west to connect to Scott or Strawn to provide circulation.

Ms. Hoppe asked how many exits there were. Mr. Gebhardt replied there were two entrances onto Worley Street and there was another section of about 20 units that would come out on their own due to a large ravine.

Ms. Nauser asked how much the \$25 per foot payment would total. Mr. Gebhardt replied he thought it was \$15,000-\$20,000. Mr. Wade asked how many feet of curb that would pay for. Mr. Gebhardt replied the cost of curb and gutter was \$15-\$18 per foot and they were paying \$25 per feet. Mr. Wade asked if it would pay for curbs on both sides of the street. Mr. Gebhardt replied no and noted they were not developing on both sides of the street. Mr. Wade stated he understood, but commented that the impact was on the entire street.

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

Ms. Nauser understood the other portion of Silvey had been approved about two years ago with a seven year timeframe and asked if it was on the ten year CIP list. Mr. Glascock replied it was not. Ms. Nauser asked how many other subdivisions were associated with an eventual refund if the City's portion of improvements were not completed. Mr. Glascock replied there were not many as the time limits only started a few years ago. Ms. Nauser understood the money from all of the other developments was just sitting in a fund not being utilized. Mr. Glascock stated that was correct.

Ms. Hoppe understood if they did not improve the street within the time limit, they would lose the money. Mr. Watkins replied that was correct in regard to that particular street. He noted it was similar to an impact fee. Mayor Hindman asked for the reason for the time limit. Mr. Boeckmann replied it was to legally justify them as exactions in connection with the development. By law, they had to spend it on something that would be reasonably related to the development within a reasonable time frame. He explained there was no authority by ordinance or policy resolution. It was just something that developed over time. He believed Mr. Campbell, when he was on Council, worked out an agreement with one developer, which became the standard. Since it was so low, no one ever challenged it. Mayor Hindman thought it boiled down to whether ten years was a reasonable standard.

Mr. Skala stated he understood an impact fee had to be time limited and geographically specific. He commented that he did not have a problem with the variances

because of its consistency with the neighboring community. In regard to the payment issue, he wondered if they needed to look at some type of calculation based on the entire square footage of the property or something similar rather than lineal feet and noted he believed he had previously asked for a report. Generally, speaking and in terms of the variances, he indicated he could support the proposal.

Mr. Wade stated he supported the proposal, but was opposed to returning the money. The question was whether the \$25 was a development fee or impact fee. He understood, legally, the difference was that development fees did not need to be immediately used in the immediate vicinity while impact fees did. He believed a 25 foot street assessment, when there were no other commitments to pay for the impact of off-site costs created by the project, was a token payment with no relationship to the real impact upon the City's infrastructure. He felt it was unacceptable for a developer to pay so little for off-site project costs while receiving so much in community subsidies and to expect it to be returned if not used immediately. If the amount were adequate to allow the City to leverage funds and do something, it would be different. He agreed a review of the policy was needed.

Mayor Hindman asked if there was a difference between a development fee and an impact fee other than the fact one needed to be returned and the other did not. Mr. Boeckmann explained the issue was under what power the fee was enacted. The development charge was under the taxing authority of the City and was required to go to the vote of the people. Because it was a tax, it could be collected and spent in any place. The fees being discussed here were exactions under police power and could be done without the vote of the people if it met all of the reasonable relationship tests. If they wanted to get money that meant something and could be spent in a rational manner instead of having two percent of a project paid by a developer, it would have to involve the taxing power. Mayor Hindman asked if they had a development fee now. Mr. Boeckmann replied they had development charges that were paid when one applied for a building permit. Mr. Skala asked if there was any middle ground. He noted there was an advantage to having the money spent specifically related to the area impacted and wondered if there was another way to approach the issue without going to the vote of the people. Mr. Boeckmann explained the two ways courts analyzed exactions was by tax or police power and he was not aware of anything in between.

Mr. Wade believed the City ended up in a no win situation with the \$25 assessment. Because they had so many needs, a great deal would not be met in the time frame specified. In addition, because they did not have an adequate infrastructure funding mechanism, many ended up low in priority so it was of no value to anyone, including the development. In regard to this specific item, he complimented the Planning & Zoning Commission for realizing there were two decisions, a land use policy decision and the approval of the PUD, and for voting on each separately. He noted he did not have the opportunity to do that.

Ms. Hoppe asked if an extension from ten to fifteen years would be considered reasonable.

Mr. Gebhardt stated he believed they would be willing to waive the ten year limit on this portion of Silvey. He noted it was not a lot of money and explained they did not necessarily want to put it back in their pocket. The limit was put in place to get the City to

spend money to help their project. He pointed out he could not change what was already approved in regard to the first part of Silvey. He commented that the development had benefited because Public Works had asphalted the first section of Silvey, which was previously a gravel road, and wondered if the money could be applied to that. Mr. Glascock stated he thought it could as he did not think it had to be spent on the piece right in front of the development because they would impact the street in a negative way. He believed it could be used for maintenance.

Mr. Wade asked if they needed an amendment to take the time commitment out. Mayor Hindman stated he was not sure they wanted to take it out as it might be a violation. He understood Mr. Gebhardt indicated they were willing to waive it, but according to Mr. Boeckmann, a time limit was needed for it to be acceptable in court. Mr. Boeckmann thought they could take out the time limit as they had done many without it in the past. If someone wanted to raise the issue, they could. Ms. Hoppe understood it could potentially be applied to resurfacing the road versus a curb and gutter improvement.

Mr. Wade made a motion amending B224-07 by removing “and shall be returned if construction of Silvey Street has not been started within ten years of approval of the PUD development plan” under Section (3)(1). The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B224-07, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA, WADE. VOTING NO:  
NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

**B225-07 Approving the C-P Development Plan of Oak Forest C-P located north of the intersection of Gray Oak Drive and Green Meadows Road.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this involved the development plan of about 3.5 acres located north and west of the new Wal-Mart on Grindstone. The proposed development would consist of one two-story building with retail uses on the first floor and office uses on the second floor. The gross floor area would be about 32,800 square feet. The Planning & Zoning Commission recommended approval.

Mr. Wade stated the Planning & Zoning Commission meeting minutes indicated the proposal was initially incomplete and the completed proposal was not in place until just before the Planning & Zoning Commission meeting. In addition, it indicated some of the conditions were met after the meeting. He asked if that was correct. Mr. Teddy replied he did not remember exactly when those conditions were met. Mr. Wade understood the Planning & Zoning Commission did not have the full complete proposal until just before they began deliberations. Mr. Teddy replied that was correct. He explained the packet mailed the Friday before the meeting included a different drawing. They added certain things and made certain corrections prior to the meeting.

Mayor Hindman opened the public hearing.

Jay Gebhardt, an engineer with A Civil Group, offered to answer any questions.

Ms. Hoppe wondered where the entrance was and asked how far it was from Gray Oak. Mr. Gebhardt showed the location of Gray Oak and the entrance on the map. He noted

the same owner developed the apartments there and a traffic study was done at that time. The traffic study indicated the entrance should be as far from Gray Oak as possible. He commented that the traffic study also required them to add a right turn deceleration lane, so they would remove the pedway, build a new right turn lane and replace the pedway as part of the project.

Mr. Skala stated he understood they had met all of the suggestions that came forward and that one issue dealt with compliance with the new lighting standards in regard to whether the pole height limits were proper given the engineer had to agree to change the location and height of the poles. As he read the ordinance, it specified that unless the C-P development was farther than 500 feet from a residential area, the maximum height was 28 feet regardless. In addition, any additional light standards or lowering of the poles was permissible. Mr. Gebhardt agreed and clarified his point was that they had to meet the lighting ordinance, so he believed it was redundant to have to show the light poles on a plan like this. He noted a lighting engineer could come along and relocate the lights in order to lower the poles for a better plan and if that was done, they might have to come back to Council to get the light pole locations changed because it would be considered a change to the plan. Mr. Skala understood and believed staff had made a comment indicating it was a good to have a reference as to what might be changed. Mr. Gebhardt commented that he wanted the ability and flexibility to move it around without having to come back to get a minor or major revision.

Mr. Wade stated he thought the basic lighting plan was to be a part of the C-P development plan. Mr. Gebhardt noted that when he submitted the site plan for construction, he had to meet all of the rules. He explained it was similar to when they submitted a conceptual landscaping plan as it was not the real landscaping plan. He noted the C-P ordinance indicated they had to show the pole locations and heights. He wanted the ability to allow a lighting professional to come up with something better without having to come back to Council. As of now, they were not submitting lighting plans with C-P plans. Mr. Wade understood they were submitting conceptual plans and the detail plans were submitted as part of the final site plan. Mr. Gebhardt stated they were not even submitting conceptual lighting plans. They were submitting what was required by the ordinance, which was the location of the poles and their heights.

Mayor Hindman asked if he was proposing the lighting ordinance be amended. Mr. Gebhardt replied he believed it was necessary to have the flexibility to move the poles around. Mayor Hindman asked how he thought they could accomplish providing that flexibility. Mr. Gebhardt suggested they talk to staff to determine whether there was truly a problem or if this was something that could be dealt with internally.

Ms. Hoppe understood, as a result of the land being cleared and leveled, an abrupt cliff was created at the edge of the tree line on the east side and asked if they planned to put in some fill. Mr. Gebhardt replied the neighbor to the east was worried their tree preservation area would crumble into the property, so they were backfilling it with material to support the slope. Ms. Hoppe asked if there was enough room to continue. Mr. Gebhardt explained that when they built this out, they would have a retaining wall against it. For now, they were putting dirt against it to support the slope. Ms. Hoppe thought it would be nice if they could

work with the land as much as possible. She stated she could envision a good looking building and a parking lot without having to flatten the land or make a slope. She thought the retaining walls would be expensive. Mr. Gebhardt pointed out this was part of a large 45 acre development and over 50 percent was not being touched. He thought they had done a good job of balancing the area.

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

Mr. Wade stated he supported the proposal as he believed they did a reasonable job. He noted it did, however, raise another red flag. He explained that he thought there was a policy indicating a project was to be considered complete by staff before submission to the Planning & Zoning Commission. He did not believe it was the applicant's prerogative to require an incomplete proposal to be submitted. He understood they could request it, but it was staff's prerogative to allow it. He commented that he believed there were three issues of fairness when incomplete proposals were allowed to be submitted. There was the fairness to all developers to have the same level playing field and it was not fair to the developers who submitted complete and final proposals to the Planning & Zoning Commission. Although he was not claiming this was the case for this situation, he commented that they had too many instances of developers trying to move a proposal as quickly as possible by only doing what staff required and felt that was unfair to the developers who tried to do quality work. He noted he depended heavily on the analysis and critique of staff and the Planning & Zoning Commission and when proposals were incomplete or material was received after the packets were delivered, they did not have an adequate opportunity to review and analyze the project and did not provide the same quality of discussion and analysis he found important in his own decision making. In addition, with an incomplete proposal, the public did not have complete information about the details of a project. He thought they had a responsibility to ensure the public had the complete details. He hoped this was not going to be a continuing situation over the next month. He did not want inadequate or poor quality proposals to be pushed past staff in order to get to the Planning & Zoning Commission and the Council before the stormwater ordinance implementation date. He stated if he sensed that to be the case, he believed a no vote would be entirely appropriate. He wondered, if at a future work session, they needed to talk about the question of guidelines regarding when proposals were appropriate to be submitted to the Planning & Zoning Commission and when they needed to be held since they were incomplete. Mayor Hindman commented that there was also a question of the Planning & Zoning Commission setting its own rules. He did not know how Council's authority fit with that. Mr. Wade stated there were two issues. One involved the Planning & Zoning Commission setting its own rules or having rules that had never been implemented. He also believed they needed to provide staff with the ability to make appropriate decisions on when proposals were actually complete enough to become part of the evaluation and review process.

Mr. Skala stated there had been some discussion at various times in regard to the a time after which changes could not be made, but did not believe they had taken up the issue of completeness of the proposal and agreed it should be discussed.

B225-07 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA, WADE. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

**B226-07 Approving the Engineer's Final Report for the Sewer District No. 149 (Edgewood Avenue) sewer construction project; authorizing Change Order No. 1 to contract with Case Excavating, LLC; levying special assessments; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a required public hearing to determine special benefits and to levy special assessments against lots and parcels of land within the recently completed Sanitary Sewer District No. 149. The total project cost was \$123,395.87. Funding for the project was proposed to come from tax bills levied against the properties within the district, sanitary sewer funds and Water & Light Department funds since there was a water line involved in the project as well. The public hearing for the project was held on March 7, 2005 and the not to exceed tax bill rate was set at \$0.3595 cents per square foot.

Mayor Hindman opened the public hearing.

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

B226-07 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA, WADE. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

**B227-07 Approving the Engineer's Final Report for the Sewer District No. 150 (Mexico Gravel Road) sewer construction project; authorizing Change Order No. 1 to contract with C.L. Richardson Construction Co., Inc.; levying special assessments; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a required public hearing to determine special benefits and to levy special assessments against lots and parcels of land abutting the recently completed Sanitary Sewer District No. 150. The total project cost was \$195,278.09. Funding for the project was proposed from tax bills and sanitary sewer utility funds. The public hearing for this project was held on March 15, 2005. The original contract amount for construction was about \$173,000. The final cost was slightly over \$171,000. The not to exceed tax bill rate was \$0.1186 cents per square foot.

Mr. Glascock pointed to a lot on the overhead and explained it was broken down into other smaller lots.

Mayor Hindman opened the public hearing.

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

Ms. Hoppe commented that in this situation the actual cost was less than the estimated cost. She stated it was a good calculation and good result.

B227-07 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA, WADE. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

**B229-07 Authorizing construction of Fire Station No. 7 located on the northeast corner of Green Meadows Road and Green Meadows Circle; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a required public hearing for a public improvement and would allow the construction of the relocated Fire Station No. 7 on property owned by the City at the northeast corner of Green Meadows Road and Green Meadows Circle. The resolution estimate for the work was \$1.4 million and funds would be appropriated from the 2005 ballot issue. The project was designed by Peckam & Wright Architects and the design was LEED certified at the silver level. The current schedule would allow for bidding of the project early this fall with construction beginning this winter and being completed by late summer. Because this was a rebuild, the cost of staffing was not an issue as staff would be moved over. He noted staff had met with the neighbors on several occasions and understood they were generally accepting of the station.

Chief Markgraf stated this was, as nearly as possible, a replication of Fire Station No. 8. He hoped it would also be similar to stations of the future in an effort to simplify the design and cost of these projects.

Mr. Glascock noted this would be bid through the Purchasing Agent.

Mayor Hindman opened the public hearing.

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

Ms. Nauser stated she was anxiously looking forward to the new Fire Station No. 7. She thanked the Fire Chief and other staff for their assistance. She noted this project had been going on since the beginning of her term and at times, it had been very contentious. At the most recent meeting held last week, the neighbors seemed to be accepting of the new fire station. They felt they had been included. The City was able to acquire additional property to extend the site and leave extra green space. This showed how people working together could come to a consensus with everyone being somewhat pleased with the end product. She commented that through this process, she had heard about the potential of a round-a-bout at Green Meadows and Bethel. She asked them not to move forward with that. She thought they could come up with a better alternative to move traffic at that intersection.

B229-07 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA, WADE. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

**OLD BUSINESS**

**B211-07 Approving the Final Plat of The Villages at Arbor Pointe Plat 3 located west of the intersection of Waco Road and Brown Station Road; authorizing a performance contract.**

The bill was given third reading by the Clerk.

Mr. Watkins explained this was tabled at the July 16 Council meeting in order to allow staff to work out a development agreement in regard to the extension of Waco Road. While they were making progress, it was not completed. The applicant was requesting this item be tabled to the October 1, 2007 Council meeting. He noted this was the area that was being

suggested for a new elementary school, so it was important to have the road infrastructure issues resolved before moving forward.

Mr. Skala made a motion to table B211-07 to the October 1, 2007 Council meeting. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

**B230-07 Amending Ordinance No. 018857, which levied special assessments for reconstruction of Sixth Street from Wilkes Boulevard to Hickman Avenue to void tax bills issued against certain properties; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins stated the purpose of this amendment was to remove special assessments from certain properties abutting Sixth Street due to a change in ownership during the process.

B230-07 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA, WADE. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

**B232-07 Authorizing acquisition of easements for construction of the Rutledge Drive/Weymeyer Drive storm water management project.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this involved a stormwater improvement project located in northeast Columbia. The public hearing was held on January 16, 2007 and the estimated cost to be funded with stormwater utility funds was \$245,000. This legislation would authorize staff to obtain the necessary easements to complete the project described at the public hearing.

B232-07 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA, WADE. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

**B233-07 Appropriating funds for parking improvements at Columbia Regional Airport.**

The bill was given second reading by the Clerk.

Mr. Watkins explained the transportation sales tax was the source of funding used for capital improvements at the Airport as well as with the bus system and streets. There was a substantial need for some parking lot improvements at the Airport and they were proposing an appropriation of \$250,000 for those improvements.

Mr. Glascock noted a new hanger built in this area took out some of the parking for the Smith hanger, so they were trying to replace it with this additional parking. In addition, they were trying to put in a parking lot across from DHL because they were currently parking in the driveway.

B233-07 was given third reading with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA, WADE. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

**CONSENT AGENDA**

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

- B228-07** Authorizing Change Order No. 1 to contract with Steve & Associates, Inc.; approving the Engineer's Final Report relating to construction of Green Meadows Road from Providence Road to Route AC.
- B231-07** Authorizing an agreement with Honeywell International Inc. for the extension of Chateau Road.
- B234-07** Transferring transportation sales tax funds from the Transportation Fund Account to the General Fund Account; appropriating funds for the purchase of salt for the salt storage facility.
- B235-07** Appropriating funds for the acquisition of land in the southeast Columbia area for the purpose of developing a regional park (Crane property).
- R163-07** Setting a public hearing: voluntary annexation of property located 2,200 feet west of Brown Station Road, on the north side of Waco Road, extended.
- R164-07** Setting a public hearing: proposed non-motorized intersection improvements at Forum Boulevard and Stadium Boulevard, Providence Road and Stadium Boulevard and Providence Road and Stewart Road.
- R165-07** Setting a public hearing: construction of the H-13A Trunk Sewer - Southeast Gateway Sewer Extension.
- R166-07** Setting a public hearing: setting property tax rates for 2007.
- R167-07** Setting a public hearing: setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2007.
- R168-07** Setting a public hearing: FY 2008 Budget for the Special Business District.
- R169-07** Setting a public hearing: FY 2008 Budget.
- R170-07** Setting a public hearing: considering sanitary sewer utility rate increases.
- R171-07** Authorizing a HOME agreement with Waterbrook Place Inc.
- R172-07** Authorizing an extension of the temporary closure of a portion of Rollins Street between Hitt Street and Missouri Avenue for construction of the Student Center/Brady Commons expansion.
- R173-07** Authorizing Amendment No. 1 to the agreement with Camp Dresser & McKee Inc. for engineering services relating to the development and design of Sanitary Landfill Disposal Cell #4.
- R174-07** Authorizing an agreement with Harrington & Cortelyou, Inc. for engineering services for the design and replacement of a bridge over Hinkson Creek on Old Route K Outer Road, south of Reactor Park.

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

**NEW BUSINESS**

**R175-07 Authorizing an agreement with URS Corporation for engineering services for the design of 20 sidewalk segments in various locations within the City of Columbia.**

The resolution was read by the Clerk.

Mr. Watkins explained this would authorize an engineering contract in the amount of \$616,000 with URS Corporation. It would be paid for from the non-motorized grant received from the federal government and would provide for the design of 20 sidewalk segments totaling about seven miles in various parts of the City. The construction would be brought back to Council in potentially two or three bundles dependent upon right-of-way and packaging for cost-effectiveness. He showed the locations of the segments on the overhead.

Mr. Glascock stated they placed a priority system on the sidewalk segments for staff's own use. They were trying to determine which might be the easiest to build. He asked the Council to let them know if they disagreed with any of the priorities. He noted the non-motorized grant needed to be spent by 2010, so they were trying to get as much work done as possible.

Mayor Hindman stated he was very excited and noted it was wonderful to see this much new sidewalk being installed in areas where there had been a need for a long time. He believed this was a major step forward. He hoped the end result would be the use of these sidewalks as it should improve upon the lives of the people in those areas.

Mr. Skala stated areas in the Third Ward could use sidewalks if there was any extra money in the grant. Mayor Hindman commented that if they saw areas needing sidewalks, they should let staff know.

The vote on R175-07 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA, WADE. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

**R176-07 Authorizing an agreement with Burns & McDonnell Engineering Company, Inc. for engineering services for an Integrated Resource Plan as it relates to power supply needs and alternatives.**

The resolution was read by the Clerk.

Mr. Watkins explained this would provide authorization to take a twenty year look into the City's power supply needs through an Integrated Resource Plan. The last time this was done was over ten years ago. Staff received four responses and was recommending Burns & McDonnell Engineering Company, Inc. He pointed out that by doing this plan, Burns and McDonnell had taken themselves out of consideration if they elected to move forward with the construction of some kind of a power supply here. He understood this had been reviewed by the Water & Light Advisory Board, who concurred with the recommendation.

Ken Midkiff, 1005 Bellview Court, stated he was speaking on behalf of the Osage Group of the Sierra Club as the Conservation Chair and noted they had some concerns with the selection of Burns & McDonnell. They felt they were an old line engineering firm so the result would be the "same old, same old." He commented that according to the paper, some of the firms that were under consideration for recommendation by Burns & McDonnell would be coal burning power plants and they had serious concerns about those types of plants. He

noted he had spoken to Mr. Dasho about his concerns. He also pointed out they were not going to object to the agreement, but hoped that Burns & McDonnell would look at other alternatives available versus doing the same thing while expecting different results. He stated he also had concerns regarding access to records, but those had sense been relieved. He explained with most contracts, the records and reports were not available until something was submitted to the Council in a final report and noted Mr. Dasho, however, had assured him those records would be accessible all along and that there would be a citizens committee that would be looking at those as well. He hoped that would be put into the contract with Burns & McDonnell. He asked the City to urge Burns & McDonnell to take a broad perspective and to not just look at coal burning power plants as an option.

Mayor Hindman stated he agreed with the speaker in that they needed to have a broad view. He assumed they could expect that and noted this community would expect that.

Mr. Skala noted in the midst of all of this, they would be receiving some Visioning information, which might impact this whole area. He stated he wanted to make sure these things were considered carefully.

Mr. Wade stated he concurred with Mayor Hindman. He commented that he believed there were three sources for meeting future supply needs. One was improved efficiency or conservation, the second was alternative decentralized generating sources of which there was a whole series of new technologies under development with improving efficiencies and the last was centralized sources of which there was hydro, coal and nuclear. He thought a comprehensive plan would involve a mix of all of them with the first two options being the priorities.

The vote on R176-07 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA, WADE. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

**R177-07     Adopting route and system changes for the Columbia Transit System.**

The resolution was read by the Clerk.

Mr. Watkins stated this would implement three small changes to the bus system, which they wanted to put into effect on August 10, 2007. The adjustments included the elimination of the purple (movie theatre) route, a modification of the fixed route Saturday service headway, and an emergency weather route. All modifications would be cost neutral within the current budget.

Mr. Glascock stated this was the beginning of Phase I and after the adoption of the budget, they would be bringing forward other changes.

The vote on R177-07 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, SKALA, WADE. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

**INTRODUCTION AND FIRST READING**

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

- B236-07 Rezoning property located on the northwest corner of Bass Avenue and South William Street from R-3 to O-1.
- B237-07 Approving a revision to the C-P Development Plan for Columbia Mall (Target); approving less stringent landscaping requirements; allowing a reduction in the required number of parking spaces.
- B238-07 Approving the C-P Development Plan of Old Hawthorne Plaza located on the northeast corner of State Route WW and Rolling Hills Road, extended; approving an increase in the maximum allowable building height; approving less stringent screening requirements; allowing a reduction in the required number of parking spaces.
- B239-07 Authorizing an amendment to the allowed C-P uses to allow a car wash for property located north of Vawter School Road and east of Scott Boulevard; approving the C-P Development Plan of Spring Creek - Phase 2 - C-P Development; approving less stringent screening requirements.
- B240-07 Approving the Wingate C-P Development Plan located on the west side of Keene Street, along both sides of Wingate Court.
- B241-07 Approving the Final Plat of Trail Ridge Subdivision Block 4 located on the northeast corner of Green Meadows Road and Green Meadows Circle.
- B242-07 Approving the Final Plat of Magnolia Falls located south of Nifong Boulevard, on the south side of Old Mill Creek Road and east of State Route KK; authorizing a performance contract.
- B243-07 Vacating a portion of a street easement located north of the vacated right-of-way for Iowa Avenue.
- B244-07 Authorizing an office lease agreement with Boone County for property located at 101 North Seventh Street; appropriating funds.
- B245-07 Authorizing an agreement with CH2M Hill for engineering services for the stormwater management assessment project; appropriating funds.
- B246-07 Authorizing water service termination cooperative agreements with Consolidated Public Water Supply District No. 1 of Boone County, Public Water Supply District No. 4 of Boone County and Public Water Supply District No. 9 of Boone County.
- B247-07 Authorizing grant agreements with the Mid-Missouri Solid Waste Management District for the purchase of beverage container recycling bins and a reconditioned baler; appropriating funds.
- B248-07 Authorizing a right of use permit with Kale Development, LLC to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system and lighting, electrical conduits and water service lines within the Carmello Rock Drive rights-of-way.
- B249-07 Authorizing a right of use permit with West Lawn Properties, LLC to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system, signage and lighting, electrical conduits and water service lines within the Defoe Drive rights-of-way.
- B250-07 Authorizing a right of use permit with Mill Creek Manor, Inc. to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system, signage and lighting, electrical conduits and water service lines within the Clairmont Way rights-of-way.
- B251-07 Authorizing a right of use permit with Eastland Hills Estates L.L.C. to allow construction, improvement, operation and maintenance of

landscaping, including lighting and signage, and electrical conduits within the Maple Leaf Drive rights-of-way.

- B252-07 Authorizing a right of use permit with WJP Properties, LLC to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system and lighting, electrical conduits and water service lines within the Reedsport Ridge and Payson Drive rights-of-way.
- B253-07 Authorizing a right of use permit with 14th Fairway, LLC to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system and lighting, electrical conduits and water service lines within the Crooked Switch Court rights-of-way.
- B254-07 Authorizing a right of use permit with Frech and Conrad Development, LLC to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system, signage and lighting, electrical conduits and water service lines within the Steeplechase Drive rights-of-way.
- B255-07 Authorizing a right of use permit with Steve Herigon Construction, Inc. to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system, signage and lighting, electrical conduits and water service lines within the Tuscany Ridge Drive rights-of-way.
- B256-07 Calling for bids for construction of Sanitary Sewer District No. 154 - Phase 1 (West Broadway, Glenwood Avenue, Westwood Avenue and Maupin Road) and the Maupin-Edgewood Drainage Project.
- B257-07 Authorizing the acquisition of easements for construction of the H-21B Sewer - Lake of the Woods Mobile Home Park Lagoon Interceptor.
- B258-07 Authorizing the acquisition of easements for construction of the Hardin Street improvement project, from Ash Street northward to Worley Street.
- B259-07 Appropriating funds to the Street Division FY 2007 operating budget to offset expenditures for snow removal.
- B260-07 Authorizing Amendment No. 1 to the wind generation energy purchase and transmission service agreement with Associated Electric Cooperative, Inc.
- B261-07 Confirming the contract with Emery Sapp & Sons, Inc. for construction of the Hillsdale Pump Station and 24-inch discharge main under I-70.
- B262-07 Appropriating funds for the repair of railroad maintenance equipment.
- B263-07 Accepting conveyances for utility purposes.
- B264-07 Authorizing an agreement with Planning Design Studio, LLC for landscape design services for major roadway landscape entryway improvements into the City of Columbia; appropriating funds.
- B265-07 Authorizing an agreement with Steve Herigon Construction, Inc. for the donation and sale of land in the Vanderveen Crossing Subdivision for the extension of the Bear Creek Trail from the Garth Nature Area to Providence Road.
- B266-07 Accepting and appropriating funds for the purchase of supplies and equipment for the C.A.R.E. Garden Project and the C.A.R.E. Gallery.
- B267-07 Accepting and appropriating federal forfeiture funds for the purchase of equipment for the Police Department.

- B268-07 Appropriating fire equipment sale proceed funds.
- B269-07 Amending Chapter 18 of the City Code to establish a deferred retirement option plan (DROP) for police and fire pension plans.
- B270-07 Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- B271-07 Setting property tax rates for 2007.
- B272-07 Setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2007.
- B273-07 Adopting the FY 2008 Budget for the Special Business District.
- B274-07 Adopting the FY 2008 Budget.

## REPORTS AND PETITIONS

### (A) Intra-departmental Transfer of Funds.

Report accepted.

### (B) City Management Internship.

Ms. Johnson explained the City Manager's Office took on an intern for twelve weeks each year and she was the intern this year. One of the major projects she had worked on was to formalize the internship program. She noted, with the assistance of the Public Communications staff, she put it together a brochure, which included a position description, a description of the rotational structure and instructions on application. This was to ensure it was a standard program every year and that each intern went through the same process in order to receive the full experience of all City departments.

Mr. Wade stated he thought she had done a good job with the brochure.

Mayor Hindman made the motion to accept the report. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

### (C) Bicycle Parking Plan.

Mr. Watkins stated this plan was proposed and approved by the Executive Committee of the Citizens Advisory Committee for the PedNet project. It called for an additional 1,000 bicycle parking spaces to be initially concentrated in the downtown area. Funding would come from the non-motorized grant.

Ms. Crayton made the motion to accept the report. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

### (D) Amendment to Section 29-2 of the Zoning Ordinance.

Mr. Watkins stated staff was suggesting an amendment to the zoning ordinance because they were seeing more requests for two kitchens in a house. Traditionally, that had been a way of separating one- and two-family units. It was now to a point where people were hooking up the stove, refrigerator and sink after final inspection. They were suggesting this issue be referred to the Planning & Zoning Commission.

Mr. Skala understood the definition of family involved other parameters in terms of related individuals and so on and asked if this was just in regard to the kitchen aspect. Mr. Watkins explained they were prohibiting a second kitchen to ensure something was not changed into a two-family structure at a later time. They were now seeing more and more requests from legitimate property owners for a full second kitchen in a basement or recreation room. Mr. Glascock noted houses were a lot larger than they use to be.

Mr. Wade stated he concurred with this suggestion as he did not believe the old way worked anymore.

Mr. Wade made a motion for the Planning & Zoning Commission to prepare an ordinance to amend Section 29-2 of the zoning ordinance related to the definition of “family” as suggested in this report. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**(E) Speed Limits for Southampton Drive, State Farm Parkway.**

Mr. Watkins stated this report was suggesting speed limits for Southampton Drive and State Farm Parkway. Staff was recommending Southampton Drive from Providence to State Farm Parkway be set at 30 mph and State Farm Parkway, the collector from Southampton to Grindstone, be set at 40 mph. Should Council choose to establish these speed limits, they would need to modify an ordinance.

Mr. Glascock stated the reason for 40 mph on State Farm Parkway was because there were no access points at this time. They would monitor it as things developed in the area.

Ms. Hoppe asked if State Farm had been consulted. Mr. Glascock replied they had. Ms. Hoppe asked if they approved of the recommendation. Mr. Glascock replied yes.

Mayor Hindman stated this bothered him a bit because, ultimately, they expected the speed limit to be 30 mph as driveway access developed. However, the road was built so it could handle 40 mph now. He thought they were making a mistake when building roads for higher speed limits than they wanted. Mr. Glascock explained State Farm Parkway was being built as a three lane section, but would be striped as two because they did not need the turn lane at this time since there were no access points. He noted they planned to reduce the speed limit once they striped it for three lanes. He pointed out the road was built for some development. Mayor Hindman understood, but believed there was a tendency to build roads for higher speeds than they wanted. He agreed it was probably okay for it to be 40 mph since there were no other access points.

Ms. Hoppe made the motion directing staff to prepare an ordinance. The motion was seconded by Mr. Wade.

Mr. Skala asked if it would be more problematic to reduce the speed limit after people became accustomed to going 40 mph versus starting out at 30 mph. Mayor Hindman noted his point was good, but understood the report indicated 85 percent of the people would go 40 mph no matter what they did. Mr. Glascock pointed out it had to be enforceable. Mr. Wade commented that with the width of that road, people would be driving 50 mph, so they would be lucky to keep them down to 40 mph. Mayor Hindman stated that was his concern. He thought they should be building the road for 30 mph if that was what they wanted. Mr. Skala agreed if they built a wide enough street, people would go fast without regard to the speed

limit. Mr. Watkins pointed out the dilemma was whether to build the road for what they had now or to accommodate what they knew, in a few short years, would occur and how they transitioned from one to the other. Mayor Hindman agreed that was a dilemma. Mr. Watkins explained if they built it at two lanes now, they would have to come back to Council in a few years in order to widen the road for turn lanes. It was much cheaper to go ahead and build turn lanes, stripe it for two lanes and add striping for turn lanes as development occurred.

The motion directing staff to prepare an ordinance, made by Ms. Hoppe and seconded by Mr. Wade, was approved unanimously by voice vote.

**(F) Non-Motorized Transportation Project - Start of Street Markings for Bicycle Travel.**

Mr. Watkins explained they were going to start marking bicycle travel lanes on Old 63 from the Business Loop to Stadium, Chapel Hill from Scott to Forum, Maryland Avenue and Fifth Street. They were also beginning a program of marking signal actuators for bicycles, so bicyclists would get green lights like a car. He noted no Council action was required. It was a report for Council and the public so they would know the markings were part of this project.

**(G) Interconnection Agreement with Boone County Regional Sewer District (West Area Connection Agreement).**

Mr. Watkins explained the City had, in the last few years, been allowing, where it was mutually advantageous, the Sewer District to interconnect into the City's system. It eliminated non-functioning lagoons. This involved an agreement with the Boone County Regional Sewer District to connect three separate areas and eliminate four substandard treatment facilities.

Ms. Hoppe stated they had discussed changing the 80 acre point to a 120 acre point and asked if that was on a work session. Mr. Watkins replied it was and noted he had a draft report on his desk. They were looking at it in terms of some of the rate analyses. He thought it might be ready to provide to Council in September.

Mr. Wade asked if they would have to amend this agreement if they changed it. Mr. Watkins replied he did not think so. Ms. Hoppe understood they would go with the 80 acre for this one. Mr. Watkins replied that was correct.

Mr. Wade made a motion directing staff to draft the appropriate legislation associated with this report. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**(H) Proposed Hickman High School Swimming Pool Renovations.**

Mr. Watkins explained the City and School District jointly developed and now operated and maintained the Hickman High School swimming pool. The City used it when the District was not using it. Within the last year, they began having problems with ventilation causing chlorine smells over the water, which created problems for all swimmers. The School District took the lead by bringing in consultants to determine how to remedy the situation. In staff's opinion, the highest priority was to change to a more efficient heating and ventilating system and to make changes in the chlorine room. The City was agreeing to split the cost of the

project and the School District was agreeing to allow the City to spread this cost over two years.

Mr. Hood reiterated they had talked to the School District in regard to making payments over multiple years. It would be a minimum of two years and longer if they were agreeable. Staff believed that by putting in a more efficient HVAC system and by placing the expense for the natural gas under the School District's contract, which was less expensive than what the City was required to pay, it would allow them to generate a significant amount of operational savings. Those savings combined with some parks annual improvement money would allow them to pay for the improvements, if paid over a multi-year period.

Ms. Hoppe understood the report indicated the consultant identified three options with a price range of \$332,000 to \$1.5 million and also mentioned a fourth option, which was a completely new facility, and asked what the three options were as they were not specified in the report. In addition, she noted the report was requesting Council approve \$342,000 for Phase I and wondered what the next phases would be as well as their associated costs. Mr. Hood replied Phase I involved the HVAC, which they considered to be the most critical problem. When looking at the kind of funds that might be available, staff did not feel they could generate any significant amount of money beyond this unless they looked at a future ballot issue. He explained option two included everything in Phase I plus significant renovations to the pool structure, particularly the deck. The deck was built in the 1960's when the standards were different so it sloped toward the pool. When cleaning the deck, one had to be careful or the wash water and soap went into the pool messing up the chlorination system. He noted the deck situation, along with the bleacher areas and locker rooms, needed to be looked at down the road if they were going to have a quality pool. He pointed out the report was about one-quarter inch thick and had a 3-4 page listing of individual items that could be looked at. Those items were broken into three different levels. He noted the report also indicated that if they started spending a couple million dollars, it might be more efficient to build from scratch. Staff's discussions with the School District involved what they could put together as a reasonable project at this time. They felt this was the best option from the City's standpoint because they did not know how they could generate \$500,000 - \$700,000 to do some of the more expensive options. He commented that this would take care of the most critical aspect of the project and would also provide them time to plan on how they would tackle the next phases.

Mr. Wade understood Phase I included the HVAC and chlorine system and Phase II, at some point in the future, would involve the deck. Mr. Hood stated that was most likely true, but noted there was a lengthy list of items so a decision would have to be made in the future. Mr. Wade asked if there was an estimate on the cost of the deck for Phase II. Mr. Hood replied there was, but he did not recall the amount.

Mr. Skala asked if they considered something like a berm around the lip of the pool in order to channel the wastewater to a drain elsewhere. Mr. Hood replied the berm would potentially be a tripping hazard and might involve other code issues.

Ms. Hoppe understood if most things needing to be done were done, it probably cost \$1.5 million. Mr. Hood stated if they brought the pool up to a top quality condition, they would have to spend at least \$1.5 million.

Mr. Watkins clarified this phase did what they thought was critical and met the City's and the School District's tight budgets.

Mr. Wade made the motion directing staff to prepare an ordinance in regard to this report. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**(I) Park and Recreation Commission Review of Draft Policy on the Sale of Alcohol on City Park Property by Private Organizations and Individuals.**

Betty Kidwell stated she was the Coordinator for Mothers Against Drunk Driving (MADD) Boone County and noted she spoke at the Parks & Recreation Commission hearing and would not reiterate what she said there as they had the meeting minutes. She pointed out there were 300 establishments in Columbia that sold alcohol and on behalf of MADD Boone County, they were asking the Council accept the Parks & Recreation Commission recommendation to not sell alcohol in public parks. She believed parks were for families to enjoy without being subjected to the sale of alcohol and the results that would occur. She noted underage drinking was a serious problem and there was no way to keep alcohol out of the hands of minors. She understood drinking would occur in a contained area, but wondered how they would keep people contained. She commented that where drinking was involved, there would be fights and law enforcement would be called out to the parks. She did not see a need for this type of activity. Those over 21 years of age consuming alcohol and driving would potentially get a DWI.

Mr. Skala understood there were people with strong opinions on this subject due to the number of pages of testimony from the Parks & Recreation Commission meeting. He thought it would be appropriate to move this along and obtain more public input. He suggested an ordinance be drafted for review by the public so input could be gathered on it. He noted the City already sold alcohol in some of the parks. If Council decided alcohol was not a proper thing to have in the park, the fact people could currently drink in the park appeared to be hypocritical. He believed, if they decided it was not appropriate, the logical thing would be to not allow people to drink in the parks. He felt to make this kind of decision or reject any sort of decision without first putting it before the public to find out everyone's feelings would be premature and a mistake.

Mr. Wade stated he disagreed and noted he was the only one who voted to not continue with this during past discussion. He complimented the Parks & Recreation Commission for giving attention to the question and commented that now was the proper time to not move it along. He stated he was especially impressed by the insight of a 17 year old youth as shared by Ms. McMahon, who asked "...why do we spend so much time in planning safe and drug-free events when the community never supports us?" Mr. Wade stated he believed it was inappropriate to serve alcohol in public locations that were also the primary recreation locations for youngsters of all ages. The message would endorse the consumption of alcohol in public parks and was the wrong message. Allowing the sale of alcohol at special events did not change his belief of it being the wrong message. Another message it would portray was that adult events required alcohol availability to be fun and to attract adults. He noted there was considerable concern about the increase of underage

drinking and excessive drinking and one way to avoid the problem was to not sell alcohol in City parks. He hoped Ms. McMahon could report back that the City Council did support them.

Ms. Hoppe asked if he was suggesting they look at their current policy and, potentially, not allow the sale of alcohol at the ball fields and golf courses. Mr. Wade replied he was suggesting they not continue any further with this action and at a later time, if they so chose, they could look at that policy. However, he was only addressing this requested policy at this time.

Mayor Hindman stated he agreed with Mr. Skala in that they should move forward with the issue. He did not think they should be saying people should not consume alcohol and believed there was room for the sale of alcohol in parks under very controlled conditions as was already done. He pointed out at one time they had a rule against it and the net result was that an ice rink scheduled to be built at Cosmopolitan Park was not built because the developers did not believe it could succeed without the sale of alcohol. The developers ended up building at what was now the Ice Chalet Antique Mall and it failed. He believed it would have been a success at Cosmopolitan Park. The rule had since changed and they now allowed the City to sell alcohol at Rainbow Field and the golf courses. He commented that he felt alcohol was different than smoking. Alcohol had the potential of being something that added to life, but also had the potential of being harmful depending upon how it was used. The problem with smoking was that it affected not only the smoker but other people. Alcohol did not necessarily do that. He stated he did not see a reason for not allowing this if it was something people wanted. He felt it needed to be done in a way that kept it from interfering with other park users and needed to be done in a way that would keep it from costing the City a lot of money. He thought the \$100 deposit might be too low in order to ensure people were responsible. In addition, he thought there might be other things that could be done to tighten it up a bit. He commented that he thought it would work and would provide a significant amount of pleasure to people under controlled conditions. He did not see anything wrong with it.

Ms. Crayton wondered how it would be enforced with only two park rangers. She noted people were currently carrying coolers in the parks. She noted drinking was illegal for young people. She felt if they denied this, they would have to deny it for all. She reiterated it did not just involve the sale of alcohol, but those who brought it in coolers. Mayor Hindman stated if they allowed the sale of alcohol under limited conditions in restricted areas, they should charge a large enough fee to police the situation. He agreed that would be a better situation than people bringing in coolers. He suggested they move forward by asking staff come up with a series of possible limitations. He reiterated that it should pay its own way. He thought they should ask staff to come up with an ordinance with some alternative sections.

Ms. Hoppe stated she appreciated the Parks & Recreation Commission holding this hearing and noted some good points were made, particularly in regard to people with alcohol problems that should not be exposed to alcohol. She understood, if this went forward, they wanted to see some additional restrictions. She suggested staff review the testimony and incorporate some of those restrictions into the draft ordinance. She stated she wanted to

provide the public in general an opportunity to comment. She noted she had not made a decision as of yet, but thought they should move forward for more public comment.

Mr. Wade stated he was concerned with the message they would be sending and the environment they would create in their parks as it was wrong. He understood they would still carry coolers into the parks, which was a problem, but that was not a message of approval from the City like an ordinance allowing the sale of alcohol would be. He believed they had a responsibility to pay special attention to that for the youth.

Mr. Skala stated he shared Ms. Hoppe's view in that he did not want to make a decision since they did not have the proposed ordinance and did not know what the restrictions would be. He commented that this could be an opportunity to show youth a reasonable way of dealing with alcohol if it was structured properly. He believed this should be provided to the public for comment because they were the ones requesting it initially.

Ms. Hoppe made a motion directing staff to prepare a draft ordinance while taking into consideration the comments and suggestions made at the Parks & Recreation Commission hearing and to hold a public hearing on this issue. The motion was seconded by Mr. Skala and approved by voice vote with only Mr. Wade voting no.

#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

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

Greg Ahrens, 1504 Sylvan Lane, commented that he was enjoying the use of Stephens Lake Park since it reopened as a City park and stated he understood the island, when built, had not been named. He suggested the island be named Mary Ann's Island in recognition of Dawn Wells, the actress who attended Stephens College and possibly recreated at the lake. He noted Tom Sawyer had a house in Hannibal and the person who wrote Little House on the Prairie had something in southwest Missouri. He pointed out Gilligan's Island was still being played in syndication all over the world.

Becky Markt, 1661 High Quest Circle, stated she was the Coordinator for the Youth Community Coalition and noted the sale of alcohol in parks policy issue was of interest to them. She commented that alcohol was not a problem of sin or morality. It was a public health issue. She noted the Surgeon General issued a Call to Action in regard to the prevention of underage drinking. He was asking all communities to look at their policies, culture and norms to determine what kind of activities they were presenting their youth as social environment was the number one factor affecting youth in their decision to drink. She commended the City for the great policies and parks they had and was saddened to hear they were considering a policy that would permit the sale of alcohol by outside organizations. She believed it would further tear the fabric of the net they were trying to set up to protect children from such dangerous substances. She noted 5,000 kids under the age of 21 died every year from alcohol due to accidents, alcohol poisoning, suicide and depression. She commented that those who believed alcohol had no second hand effect should talk to their families. She believed they had every duty as a community to protect youngsters from harmful substances. Alcohol was a poison, particularly for young minds, since it damaged

their brains, reduced their ability to learn, reduced their memory and caused depression, suicide, aggravated assaults, date rape and other dangerous activities. Adults would be modeling this behavior for youth in the parks. It would become a part of the social norm. She noted the majority of people did not drink in excess, but the people who did were the ones that drank the majority of the alcohol and those were the people they needed to watch out for because they would have further problems.

Mayor Hindman asked if she would leave a copy of the report from the Surgeon General so they could review it. Ms. Markt provided the copy to the City Clerk.

Ms. Crayton stated several years ago they mentioned potentially providing speed bumps near Calvary Church at Donnelly and Hirth and noted they were still speeding. She was afraid someone would get hit and asked that it be revisited.

Ms. Crayton noted tomorrow was National Night Out and hoped everyone participated. She stated they would be at Douglas Park and encouraged everyone to get out with their neighbors or to come to the Park.

Mr. Skala stated one of the earlier speakers addressed an issue with the Korean Baptist Church and he wondered if it would be appropriate to ask staff to provide a report to determine if there could be some accommodation or compromise with regard to the testimony given.

Mr. Skala made a motion directing staff to prepare a report in regard to the issues involved with the Korean Baptist Church discussed earlier. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Skala noted Mr. Wade brought up the issue of completeness of applications before public hearings and believed there were some informal rules in terms of whether changes in an application were appropriate. He thought this issue might be appropriate for a work session to discuss whether or not they needed to send it to the Planning & Zoning Commission or do something else.

Mr. Skala stated they received a letter at the end of July from the Van Matre, Harrison and Volkert Law Firm in regard to incentives for downtown revitalization, which indicated the City was contemplating establishing the necessary infrastructure for a tax increment financing commission and district in order to facilitate the redevelopment of downtown Columbia. He noted he was not aware of that and asked if it was being contemplated as he did not recall it being discussed. Mr. Watkins replied they had not talked about it, but he did have it on the list to be scheduled for a work session to determine if they wanted to move forward.

Mr. Skala stated he was offered the opportunity to tour the CAT-TV facilities in regard to determining whether or not the City would support it in the future and wondered if any of the other Council members would be interested in participating. He noted that when he was sworn in he was assigned to one of two committees. He understood one of those involved cable television and asked about that committee. Mayor Hindman explained a different committee was appointed when the franchise issues came up. The committee he was

referring to was required by ordinance or charter and, for better or worse, was mostly on paper. The real work was done by the committee involved in the franchise renewal process.

Mr. Wade stated he concurred with Ms. Crayton regarding National Night Out. He thought it was important for everyone to get together with their neighbors.

Mr. Wade stated he received a request from a constituent asking that the Council address the problem of cell phones while driving.

Mr. Wade made a motion directing staff to prepare a report which included available data on cell phones and accidents, information on what other communities were doing and a summary of what their policy options might be. He noted South Africa had a national law that only allowed no-hands phones and if caught driving with a cell phone on one's ear, the officer had the right to confiscate the phone. The motion made by Mr. Wade was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Wade noted they passed a motion at the last meeting requesting the Planning & Zoning Commission prepare changes to the zoning ordinance to allow high tech companies in mixed-use developments. When looking at the strategic plan of the Chamber of Commerce and discussions of REDI, it was clear this would be emphasized. He thought it would be helpful for the Council to be educated on what it really meant.

Mr. Wade made a motion to direct staff to prepare a report that identified the community characteristics which were highly desirable to such companies and the characteristics a specific site location needed in order for the City to successfully compete for the location of those companies. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Wade noted they previously discussed being provided a matrix that listed all of the various reports they had requested and their status and asked when that might be provided. Mr. Watkins replied it was not a matrix. It was a multiple page report. He stated he would be pleased to provide a copy of the report for Council. Mr. Wade understood it was already available. Mr. Watkins pointed out it needed to be updated, but would be available after that.

Mr. Wade commented that he just had his first conversation with the citizens of the Fourth Ward at the Rendevous Coffee House on Saturday and the next scheduled one was to be the third Saturday of this month, August 18, 2007. He needed to cancel that session in order take his grandson to Hannibal.

Ms. Nauser understood why they collected the \$25 per foot fee in regard to developments, but felt it was disheartening to think the money was sitting somewhere accumulating with no way to spend it. She believed it was unfair to collect the fee when it could be 10-20 years before it was ever spent. She suggested they ask staff to re-evaluate the policy to come up with something more equitable. She wondered if they could tie it to the 10-year CIP since it might be built in a reasonable timeframe. She thought it was inequitable to be holding fees for a long period of time.

Mayor Hindman noted that was the weakness with the impact fee. He pointed out they had an election and were able to finance about 50 percent of the roads needing to be built. He thought Council would have looked at the financing package again. They had previously formed a committee and hired an attorney from a law firm in Kansas City to make suggestions. There was discussion regarding excise taxes, etc., but they proceeded with a compromise package that was partially funded. He stated they would have to look at financing streets again and believed one of the options should be a development fee when that was done.

Ms. Nauser pointed out she was not advocating a development fee. Mayor Hindman understood. He commented that there was a real weakness with respect to the impact fee because of the legal restrictions on how it could be used. He reiterated that he believed those were things they needed to look at and whatever was decided would need to be acceptable to the community, which was made up of people with different interests and opinions. He understood they might be able to look at the impact fee itself to see if it could be used more equitably, but there were quite a few limits on what could be done. Ms. Nauser stated she understood and thought they could revisit the issue. She wanted to know how much money was sitting in those accounts and how long those funds had been sitting there.

Mr. Skala stated he was still very interested in the formula by which this was done because \$25 per lineal foot did not allow for much to be done. He was not sure of an answer, but thought it could also be reviewed. Ms. Nauser agreed and thought it would be interesting to have all of that information.

Ms. Nauser made a motion directing staff to prepare a report in regard to the \$25 per foot fee charged to developers by providing an overall information packet which included the amount of money currently in City accounts, how long the money had been in the accounts and potential other methods of calculating the impact fee. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe noted at the last work session, there was a presentation regarding the Bonne Femme Watershed Plan and made a motion to refer that Plan to the Planning & Zoning Commission to hold a public hearing and provide a recommendation. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe stated there was discussion associated with B225-07 in regard to whether a revision was needed in the C-P ordinance for lighting standards and thought a report from staff on whether that was necessary or not would be appropriate.

Ms. Hoppe made a motion directing staff to provide a report in regard to whether a revision to the C-P ordinance in terms of lighting standards was needed. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Hoppe stated she received an e-mail from Tom Wooten, whose children attend Lee Elementary School, in regard to speeding in front of the school and whether the signs were visible. She stated she would forward the e-mail to staff for them to review.

Ms. Hoppe noted she had a website at [www.hoppecitycouncil.com](http://www.hoppecitycouncil.com), which provided links to the global warming group who had a list of suggestions for conservation. She encouraged people to review it. She stated it would also be linked to the City's conservation suggestions. She suggested people hang out their laundry because it saved a lot of electricity and encouraged them to join the "Hang Out the Laundry Club" by e-mailing her.

Ms. Hoppe stated she would also like to be more accessible to people and would note on her website when she planned to be at Uprise Bakery or Stephens Lake Park for meetings.

Ms. Hoppe commented that several people had approached her regarding having more recycling bins in the parks.

Ms. Hoppe made a motion directing staff to provide a report in regard to providing more recycling bins at City parks. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mayor Hindman stated he was interested in the PEG channel situation and understood their money would soon run out. In order to keep them going, he thought they would have to provide some money. He suggested staff immediately begin looking at whether they should start charging the extra two percent in franchise fees. Per the information provided, Columbia was the only City in the State that did not do that. He understood they would be blamed for the rates increasing, but noted the cable companies already raised rates regularly.

Mayor Hindman made a motion directing staff to provide a report and possibly prepare an ordinance to allow the two percent increase in the franchise fees. The motion was seconded by Ms. Hoppe.

Mr. Wade suggested the report include what other cities do when they apply their five percent and whether it was just for cable television. Mr. Boeckmann stated some cities used franchise fee money to support public access and others did not. He thought they could do a survey, but it would lengthen the time in which they would receive their report. Mr. Wade clarified he was asking if other cities applied their franchise fee to just cable television or if it included telephone services. Mr. Watkins replied the cable franchise fee was not applied to the internet or telephone portion of cable. He noted it could not be applied by law. Mr. Boeckmann stated that was correct. Mr. Wade asked if that was case even when they were using public property to provide the service. Mr. Watkins replied yes.

Mayor Hindman stated he wanted to know the status of the station's fundraising efforts. He was not sure anything had been done. He thought they might want to make some sort of self-help requirement in connection with funding. Ms. Nauser agreed. She did not want anyone to assume the increase would go specifically for that purpose. She believed they needed to open it up to other users. Mr. Skala agreed how the money was used was yet to be determined.

The motion made by Mayor Hindman and seconded by Ms. Hoppe was approved unanimously by voice vote.

Mayor Hindman noted an article in the paper that indicated there had been little use of the new Douglass pool. Mr. Hood explained after the discussion at the last Council meeting, staff was implementing a twilight fee of \$1.00 per person everyday of the week starting two hours before closing. Mayor Hindman asked if that was working. Mr. Hood replied he had not seen any statistics, but assumed they were getting some increase. He pointed out it might not be a significant increase. Ms. Crayton suggested the media get that information out to the public. Mayor Hindman stated if people were not using the pool during the day, he thought they might want to lower the fee for the entire day to see what would happen. He noted they would not lose anything if they were not getting anything now. He thought it could be a business decision in that where there was demand, the fees could be a little higher and where there was no demand, the fees could be lower. Mr. Hood stated he would discuss that further with staff. He pointed out they were beginning to lose staff at all of the aquatic facilities due to high school activities starting. They had trouble keeping the facilities staffed during this time of year, and therefore, would begin closing facilities in mid-August. They tried to keep Oakland open through Labor Day because it was the heaviest used aquatic facility.

Mayor Hindman stated several people had approached him about the issue of too many unrelated people living in houses. He understood the rule was four unrelated people. Mr. Boeckmann replied it depended on the zoning district. Mayor Hindman commented that it was obviously being violated in many neighborhoods and there was huge incentive to violate it due to the ability buy a house and divide the rent amongst 5-6 people. He noted that also brought the price of the house above what families could afford. He realized it would be difficult to prove more than four unrelated people were living in a house, but wondered if it could be looked into to determine if more could be done. He wondered if they could indirectly get at it with a limit on the number of cars. He pointed out he was not asking for a formal report. He just wanted to raise the issue.

Ms. Hoppe agreed this was an issue and noted quite a few people in her Ward were concerned. With the way things were presently, it was difficult to pin down exactly how many people were living there. She wondered if other communities were doing it differently. She thought they should look into it.

The meeting adjourned at 10:07 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk