

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
FEBRUARY 19, 2007

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 19, 2007, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS and NAUSER were present. Council Member CRAYTON was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of February 5, 2007 were approved unanimously by voice vote on a motion by Mr. Hutton and a second by Mr. Janku.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Loveless asked that B55-07 be moved from the Consent Agenda to Old Business.

The agenda, including the Consent Agenda with the adjustment regarding B55-07, was approved unanimously by voice vote on a motion by Mayor Hindman and a second by Ms. Hoppe.

SPECIAL ITEMS

Mayor Hindman welcomed David Valentine of the Truman School of Public Affairs along with ten Korean mid-career students, who were in Columbia to obtain their Masters in Public Affairs.

Creative Community Award.

Mayor Hindman explained the City of Columbia received the first Creative Community Award ever given by the Missouri Arts Council. It was presented by the Governor in the Capitol Rotunda and was given to Columbia due to its outstanding leadership in the arts. He noted Columbia was the only City within the State of Missouri with an Office of Cultural Affairs. He complimented the Office of Cultural Affairs, the Cultural Affairs Commission and the Convention & Visitors Bureau for their outstanding leadership. Mayor Hindman introduced Mike Vangel, Chairman of the Missouri Arts Council, and thanked him for his work with the Arts Council and for the Arts Council's choice of Columbia for this award.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B444-06A Amending Chapter 23 of the City Code as it relates to signs in the Columbia Special Business District.

B445-06 Amending Chapter 6 of the City Code as it relates to building code regulation of awnings in the Columbia Special Business District.

The bills were read by the Clerk.

Mr. Watkins stated since the last meeting, there had been two sets of amendments proposed. The latest amendments were provided to Council earlier this evening.

Mr. Teddy explained there had been quite a bit of activity between representatives of the Special Business District (SBD) and various businesses and property owners in the Central Business District, who had a special meeting Monday to discuss what they might do differently. The SBD Board of Directors met the next day and voted to recommend the ordinance with several changes, which were incorporated into the draft Council received in their agenda packets. They eliminated the maximum 30% coverage standard for awnings. Awnings would still be subject to an allowance of either a maximum of 32 square feet or 18 square feet depending on the floor level. He noted that previously upper level businesses were not allowed to have wall signs. There was now a provision for a maximum 18 square foot wall sign on the second story level. The upper level businesses could also opt to have a larger sign on the street floor level or display an eight square foot projecting sign on the street level. A provision was also added for either eight square foot projecting signs or 24 square foot wall signs for lower level businesses. This allowed more representation on building fronts for lower level businesses. There was also an expansion of the single use building exception where any tenant that had at least 48 feet of frontage could also display a larger wall sign as an alternative to having any two of the allowed signs. In addition to these four changes, there were a number of clarifications and interpretations, and although they tried, they did not get all of them. Within the last few days, they tried to work out some of the finer language in the ordinance. They altered the definition of “floor level” so a business would be considered a street level business if 51% of the inside surface of the side of the building that faced the street or alley was above grade. They removed the street level business definition. In the section on non-conforming signs, which described the conditions under which the non-conforming signs would have to be brought into compliance, they added a phrase that other alterations not requiring the use of the sign permitting process were allowed alterations that would not require bringing a sign into compliance. He explained there had been questions regarding whether repainting, resurfacing or changing panels of existing non-conforming signs would require a business owner to bring his sign into compliance and the intent was that it would not, if the non-conformity was not increased to any extent. The sign could remain even if it was a different business with a different message. In regard to awning signs under the general sign standards section, language was added to read “one awning sign may consist of messages on multiple awning surfaces provided the total of all messages does not exceed the maximum surface area for a sign.” For wall signs in the same section, they substituted the phrase “level” for “story” for clarification purposes. There was also a clarification where it stated signs shall be placed below the bottom of an upper story window. In the event, there was a building whose design did not have windows on the upper level, it would mean no higher than 40 inches above the finished floor for interpretation purposes. Mr. Teddy noted they received input from a property owner who had property that was nearly

on Providence Road and who felt all of the properties on that road should be exempted for purposes of the ordinance. It was the mutual desire of that property owner and the SBD representatives to allow an exception there. He noted an addition to the general signs section reading “signs on any building elevations that would be adjacent to Providence Road but for publicly owned property between the elevation and the road right-of-way shall be subject to the sign regulations applicable outside of the Central Business District. Mr. Janku asked what property was the subject of this exception. Mr. Teddy replied it was the property at the corner of the Ice House building near Broadway and Fourth. It would only apply to the elevation that faced Providence Road. In regard to permitted sign types, he explained, they added a clarification that the maximum surface area of each sign type was subject to the aggregate sign limitations in the preceding section. The aggregate limitation was equal to 15% of the whole elevation of the building. There were more technical changes in regard to “street level” versus “floor level” and “level” versus “story.” They restored a section that had been inadvertently taken out in regard to single use buildings. He referred to the paragraph involving large businesses and noted the desire was to give up to 48 square feet of wall sign or up to 15% of the elevation, as an alternative to providing two sign types.

Mr. Janku commented he had not had a chance to review the new changes and did not feel comfortable voting on the ordinance tonight. Mayor Hindman thought they should amend it and determine whether to vote on it after taking public comment.

Mr. Loveless commented that since they added paragraph five, they needed to renumber as they had now had two paragraph sixes.

Mayor Hindman opened the public hearing.

John Ott, 212 Bingham Road, a property owner in The District and Chairman of the SBD, thanked everyone for their patience and for all of the work staff and others had done in regard to addressing the differences and technical issues. He thought they had a good proposal and asked the Council to approve it. He understood there were a few technical issues, which were provided to the Council today, determined as needing to be addressed by staff, but he did not think they changed the ordinance conceptually.

Paul Land, 2005 Robin Terrace, thanked the Council for tabling the issue to enable the parties to get together to reach an agreement. He explained the changes came in at the last minute because it was not received in ordinance format until Friday, so they did not receive comments until today. He stated he thought if it were tabled for another two weeks, it would allow others to have full viewership of the ordinance.

Jennifer Perlow, 1008 Sunset Drive, President of the CCA Board, explained they had not had time to hold a formal vote on the ordinance, but had discussed it and were prepared to support it as proposed. Mayor Hindman asked if that included the latest amendments. Ms. Perlow replied it did.

Larry Schuster, 1101 Grand Avenue, agreed there had been an incredible amount of work that had gone into this. He noted an issue, which he felt was inadvertent, regarding the proposed Section 23-12(b), reading “one awning sign may consist of messages on multiple awning surfaces providing the total of all messages does not exceed the maximum surface area for a sign” and felt the word “one” would create a problem with businesses such as Allen’s Flowers, where they had a corner business with an awning with “Allen’s Flowers” on

each side. Under his interpretation of the language, he understood they could only have the wording on one of the awnings. He also noted the Regency Hotel, which had six windows, could only have one awning with a sign on it. In addition, because there was an even number of awnings, it would be lopsided. Right now, there was a monogram appearance on them equivalent to less than the 32 square feet allowed. If that was the only signage, it would be under the maximum square footage, but would preclude a balanced, appropriate appearance. He stated he had spoken to other members and they were supportive of that being removed.

Mr. Janku understood he wanted to substitute the word “an” for “one.” Mr. Schuster replied that was correct as long as it did not exceed the allowable square footage. He commented they would be willing to purchase permits for each awning sign.

Mr. Janku asked about elevation and why the Allen’s Flowers example was a problem. Mr. Hutton replied he thought it was because it was one awning that wrapped around the corner. Mr. Schuster clarified it was two awnings. He thought the ordinance indicated they could have one awning sign or one wall sign. Mr. Janku understood Allen’s Flowers had two elevations. Mr. Schuster replied that was correct. He explained he understood that although there were two elevations, they could only have one awning sign. Mr. Janku thought it was one awning sign per elevation. Mr. Schuster noted Allen’s Flowers had a wall sign and an awning sign on the same elevation. Mr. Janku understood they could get two signs per elevation.

Carrie Gartner, Director of the SBD, agreed that Allen’s Flowers had two elevations so it would be allowed one awning sign and one wall sign per elevation. One sign running across multiple windows was currently allowed and it was initially the Board’s intent to do the same thing with awnings. However, since they received a request to get rid of the 30% aggregate limit on awning signs, one could now cover 100% of an awning with a sign. This was something the Board was unsure about, but conceded to as it was a very important request. As a result, they no longer allowed awning signs to go across multiple windows. They felt that since they could have 100% of the awning covered with a sign, they did not need the extra awning for additional square footage. She pointed out it was not a typographical error. Ms. Gartner felt for the most part, they were all in agreement about what the language should say. The concern was to just make sure the language said it. She commented that if this was tabled again, she was concerned they would come in with the same last minute flurry of input or changes and requested that if it was tabled tonight, it be shut down so everyone would have an ordinance they could review.

Mr. Janku asked for clarification on the awnings. Ms. Gartner replied awning signs could not cover multiple awnings. At one point, her Board had considered allowing one awning sign to cover multiple awnings, so if one had a first floor building with a 32 square foot awning sign, they could split that across two separate awnings. The idea was to allow for more signage because they had placed a 30% aggregate cap per awning. However, since they removed the 30% cap and were now allowing 100% of the awning to be covered, they figured that was enough sign.

Mr. Janku asked about the Regency situation. Ms. Gartner replied the proposed ordinance would not allow them to do that. It would allow them to cover 100% of one of the

awnings with something, but they would have to obtain a variance if they wanted a sign on every awning.

Mayor Hindman understood the SBD and CCA Boards were involved and asked if others in the downtown business community had seen the new proposed changes. Ms. Gartner replied they had done another 1,000 piece mailing to all of their members, but it was not this version. She thought everyone knew about the substantial changes made, such as allowing second story wall signs, but agreed they did not know they were clarifying definitions or changing “story” to “level.”

Mr. Hutton understood what the Regency was doing would not be allowed under this ordinance. Ms. Gartner replied that was correct. Mr. Hutton asked which provision in the proposed ordinance prevented that and referred to Section 23-12(b)(2). Ms. Gartner requested if he meant the part that read “one awning sign may consist of messages on multiple awning surfaces.” Mr. Hutton replied yes. Ms. Gartner explained that was added at the compromise meeting so there could be something on the slope and around the sides of an awning. Mr. Hutton stated he still did not see how the provision would prevent the Regency from what they had and if there was one, he felt Section 23-12(b)(2) would be in conflict with it. Ms. Gartner replied that section was to ensure they were defining awning sign as something that could actually cover turning the corner. She referred to Section 23-12(c)(2) which involved permitted sign types and noted it read “two of the following signs types per elevation.” She explained that would be where they were limited to the option of one awning sign per elevation and would be what prevented the Regency from doing what they were doing now. Mr. Janku commented it was a matter of interpretation.

Mayor Hindman asked Mr. Teddy if the way it was written now would prevent a situation similar to the Regency situation. Mr. Teddy replied they wrote “...shall be allowed two of the following sign types per elevation” with the understanding Protective Inspection would typically issue more than one permit for a single awning that had more than one sign message on it, such as the use of different sides or slopes of the awning. He explained they added “types” and had in mind that a single awning with multiple signs on it would be allowed and would be considered one sign type out of the several choices. He reiterated they wrote that knowing the SBD intent was to allow just one awning with signage on it. He thought it needed to be clarified so one could not do signs on multiple awnings.

Ms. Gartner noted they currently exempted theaters because they were such big, special buildings and had offered to do the same for hotels, but the people at the general meeting did not want that.

Ron Nettemeyer, 4803 Cody Court, stated he had an ownership interest in an office building downtown and was not familiar with the details of the newly proposed ordinance. He commented that he would like to have the chance to read it in order to provide input. He was sure there were others in the same position and stated he would be appreciative if Council would table the issue so they had a chance to read it and make recommendations.

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

Mr. Janku stated he felt the new exception dealing with Providence Road was very broadly worded. He preferred it say City-owned instead of “publicly owned” because he thought that could include the University.

Mr. Hutton noted they need to change the second six in Section 23-12(c) to seven as previously mentioned by Mr. Loveless.

Mayor Hindman understood they would be amending the amendment sheet. Mr. Boeckmann explained they would actually be moving the amendment sheet substitute bill that was in the packet and the red-lined version of the bill. Mayor Hindman understood they were talking about the amendment sheet and the red-lined version with the suggested change regarding the numbering.

Mr. Janku suggested replacing “publicly owned” with “City-owned” also.

Ms. Hoppe thought it sounded like there was a consensus to change “one” to “an” in regard to Mr. Schuster’s comment involving Section 23-12(b)(2). Mr. Janku stated he would like more background on that issue from staff because he thought there might be some disagreement. He was not sure how he felt and wanted to see the Regency situation. Mr. Hutton did not think that change would affect the Regency’s situation. He noted he did not think what the Regency had done was out of line. Mr. Janku commented he had been leaning toward the idea of a sign spanning multiple awnings, but then again he was still wondering if that was something Council wanted. He was trying to think of the down sides to it.

Mayor Hindman stated he was hopeful they could go ahead and make the proposed amendments and they could then be thinking about other amendments they wanted to make at the next meeting. Mr. Hutton assumed the changes would not be significant enough to require it be held over for another meeting.

Mayor Hindman made the motion to amend B444-06A per the amendment sheet substitute bill and the red-lined version with the term “City-owned” instead of “publicly owned” in Section 23-12(b) and with one of the number sixes in Section 23-12(c) being changed to number seven. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Hutton assumed staff would bring back a report regarding Section 23-12(b)(2) and/or Section 23-12(c).

Mayor Hindman asked if they wanted to table the issue. Mr. Janku thought they should in order to allow the public an opportunity to review it.

Mr. Janku made the motion to table B444-06A, as amended, and B445-06 to the March 5, 2007 Council meeting. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

B497-06 Rezoning property located on the west side of Rock Quarry Road, north of Rolling Rock Road from A-1 to PUD-3.

The bill was read by the Clerk.

Dan Simon, an attorney with offices at 203 Executive Building, requested that this item be tabled for one month since it involved a protest petition and they just learned Ms. Crayton was not present.

Mayor Hindman opened the public hearing.

Victoria Wilson, 3201 Blackberry Lane, explained she had initiated the protest petition and agreed tabling was not an unreasonable request under the circumstances. She felt,

however, that nothing more would be accomplished in a month, so they should take this opportunity to table it for a significantly longer time to actually give the parties an opportunity to work together substantively to see whether there was something that could be done to salvage the Rock Quarry Road Plan and the interests of both developers and the neighborhood. She thought tabling it for one month would be counter productive and asked for more time to allow them to work together or to go ahead and vote on it this evening.

Ms. Hoppe commented that the Council did not receive the Rock Quarry Road documents in their packets and had just received them tonight. Mayor Hindman thought they had it all along. Ms. Hoppe stated it was not in this packet. Mr. Hutton noted they had it from last time, but did not get it in this packet.

Ms. Wilson understood the changes made had also come in late. She noted it had been previously tabled for a month so they could work on it and not a lot of progress had been made. There were no meetings with the neighborhood association as a whole. Several of them had the opportunity to see the plan in groups of one or two, but there had been no negotiation or discussion at that point. She was not sure another month would change that scenario.

Mr. Simon stated they felt a month would be adequate and noted they were willing to meet any time and any place that suited them.

Jan Pritchard, 3505 Rock Quarry Road, commented that the only contact she had in regard to meeting with the developers was to meet during the day on two days within the same week. She stated she worked in Jefferson City and there were no options. As far as she had seen, there had been no significant endeavor to accommodate or work with anybody in the Rock Quarry Neighborhood Association on this issue. She stated if they were going to table it, they needed to make sure everyone had a chance to discuss it and that the developers actually made a good faith effort to meet with the community when the community could meet.

Glen Strothmann, 1219 Tartan Place, stated they had gone out of their way to make themselves available at any time and would be happy to do that again within the next 30 days. He explained they had two weeks since the last time and had met with Ms. Youmans of the Rock Quarry Neighborhood Association and Ms. Wilson with her brother, Marty Riback. He stated they extended the invitation through the President of the Neighborhood Association to meet with anybody and everybody that wanted to come forward to include the Council and noted the offer still stood. He thought 30 days would be more than adequate to try to settle any differences.

Ms. Hoppe commented that she responded to the e-mail saying she would like to meet with them when they met with the neighbors and had not received a response until Friday and had not seen her e-mail until Sunday night. Mr. Strothmann stated he was under the impression that Ms. Youmans extended the invitation to Ms. Hoppe and all of the other concerned neighbors. Ms. Hoppe understood if the neighbors got together and provided a time, he would be available. Mr. Strothmann replied they would be flexible in order to meet with everyone, either jointly or individually.

Ms. Nauser made the motion that B497-06 be tabled to the March 19, 2007 Council meeting. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

There being no further comment, Mayor Hindman continued the public hearing to the March 19, 2007 Council meeting.

B39-07 Rezoning property located north of the intersection of Brown Station Road and U.S. 63 from A-1 to C-P; setting forth a condition for approval.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would rezone approximately 6.9 acres to C-P and was intended to provide local neighborhood services. The Planning and Zoning Commission recommended approval of the proposed rezoning subject to a number of conditions. Primarily, they wanted the C-P plan to adhere to the 12 compatibility guidelines for a Neighborhood Commons in the Metro 2020 plan and for the applicant to agree to extend a local non-residential street through the site.

Mayor Hindman opened the public hearing.

Jay Gebhardt, an engineer with A Civil Group, stated he was speaking on behalf of Mr. Fletcher, the property owner, who had owned the property for several years and had seen the changes going on in the area as Brown Station Road was being rebuilt. Using the overhead, he described the zoning of the surrounding property and noted there was a lot of O-P in the area. He explained Mr. Fletcher felt small commercial was needed to provide neighborhood-type services. He commented that Mr. Fletcher was not a developer, so they did not have a plan or conceptual drawing, but had met with staff to try to work out some of the issues to obtain the rezoning. As a result, they agreed a local non-residential road needed to be extended from Brown Station Road to the west, through their property, and eventually to Starke Avenue.

Mr. Hutton asked if the road he just referred to was intended to be an outer road that would connect Brown Station to Starke. Mr. Teddy replied it could be the beginnings of that or it could be something that just fed into the large O-P tract that was recently annexed and zoned. He noted there was the possibility of beginning to build some kind of a frontage system. They were calling it a local non-residential in order to keep the options open. Mr. Hutton noted several requirements that had not been asked for before, such as buildings on the site being oriented toward a central pedestrian focal point. Mr. Gebhardt explained that had been added by staff at the Planning and Zoning level and came directly from language in the 2020 Plan for a neighborhood commercial. He pointed out that although they did not volunteer to do that, they would try to meet the spirit of it. Mr. Hutton asked if the requirements were requested because there was no plan. Mr. Teddy replied the concern was that this was on a collector street where they usually did not have commercial zoning districts. He agreed it might be difficult to apply the strict letter of those standards, but thought they would look for something like a walkway coming off of the street directly to buildings and doing some amenity in the F-1 area where a creek tributary ran through the site.

Steve Fletcher, 4303 Brown Station Road, reiterated there was a lot of residential development in the area with office proposed, but no commercial. He stated he thought it would be beneficial to the neighborhood to have some shops in the area.

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

The vote on B39-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B43-07 Authorizing construction of traffic calming speed humps on Alexander Avenue between Ash Street and Worley Street.

The bill was given second reading by the Clerk.

Mr. Watkins explained this involved a public improvement requested by Ms. Crayton on behalf of several neighbors. It would create two speed humps on Alexander Avenue at a cost of \$9,000 from traffic safety funds.

Mayor Hindman asked how far apart the speed humps would be. Mr. Glascock replied he thought they were approximately 500 feet apart.

Mayor Hindman opened the public hearing.

Alex Maginness, 305 Alexander Avenue, stated he was in support of the speed humps. He explained Alexander Avenue was a narrow street with no sidewalks and that over 25% of the households had young children in them. They observed cut through traffic between Ash, Broadway and Worley as an unacceptable problem. He thanked staff for working with them toward resolving the issue and stated he had no doubt this would be an effective traffic calming measure. He hoped the Council agreed this project was necessary and also hoped it would start soon.

Mary Stilwell, 207 Alexander, stated she was also in support of the improvement because she wanted to see the speed on the street reduced. In addition, she read a letter from another neighbor, Cynthia Boley, 307 Alexander Avenue, who could not attend tonight's meeting. Ms. Boley noted her home was slated to have a speed hump in front of it and she could not be happier. She had been working on this project for over two years and felt that was unnecessarily long. She was hopeful the Council would bring the speed humps in quick fruition.

Shannon Canfield, 213 Alexander, stated she was favor of the speed humps and felt the improvements would make the street much safer for her two small children. She noted they did not have a sidewalk on the street and the only way to access any other sidewalks or to reach downtown was by walking or biking in the street, which she did not feel was safe since vehicles did not abide by the speed limit. She also felt the 30 mph speed limit was too high for a residential area. She was hopeful the Council would approve this, so it could get underway. Mr. Janku suggested she contact Public Works regarding the process for getting a sidewalk on the street. Ms. Canfield stated she understood it was not a possibility on their street due to the width.

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

Mayor Hindman commented that he appreciated the neighborhood for coming forward in an effort to do something about speeding. He understood the humps should be no further apart than 400 feet because otherwise people could speed up between them. Mr. Glascock replied that was correct and they were trying to get them optimally placed on the street between the intersections. He stated he would make certain they were put where they

needed to be. Mr. Maginness commented that he understood the street was approximately 1,400 feet long and they were planning on placing the humps approximately 400 feet apart.

Ms. Hoppe asked if there was a process for neighborhoods to request lower speed limits. Mayor Hindman stated Council had the right to reduce those speeds, but explained there was a question as to whether posting a lesser speed limit had an effect. He pointed out constructing barriers, such as these, were much more effective.

The vote on B43-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B47-07 Authorizing the upgrade of water main along the north side of Walnut Street, between Tenth Street and College Avenue.

The bill was given second reading by the Clerk.

Mr. Watkins explained that under the last water bond issue, they had a specific project for upgrading smaller and older lines downtown and staff believed this would improve domestic service for existing customers as well as fire protection infrastructure. The project would consist of an upgrade of about 1,300 feet of old 4-inch cast iron to an 8-inch PVC. It was located within the street right of way, so no easements were necessary. The estimated cost was approximately \$232,150.

Mayor Hindman opened the public hearing.

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

The vote on B47-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B48-07 Approving the Water and Light 2007 Renewable Energy Report.

The bill was given second reading by the Clerk.

Mr. Watkins explained the renewable energy mandate passed by voters in 2004 required a report outlining compliance with the ordinance each year prior to February 1. The report was publicly released January 17, 2007 and had been reviewed by the Energy & Environment Commission and the Water & Light Advisory Board. A public hearing and Council approval of the report was required. The report included information on the three renewable energy projects. He pointed out a combination of energy produced from wind and landfill gas would surpass the 2% requirement by bringing Columbia's renewable portfolio up to 5% by 2008.

Mr. Dasho stated he was proud of staff for working hard in order to bring these resources forward and noted they were excited about being able to get the 5% by 2008 while still being within the cost requirements.

Mayor Hindman opened the public hearing.

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

On behalf of the Council, Mayor Hindman thanked staff for their efforts.

The vote on B48-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B52-07 Authorizing construction of improvements to the MKT Forum Trailhead, MKT Scott Boulevard Trailhead, Lake of the Woods Golf Course and Kiwanis Park; calling for bids through the Purchasing Division; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a required public hearing for some parks improvement projects involving four public restrooms. He noted when looking at the CIP, a couple of the projects had been scheduled for future years, but in finding ways to accelerate the ballot issue projects, it was decided to proceed with these projects. They believed this would provide an opportunity to save money because the project would be bigger. The estimated cost was \$300,000 and would be funded by a combination of sources, including the parks sales tax and user fees from the Lake of the Woods Golf Course. If approved by Council, construction could begin this spring.

Mr. Hood illustrated the locations on the overhead and noted the map showed five locations because a fifth restroom, the Fairview Park restroom, was approved by Council last fall. If the four additional restrooms were approved tonight, they would be bidding a package of five new restrooms for construction this spring. He provided a picture of a similar style restroom and noted they were prefabricated concrete structures that were very efficient, well designed for maintenance and met all ADA accessibility standards.

Mr. Janku asked whether they had a picture of the facilities they were replacing. Mr. Hood replied they would be replacing portable toilets at the two MKT sites and the golf course. The old restroom at Kiwanis Park was an existing restroom that would be replaced.

Mayor Hindman opened the public hearing.

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

The vote on B52-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B53-07 Authorizing construction of improvements at Nifong Park, Valley View Park and Hickman Pool; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a required public hearing for some public improvements to three park facilities. The estimated cost of the proposed project was \$55,000. Under a separate request, the Parks & Recreation staff planned to request an additional \$25,000 to resurface eight tennis courts at Bethel Park with the Columbia Public School District providing matching funds. He understood there was an issue involving publication, so they could open the public hearing, but not vote on the issue until it was properly readvertised.

Mayor Hindman opened the public hearing.

Dee Dokken, 804 Again Street, wondered what percentage of the parks sales tax was being spent on improvements versus land acquisition. She believed a lot of reason people

voted in favor of that tax was because they wanted more land preserved for recreation. Mr. Hood stated he did not have the percentages, but noted each project being brought forward was specifically identified in the ballot issue. This particular project would be funded out of the annual parks improvement fund. He pointed out they indicated in the ballot issue that they would set aside a certain amount of money each year for annual improvements, which were the unanticipated projects that were usually smaller and more flexible. He commented that they had some money set aside for acquisition of both neighborhood parks and larger parks, but he did not have those percentages with him.

Mr. Hutton made the motion that B53-07 be tabled to the March 5, 2007 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

There being no further comment, Mayor Hindman continued the public hearing to the March 5, 2007 Council meeting.

B54-07 Authorizing development of Longview Park; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was the required public hearing on the development of a new neighborhood park expected to service the Gillespie Bridge Road neighborhood. The total cost was estimated at \$124,000. The plan they were asking approval for had been worked out as a result of meetings with the neighborhood. He pointed out this was the last project they had not completed from the 1999 parks sales tax issue. If Council approved the project, construction would begin this spring. He understood there was an issue in regard to the legal notice not having been published the appropriate number of times, so they could open the public hearing and table the item to the next meeting.

Mayor Hindman opened the public hearing.

Mr. Janku made the motion that B54-07 be tabled to the March 5, 2007 meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

There being no comment, Mayor Hindman continued the public hearing to the March 5, 2007 Council meeting.

(A) Construction of the Gans Road Interchange at U.S. Highway 63.

Item A was read by the Clerk.

Mr. Watkins explained this to be a major road improvement, which was included in the recent road ballot issue. He pointed out it was truly a public-private partnership where the City took \$3.2 million and leveraged it into a project that exceeded \$14 million. They were able to do that with the help of former Senator Talent, the Missouri Department of Economic Development, the Missouri Department of Transportation and the private TDD. They also received help from the University of Missouri in donated right-of-way. He stated he thought this was a very important project for a number of reasons and was critical if they planned to move ahead with Discovery Ridge.

Mr. Glascock described the phases of the project using the overhead. Phase one included the Lenoir relocation and Gans Road east of the interchange with work scheduled to

begin in the spring to accommodate ABC Laboratories at Discovery Ridge. The project cost was estimated to be about \$1.7 million. He noted most of the grading for the roadway itself was done with the grading of Discovery Ridge, so that provided some savings. He explained there was also a resolution after the public hearing for approval of some stormwater facilities to pay the University for installing them for the City. The second phase included the interchange itself, which would be a diamond configuration and would have a five-lane bridge with sidewalks/pedways on each side, and a three-lane section on Gans Road connecting in. He noted they would be connecting Ponderosa with a two-lane connector because Discovery Ridge was facing the development on the west side and they did not know exactly where that road would end up. He showed the development owned by Bristol Lake, which had been sold to the Forum Development Group, so they were waiting to see what they came forward with. In the meantime, they had to move ahead with this project because of Discovery Ridge.

In regard to timing, Mr. Hutton asked if ABC Laboratories would be constructed long before the overpass was completed. Mr. Glascock replied he did not think it would be long before the overpass was completed, but would be in advance of its completion. Mr. Hutton noted they already had a traffic problem at New Haven Road and Lenoir. Mr. Glascock agreed.

Mr. Janku pointed out this was an important entryway into the community and asked what kind of landscape plan would be incorporated into the project. He noted other communities had interchanges with more architectural features, such as stone versus chain link fencing. Mr. Glascock replied the developer and the University were both trying to do what he was requesting. He understood the developer was looking at features, such as decorative rail for the sidewalk and pedway as well as landscaping the interchange so it was an entryway into the City. He stated he had not seen the plans, but understood those kinds of things were being considered. Mr. Watkins understood those features would be paid for by the developer. Mr. Glascock replied that was correct. Mr. Janku appreciated the developer's good faith in trying to do that, but asked how the City could make sure it was done. Mr. Glascock replied the C-P plan still had to come before the Council. Mr. Janku asked if the interchange was included in the plan. Mr. Glascock replied it was part of the development agreement. Mr. Janku stated he was satisfied as long as they could ensure it was something they were proud of when it was completed.

Mayor Hindman opened the public hearing.

Scott Ward, 3030 S. Big Timber Drive, stated he was speaking on behalf of ABC Laboratories and explained they were relocating because their present facility was aging and they were running out of space. Last fall, they signed an agreement to become the anchor tenant at Discovery Ridge and were now in the process of building a 90,000 square foot facility. They anticipated having the building complete in early 2008, which meant they would be there in advance of the interchange. He noted it was important for them to have the interchange because they brought people in from all over the Country to visit the facility and wanted to upgrade from their current image. He stated they wanted a good entrance way and good access. When they moved to the new location, they expected to bring approximately 250 employees and to expand to 400 employees within a few years. The interchange with no light at Lenoir and New Haven would not be functional for them and

would probably have some safety issues. He pointed out they were told and believed the interchange would be part of the Discovery Ridge project and wanted to ensure it happened.

John Gardner, Vice-President for Research and Economic Development at the University of Missouri, stated he wanted to address some of Mr. Janku's questions regarding the amenities with respect to the University. He explained the interchange would disrupt a lot of land and the University, along with the Forum Group and Elvin Sapp, the developer to the west, were very concerned about that. He understood this was in the Gans Creek watershed, which was a sensitive watershed and noted it would also be one of the amenities/attractions to the park. He noted they believed Discovery Ridge would not only enhance the economy, but would also be done in a clean way with good development practices. He commented that there were clay pan soils and as a result, there were some stormwater problems. He explained they were pre-grading the site, so it would be site ready for any tenant without a lot of disturbance. They were also building in stormwater features, which would eventually house four or five different ways they would demonstrate, and perhaps research, the management, retardation and use of effectively filtered stormwater before allowing it to return into the Gans Creek. Mr. Gardner stated they had been working with the Bonne Femme Watershed Group and Boone County on this for some time and were in the final stages of preparing a 319 grant application to demonstrate and install some of these features. They had been talking to faculty in the College of Agriculture, Food and Natural Resources as well as Civil Engineering in regard to their interest in working on this. He reiterated they not only wanted the site for economic development, but also for demonstrating the best of development practices on clay pan soils in Missouri.

Ms. Hoppe asked if the University would contribute in adding landscaping to the intersection. Mr. Gardner replied they would on their property. He noted they were working with the Forum Group and had been in discussions with the City, County and MoDOT in regard to the interchange itself. He commented that they would probably have infiltration, rain gardens and wetlands to filter the water all along Highway 63, Gans Road, the frontage roads and the ramps.

Tom Payne, the Vice-Chancellor for Agriculture and the Dean of the College of Food, Agriculture and Natural Resources for the University of Missouri, stated they were very committed to aesthetic amenities and noted they had already initiated a landscape study using some of their faculty and students for not only the frontage area, but also for the entire South Farm, which they wanted as a show place for the community. He pointed out they were very much in favor of pedways and bikeways. They were planning to have a floriculture test garden that would be visible from Highway 63 and an arboretum that would go through the farm. Depending on the funding they received, they would put walkways and bikeways with self guided tours through the entire facility over time. They looked at this not only as a great thing for the community in terms of access and safety, but also in terms of an attraction or destination. He stated Discovery Ridge coupled with the South Farm would be a great addition to the community.

Roger Schwartz stated he was representing MoDOT, who was in support of this project. They believed it was great for economic development in Columbia, Boone County and central Missouri. He explained as part of the project design, they would be requiring the

crossover, which was south of Gans Road where Williams Pipeline was located and where Ponderosa came into Highway 63, to be a right in/right out driveway. He noted the median would be removed as part of this project, so traffic going north into Columbia would have to use this interchange. They believed this would create a much safer situation. He explained this project was also going through MoDOT's approval process. The MoDOT funding requested at \$4 million was going to the Innovative Finance Steering Committee on March 5, 2007 for their consideration. The project had previously been to them, but was not approved since the TDD was not in place at that time. He noted they would also have a public meeting to gather public input on the project on March 15, 2007 at Lenoir from 4:00 to 7:00 p.m. They would have the design plans for the interchange so the public could see what the interchange and land configuration would look like. He pointed out he had seen the planned enhancements from the developers and if they moved forward with those enhancements, it would be the greatest interchange in the State of Missouri. He understood it would have water and lighting features and the bridge attachments would have enhancements to include fencing along the side, which was essentially a sculptured feature. Mr. Schwartz stated they were trying to work with them in allowing all of these enhancements, while still keeping it safe for travelers.

Mr. Janku asked if the right in/right out would be on both sides or just on the west side southbound. Mr. Schwartz replied they would be removing the median portion, so it would affect both sides. The other side was the entrance that went into Channel 8 Studios.

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

Mayor Hindman made the motion directing staff to proceed with final plans and specifications for this project. The motion was seconded by Mr. Janku.

Ms. Hoppe stated she liked all of the landscaping features and noted she was looking forward to seeing them.

Mayor Hindman thought it was a terrific project for Columbia and the State of Missouri in regard to having the research park.

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

R53-07 Authorizing an agreement with The Curators of the University of Missouri for reimbursement of expenses relating to construction of improvements to Lenoir Drive in conjunction with the Gans Road Interchange construction project.

The resolution was read by the Clerk.

Mr. Watkins stated this was a cooperative agreement with the University that would allow the City to put in some drainage features as they built Lenoir and the interchange. The amount was not to exceed \$90,000.

Mayor Hindman opened the public hearing

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

The vote on R53-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Resolution declared adopted, reading as follows:

(B) Voluntary annexation of land located southeast of Oakland Gravel Road, east of Teresa Drive.

Item B was read by the Clerk.

Mr. Watkins explained this was for the voluntary annexation of 61.75 acres of land located in the northeast part of the City and off of what would be an extension of Waco Road. The applicant was requesting R-1 permanent zoning, which was roughly equivalent to County R-S zoning.

Mayor Hindman opened the public hearing.

Chris Sander, an engineer with Crockett Engineering, 2608 N. Stadium Boulevard, offered to answer any questions.

Mr. Janku stated he understood the Parks & Recreation Commission recommended the City obtain a trail easement through the Bear Creek part of this property and asked if that was coming along. Mr. Sander replied he was not sure where they stood in those negotiations.

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

R52-07 Certifying local organizations as community housing development organizations; amending the 2006 Action Plan.

The resolution was read by the Clerk.

Mr. Watkins explained as part of the HOME funding from HUD, the City would set aside 15% each year for community housing development organizations (CHDO's). The Community Development Commission accepted applications on an annual basis for these funds and staff was suggesting the Plan be amended and funds be allocated to Job Point and Habitat for Humanity per the Commission's recommendation.

Mayor Hindman opened the public hearing.

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

Mr. Janku noticed Job Point did not have lots at the present time while Habitat for Humanity did, so he thought there could be a symbiotic relationship where they could purchase a lot from Habitat while keeping the money within the affordable housing community. He noted the Habitat lots tended to be near bus lines and services. He did not want to see a lot purchased away from services and schools. He thought they might want to encourage them to work together.

Skip Jenkins, Job Point, 400 Wilkes Boulevard, stated they submitted their request for CHDO funds without site control and noted he had been in touch with local realtors looking at vacant lots and lots that involved demolition candidate homes on them. He pointed out the lots he had been looking at were in the NRT area of McBaine, Banks, Dysart, Jefferson, Duncan and Third. He made contact with the owners of the Third Street vacant lot property and the Duncan property was a candidate for demolition. He noted he had talked to those two owners and had leads on some others. He commented that they were collaborative partners in the construction of Habitat homes utilizing the students in the Columbia Builds Youth program. They had not pursued purchasing a lot from them, but would be willing to if agreeable. Mr. Janku understood they were trying to sell a few walkout basement lots in Haden Park. Mr. Jenkins replied he was aware of the lots and understood Central Missouri

Community Action bought those lots. If Habitat had other lots, he would entertain the idea of buying them. Mr. Jenkins stated with Council approval he believed Job Point would be in the position to purchase site control before HUD funds were to be contracted.

Mr. Hutton made the motion that R52-07 be amended per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on R52-07, as amended, was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Resolution declared adopted, reading as follows:

OLD BUSINESS

R31-07 Authorizing an agreement with MEC Water Resources for engineering services for the development of use attainability analysis and disinfection waiver approaches for the Missouri River.

The resolution was read by the Clerk.

Mr. Watkins stated this item was tabled at the last meeting due to some Council questions. He explained the object of the study was to determine where the City would need to measure in order to determine if they were in compliance with the bacteria standards of discharging into the Missouri River. He pointed out they intended to fully comply with the standards and were not trying to get around them, but also wanted to disinfect naturally through the wetlands and the Eagle Bluffs area. They felt they should be allowed to obtain credit for that disinfection as opposed to taking samples out of the plant. They were trying to build a case to get DNR to agree with that. Mr. Glascock referred to the wording in the supplemental information provided indicating the department might waive or relax the limitation if the owner or operator of the wastewater treatment facility could demonstrate that neither health nor water quality would be endangered by failure to disinfect and noted that was all they were trying to do. They were trying to prove they had that situation. Mr. Watkins reiterated they wanted to do this so they could use the wetlands for disinfection. Otherwise, the law might require them to disinfect at the treatment plant, which they felt was a poor use of money and not necessary.

Mayor Hindman commented that he read the criticisms and found this confusing because he did not like the idea of participating with these other cities in order to say Columbia could dump more stuff into the Missouri River. He noted he was one of the co-chairs of the wetlands bond issue, which passed by an enormous amount, and stated the theory was that even though Columbia would meet the DNR regulations, the citizens wanted to tax themselves to build the wetlands in order to avoid putting anything directly into the Missouri River. Now, they were talking about joining other cities in order to prove the City did not need to reduce the amount they put into the River. He understood the theory of Columbia being able to measure at the River instead of at the plant, but did not see what that had to do with joining in with all of the other cities trying to show people did not swim in the River. Mr. Glascock explained each City had an individual contract with MEC. It was not one contract for seven cities, but seven contracts. They were just getting together to have one consultant do the study. Mr. Hutton asked if he was saying the contractor would be doing a different scope of work for Columbia than they would the other entities. Mr. Glascock replied yes and

added that they were collecting data, not just for Columbia, but for the whole River. Mayor Hindman asked what that had to do with Columbia's situation. Mr. Glascock replied that if they stated the City was outfalling to the River and Columbia had to disinfect, they wanted to look at what months they needed to disinfect. Any data they could collect to reduce that time would reduce the cost. They wanted to verify if recreation on the River was April through October or if it was a shorter period of time. Mayor Hindman questioned why the wetland was built if that was the case. Mr. Janku understood when the wetlands issue was discussed, the other option was to run a pipe to the River and the people did not want to do that. They instead voted to pay higher rates for this better solution. If the City was achieving that goal, he did not think the City should pay more. He believed they needed to defend the City's system and not pay for it twice. Mayor Hindman agreed. He thought they should have a study that indicated they should be able to measure at the outlet into the River versus at the plant, but that was where it should stop. Mr. Janku stated that if the results of the study indicated they were clean, they still had to convince DNR since they were the ultimate authority. He wondered what they would do once they had the study. Mayor Hindman commented that he thought they should prove they were clean from where they believed it should be measured. He did not think they needed to study the swimability of the Missouri River. He noted the other cities were not clean. Mr. Janku agreed and believed a separation of contracts would be good. Mr. Hutton understood they were going to gather information apropos to all seven entities and if Columbia did its own contract, they would have to pay more. Mr. Glascock pointed out it would cost more than \$13,000 if they did not do it collectively. Mayor Hindman asked why they needed all of that extra information if they were clean. Ms. Hoppe stated she shared Mayor Hindman's concerns and noted the executive summary indicated the scope of work would include draft recommended water quality standards and effluent regulations changes along with participation in a clean water forum disinfection waiver stakeholders workgroup. She thought they were asking them to make changes in what was required beyond just saying they did not dump into the Missouri River and stated she did not understand how that would serve their interests. Mr. Glascock replied they were not asking for any changes to the State law. They were asking that they be able to outflow to the Eagle Bluffs. If Council had difficulty with the agreement, he suggested they withdraw the resolution. He understood they would soon be told they had to disinfect and they would then have a very short time to prove otherwise. Mr. Watkins explained DNR was going to tell the City they would have to disinfect and it was up to them to prove they met the requirements. He believed they needed the studies to show that. He noted he did not think adding chlorine or another disinfectant would be environmentally positive.

Ken Midkiff, 1005 Belleview Court, stated he was speaking on behalf of the Sierra Club-Osage Group and was Chair of the Missouri Chapter. He reviewed the five points within the supplemental memo. In regard to the first bullet, he stated the development of UAA protocols had already been done and noted an existing use could not be removed because federal law indicated States could remove a designated use that was not an existing use. He felt existing uses, such as swimming, water skiing, and whole body contact, could not be removed. He explained the recreational season went along with high flow conditions and was established by State regulations. He felt this would call for a significant change in State

regulations. In regard to the second bullet involving the impact of potential antidegradation regulations, he stated there was the potential because those regulations were currently under development and would not be recommended to the Clean Water Commission until May or June. He noted the third bullet relating to the Quality Assurance Project Plan (QAPP) had been discussed and explained bacterial levels were the standard for determining whole body contact. The fourth bullet involving UAA and disinfection waiver approaches was specified by federal law. In regard to the fifth bullet relating to changes, he thought it would be very difficult to do. In addition, he noted there was a DNR working group that just adopted new water quality standards and new effluent regulations, so it would be at least 2-3 years before changes would be made. Mr. Midkiff pointed out he had no problems regarding the statement made indicating that if the City was indeed meeting the disinfection standards by not discharging into the River, they should not be required to chlorinate or dechlorinate. He suggested the language be amended to only determine whether or not the City of Columbia needed to disinfect. If the agreement was limited to that, he did not have any problems because he did not think DNR would require disinfection.

Mayor Hindman understood staff suggested they defeat this resolution. Mr. Janku suggested they table the issue instead. Mr. Glascock recommended they defeat the resolution since it would have a different scope of work when they brought it back.

The vote on R31-07 was recorded as follows: VOTING YES: NO ONE. VOTING NO: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Resolution defeated.

R32-07 Approving the Preliminary Plat of The Overlook located along both sides of West Broadway, extended; setting forth conditions of approval.

The resolution was read by the Clerk.

Mayor Hindman noted they had received a request to table this item to the March 5, 2007 Council meeting.

Mr. Hutton made the motion to table R32-07 to the March 5, 2007 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B40-07 Granting a variance to the Subdivision Regulations relating to the construction of a sidewalk adjacent to Lot 26 within Norbury Hill Subdivision located on the northwest corner of Rhonda Lane and Andy Drive.

The bill was given second reading by the Clerk.

Mayor Hindman noted this item had been withdrawn.

B55-07 Authorizing an amendment to the Fairview Marketplace development agreement with Broadway-Fairview Venture, L.L.C. and Broadway-Fairview Transportation Development District.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize an amendment to the Fairview Marketplace development agreement wherein a number of requirements were outlined in order to move forward with the project. One of those requirements was a six foot tall wrought iron fence. Due to an error, the fence was installed at four feet and they were asking for permission to allow the shorter fence to remain because of the replacement cost.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, believed this to be a non-controversial issue. He explained he had spoken with Mr. Loveless as to why this was on the agenda, who thought it was because there was a public requirement for the fence, which the minutes would reflect. His recollection regarding how the nature of the fence was generated was that they originally planned for a chain link fence to be behind Wal-Mart. He noted he did not think the height was specified. On January 3rd, when they held the public hearing, Mr. Janku indicated his constituents had requested the fence be changed from chain link to wrought iron and that was the only discussion about the fence. When working on the development agreement with Mr. Boeckmann, he asked how high the fence should be and Mr. Boeckmann suggested six feet, which was agreed to and written in the development agreement. The poles that were ordered were six feet, but two feet had to go into the ground. He noted this was an expensive mistake to fix because they could not weld anything to the top of the fence since it would look bad and would not hold up. Their only recourse was to replace the entire fence and they felt that would be an incredible waste of money since the fence was decorative and did not provide any function. He provided copies of the minutes for the Council to review. He noted his client had spent a substantial amount of money on items in addition to those promised. He pointed out they had already made several changes to the landscaping to accommodate the neighborhood's request and added that the Fairview/Worley roundabout was going to be much more expensive than originally forecasted. He stated he did not think this was an unreasonable request.

Mr. Loveless explained he had asked to have this taken off of the Consent Agenda because he recalled discussing the idea of a fence behind Wal-Mart because the citizens who lived in the neighborhoods north and northwest of the development were concerned about people gathering in the Wal-Mart parking lot and working their way in through their neighborhoods. The idea of the fence, in his opinion, was to make that more difficult. He recalled the fence was to be unbroken throughout the entire back of the lot from Fairview to Park de Ville. He also recalled Mr. Janku saying that if there was going to be a fence in the back, it should be an attractive one. He did not think the fence was installed only for decorative purposes. It was also there to add security for the neighbors. If the fence was allowed to stand as a four foot fence, he believed it would create a credibility problem because it would not provide the same security. He pointed out this project had received great scrutiny and felt there was public trust in the process, so the development agreement needed to be followed as agreed upon.

Mayor Hindman asked Mr. Loveless how he arrived at the six foot height. Mr. Loveless replied it was in the development agreement. Mr. Boeckmann stated that was correct and added that he could not recall how it got there, so Mr. Van Matre's recollection could be accurate.

Mr. Janku stated he had received a lot of questions and comments regarding this project after the construction began. He noted one of the requirements of the development was that no RV parking would be allowed at night and a constituent wondering how that would be enforced asked that signs be posted in the parking lot. He pointed out the City did not require it, but the signs were posted voluntarily by the store. He agreed that they needed to adhere to the agreement, but also thought tearing up the area would be disruptive. He

noted construction of the project had been very difficult for people to deal with, so he did not want to disrupt things now that everything was in place and the grass was growing. He stated he would personally rather see the money go toward the roundabout that had been promised.

Mayor Hindman stated he understood some landscaping issues had come up on the northwest side where landscaping was required for a certain part of it, but not on another part because it had been overlooked. The neighbors called and the developer went ahead and took care of it, although there was no obligation for them to do so. He noted there were other instances where the developer went beyond what the agreement called for in order to satisfy the neighbors. He explained, in law, there was a doctrine that dealt with contracts known as the doctrine of substantial performance. Everyone understood, when doing a construction job, it would never be done exactly according to the contract and where there was substantial performance, it was treated as though the contract was performed. If they did not have that, they would never be able to settle construction contracts. He stated he understood Mr. Loveless' concerns, but felt because there was a four foot fence, there was substantial performance, especially in light of the developer voluntarily doing things upon request when they had been overlooked. He pointed out he had not heard any complaints about the fence. Mr. Janku stated he had not heard any either.

Ms. Hoppe asked how long the fence had been there. Mr. Janku replied it was there before the store opened. Mr. Loveless thought it had been there for six months. Ms. Hoppe stated she thought there was a big difference between a four and six foot fence and was planning to ask that they delay a decision in order to hear from the neighbors, but since it had been there for six months without any complaints, she believed that answered her question. Mr. Janku noted there was very close scrutiny of the construction with a lot of questions raised and he felt the fact that no one had brought this fence issue up said something. Ms. Hoppe thought if they wanted to be safe, they could table the issue in order to provide the neighbors an opportunity to comment. Mayor Hindman thought if anyone really objected, they would have heard from them because they did in regard to other issues. He asked if anyone had raised that issue to staff. Mr. Watkins replied he was unaware of anyone raising that issue.

Mr. Hutton stated he was not sure what purpose the fence served. He felt that four feet was adequate and pointed out the berm where it was located was quite large. He also felt the landscaping and other amenities associated with the development were so far beyond his expectations that the fence being only four feet was okay.

The vote on B55-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, NAUSER. VOTING NO: LOVELESS. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B58-07 Appropriating funds for the PedNet Project promotion and education program.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would transfer and appropriate \$450,000 from the non-motorized project into the PedNet project - promotion and education sub-category.

The vote on B58-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B41-07 Approving the Final Plat of Shanthy Mandir Subdivision located on the south side of Holly Avenue, approximately 300 feet east of Grand Banks Drive; authorizing a performance contract.**
- B42-07 Vacating a portion of a utility easement located on Lot 1 within Fairview Marketplace located on the northeast corner of West Broadway and Park De Ville Drive.**
- B44-07 Calling for bids for the Bear Creek Outfall Sewer Extension project.**
- B45-07 Calling for bids for construction of Louisville Drive from north of Whitefish Drive to Smith Drive.**
- B46-07 Accepting conveyances for drainage, sewer, utility, sidewalk and street purposes.**
- B49-07 Accepting conveyance; authorizing payment of differential costs for water main serving R.T.W. Addition Subdivision; approving the Engineer’s Final Report.**
- B50-07 Accepting a waterline easement from The Conservation Commission of the State of Missouri for construction of a water transmission line from the McBaine Water Treatment Plant to Star School Road.**
- B51-07 Accepting conveyances for utility purposes.**
- B56-07 Accepting donations from the Wal-Mart Foundation and Sunrise Optimist Club for the Police Department; appropriating funds.**
- B57-07 Appropriating donated funds for the Flat Branch Park Phase II development project and the Stephens Lake Park development project.**
- B59-07 Appropriating funds donated from the Wal-Mart Foundation for the purchase of digital cameras and accessory equipment for the Fire Department.**
- B60-07 Authorizing Amendment No. 3 to the agreement with the Missouri Department of Health and Senior Services for HIV prevention activities; appropriating funds.**
- B61-07 Appropriating funds for the purchase of document imaging hardware/software.**
- B62-07 Appropriating funds for City sponsorship of the Tour of Missouri.**
- R34-07 Setting a public hearing: voluntary annexation of property located on the northeast side of Masonic Drive, west of Oakland Gravel Road.**
- R35-07 Setting a public hearing: amending Chapter 12A of the City Code as it relates to land preservation and stormwater management.**
- R36-07 Setting a public hearing: replacement of the HVAC system at the Water and Light Distribution Center (Heuchan Building).**

- R37-07 Setting a public hearing: construction of improvements at Nifong Park, Valley View Park and Hickman Pool.
- R38-07 Setting a public hearing: development of the Longview Park.
- R39-07 Setting a public hearing: construction of improvements at Douglass Park.
- R40-07 Setting a public hearing: reconstruction of a shelter house and adjacent parking lot in Cosmo Park.
- R41-07 Authorizing an agreement with Integrity Home Care, a division of Integra Healthcare, Inc., for homemaker/personal care and respite care services.
- R42-07 Authorizing an agreement with The Curators of the University of Missouri, on behalf of MU Adult Day Connection, for homemaker/personal care and respite care services.
- R43-07 Authorizing an agreement with Boone County for public health services.
- R44-07 Authorizing an agreement with Boone County for animal control services.
- R45-07 Authorizing an agreement with Sustainable Farms & Communities, Inc. for the lease of city-owned property located on the west side of Clinkscales Road for the operation of a farmers' market.
- R46-07 Authorizing an amended agreement with HDR Engineering, Inc. for engineering services relating to the reconfiguration of eight intersections to enhance pedestrian, bicycle and vehicular travel and safety.
- R47-07 Authorizing an agreement with Bucher, Willis & Ratliff Corporation for engineering services relating to the Hinkson Creek Siphon Elimination project.
- R48-07 Approving the Final Plat of Trade Winds Park, Plat No. 1 located outside the city limits on the south side of I-70 Drive Southeast, east of Sunrise Estates Subdivision.

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

NEW BUSINESS

- R49-07 Authorizing HOME agreements with Covenant Community Development Corporation, Show-Me Central Habitat for Humanity and The Housing Authority of the City of Columbia.

The resolution was read by the Clerk.

Mr. Watkins explained this to be a companion bill to the HOME modifications approved earlier this evening as this involved the actual agreements. Mr. Teddy noted that in addition to being a companion to the earlier resolution, this resolution would also approve an agreement with Covenant Community Development Corporation for the use of \$43,938 in 2005 HOME funding. They had delayed bringing the agreement to the Council until Covenant received rezoning of the Garth and Sexton site. The zoning and plan was approved in October of 2006. Another part of this resolution involved providing \$100,000 to the Columbia Housing Authority to support their tenant based rental assistance program.

Mr. Janku asked for a description the Housing Authority's tenant based rental assistance program. Mr. Teddy replied it was a rent subsidy program, which included supportive services. The City monitored it since it was assisted with HOME funds. Mr. Janku understood it was for people not residing in public housing. Mr. Teddy replied that was correct.

Ms. Hoppe understood funding for the Covenant Community Development Corporation was approved in 2005, but Council did not approve the project until recently and asked for an explanation. Mr. Teddy replied it was similar to tonight where Job Point was granted a reservation of \$35,000. Two years ago, they reserved the sum of the \$43,938 to Covenant with the understanding there would not be an agreement until they received full zoning on the project. They also reserved some 2004 HOME funds for them. He noted this was for the residential portion only. Ms. Hoppe asked if in the past, an agency had been allocated funding, but had not received it because Council did not approve it. Mr. Teddy replied he could not recall an example, but if it did happen in the future, they would amend the Plan and reallocate the funds. Mr. Watkins thought we have had some problems with Enterlight Services before where they had to come back to the Council.

The vote on R49-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Resolution declared adopted, reading as follows:

R50-07 Approving the Preliminary Plat of Fox Lair, Preliminary Plat No. 1 located east of Perche Creek and west of Georgetown Subdivision.

The resolution was read by the Clerk.

Mr. Watkins stated this preliminary plat would create 27 R-1 zoned lots on property which was recently annexed. All of the stream buffer issues had been resolved and they were working with the developer on the issue of the Perche Creek Trail. It was agreed that the needed greenspace trail easements, which were not exactly determined yet, would be shown on the final plat. This would be in accordance with the agreement approved in conjunction with the annexation. The Planning & Zoning Commission recommended approval subject to some changes being made to a note on the plat. He noted those changes had been made.

Mr. Teddy explained in the northeast portion there were four lots and an extension of a cul-de-sac, which was a recently built street named Dolly Varden that stubbed out to the property and was part of the Quail Creek Development. He noted those lots could be created by final plat. Moving along the north boundary, there were two cul-de-sacs that had as their origin an undivided property not under City jurisdiction. It was not subdivided on a preliminary or final basis and there was nothing in the Major Roadway Plan regarding streets there, so those two cul-de-sacs were somewhat conjectural unless the property owner had some interest in the adjacent tract. There was a note on the plat that indicated the final centerlines of the two cul-de-sacs would be dependent on planning the large tract to the north. There was also an indication that the City was to be in no way responsible for enforcing an extension of streets into the tract. That would indemnify the City if the property owner to the north was not interested in participating in this subdivision or designing a

subdivision. He commented that it was a little unusual to get streets stubbing out in this manner – i.e. from a dead end cul-de-sac to an undivided tract of land. He noted Boone County staff did not think it was appropriate to be shown at this time, but that City staff found it acceptable with the note. He pointed out this was only a preliminary plat, so they would have to prove they could actually join them to some plan or existing street at the time of final platting or it would have to remain a single, undivided lot. In regard to the south boundary, he noted another cul-de-sac with several lots and stated it actually connected to a street easement on a preliminary plat for a future phase of Westcliff, so there was not a developed street at that property line at the present time. There was, however, a City approved plan that showed a stub in the form of a street easement. He thought it had been done as an easement rather than a right-of-way with the idea that the centerline would have to be shifted depending upon the planning of the parcel. He referred to lot 10 and stated it had access directly to a County street named Fort Sumter Court. That was the only lot on the plan that directly accessed a Boone County street.

Mr. Hutton understood that lot would have City services, so a trash truck would have to come through County property in order to get to lot 10. Mr. Teddy replied that was correct.

Mayor Hindman wondered if they would be creating a legal rights issue when allowing the cul-de-sacs to be shown as attaching to someone else's property. Mr. Teddy explained they had that conversation with the applicant's attorney and thought it was a matter between private property owners. Mayor Hindman wondered if they would be creating a legal claim for the owner of the property if they agreed to this preliminary plat. Mr. Teddy replied their idea in asking for the note was to indemnify the City against some claim that another property owner might bring. Mayor Hindman stated he did not think they should be creating a claim against another property owner. Mr. Teddy agreed. He noted it assisted them in planning the adjacent tract in the event that property owner wanted to annex and subdivide. He explained there was a stub out street from Dolly Varden to the property, which was not shown on the map, so it was not too unreasonable to think it would be extended to the west in the future with some kind of residential subdivision. The cul-de-sacs could then be extended down from that. Mayor Hindman thought it looked like tough topography. Mr. Teddy stated the alternative was to leave it as an undivided lot on the preliminary plat while allowing that question to ride.

Mr. Hutton understood there was a note reading lots 13 and 14 were not for residential construction. Mr. Teddy replied that was correct. He explained the tributary to the Perche intermittent stream required a stream buffer and that buffer basically wiped out those two lots because they could not be built upon without encroaching into the buffer.

Chris Sander, an engineer with Crockett Engineering, 2608 N. Stadium, explained their original task had been to be able to develop the lot off of Fort Sumter Court and the lots off of Dolly Varden Court. The requirement of showing a preliminary plat for the entire property up to 80 acres led them to try to figure out what they might do with the entire property. They showed the two cul-de-sacs off of the property to the north in order to try to get some idea of the likely location if the tract ever developed as a residential subdivision. He noted they followed ridge tops coming down from the north. He understood Mr. Simon, their attorney, as saying the right to require access from a neighbor might allow for required

access but would not allow for requiring a public street and would definitely not require two points of access. It was Mr. Simon's opinion that right could not be led into forcing them to provide street access to this property. He explained the applicants were just trying to show what they would like to do and there was a note indicating they were flexible in what they would do and would not do anything until the property to the north was developed. Mr. Sander explained that since the stream buffer ordinance was new, they misunderstood some of the rules, and therefore, met with staff after the Planning & Zoning Commission meeting in order to resolve those issues.

Mayor Hindman understood lots 11 and 12 could be developed, but lots 13 and 14 could not. Mr. Sander replied that was correct. Mr. Hutton asked who would take care of lots 13 and 14 in regard to mowing and etc. Mr. Sander replied the idea of the stream buffer was to largely leave it undisturbed and all but the very front of the lots, which included the right-of-way and the sidewalk, were in the buffer. Mayor Hindman understood the only development they were likely to see involved lots 11 and 12. Mr. Sander replied it would be lots 10, 11 and 12. He noted the PUD plan for the Westcliff development to the south showed a street easement in that location, so as that subdivision developed the extension of that street would be possible.

Ms. Hoppe understood staff originally had a concern about the stream buffer in regard to lots 15 and 16 because it eliminated all or part of the outer buffer and asked how that had been resolved. Mr. Sander replied on the amended preliminary plat, they combined lots 15 and 16. He stated they eliminated one of those lots. Because the northwest corner had a steep bank, they were able to take out a lot that would not have been developable and combined it with the other lot in order to leave a home site on the combined lot.

Mayor Hindman asked which lot that home site would be on. Mr. Sander replied lot 15. Mr. Glascock explained when talking about lots 15 and 16, they were referring to a plat filed January 24, 2007, which was on the overhead. The plat in the Council packet was received February 12, 2007. They combined two lots on that plat by removing the lot line.

Mr. Janku asked if they had resolved the issue about forced access. Mayor Hindman thought their attorney, Mr. Simon, was probably correct in that they could force access to a public road, but only in one place. It was up to the property owner to make it the least harmful. He understood they apparently had access to a street in the northeast corner, so he thought that solved the problem. He stated he did not think they could force access to any of these lots. He thought they could only force access to one's own property.

Mr. Loveless wondered if lots 15, 16, 17, 18 and 19 were sold to individual land owners, if each one of those land owners could petition for access through the Smith tract to their property. Mr. Boeckmann explained the Council should not approve a final plat since they would be creating lots that did not have access to a public street. Mr. Loveless understood they could only sell those lots after final platting. Mr. Boeckmann replied that was correct and added they could not sell lots off of preliminary plats.

Mr. Janku asked if it would be better to have a variance to the subdivision regulations to exempt them from the requirement of platting the lots simply to avoid this issue. He appreciated them showing what they were thinking about doing, but thought it was creating problems. Mr. Boeckmann replied he did not know that there was a good way to do this. Mr.

Janku thought if they provided a variance to the requirement of platting the entire tract, it would not create all of these questions. Mr. Hutton understood the final plat would have to be substantially in conformance with the preliminary. Mr. Boeckmann stated he agreed with Mr. Simon in regard to what he was saying about a way of necessity, but did not think they could force the property owner to the north to provide two streets down to those cul-de-sacs. If that property came into the City and filed a preliminary plat that did not show conformance with everything, the Council would have to adopt it and whoever owned this property would just be out of luck.

Mr. Hutton stated he had a bigger problem with lot 10 being in the Georgetown Subdivision. Mr. Boeckmann noted it had been done before. Mr. Hutton thought they should contact all of the people contiguous to this property notifying them they could annex since they were contiguous. Mr. Watkins noted a group in the area was talking to the City about annexing.

Mr. Janku pointed out staff was comfortable with it and that the Planning & Zoning Commission recommended approval, although it was not an overwhelming vote. Mr. Sander agreed it was not an overwhelming vote, but thought it was due to concern regarding the stream buffer, which they were able to work out by eliminating the lot. He pointed out a note on the plat indicating there would be no final plat until the property to the north was platted. He understood no building permits would be available and the sale of the property would not be legal until it was final platted. Mayor Hindman understood they would not be building on lots 11 and 12. Mr. Sander noted lots 11 and 12 were connected to an existing street. Mr. Janku explained they could final plat parts of it. Mr. Sander stated that was correct.

The vote on R50-07 was recorded as follows: VOTING YES: HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: HOPPE. ABSENT: CRAYTON. Resolution declared adopted, reading as follows:

R51-07 Approving the Preliminary Plat of Wyndham Ridge, Plat No. 1 located north of the intersection of Scott's Boulevard and State Route KK.

The resolution was read by the Clerk.

Mr. Watkins stated this preliminary plat would create 182 R-1 zoned lots, 17 proposed R-2 lots and one C-P lot. The Planning & Zoning Commission recommended approval and all of the lots were in conformance with the current R-1 zoning. Mr. Teddy noted the applicant withdrew the R-2 zoning request, so the 17 R-2 lots should be considered 17 lots that were in R-1 zoning.

Mr. Janku understood they might replat it if it stayed as R-1. Mr. Teddy replied for the R-2 section, those lots were planned for R-2 zoning in regard to minimum lot size, width, etc., so he anticipated they would revise that portion.

Chris Sander, an engineer with Crockett Engineering, 2608 N. Stadium, explained the lots were shown a little wider to accommodate the R-2 zoning district on the south side, so they might come back with a request for PUD or reconfigure a different shaped R-2. Those lots were slightly wider, but they would probably stay about the same size as shown because they were similar to the lots in the remainder of the development.

Mayor Hindman asked if there were connections between the cul-de-sacs by trail or sidewalk. Mr. Sander replied they had trail easements to connect across. There was a stream buffer through the area, so the trail easements were a good way to connect the area.

The vote on R51-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. 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.

- PR54-07 Establishing revised Community Development Block Grant funding guidelines; establishing a revised review process for annual CDBG funding requests.**
- B63-07 Voluntary annexation of property located on the east side of Scott's Boulevard, south of Thornbrook Ridge; establishing permanent R-1 zoning.**
- B64-07 Voluntary annexation of land located southeast of Oakland Gravel Road, east of Teresa Drive; establishing permanent R-1 zoning.**
- B65-07 Rezoning property located north of the intersection of Scott's Boulevard and State Route KK from R-1 to C-P and R-2; setting forth a condition of approval.**
- B66-07 Rezoning property located on the southwest corner of Grindstone Parkway (State Route AC) and Rock Quarry Road from A-1 to C-P.**
- B67-07 Amending Chapter 29 of the City Code as it relates to conditional uses in R-3 and R-4 zoning districts.**
- B68-07 Approving the 2007 Columbia Sidewalk Master Plan.**
- B69-07 Approving the Final Plat of Winchester Subdivision – Plat 1 located on the north side of Chapel Hill Road, west of Forum Boulevard.**
- B70-07 Vacating a utility easement located on Lot 2 within Bearfield Plaza Subdivision.**
- B71-07 Amending Chapter 12A of the City Code as it relates to land preservation and stormwater management.**
- B72-07 Amending the FY 2007 Annual Budget to delete an Engineering Aide IV position and add an Engineering Specialist I/Engineer I position in the public works department.**
- B73-07 Authorizing a letter of acknowledgement with the Missouri Department of Natural Resources relating to a grant for the West Boulevard/Marygene Drive storm water drainage improvement project; appropriating funds.**
- B74-07 Authorizing a right of use permit with The Links of Columbia to allow construction, improvement, operation and maintenance of a private irrigation line within the Clark Lane right-of-way.**
- B75-07 Authorizing a right of use permit with Perry Automotive Group, Inc. to allow construction, improvement, operation and maintenance of a private fiber optic communication cable in conduit within portions of Indiana Avenue, Dakota Avenue, Illinois Avenue and Nebraska Avenue rights-of-way and two heat pump supply and return conduits within a portion of the Nebraska Avenue right-of-way.**

- B76-07 Authorizing a right of use permit with Lifestyle Development, Inc. to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system, lighting, electrical conduits and water service lines within the Screaming Eagle Lane and Marcassin Drive rights-of-way.
- B77-07 Authorizing a right of use permit with Woodland Hills Properties, LLC to allow construction, improvement, operation and maintenance of landscaping, including an irrigation system, lighting, electrical conduits and water service lines within the Stone Grove Court right-of-way.
- B78-07 Authorizing a right of use permit with The Country Club of Missouri to allow construction, improvement, operation and maintenance of a private irrigation line within the Nifong Boulevard right-of-way.
- B79-07 Authorizing replacement of the HVAC system at the Water and Light Distribution Center (Heuchan Building); calling for bids through the Purchasing Division.
- B80-07 Accepting a conveyance for utility purposes.
- B81-07 Authorizing construction of improvements at Douglass Park; calling for bids through the Purchasing Division.
- B82-07 Authorizing reconstruction of a shelter house and adjacent parking lot in Cosmo Park; calling for bids through the Purchasing Division.
- B83-07 Appropriating funds for the Natural Resources Inventory.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) All-way stop – Ninth Street & Park Avenue.

Mr. Watkins explained this report, requested by Council, addressed making the intersection at Ninth and Park a four-way stop. He noted they could probably do the four-way stop, but some changes in parking would be required as a result.

Mr. Janku made the motion that staff be directed to prepare the appropriate ordinances. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(C) Street closure request - Roots 'N Blues 'N BBQ Festival.

Mr. Watkins stated this would allow staff to close certain streets downtown for the festival. He noted they received an in-depth presentation as to which streets would actually be closed at the last pre-council meeting.

Mr. Janku made the motion to proceed as requested. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

(D) Oakland Gravel Road sidewalks.

Mr. Watkins explained Council recently authorized staff to proceed with a major water line project along Oakland Gravel. There was also a sidewalk project for Oakland Gravel in the CIP, which was a couple years out, but staff was recommending they move ahead with

the portion involving the sidewalk across the park. Since it was across City property, no easements would be required. Staff was also recommending they wait to complete the work on the next block, which was between Edris and Blue Ridge, because they thought that might require some retaining walls and cause a lot of change to the front yards. They felt that part needed to be studied more and would require some work with the neighbors.

Mr. Janku stated he concurred with staff's recommendation and thought they might want to put it on the Sidewalk Master Plan versus tax billing the property owners. He commented that he believed there were some property owners to the south who were under a development agreement to put in a sidewalk. He recalled discussion regarding a sidewalk being required within a certain length of time when the Confederate Hill property was rezoned. He thought they needed to be approached regarding putting in the sidewalk. He was hopeful the rest of the development would be at the point they had to put the sidewalks in since the land had been platted for about three years. He believed it should be continuous except for the part mentioned previously. The other part was south of Holly and he thought that also needed to be looked at. A large part of that was City property, but there were three other properties and a bus stop, which did not have pedestrian access. He agreed they should proceed with the sidewalk across the park and hoped they could work on the others as expeditiously as possible.

Mr. Janku made the motion that staff be directed to bring back the necessary legislation to proceed with the sidewalk across the park property and to look at the other properties mentioned in regard to their requirements for a sidewalk. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

(E) Planned districts zoning policy.

Mr. Watkins explained this was an issue Council asked staff to look into. If Council wanted to move ahead, he suggested they forward the report to the Planning & Zoning Commission for their review.

Mayor Hindman made the motion to forward the report to the Planning & Zoning Commission for their review and recommendations. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(F) Sidewalk repair funding.

Mr. Watkins stated staff was proposing changes in how the City funded maintenance/repair of sidewalks, particularly in the older areas. Many of the people who needed to replace their sidewalks could not afford to. If the City tax billed them, they would only create problems in those areas. They were also suggesting they amend the policy as an incentive to pay half of the cost of the downtown sidewalk repairs. They felt work needed to be done on some of the sidewalks with the canopies being removed and thought one way to convince people to participate in the repair/replacement was to agree to share in the cost. They were proposing Council set a dollar amount for sidewalk repair as part of the budget. Staff would come back to Council during the winter with suggestions on priorities in order to be prepared to proceed with the improvements the following spring/summer construction season.

Mr. Loveless made the motion that staff be directed to draft legislation per their recommendations.

Ms. Nauser asked why the City was only going to pay for owner occupied R-1 and PUD properties. She felt they would be punishing tenants because although the landlord would pay for it, the cost would eventually be passed on to the tenant. Mr. Watkins replied their objective was to work toward getting sidewalks replaced and the older areas of town were, in his opinion, the priority, at least initially, in regard to sidewalk repair funds. Generally, those were the areas where people who owned the house could not afford to fix the sidewalk. They felt a landlord would be in a better position to pay. If the City tax billed, the owners would have a lien on their property for the sidewalk. Mr. Glascock noted Council could always waive tax billing. Mr. Watkins pointed out that particularly for sidewalks, tax bills tended to cost almost as much to administer as the cost of the work. Ms. Nauser asked if the legislation would have a targeted area specified. Mr. Watkins stated he thought that would be up to the Council each budget year. Ms. Nauser commented that if they were targeting low-income properties, where owner occupants could not afford to pay the tax bill, they should apply that to rental property as well because the landlord would pass that cost on to the tenant.

Mr. Janku wondered if they wanted to focus on larger units such as R-3 zoned units. He agreed a lot of the single family homes in older areas would be rental. He thought they would have less trouble tax billing a larger apartment building where the cost was being passed to a number of people. He suggested they look into that when the issue came forward.

The motion, made by Mr. Loveless for staff to draft legislation per their recommendations, was seconded by Mr. Janku and approved unanimously by voice vote.

(G) Broadway traffic study.

Mr. Watkins noted a number of neighbors along Broadway came to the Council about a year ago with a proposal to handle traffic and to provide pedways and sidewalks along Broadway. As part of the project, the City also needed to replace a water line along Broadway. Council felt facts, in terms of capacity such as what they would need on Broadway, how they got it and what they would get for various widths of street, were needed. He commented that they might get a little bit more for four lanes versus three lanes, but the cost might be double. Staff was suggesting they ask a traffic engineering firm to come up with a scope of work to assist in regard to how they would determine answers to these questions because they felt this was the first step in determining what, if anything, they wanted to do with West Broadway.

Mr. Janku thought they wanted to try to come up with information that would basically allow them to implement the plan the neighborhood brought forward. Obviously, it could be adjusted a bit. He had concerns in that if they were going to invest a significant amount of public dollars, they needed to be able to tell the community this would function as a roadway as well as a pedway and sidewalk. It was not necessarily to move forward with a widening in terms of four or five lanes. He understood they might determine the proposal would not work and the only way to move traffic would be to add lanes, but noted he did not feel that was the

purpose of this. He believed it was to find out if the neighbors' suggestion could be implemented. Mr. Watkins stated he did not think they were talking about that being necessary, but felt they needed to have it in comparison to something. He thought they needed to know what they got with three lanes, two lanes or four lanes and also what they would ultimately need. He understood through their discussions that they needed to consider what the future traffic loads would be and to make sure they did not do something that constrained it.

Ms. Hoppe stated her recollection was that the traffic study would make sure the turn lanes were in the right place and would work. Her concerns were similar to those of Mr. Janku. She thought they wanted to implement, in general, what the neighbors brought forth. She also thought the traffic study might not take the important factor of this being a historic area into consideration. She did not think they wanted to sever the neighborhood since it was unique. She noted she did not think traffic should be the only consideration for this issue. Mr. Watkins agreed traffic was only one piece of the puzzle, but felt it was an important piece and needed before they could weigh the issues she mentioned. He also thought they needed to look beyond the piece the neighbors recommended because it might not make sense in terms of size and because they might not be able to go to four lanes on the other side of West Boulevard for various reasons. He suggested it be looked at in regard to how it would function as a corridor. He pointed out the traffic engineers were proposing to study and count traffic on some of the adjoining streets. He understood the neighbors had requested they look at two other streets in terms of traffic counting to get a system of roads and to understand how it functioned. He saw this as the first, scientific piece. Council could make a determination as to the other important pieces needing to be balanced after obtaining the results. Ms. Hoppe stated she did not have any objection with extending further west to see how each piece would fit. She understood they could have a different Broadway for each part of the City. Mr. Watkins commented that it had to fit together or it would not function at all.

Mayor Hindman thought an important part of figuring out the eventual capacity was to take into consideration Ash and Worley and what they might be like if left turn lanes were placed in the center of those at the intersections. He believed giving people all of those choices could make a huge difference in what Broadway had to carry. Mr. Watkins agreed and noted it could work in an opposite manner as well because if they constrained something, they would force traffic to other streets. Mayor Hindman was not sure they were looking at those streets in the study. Mr. Watkins stated they intended to include those streets.

Ms. Hoppe referred to number 14 in the scope of work and stated it indicated the consultants would meet with the City for a half day work session to discuss the findings and if alternative treatments were offered at select locations, the preferred alternative would be selected then. She asked if the Council and citizens would get the other alternatives or just the preferred alternative. She wondered if they would be eliminated. Mr. Watkins replied they would not be eliminated. He explained the intent was to get the facts and then to discuss it with Council, the neighbors and other interested parties.

Mr. Hutton made the motion authorizing the City Manager to approve the proposed scope of services. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions.

C.A.R.E. ADVISORY BOARD

Omar, Brooke, 902 Hardin, Ward 1 – Term to expire March 1, 2010

HUMAN RIGHTS COMMISSION

Glaze, Marie, 2209A Creasy Springs Road, Ward 2 – Term to expire March 1, 2010

Glasgow, Glenn, 1210 South Bridgewood Drive, Ward 5 – Term to expire March 1, 2010

MAYOR'S COMMITTEE ON PHYSICAL FITNESS

Skelton, Carolyn, 3710 Prescott, Ward 2

UNIVERSITY OF MISSOURI EXTENSION COUNCIL OF BOONE COUNTY

Dykhouse, Charles, P.O. Box 145, Ward 4 – Term to expire March 1, 2009

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Roger Gadbois, 428 E. Clearview Drive, thanked the Council for their efforts on behalf of the citizens of Columbia. He did not think they realized how much work the Council put in or how much time they spent. He felt the Council needed to be paid and was hopeful the citizens would agree.

Ms. Hoppe commented that she would like to see the percentage of parks tax the City had spent thus far for land acquisition. She also wanted to know if there was anything else new in the pipeline. Mr. Watkins stated staff would put together a report.

Ms. Hoppe noted they had received two letters from the Energy & Environment Commission asking for Council direction in regard to a variety of land disturbance and energy issues. She wanted to respond to them in some way and suggested inviting representatives to a work session to discuss their concerns.

Mayor Hindman commented that the Commission was taking some positions, many of which he agreed with, in regard to sprawl and other similar things at the same time the City was involved in the visioning process. He thought a lot of those were the same issues being discussed as part of the visioning process. He understood they were stating certain conclusions about those things and thought the Council should let them know they were interested in those issues, but the visioning process was addressing them and they would tend to be guided from that.

Mr. Janku thought they could also ask for a staff report and if Council believed it was something that could be worked on, they could refer it back or begin the process. He felt that was the more traditional approach. He noted they had received a couple of communications

on the land disturbance issue. Mayor Hindman thought Council had asked for a report on land disturbance. Mr. Watkins stated staff was working on that report. Mr. Janku thought that could be the vehicle to go back to the Commission.

Ms. Hoppe asked if the staff would share the report with the Energy & Environment Commission for their input and response. Mr. Watkins replied it normally came to Council and Council would then refer it to the appropriate advisory commission. Ms. Hoppe stated the other issue the Commission was interested in was passive solar energy. Mayor Hindman thought the Council had asked about being able to get on the grid for solar energy. Mr. Janku understood hearings were being held on it. Mr. Dasho explained those were two different issues. The solar issue they were looking at involved active solar where they actually generated electricity. Passive solar had to do with building codes and how one would orient a house to take advantage of the sun. They were dealing with the active solar and net metering on Tuesday at 5:30 p.m. in the Council Chamber. Ms. Hoppe asked if they could ask the Commission for recommendations, such as things the City could do to encourage passive solar and increase its usage, regarding passive solar.

Ms. Hoppe made the motion that the Energy & Environment Commission be directed to provide recommendations regarding passive solar. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Watkins assumed the motion meant the staff should communicate with the Commission. Mayor Hindman replied that was correct.

Mr. Janku thought they needed to get a sidewalk in place on I-70 Drive to connect the new restaurant going in immediately west of Keene Street. He noted there was no pedestrian access from the hospital or hotels in the area to the new restaurant and believed it would generate a lot of pedestrian activity. He clarified there was no sidewalk on I-70 Drive from Keene to the new restaurant. He thought they needed to figure out which program/policy could be used to get it done.

Mr. Janku made a motion directing staff to provide a report on how to address the sidewalk issue along I-70 Drive. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku stated he wanted to staff to contact the people on Alexander Drive regarding the process for getting a sidewalk on that street. He thought it might be eligible for CDBG funding.

Mr. Janku made the motion directing staff to contact the residents on Alexander Drive regarding the process for obtaining a sidewalk. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Janku understood there was a program in Kansas City where they were developing a United Way for the Arts. Mayor Hindman asked if this was something the City did. Mr. Janku replied he was not sure the City did it since they did not have an Office of Cultural Affairs. He thought here the City would be the natural leader and noted it involved coordinating with private entities.

Mr. Janku made the motion directing staff to provide a report on Columbia possibly doing something similar. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mayor Hindman understood it took two years to work out the traffic calming situation on Alexander and asked how that could be sped up. Mr. Watkins replied they would need to hire another traffic engineer. The City had one traffic engineer and he had to work on every traffic related report by Council and be involved in the design of many of the City streets. Mayor Hindman understood that would have to be a budget item.

Mayor Hindman stated Jon Livingston, who owned the property on Locust, contacted him and indicated he had been working with various entities to include the University, the City and the Sasaki Group and wanted the Council to take another look at his application for rezoning. He asked if staff was familiar with this. Mr. Teddy explained Mr. Livingston contacted him in regard to what he could do since his requested C-2 zoning had been defeated and he suggested he contact the Council per the zoning ordinance since an identical application could not be brought back for a year unless the Council decided to reconsider it. Mr. Teddy noted he mentioned he would be meeting with some University officials, but he did not know the extent of his involvement with them or the Sasaki Group. He understood that meeting was coming up. Mayor Hindman thought they might want to wait for more information before considering whether to bring this back up. Mr. Teddy agreed and thought it might be good to find out what type of involvement he had with these different groups. Mr. Janku understood he could also apply for planned zoning if he wanted it brought up again.

The meeting adjourned at 11:13 p.m.

Respectfully submitted,

Sheela Amin
City Clerk