

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
FEBRUARY 5, 2007

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 5, 2007, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON and LOVELESS were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

Ms. Hoppe asked that the minutes reflect that she requested R15-07 to be removed from the Consent Agenda because she thought it was important for the public to know about.

The minutes of the regular meeting of January 16, 2007, with the change requested by Ms. Hoppe, were approved unanimously by voice vote on a motion by Mr. Janku and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Janku made the motion that R33-07 be added to New Business. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

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

SPECIAL ITEMS

Mayor Hindman welcomed Scout Troop 701 from Parkade Baptist Church and stated they were working on their Citizenship badge.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B444-06 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 explained the two bills dealt with downtown signs and awnings. Staff reviewed both proposals and felt comfortable with both bills. He noted staff had no concerns in terms of enforcement. Mr. Teddy pointed out four changes had been made since it was tabled in November and reviewed by the Planning & Zoning Commission.

Mayor Hindman opened the public hearing.

Mr. Janku made the motion that B444-06 be amended per the amendment sheet. The motion was seconded by Mr. Hutton.

Mr. Boeckmann explained the amendment sheet reflected the latest proposal from the Special Business District (SBD).

Skip Walther, a business and property owner with offices at 700 Cherry Street and a member of the SBD Board, asked for Council's support of the proposed signage changes. The goal of the ordinance change was to maintain an attractive downtown and to prevent the proliferation of signage that would be out of character and scale to the existing buildings. Their primary goal was to improve the business climate for downtown Columbia. He explained they had two business groups with one suggesting the signage be reduced and the other asking for no changes. Both groups had the same interest at heart. It was simply a debate in regard to which was the better way to promote downtown business interests. He explained the proposal in front of Council represented changes from the prior proposal. These two groups, SBD property owners and downtown customers had all met. There had been a lot of communication regarding the issue and they felt they had a proposal that made sense. They felt a change was needed because downtown was distinctive in its architecture and zoning. The absence of setbacks brought the buildings closer to the sidewalk and street, so it made sense to have signage standards that required somewhat smaller signs. He explained as the signs on the buildings got closer to the people, the signs did not need to be as big. In addition, the 20 mph speed limit in downtown required traffic to move more slowly than in other zoning classifications, so it took more time for a driver to go through downtown. This gave the driver an opportunity to see smaller signs that might not be possible to see while on I-70 going 70 mph. He displayed pictures of signs, 32 feet or smaller, in the downtown area, which adequately conveyed the messages intended. He noted there were presently some signs larger than 32 square feet, which would not be allowed under the proposed ordinance, but would be grandfathered because they were existing signs. He noted passage of the proposed ordinance would not require any business or property owner to remove any sign. He displayed some signs larger than 32 square feet and second floor signs. He pointed out second floor signs would not be permitted, except existing second floor signs would be grandfathered and allowed to remain. The proposed ordinance would prevent second floor signage in the future. He explained they were trying to eliminate signage clutter. He stated they believed the vast majority of signage in downtown was in compliance with the ordinance and felt it made sense to adopt this change.

Mayor Hindman noted one of the buildings displayed had the same size signage on both the upper and lower levels and asked if the upper level would be required to have a smaller sign with the change in the ordinance. Mr. Walther replied signage would not be allowed above the first floor on the building. Although there was a prohibition of second floor signage, it could be in a window. He provided KOPN as an example and stated that would be allowable under both the existing and proposed sign ordinances. He clarified there could be no wall sign above the first floor unless it was a single use building.

Mr. Loveless understood they could have window awnings on the second story with those awnings having signage on them up to 30% of the awning size. Mr. Walther replied he thought the limitation would be 18 square feet for the awning, but that it would be permissible

to have a sign on the awning. Mayor Hindman understood they could have a sign on the awning and a sign in the window. Mr. Walther replied that was correct and added they could also have signage on the first floor directing people to go to the second floor. Mr. Walther explained there were some new signage options not available under the current ordinance, which would be available under the proposed ordinance.

Mr. Janku understood window signs located in multiple windows would be counted as one sign, but noted there was not similar language in regard to awnings and asked if there was a reason. Mr. Walther replied they presumed the circumstance would not occur and was not sure why one would have multiple awnings on a single building.

Rich Sternadori, 8596 N. Cedar Court, provided a handout and explained Arnie Fagan of ARG Commercial Real Estate asked him to review the proposed document. The three issues that concerned him involved the vagueness of definitions, the synchronicity between the proposed document and other City codes and ordinances, and handicapped accessibility in historic structures. He noted the City's definition of streets and alleys was that they were public thoroughfares, so in regard to elevation, he asked how this would apply to a building owner who was fronting on a private alley and wanted to place a sign there. Also, the definition of elevation referred to facing a street or alley and he wondered if it meant fronting or facing the street. He commented basement, street level, first floor, etc. were not defined to be synchronous with the building code. He suggested the definition of wall, graphics, altered or replaced be clarified. He felt the ordinance suggested awnings were shaped much the same, but many had unique, geometric shapes. He noted an ADA issue could arise if building directories needed to be removed. In addition, there could be an ADA issue with sandwich board signs. According to the proposed ordinance, if the building identification sign on the Daniel Boone Building or the Hall Theatre were damaged, they could not be replaced because they were over 18 square feet. However, if those buildings were on the Historic Register, the Register would often require the outside of the building to remain the same. He thought clarification would be helpful.

Phebe LaMar, an attorney at 111 S. Ninth, provided a handout and showed examples of why the proposed ordinance, as written, would be difficult to apply and undesirable in substantial ways. She stated she was representing people who owned 34 properties and/or businesses within The District. She commented that Paul Land and Arnie Fagan conducted an inventory of signs and found there to be 270 signs within The District with at least 70 of those signs failing, in some way, to conform to the sign ordinance being considered. She noted that was 26% of the signs currently within The District. She felt the proposed sign ordinance needed to be revised to allow wall signs for upper level businesses, to allow businesses with 48 feet of lineal frontage on a street within a multi-use tenant building to have the larger signs that would be allowed for a single tenant building, and to allow more square feet of signage on awnings and signage on the sides of awnings.

John Ott, Chair of the SBD and owner of several properties within The District, explained the reason these changes were being suggested was partly due to the canopies coming down because it provided a fresh slate. The concern was in regard to what would go up on some of the buildings. They did not want a sign similar to the Payday Cash Loans sign at the corner of Broadway and Providence, which was not within the District, but would

comply with the current sign ordinances. They felt this was a preservation ordinance and a pro-business ordinance. It allowed for things the current sign ordinance did not allow for, such as sandwich boards. He noted sandwich boards pulled people into businesses and helped generate sales. Other examples were extension signs, which directed people into stores, and temporary signage. He explained they tried to work with those that had concerns, but were not able to meet all of the concerns. One major change was allowing up to 64 square foot signs on single use buildings that were more than 48 feet long. He pointed out one of his tenant's signs was said to be 32 square feet per the powerpoint shown by Ms. Lamar, but he believed it was actually 27 square feet. He did not think there were over 70 signs that would not conform to the proposed ordinance.

Mayor Hindman understood the SBD Board drafted the ordinance and asked about the process. Mr. Ott replied a subcommittee brought people from The District together to discuss what the ordinance needed to be. After that, a draft was sent out to everyone in The District by mail and e-mail. He stated the best work was done after the draft went out and many of the issues brought up initially had been addressed.

Mayor Hindman asked what some of the changes were from the original draft. Mr. Ott replied one change involved a restriction on lettering. He noted there were no restrictions on materials or lighting. Another change was allowing 64 square foot signs on single use buildings that were longer than 48 feet.

In regard to the grandfathering clause, Ms. Hoppe asked if a sign would have to be changed if it was destroyed by weather. Mr. Ott replied he was not sure.

Rosie Gerding, 101 S. Fifth Street, resident, employee and owner of property within The District, noted one of the biggest changes was that they had initially proposed a limitation of 24 square feet on any one individual sign and that had been increased to 32 square feet. They added wall signs for lower level businesses, increased the square footage of lower level wall signs by 50%, increased the number of windows a sign could cover and still be considered one sign, increased the allowable percentage for awning signs, increased the total square foot limit on signage, allowed additional signage for corner buildings, allowed additional signs for buildings backing alleys, added sandwich boards, allowed different shapes of awnings, increased the types of materials allowed for awnings, removed lettering size restrictions, grandfathered current awnings, exempted interior window signs, added temporary signage and increased the aggregate percentage of a building's wall surface that could be covered by signage. She pointed out the signs would be grandfathered and that businesses did not replace their signs on a regular basis. She understood that if a sign was damaged, it would have to be replaced with a conforming sign, but noted many were only a few inches higher or longer than the new requirements, so the sign would not necessarily have to be a completely different sign. It would just have to be a little smaller.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, stated he had several friends and clients who were very much opposed to this ordinance, which they saw as a solution for a problem that did not exist. The one example of a sign, the Payday Loan sign, that everyone regarded as horrible was one that would not be regulated because it was outside of the SBD. He provided a copy of a sign permit application for a tenant's sign on Mr. Ott's building, which was referred to earlier and which showed the sign to be 41.4 square

feet. He commented that the idea of grandfathering, which was being touted as a real benefit, was in reality a penalty against any new tenant or business that came into The District because they would be competing with the larger signs. He wondered how people who owned second floor rental space would compete for a lease if they lost a tenant that currently had a sign and could not replace the sign for a new tenant. Mr. Van Matre stated that the typical buyer was an impulse shopper and if they could not readily find or recall a business, they would not go in and shop. With this aesthetic regulation, the City would be telling a business owner what was best their business. He did not think they should be making it harder for new people to do business in an area. He wondered if this was a problem that needed fixing and suggested they wait until it became a problem. He noted the proponents could not provide an example of a sign in the downtown they found objectionable, so he did not feel it was necessary.

Kimberly Griffin, a new business owner at 814A E. Broadway, stated she had yet to put up her signage. She thought she would be considered a lower level business, which would only permit her to have an 18 square foot sign. She commented that she would be unable to use her windows for street traffic being in a lower level business. She felt she would be penalized if all she could have was an 18 square foot sign because she would only be seen by pedestrian traffic, not drive-by traffic. Ms. Griffin stated she was trying to fill the need for a grocery store in the downtown area, but if she could not advertise she was there, she thought she would have to leave the downtown.

Mark Stevenson, owner of an office and business at 19 S. Fourth Street, near the corner of Broadway and Fourth Street and the first block east of Providence Road/State Highway 163, explained he was located on the western fringe of the Special Business District. He asked the Council to vote against the proposed sign ordinance. He felt the ordinance to be confusing and subject to various legitimate interpretations and opinions. The terms lower level, street level and upper level were deceptively simple, but when put into application became confusing. He used the Ice Plant building as an example and noted the downtown had a lot of unique buildings. It was not a one or two level mall. He also did not feel they were pedestrian friendly near Providence as four lanes expanded into six lanes with no crosswalk or traffic light on Broadway at Fourth Street. They only had fast moving vehicular traffic and it was hard to see small signs from those vehicles. He noted the same thing was true at Fourth and Cherry, Fourth and Locust, Fourth and Walnut and Fourth and Ash.

Paul Land, 2005 Robin Terrace, owner of property at 1102 E. Broadway, stated he had already written to the Council expressing his views, but wanted to make a few more points. He referred to wall signs on pages one, seven and ten of the handout provided by Ms. LaMar and commented that if those were blank walls and the proposed ordinance was in place, those signs would not be allowed. Like Mr. Stevenson's building, many of the downtown buildings were unique. When walking into the building at 27 S. Tenth Street, one had to choose to go up or down eight feet to a tenant. The proposed ordinance would require one tenant to be the upper level tenant and the other to be the lower level tenant, and the upper level sign for Great Southern Travel would not be permitted. Village Wine and Cheese had a sign exceeding 32 square feet, which they would not be allowed to replace at the larger

size because it was in a multi-use building. Bank of America would not be able to display the signage on the second floor because it was a wall sign. He understood some proponents wanted to compare Columbia with Kirkwood and noted the Kirkwood ordinance would allow 238 square feet because their signage was calculated at five percent of the square foot of area. Mr. Land pointed out the SBD voted 9–0 in favor of the ordinance while the CCA Board voted 8–0 against the ordinance. He commented that both groups were under the jurisdiction of The District and wondered how a tenant was supposed to know what to do when the two boards voted unanimously in opposing directions.

Carrie Gartner, 11 S. Tenth Street, the Director of the SBD and the Central Columbia Association (CCA), explained the CCA received all SBD minutes and was given copies of the ordinance in April of 2006 and August of 2006. They had been offered the opportunity to make comments on two occasions and no one had changes to recommend to the SBD, so the subject was dropped. After the SBD voted on it, the CCA took it up at their meeting. She clarified they did not vote against it. They voted in favor of a sign ordinance in general, but decided that no one had really studied the ordinance enough to support this particular ordinance over another one. She noted it was also made clear at the meeting that this vote should not be used at the Council meeting.

Ms. Crayton commented she originally thought everyone in The District was in favor of the ordinance, but now understood through e-mails and phone calls this was not the case. She felt that was confusing and put the Council in an awkward position. Ms. Gartner replied she understood because that was exactly the position the SBD Board was in. They had to represent 1,000 members and could not get consensus. She explained they sent out two member surveys at two separate times and about 90-95% of the input received had been included in the current proposal. Also, the people speaking tonight had met with them and given them their ideas, opinions and changes. She reiterated she thought about 90% of those had been put into the ordinance. She commented that she did not believe the voices of opposition represented the majority of SBD members. The SBD would not present something that was radically opposed to the membership or to the interest of downtown's economic vitality. She noted the vast majority was already following the ordinance and the ordinance was crafted on what people were already doing.

Mr. Janku asked for clarification regarding signage on the awnings. Ms. Gartner replied window signs could span multiple windows, but awning signs could not span multiple awnings. Mr. Janku asked if there was a reason for that. Ms. Gartner replied awnings on a second floor had to be placed around a window. In regard to KOPN, she thought the window sign, as it was now, would be significantly more effective than a sign spaced out over four or five small window awnings. She stated the Board did not feel it was needed since no one was doing that on the second floor now.

Ms. Hoppe noted Mr. Sternadori had raised a variety of ambiguous concerns and asked Ms. Gartner to respond to them. Ms. Gartner replied early in the process, they sat down with members of City staff and included their recommendations. Ms. Hoppe asked if she would recommend Protective Inspection enact clarification if there were still ambiguous areas. Ms. Gartner replied she was not sure how that worked, but thought staff could provide some in-house guidelines. Ms. Hoppe asked for a response to the concern raised in regard

to whether something was on the upper or lower level. Ms. Gartner replied they discussed the issue and used The Artisan as an example. She explained it had always been advertised as a basement, but was on a slope so it started out as a basement and ended up as almost not basement. The SBD recognized there were a few instances like that, but decided to write an ordinance for the majority of the buildings and if someone wanted a wall sign that would not be allowed, they could ask for a variance from the Board of Adjustment.

Julie Bach, Director of Development at KOPN, 915 E. Broadway, stated she was a CCA Board Member, who had read the ordinance and provided feedback. When the ordinance was first given to them, many thought it was in regard to way finding signs, so there was some confusion. When they realized, the ordinance involved business sign ordinances, they discussed the issue for a long time. She clarified the actual language of the motion was “the CCA Board appreciates the effort of the SBD Board and realizes that a sign ordinance is needed, but that this particular ordinance cannot be approved by the entire CCA Board.” She felt there were four or five pieces that were very negotiable and that all could get behind the ordinance with a few changes.

Larry Brady, 2108 Hunter Lane, asked the Council to allow the shoppers to decide what they want to support. If he did not like a sign or business, he would not shop there. He asked if this ordinance would address the Tiger Hotel sign on the roof of the building or if that would be exempt. He understood there was talk about redesigning the use of the building and asked if the sign would have to come down if that was done. Mr. Teddy replied a change in use did not require a change in the sign. A change would be required if there was a desire to have a different sign design. If the name Tiger Hotel was still applicable, the sign could remain. Mr. Brady stated he felt that gave that particular owner an unfair advantage.

Brian Ash, 203 Hitt Street, a downtown business owner, commented that no one had convinced him that his signs being half of the size as the rest of the signs in the City would give him a competitive advantage. He thought they were trying to prevent signage similar to what was located on Mr. DeMarco's building, which he did not think was that bad. He also did not think the Council could legislate taste or style and was not sure a change in the sign ordinance for the downtown was needed. He suggested a better solution would be to prevent the most egregious things they were worried about versus coming up with a new ordinance just for downtown because they would not be able to think of all of the what-ifs. He felt anytime the Council had a voluntary property rights restriction, they tended to tread lightly, and recommended they require 51% of the affected property owners to petition the Council stating they want this. Until a majority of the owners were in favor of it, he did not believe they should approve the proposed changes.

John Schultz, 1301 Colchester, President of the Boone County Libertarian Party, stated he had not heard any public uproar in regard to these regulations. He could not think of one sign in the downtown area that was so offensive, it was driving this proposed ordinance. He was appreciative of the intention of the SBD, but thought their desires should be promulgated by voluntary methods. He also saw the unintended consequences of the proposed ordinance as being grandfathered signs in regard to providing a level playing field and the impingement of free marketing downtown and the promotion of more gaudy signs.

Larry Schuster, the General Manager of Pioneer Window Works, 1101 Grand Avenue, provided a handout in regard to the awning portion of the ordinance. He commented that Section 6-17.2 read “the valance on an awning shall be a maximum of 12 inches tall” and believed the intent was to make sure the valance did not exceed 12 inches rather than to mandate a maximum of 12 inches. He recommended the ordinance be amended to read “the valance on an awning shall not exceed twelve inches in height.” In regard to Section 6-17.3, he referred to drawings in the handout, which he felt met the ordinance, but might not have been the intent. In addition, there was ambiguity in regard to whether certain situations involved one window or multiple windows and felt the drawings clearly demonstrated a lot of those ambiguities. He noted there were also comments regarding technical aspects of the some conflicting portions of the ordinance.

Mr. Janku understood wording on the sides of awnings projecting out would not be allowed. Mr. Schuster replied the proposed ordinance read the sign would be limited to the sloped area of the awning. He did not think it was intentional to exempt the sides, but a result of trying to get a grip on the square footage and making it less cluttered. He mentioned the Regency Inn Hotel with six awnings and noted it would not be allowed under the new ordinance. In addition, due to clearance issues and a target of trying to keep the bottom of the awning between eight and ten feet above the sidewalk, the first awning would exceed ten feet. He proposed aligning this with the current building and fire code, which required a 90 inch minimum clearance, but did not discuss a maximum. He noted ten feet was the bare minimum for drive up canopies and 11 feet or greater was preferred, so an ambulance or box van could drive up without hitting the canopy. He felt this was geared toward the appearance of Broadway, but had unintended consequences because it was so focused.

Mr. Janku asked about the businesses east of Tenth that had wording on the valances. Mr. Schuster understood he was referring to Buchroeder’s and Jimmy Johns and explained those were on the free hanging valance portion and were okay under the current ordinance. He stated he did not think it was intended to be exempted under the new ordinance, but since signage was limited to 30% of the sloped area, it would be hard to convince a building inspector to allow it on the flat ends or the valance. He commented that with staff changes, there was an evolution of interpretation of the rules. He felt these things happened when definitions were not succinctly and clearly tied down.

Arnie Fagan, owner of a mixed use property on the National Register of Historic Places at 806-810 E. Broadway from which he operated a retail gift store and a commercial real estate firm, stated he also resided in one of the three apartments upstairs and was currently seeking other commercial tenants for the building. In regard to Mr. Janku’s question, Mr. Fagan explained the Quiznos awning had Quiznos written on the front and both sides and it was staff’s interpretation that this was three signs and would not be allowed under the proposed ordinance because of the two sign maximum for street level businesses. He noted Ms. LaMar indicated 75 out of the 270 signs for businesses downtown would be nonconforming under the proposed ordinance and felt that was a conservative number. He and Mr. Land measured the signs and found 134 out of the 265 or 50.57% would be non-compliant. He believed the proposed ordinance would be a detriment to start-up businesses that could only afford the lower rents offered below or above street level. He thought it was

interesting this proposal would grant an 18 square foot sign because that was smaller than signs allowed in residential neighborhoods. He asked the Council to be aware of the unintended consequences of this proposed ordinance because he felt things were going very well in downtown Columbia right now and he was afraid this could have a bad effect.

David Owens, 615 Morningside Drive, the General Manager of KOPN Radio, thought parts of the proposed ordinance, such as sandwich boards, would be an improvement to the downtown, but was concerned about the equitability and presentation between upper and lower levels. He thought the logic might be skewed and felt upper level signage needing to be larger to be seen could be argued. In regard to historic preservation, he commented he had seen lots of buildings and facades come and go and wondered what historic preservation there was. The discontinuity of the architectural styles was extreme in his opinion and he wondered which period in time they would be preserving. He thought the proposed ordinance was flawed and should not be passed due to all of the objections that had been raised.

John Clark, 403 N. Ninth Street, stated he did not think the Council had any business deciding this issue. He felt it was premature. He also felt the main problem on Broadway was not about signs, but about the streetscape. He thought the buildings should be higher and that signs should be one of the last things to be considered. He suggested the Council not vote on the issue until they had a substantial consensus since it was not critical to City business.

Leigh Lockhart, owner of Main Squeeze Natural Foods Cafe, 28 S. Ninth, explained that as a member of the SBD Board, she had not been a big fan of the ordinance in its original form because she liked for businesses to be able to craft their business the way they saw fit. She noted her business had one 10 square foot vinyl sign in the window and business was great. They were next door to Subway, which had an enormous sign, and she did not think they were quite as busy. She commented the business prior to Quiznos, named Tan, had the type of sign this ordinance was trying to prevent. In response to Mr. Clark, Ms. Lockhart pointed out they were working on a plan for the beautification of Broadway, which included a lot of streetscaping, and having a workable sign ordinance that created beautiful signs to promote economic vitality was a part of that plan. She encouraged the Council to support the proposed ordinance.

Debbie Sheals, an architectural historian with offices at 29 S. Ninth, stated she was on the committee that started working on this sign project many months ago. She agreed with Mr. Sternadori's comments and thought adding definitions could take care of the issues without scrapping the proposed ordinance. She commented that one speaker thought she could not have a window sign in a lower floor business, but she could. The reason for not having wall signs on the second floor was because they were trying to get residential development downtown and because they were trying to keep the streetscapes. When driving by in a car, one could not see the upper floor signs, even from Broadway. She asked them to picture the Guitar Building and wondered if they really wanted to see signs all of the way up it. In regard to awnings, she understood the ordinance to read that "if it is on the slope side, it cannot be 30%." It did not state it could only be on the slope side. She did not think they wanted to wait until it became a problem because it was hard to reverse something

once it happened. She felt signs were part of the streetscape and could be an important part. She asked the Council to look at the big picture of what was going to happen over the years versus what was going to happen if one person did not like their sign today. She felt the proposed ordinance would help keep the downtown attractive without quashing creative impulses or keeping small businesses out.

Mr. Janku understood the 30 percent in regard to awnings was still subject to the 32 square foot maximum cap. Ms. Sheals replied that was correct. Mr. Janku asked about the percentage limitation noting a suggestion to change it to 50 percent. Ms. Sheals thought it was because the awning would then function more as all sign rather than awning. By keeping a percentage, it still looked like an awning, but allowed room for a sign. Mr. Janku asked if she thought the Quiznos awning was one awning/one sign or three signs. Ms. Sheals replied she was unsure, but thought it could be spread over the square footage like the window sign. She suggested it might be one they needed to define.

Ms. Hoppe asked Ms. Sheals if she was recommending they pass the ordinance and then have the staff come up with definitions. Ms. Sheals replied she thought there was already a definition for elevation and wall and believed using standard definitions already in place would clean up some of the ambiguities. She did not think anyone would argue with adding standard definitions to the ordinance.

Ms. Crayton felt the ordinance needed to be clear for a business owner because it could prevent people from starting a business downtown. Ms. Sheals thought a lot of the confusion and misunderstanding was a result of people not reading the entire ordinance. In addition, it was hard to have a one size fit all ordinance. It had to be somewhat complex to be fair and to use proportionality. She felt the proposed ordinance was clearly laid out.

Mike Vangel, owner of a business and property at 501 Cherry Street and a member of the SBD Board, commented that change was contentious and from his perspective, the process was inclusive. It was hard to get people engaged early on, but as the ordinance came down, people started to pay attention. Since last fall, there had been many meetings and compromises. He felt the proposed ordinance was reasonable and encouraged the Council to adopt the proposal.

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

Mayor Hindman stated he felt there had been a reasonable process and a reasonable opportunity for input. There had been deliberation, change and modification and while the process, nor the product, was perfect, it was a reasonable product. He understood it was suggested this be sent back for a compromise, which could take some time, and felt the longer they waited, the more inequitable it would be because people would be adding signage. If they were going to have a sign ordinance for downtown, they needed to act on it. He noted a number of technical issues had been raised and thought there should be some technical review. He suggested they urge everyone to make one more attempt to resolve the remaining problems and ask staff to review the technical ambiguities, errors or omissions. Staff could come back with proposed amendments and Council could decide whether or not to accept those amendments or the ordinance.

Mr. Janku asked if further amendments could be proposed and adopted at the next meeting. Mr. Boeckmann suggested they amend the bill per the amendment sheet because

if they did not amend it tonight, they might run into the problem of making substantial changes. He thought the changes at the next meeting would be relatively minor, so they could vote on the ordinance at that meeting. Mr. Janku understood that would include any amendments staff might come up with through their review and others the Council might want to propose. Mr. Boeckmann commented that it was hard to tell, in advance, if they would be substantive changes, but did not feel the changes discussed tonight were substantive. Mayor Hindman thought most were interpretive.

Ms. Crayton stated she wanted the ordinance to be made as clear as possible, so anyone going into business downtown could understand it. Ms. Hoppe suggested a brochure providing the basics. Ms. Crayton agreed noting she wanted clarification on everything before opening a business downtown.

Mr. Boeckmann explained the SBD made a lot of changes to the ordinance that was introduced in November and he understood the opponents would prefer the language with the amendment sheet versus what was in the original ordinance. He suggested they adopt the amendment sheet with the current recommendation from the SBD, so they were working from that document.

The motion, made by Mr. Janku and seconded by Mr. Hutton to amend B444-06 per the amendment sheet, was approved unanimously by voice vote.

Mayor Hindman made the motion to table B444-06, as amended, and B445-06 to the February 19, 2007 Council meeting, to ask the interested parties to meet and resolve any remaining problems, if possible, and to direct staff to work with the interested parties in regard to the ambiguity issues brought up and to make suggestions for amendments. The motion was seconded by Mr. Janku 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.

Mayor Hindman explained there had been a request to table the item to the February 19, 2007 Council meeting.

Mayor Hindman made the motion that B497-06 be tabled to the February 19, 2007 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B20-07 Voluntary annexation of property located on the south side of Richland Road at its intersection with St. Charles Road (4102 E. St. Charles Road); establishing permanent A-1 zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this annexation request consisted of approximately four acres in east Columbia. The Planning & Zoning Commission recommended approval of the A-1 zoning request.

Mayor Hindman opened the public hearing.

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

The vote on B20-07 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B21-07 Voluntary annexation of property located on the north side of State Route K, along both sides of Scott Boulevard, extended; establishing permanent PUD-1.1 and C-P zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this annexation involved about 61 acres in south Columbia. The applicant was requesting PUD 1.1 and a small amount of C-P zoning. The extension of Scott Boulevard to Route K would be part of the PUD plan, which they would see later in the evening. The City worked with the developer, MoDOT and the County in doing some improvements earlier this year.

Mayor Hindman opened the public hearing.

Ron Shy, 5600 S. Highway KK, stated they had requested this zoning be approved in conjunction with the PUD/C-P plan and asked if that could be done.

Karen Miller, 300 W. Broadway, stated she was a Boone County Commissioner and thanked the Council for the joint project and thought attaching Scott Boulevard to Route K was an asset for the citizens living on Route K. She understood a lot of variances were requested and thanked the Council for accepting those variances. She felt this would be a unique and low impact development. While implementing the EPA Phase 2 regulations, they would have to look for more opportunities to provide flexibility to allow the engineers to be able to meet those regulations with Best Management Practices (BMPs) used throughout the United States. She stated she came to support the development because it was an opportunity to not have an island of unannexed property.

Mr. Loveless asked why this was known as Scott's Boulevard and not Scott Boulevard. Ms. Miller replied she was not sure because it was all the same road and thought the master addressing group could look into fixing it.

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

Mr. Janku asked if they could link this and the PUD/C-P plan approval together as requested by the engineer. Mr. Boeckmann suggested they table this issue to Old Business and vote on it after discussion of the companion bill.

Mr. Loveless made the motion to table the vote on B21-07 to the Old Business section of the meeting. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B23-07 Rezoning property located on the south side of Northland Drive, across from Argyle Road; approving the PUD/C-P Development Plan of Bear Creek Prairie; setting forth conditions of approval; approving less stringent screening requirements.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was the rezoning of approximately 16.5 acres in north central Columbia. It would allow for 50 dwelling units. The Planning & Zoning Commission recommended approval of the proposed rezoning, the development plan and the screening variances with four conditions.

Mr. Teddy explained this request was mainly for development plan approval and included a small amount of rezoning to adjust the two zoning districts on the map to the plan. He showed the tracts being rezoned on the overhead. The Planning & Zoning Commission

approved the plan with conditions. In lieu of the \$25 per lineal foot payment, an 8 foot wide gravel trail of about 360 feet would be constructed across City property to provide access to the Bear Creek Trail. Another condition was to construct a public sidewalk on City-owned property along Northland Drive to close a gap in the sidewalk that would exist after this property was fully built out. This would be done mid-way through the development or after the 23rd building permit. The next condition was to construct a sidewalk along Northland Drive in the second and third phase of the project, which was after the 23rd permit or the 50% mark for build out of the project. At that point, a sidewalk would be located across the entire frontage of the tract, and since they were not developing the entire tract during this proposed phase, it was the equivalent of another off-site improvement. Another condition was that the applicant would build a concrete pad for a permanent bus stop with a connecting walkway. This would create a bus stop adjacent to where a coffee shop-type business was planned.

Mayor Hindman opened the public hearing.

Jay Gebhardt, a civil engineer with A Civil Group, spoke on behalf of the applicants and noted they had been working on this project for about three years. He explained this was roughly the first phase of the plan. The area to the west would involve the second and third phases. He pointed out they were trying to preserve a small prairie area and a large percentage of the tract was cited as not for development. It was a unique layout and plan. Using the overhead, he described the location of a small commercial area of about an acre and explained that part of what the Council was doing tonight was moving a small piece of commercial property from one side to the other and rezoning a small piece of commercial to PUD. Next to that area, they would have one town home type building that would either include six or nine units. Those would be the live/work units and would fall under the regulations of residential use, but would be designed for someone who did a percentage of work at home. They would also have units he referred to as carriage houses, which had units above the garages. The single-family cottage area included homes that were being designed for conservation. He noted there were more attached townhouse-type units by the commercial portion. There was a covered parking area for those units because they did not have garages on their lots and a pedestrian street, which was not intended for traffic, but was designed so emergency vehicles could have access if needed.

Ms. Hoppe asked Mr. Gebhardt if he would call this a variation of low impact development in terms of reconfiguring where the houses were to preserve more open space or prairie land. Mr. Gebhardt replied yes. He explained the owners had a big interest in seeing a development done in a manner where it was not only low impact, but had as minimal of an impact as possible.

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

Mr. Janku stated he was pleased to see that they took the initiative to put in a public sidewalk, not only across their frontage, but City frontage as well, and would be connecting to the Bear Creek Trail. He felt the City would benefit by having sidewalks along there because it would keep the City from being involved in an expensive street improvement at this location in the future due to a conflict between pedestrian and vehicular traffic.

Ms. Hoppe commented she had been able to participate when they were first deciding what they wanted to do with the land. She noted one of the things they wanted to preserve

was the pristine glacial prairie located there. In addition, they allowed a native plant rescue in the area they were building. This allowed the public an opportunity to rescue plants. She commended the applicants for their efforts.

Ms. Nauser stated she appreciated the innovativeness and thought it was nice to see things moving out of the norm because it allowed them to utilize the land. She thanked the applicants for bringing the plan forward.

The vote on B23-07 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B24-07 Rezoning property located at 1109 and 1110/1112 Locust Street from R-3 to C-2.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was the proposed rezoning of three lots in the east portion of the downtown area. The spread of downtown commercial was supported by the Metro 2020 Land Use Plan. The rezoning would result in no height, area or parking requirements for the subject parcels. The Planning & Zoning Commission recommended approval. Four citizens expressed some concern about the types of uses C-2 would allow, although they were not opposed to the rezoning.

Mayor Hindman opened the public hearing.

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

Mayor Hindman understood this was in an area that was now being looked at in connection with a joint planning effort between the City, the University of Missouri and Stephens College. He felt there was so much potential for planning with respect to this area that it would be a mistake to allow the C-2 zoning to go forward. At the very least, he thought it should be a planned development. He wondered if they needed to find a way to delay zoning activity in this area for a period of time just long enough for the City to take advantage of some of the ideas that had come forth from this planning effort.

Mr. Janku stated he shared Mayor Hindman's concerns. The staff report mentioned approval of other C-2 rezonings in this area with Stephens College being the biggest one, but in that instance they had a good idea of what the property would be used for because it was a well-established institution with clear plans for development. The other instances included clearly defined uses and plans for the area during the rezoning as well. He noted the Sasaki report discussed possible overlay zones and his concern was that if they allowed the buildings to be torn down with no firm idea in regard to what the use would be in the near term, the natural inclination would be to turn it into surface parking due to the parking demand in the area. He understood parking was a permitted use in C-2 with approval from the Board of Adjustment. He felt they needed tighter protections in place for the C-2 zoning district, which was something Sasaki alluded to.

Mayor Hindman agreed the report indicated they needed to look at the zoning requirements. One problem was that it might be a while before the Council could do much with the Sasaki report. He stated they did not provide specific suggestions. They only

provided an area and some ideas as to some general things that might be done. It was now up to the Council to move forward.

Ms. Nauser commented that she had a problem with denying zoning to someone for a plan the City might or might not adopt and which might be five to ten years in the making. In fairness to the applicants, who were not present, she preferred they table the issue to see if they would be agreeable to an exception that no surface parking be allowed if C-2 zoning was provided. She stated she did not think it was fair to deny property rights because of a plan the City might have in the future.

Mayor Hindman commented he did not think they would be denying property rights because they had zoning and an economic use for the property as it was. They were only saying they would not allow changes in the uses for awhile. He thought this was well within their purview, provided they look at making forward progress.

Ms. Nauser stated she was concerned that if they were going to apply this standard to these two pieces of property based upon future plans presented by Sasaki, they would have to apply it to everyone in that area, and she was not sure she wanted to begin that process without giving the community ample warning. She noted she was not opposed to denying the zoning, but thought it should be denied because they did not feel it was the best use of the property, not because of future plans with the Sasaki Group.

Mr. Janku commented that until they had other protections in place, he would only be agreeable to planned zoning. This would allow for waivers in parking, etc. He did not want to provide open zoning immediately adjacent to residential property. He noted they could always go up from planned zoning to C-2 in the future.

The vote on B24-07 was recorded as follows: VOTING YES: NAUSER, CRAYTON. VOTING NO: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS. Bill defeated.

B38-07 Authorizing construction of improvements to the bathhouse at the Oakland Family Aquatic Center.

The bill was given second reading by the Clerk.

Mr. Watkins explained this involved a \$90,000 public improvement to the Oakland Family Aquatic Center located in Oakland Park on Blue Ridge Road in north Columbia.

Mr. Hood stated staff was recommending the City proceed with this renovation project. The planned improvements would include the construction of a family changing area, renovation of the concession area and entryway to the bathhouse, installation of new flooring in the men's and women's locker rooms and general improvements throughout the facility, such as painting, sign replacement, etc. The total estimated cost was \$90,000 with \$75,000 to be funded with park sales tax and \$15,000 to be funded by force account labor. If approved, construction would begin immediately with a goal having the renovations completed in time for the 2007 swim season. He noted staff felt the family locker rooms would be a positive addition to the bathhouse.

Mayor Hindman opened the public hearing.

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

The vote on B38-07 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the east side of Scott's Boulevard, south of Thornbrook Ridge.

Item A was read by the Clerk.

Mr. Watkins explained this was a required public hearing for the voluntary annexation of about two acres on the east side of Scott's Boulevard. The requested zoning was R-1. Mr. Teddy pointed out this small tract was being added to the much larger piece that was already within the City limits and zoned R-1. The Planning & Zoning Commission would be seeing a subdivision plat request for the larger tract later this week.

Mayor Hindman opened the public hearing.

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

(B) Construction of the Rutledge Drive/Weymeyer Drive storm water management project.

Item B was read by the Clerk.

Mr. Watkins explained was a required public hearing for a public improvement to be located in north Columbia, off of Brown Station Road. The estimated cost of the project was \$245,000 and would be paid for with Storm Water Utility funds.

Mayor Hindman opened the public hearing.

Gene Barnes, 3511 Rutledge, commented that they were excited about the opportunity to have this done with all of the flooding that had happened. He was appreciative of Council approval.

Richard King, 3508 Greeley, understood it flooded in the lower area a long time ago, but they came in with new pipes for better drainage and he did not have any flooding problems. He noted the plan included swales with water sitting for 48 hours. He thought this might make it worse and noted no one talked to them about it.

Mr. Hutton asked Mr. King if he was on the south side of Greeley and one of the four houses between Brown Station and where the sewer line would be placed. Mr. King replied his was the third house from Brown Station.

Mr. Hutton understood they needed to pick up that property because the water was all going south. Mr. Glascock replied that if they were going to pipe it, it would make it faster, so they would need to pick it up and take it on past all of the houses. Once they got past Weymeyer, it pretty much went into the drainage of a stream. They were trying to carry it all of the way through the neighborhood. Mr. Janku understood they were trying to avoid collecting water and releasing it where it might create a drainage problem because it eroded. Mr. Glascock noted the velocity was increasing.

Mr. King understood water would be sitting in the circle for 48 hours. Mr. Glascock commented that if the circle was bothering him, they could try to remove it. Mr. King replied he was concerned with water standing at that location for 48 hours because there would be a swamp in the back. Mayor Hindman suggested Mr. King discuss the issue with the Public Works Department.

Mr. Hutton asked if the circle was some type of detention facility. Mr. Glascock replied yes and explained it was an area where they were trying to detain water for a few hours before allowing it to release slowly down the pipe. He stated they could look at it to get rid of it if they had to, but noted it helped with filtration. Mr. Hutton understood they would be creating a pond between the two houses. Mr. Glascock replied that was correct.

Mr. Barnes stated participated in a meeting with the Public Works staff and explained there was a lot of water coming down off of the Industrial Park to the north of Rutledge Drive, since they redid the buildings. It was causing the 24-inch pipe to be full of water and to overflow onto Rutledge and the next street down. He noted there was not enough pipe to get the water out of the area quick enough. He understood the 48 hours would be like water in country ditches after a hard drain where water sat a while and then flowed out slowly. He did not think it would stand, but if they had a rain like they did last spring, it might take 48 hours. He understood a lot of it would be absorbed by the ground. An elderly lady living at a home at the end of the pipe attended the meeting and indicated the water came so hard that it flooded into her house. Mr. Hutton asked if she was on Weymeyer. Mr. Barnes replied yes and explained the water went into her back yard and when shifted just right, it went into her house. This would allow the pipe and water to go past her house. He noted that some of the pipes had collapsed so there was also a safety hazard at this time.

Mr. Janku asked if the new storm water regulations they hoped to adopt would take care of situations like this. Mr. Glascock replied, hopefully.

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

Mr. Hutton made the motion that staff be directed to proceed with final plans and specifications with the stipulation that the detention area be carefully studied. He noted it looked like a huge yard and wondered if it could be done further down the channel. Mr. Glascock replied they were putting in a berm where it made the bend to keep it from running into the other house. Mr. Hutton asked if the whole thing was an open channel. Mr. Glascock responded that most of it was piped. The motion made by Mr. Hutton was seconded by Mr. Loveless and approved unanimously by voice vote.

OLD BUSINESS

B21-07 Voluntary annexation of property located on the north side of State Route K, along both sides of Scott Boulevard, extended; establishing permanent PUD-1.1 and C-P zoning.

B22-07 Approving the PUD Development Plan of Deerfield Ridge Phase 2 located on the north side of State Route K, along both sides of Scott Boulevard, extended; granting variances from the Subdivision Regulations.

The bill (B22-07) was giving second reading by the Clerk.

Mr. Watkins explained this was the PUD development plan on the item they tabled to Old Business earlier in the evening. It would provide for the development of 52 single-family detached houses with a development density of 1.08 dwelling units per acre. The Commission recommended approval of the proposed plan and the six variances to the subdivision regulations.

Mr. Teddy noted the Commission and staff supported the variances requested. A street cross section on the Scott Boulevard extension would be a curbless roadway with two

12-foot lanes, two 7-foot striped, paved shoulders, and sidewalks. It was close to one of the City's standards and matched the County's construction of the road. There were also curbless streets within the subdivision. The Montauk Drive cul-de-sac would be 1,300 feet long. Staff felt it would be unreasonable to limit them to 750 feet due to the severe topography. The applicant requested a variance allowing a transition from a 5-foot concrete sidewalk to the County's road cross section, which would allow pedestrian movement along a 7-foot paved shoulder at the north end near the stream crossing. There was also a variance for the maximum vertical slope to be slightly above 8 percent at its maximum grade. In addition, there were a number of single-family driveways, which would have access directly to Scott Boulevard because it would be difficult to plan any other way due to the required alignment of Scott and the severe topography. They would be shared driveways in order to reduce the number directly onto Scott.

Mr. Janku understood staff did not support the sidewalk variance. Mr. Teddy replied they originally requested the sidewalks be extended all of the way up to the end of the property and the Planning & Zoning Commission felt the applicant had a fairly good case for making a transition. Mr. Janku understood staff did not believe it was topographically impossible. Mr. Teddy replied it would be more costly than a standard sidewalk or a sidewalk elsewhere on Scott Boulevard.

Ms. Hoppe recalled discussion about only allowing a right-in/right-out on those driveways with the widening of Scott Boulevard in the future and asked if that was part of the PUD plan. Mr. Teddy replied he was not sure that would happen, but the City reserved the right to make any driveway that proved to be a difficult access situation a right-in/right-out for safety reasons.

Ron Shy, 5600 S. Highway KK, noted in regard to the sidewalk situation, the north part of the County's road was a 24-foot wide pavement with two paved shoulders for pedestrian access and that came right up to the north property line of this tract, which was very close to a stream that was controlled by the new buffer ordinance. He explained they had to make a transition somewhere to/from the sidewalks they were putting in. In the County's plan, they had not planned to put individual sidewalks along the sides of the street like they were now because the cross section of their pavement was exactly the same as the cross section of the pavement north of them. Since they were going in the City, they felt it would be better if they had individual sidewalks along Scott Boulevard. The sidewalks would be placed along the right-of-way as if they were constructed with a new street except for at the north end of the property where the stream crossing was because they had to make a transition somewhere. He noted that was the reason for the variance to the seven-foot pedestrian way the County had allotted north of this property. If they were to cross the stream, they might have to obtain right-of-way from the neighbors for slope width or a Corps permit, which was difficult to get. He pointed out he wanted to bring these forth at the same time because of contractual relationships with the County to build this road to this cross section and the Sewer District should this not get approved, so the whole plat was predicated on those agreements along with the improvement at Route K.

Mr. Janku asked if they would have problems with the edges breaking down on the curbless streets. Mr. Shy replied they built two cul-de-sacs in the first phase of Deerfield

Ridge, which were very similar to what these would look like in the cross section. Those had been in since 2000 and had held up very well. He noted there needed to be certain conditions that allowed for the use of curbless streets. The road had to be on the ridge top to make it work. They eliminated the curb and made the sidewalk slope very similar to the street, so the water that drained off of the street actually drained across the grass median and sidewalk and then went off to the front and side yards of adjacent lots. This did not create any areas of erosion. He thought there might be problems on a high traffic road, but it worked well in that subdivision.

Mayor Hindman noted there were a lot curbless streets in his neighborhood, which were holding up fine. Mr. Janku stated he had seen some with breaks in the curbs, so the water was directed out instead of going into a pipe.

Ms. Crayton made the motion that B22-07 be amended per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The vote on B21-07 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

The vote on B22-07, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B25-07** Approving the Final Plat of Walnut Brook Subdivision Plat 6, a Replat of Lots 102 and 104 of Walnut Brook Plat 5 located on the south side of Old Plank Road, west of Bethel Church Road; authorizing a performance contract.
- B26-07** Approving the Final Plat of Blue Ridge Heights Plat 2 located on the southeast corner of Blue Ridge Road and Ridgecrest Drive; authorizing a performance contract.
- B27-07** Approving the Final Plat of Copperstone Commercial Plat 1 located on the south side of Vawter School Road, east of Scott Boulevard; authorizing a performance contract.
- B28-07** Approving the Final Plat of Quail Creek West Plat 6, a Replat of Lot 401 of Quail Creek West Plat 4 located on the west side of Louisville Drive, south of Rainbow Trout Drive; authorizing a performance contract.
- B29-07** Changing the street name for the east/west portion of Frontgate Drive to Blue Hollow Drive.
- B30-07** Vacating portions of unused street rights-of-way for Tammy Lane.
- B31-07** Vacating a utility easement located on Lot 2 within Bearfield Plaza Subdivision.
- B32-07** Authorizing an on-system bridge replacement and rehabilitation program agreement with the Missouri Highways and Transportation Commission

relating to replacement of a bridge over Hinkson Creek on Old Route K Outer Road, south of Reactor Park.

- B33-07 Authorizing Change Order No. 1 to the contract with Emery Sapp & Sons, Inc.; approving the Engineer’s Final Report for improvements to East Broadway from Old 63 to U.S. Highway 63.
- B34-07 Authorizing Change Order No. 1 to the contract with WEECO, Inc.; approving the Engineer’s Final Report for construction of the Woodside and Nazarene storm drainage improvement project.
- B35-07 Approving the Engineer’s Final Report for the Concordia Drive and Walther Court storm drainage improvement project.
- B36-07 Authorizing an agreement for conveyance of easements with Donald L. and Joan Dicks relating to construction of the Bear Creek Outfall Sewer Extension Project.
- B37-07 Accepting conveyances for utility purposes.
- R19-07 Setting a public hearing: voluntary annexation of land located southeast of Oakland Gravel Road, east of Teresa Drive.
- R20-07 Setting a public hearing: construction of traffic calming devices on Alexander Avenue.
- R21-07 Setting a public hearing: upgrade of a water main along the north side of Walnut Street, between Tenth Street and College Avenue.
- R22-07 Setting a public hearing: consider the Water and Light 2007 Renewable Energy Report.
- R23-07 Setting a public hearing: construction of improvements to the MKT Forum Trailhead, MKT Scott Boulevard Trailhead, Lake of the Woods Golf Course and Kiwanis Park.
- R24-07 Setting a public hearing: construction of improvements at Nifong Park, Valley View Park and Hickman Pool.
- R25-07 Setting a public hearing: development of the Longview Park.
- R26-07 Setting a public hearing: consider an amendment to the FY 2006 Action Plan for HOME funds.
- R27-07 Authorizing an agreement with Allstate Consultants, Inc. for engineering services relating to survey trail alignment and property boundaries for the Scott’s Branch, County House Branch and Hominy Creek trails.
- R28-07 Authorizing an agreement with the Larkin Group, Inc. for engineering services relating to the Quail Drive/Vandiver Drive storm water management project.
- R29-07 Authorizing an agreement with Trabue, Hansen & Hinshaw, Inc. for engineering services relating to University Park Subdivision sewer relocation/stream bank stabilization project.
- R30-07 Authorizing an agreement with TREKK Design Group, Inc. for engineering services relating to sanitary sewer manhole inspections and rehabilitation recommendations.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON,

LOVELESS. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW 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. Glascock explained that Columbia would be required to disinfect the water leaving the wastewater treatment plant in 2013 and the estimated cost for equipment was approximately \$3.5 million with an annual operating cost of about \$250,000. The goal of this contract was to collect, organize and evaluate existing data from the Missouri River related to flow velocities, water depth, temperatures, bacteria levels and recreational uses. The information would be used to develop an approach for obtaining a waiver from the disinfection requirement because the City's actual outfall from the treatment plant was to Eagle Bluffs, not the Missouri River. He stated it would depend on where the disinfection had to be done, the treatment plant or the outfall of the wetlands. If they looked at the outfall of the wetlands, DNR would require 99.6 percent of all fecal coliform to be removed. Currently, it was at 99.4 percent. If it was done on the other end of Eagle Bluffs, he thought the City could meet the requirement. If not, they might want to put in a wetland to try to meet it. He noted if it was not feasible to get the disinfection requirement completely removed, the consultant would evaluate the recreational patterns of the Missouri River to try to reduce it. Right now, the City would have to disinfect from April to October and if they could reduce it by one month, it would save \$35,000. He stated they wanted to see if anyone was swimming in the Missouri River in April.

Ken Midkiff, 1005 Belleview Court, Chair of the Mid-Missouri Sierra Club and the Conservation Chair for the Osage Group, stated a use attainability analysis was done for only one reason and that was to remove a designated and beneficial use. The designated and beneficial use of the Missouri River was for all body contact, which meant swimming, diving, scuba diving, water skiing, etc., where the whole body was submerged and where one could be subjected to bacterial levels causing anything from infection to death. He wondered why Columbia would want to join other cities in exposing people to bacterial levels that were unhealthy. His biggest concern was that the waiver would be to the Clean Water Commission, who had no authority to grant a waiver from a federal law. They could only grant a waiver to a state law. The federal law indicated that all waters of the United States should be fishable and swimmable. He noted the Missouri River had been designated as whole body contact or swimmable. The United States Geological Services found there were people swimming at every public access along the Missouri River from Nebraska to the confluence of the Mississippi River. He felt the use attainability analysis was fruitless and a waiver was legally impossible because it would have to show that no one had swam in the Missouri River since 1975 or that the use was unattainable and since that use was now in place, it could not be removed. He and the Sierra Club felt the City was proposing to spend \$13,148.43, which would be one-seventh of the total of \$92,039 of public monies, on a

useless venture. He asked that the contract not be approved and that the City not go on record as supporting this venture.

Ms. Hoppe asked about the comment made regarding the possibility of proving there was no whole body contact in April so they would not have to disinfect. Mr. Midkiff replied he understood the Missouri River was whole body contact year round and asked if staff thought it was only whole body contact during the recreational season. Mr. Glascock replied the current requirement was to disinfect April through October. Mr. Midkiff stated the bottom line was that if the City of Columbia was meeting fecal coliform and e-coli standards, they would not have to disinfect. Mr. Glascock explained they were trying to determine where the outfall was. Mr. Midkiff stated if the outfall was to the Missouri River, he was not sure who had the permit for the City's outfall to the Missouri River. He thought it could be either the City of Columbia or the Missouri Department of Conservation at Eagle Bluffs. Mr. Glascock stated he thought the City had the outfall to the Missouri River. Mr. Midkiff commented that he did not think the Department of Conservation would want to be liable for the City. Mr. Loveless thought once the water hit Eagle Bluffs it became waters of the State. He believed that was determined in 1990 when the cooperative agreement was put together. Mr. Midkiff thought the question would be whether the outfall to the City of Columbia was in the NPDS or the State permit. Mr. Loveless stated he was not sure the City of Columbia was even regulated because he did not think the City's outfall was classified as running into the Missouri River. It ran to the Conservation Area and there became waters of the State. Mr. Midkiff noted that was why he thought it was inappropriate to spend \$13,000 to determine whether there was anyone swimming in the Missouri River. Mr. Glascock commented that they were not trying to prove no one was swimming in the Missouri River, they were trying to figure out where the City needed to disinfect and where the City did not. If they had to do it at the treatment plant, they would do it there. If it was at the wetlands, they needed to find out if it could be past where it went into the River through Eagle Bluffs. Once it got past Eagle Bluffs, staff thought it was good. The contract would help them resolve those issues.

Mr. Loveless wondered whether or not the City was legally tied up in this issue because he was not sure, legally, the City's wastewater was considered to dump into the Missouri River. He asked if they could delay making a decision in order for staff to do some research and report on their findings because the City might not need to be involved at all.

Mr. Janku pointed out the use attainability analysis was only one part of the contract. The City would be participating as a group with other entities on a whole range of issues.

Mayor Hindman asked what the City would be gaining by participating with the group. Mr. Glascock replied a lower cost. If they did it alone, it would cost considerably more to obtain the waiver of disinfection. Mayor Hindman understood the waiver for disinfection would be based on the fact the City was putting it in the wetlands or the Missouri River during a season when nobody swam. Mr. Janku thought it might be going in at a cleaner level than was required, so the City might be meeting the requirement. Mr. Glascock replied that was correct and stated they were trying to prove they might be meeting what they were required to meet.

Ms. Hoppe stated she would prefer to hear a legal opinion and look at the issue again on February 19. Mr. Hutton asked if it would cause a problem to hold it over. Mr. Glascock did not think one more meeting would hurt.

Mr. Loveless asked, if the City wastewater was not classified as discharging into the Missouri River, if the City would be subject to the disinfecting process. Mr. Glascock replied he thought the City would still have to disinfect. It was a matter of where they made the City test it. If the test was required at the wastewater treatment plant, the City would have to disinfect. If the test was required at the wetlands, the City might not have to disinfect because they would not be directly discharging into the Missouri River.

Mr. Loveless commented that by testing at various spots over the years, they had found that by the time the wastewater ran through the natural processes of coming out from the plant, going into the City's wetlands, coming out of the City's wetlands, and coming out of Eagle Bluffs, it was a lot better than the Missouri River water. Mr. Janku did not think that would determine whether or not the City was legally required to meet the standard. Mr. Loveless agreed, but noted Mr. Glascock was wondering where DNR was going to require the City to grab the samples to test them. If they could grab it at the end, they would meet the DNR standards. Mr. Glascock replied that was correct and stated he did not think Mr. Boeckmann could determine that. He thought they would need to get DNR's opinion. Mr. Janku understood this study would try to make the case the City was entitled to a waiver and thought it was more of a technical analysis than a legal analysis. Mr. Watkins agreed and stated it was technically where the City grabbed the sample to measure. They were trying to make the argument that the City should be held accountable at the end of the wetlands process at Eagle Bluffs and not at the pipe coming out of the wastewater plant where the City did not have the advantage of the natural processes. He noted if they could make the argument to be held accountable at the end of the processes, they could add a few natural processes rather than disinfecting. He did not think it was in the City's best interest, if they could meet the standards, to go through the disinfection process.

Mr. Midkiff stated he agreed with Mr. Watkins, but that was not what the council memo suggested action indicated.

Mayor Hindman made the motion that R31-07 be tabled to the February 19, 2007 Council meeting. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Hutton asked if the contract was the same for every sewer district and municipality and if they were doing exactly the same thing for Columbia as they were doing for Kansas City or the Little Blue Valley Sewer District. Mr. Glascock thought each one had different criteria they were trying to obtain. The City was mostly going for the disinfection waiver. Mr. Watkins reiterated the City's argument was that once they had gone through the wetlands and the natural processes, the City met the State standards. Also, if the City was very close, they would prefer an alternative that would be more environmentally responsible and less expensive in the long run, such as adding some natural processes. If DNR took the attitude that the City was held accountable at the end of the sewer plant, it would be almost impossible to make that argument and they would be looking at disinfecting with chlorine or something else.

Ms. Hoppe stated she was concerned with the language reading "to develop common approaches for use attainability analysis and waivers" and wondered whether Columbia was going to get a proper analysis. She asked if the City's system was shared with these other municipalities. Mr. Hutton agreed and wondered if they were getting specific services different than any of the other agencies because it seemed too him Columbia's case was unique since the others did not have wetlands. Mr. Janku thought the use issue would be somewhat common. Mr. Watkins stated they would provide Council clarification at the next meeting.

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.

Mr. Watkins stated this proposed preliminary plat, located in west Columbia, would create 141 R-1 zoned lots. Four of those lots would be used for something other than single family residential development. The Planning & Zoning Commission recommended approval of the plat subject to some conditions having to do with the development agreement at the time of final platting. The conditions primarily pertained to the extension of West Broadway.

Mr. Teddy explained staff had not covered everything in the Council memo regarding future street access. They neglected to say there was a third opportunity for access to and from this subdivision in the future with Perche Ridge Drive, which was also a planned street in the approved Bellwood preliminary plat. Mr. Teddy noted currently there was only one means of access, which was West Broadway. One of the conditions would require paving the unpaved section, so there was a serviceable roadway into this area. Once inside the subdivision, it had good circulation with no cul-de-sacs and short blocks. Mr. Hutton understood the second access was on the south side of the West Broadway extension. Mr. Teddy replied that was correct and was by Stone Valley Parkway. Mr. Hutton understood there were two, but at the border of the subdivision, there was really only one access. Mr. Teddy replied that was correct. The difference was that Stone Valley gave some flexibility of travel to avoid Scott Boulevard or Broadway for a certain distance because they could access Louisville Park, Smith Road or Chapel Hill Road via Louisville in the future if it was connected. With the addition of Perche Ridge Drive or Stone Valley, there would be the ability to build this out to the full 136 lots. He pointed out notes on the plat referencing potential future commercial development and potential future PUD development. Those were not binding on the City or the applicant. They just provided an indication of what they had in mind for those two R-1 tracts. He noted some large parcels that mainly contained the floodplain and floodway, were understood to be open space. He pointed out the plat was also in compliance with the new stream buffer requirements.

Mayor Hindman understood it was in compliance with the new stream buffer ordinance as amended by Council. Mr. Teddy replied that was correct and noted an adjustment had been made on part of it for steep slopes. Perche Creek was a Type 1 stream and they had widened it from 100 to 150 feet in one place across a number of lots that accounted for the steep slopes there.

Mr. Janku asked about the intended use of lot 141. Mr. Teddy replied he believed it was mostly floodplain and was indicated to be open space. There was a lot of stream buffer on it as well as some floodplain. If they could meet the conditions of both the stream buffer and the floodplain overlay district, he thought it could be buildable in the future, but there was no buildable lot proposed right now.

Dee Dokken, 804 Again, understood they were building on a bluff over the Perche Creek and she was hopeful there would be a green belt trail with paths so people could enjoy the Creek recreationally. While some would be getting benefit from the view, they were also taking away from a public view and value. She thought it was possible to have views from up above and still preserve the view from below with good design. She suggested a setback and only removing specific trees, so there were views out of windows, patios and decks, while still leaving a lot of trees, so when viewing it from below the natural character was preserved. She asked that the plat show some consideration for her suggestions. She also suggested including viewsheds for developments as part of the general information provided for certain views the City catalogued as being of value to the population. Mayor Hindman pointed out the City was working on a natural resource inventory.

Frank Jindra, 4514 W. Broadway, explained he lived at the end of Broadway and wondered what he needed to do to get heard. He commented that a few years ago he had looked at what might happen with the field across the road from his property and appealed for Broadway to be straightened and moved away from his front yard. If they constructed Broadway as shown on the plat, the traffic lights would be at his front door. He asked that Broadway remain straight as indicated in the plans a few years ago. He also wondered about water issues if they paved Broadway. There were three homes that would be affected – his, which he owned, and two rental properties. He noted it was a dangerous road and the added traffic was a safety concern. With the additional homes in the area, he was also concerned about the safety of the kids in the area and wondered where they would play. He thought there needed to be recreation areas included.

Ms. Hoppe asked Mr. Jindra how far his house was from the proposed road. Mr. Jindra thought it was about 30 to 40 feet away, which was too close. He stated Broadway being that close to his home would depreciate its value.

Zach Thomas, Engineering Surveys and Services, 1113 Fay Street, offered to answer questions. Mr. Janku asked if the alignment shown on the plat was set or if it would be revised as they moved forward with the final plat. Mr. Thomas thought the alignments for West Broadway would not change much because they were tying into the proposed West Broadway on the Bellwood Plat. The other streets, such as Perche Ridge and Hardwood Drive, might have to be revised for traffic considerations, but West Broadway would probably remain as shown.

Ms. Hoppe referred to the comment about the overlook and whether there could be trees that would help preserve the view while allowing a view and asked if that would be done. Mr. Thomas replied Perche Ridge followed the ridge line, which was a wooded ridge and those lots were deeper than the rest of the lots. They were not going to clear the entire lot, especially on the steep slope, so there would be some trees remaining on the slope. Ms. Hoppe understood the trees on the top might be taken off, so the houses would be clearly

viewed from the surrounding area. Mr. Thomas replied the trees where the roadway and houses would go would be cleared, but there would be some trees left on the bluff. Mr. Hutton pointed out there was a 100-150 foot wide stream buffer on the northern part that would not be touched.

Mr. Hutton asked if the Bellwood development, which was north of Mr. Jindra's house had been approved by Council at the preliminary plat or final plat stage. Mr. Teddy replied the preliminary plat had been approved. Mr. Hutton asked if it showed the location of West Broadway where it was shown on the overhead. Mr. Teddy replied it did and noted it indicated a half width dedication, which meant that street could be improved within the half width as a local street. This subdivision basically needed a local road or residential feeder, and no more, until some day in the future when it was pushed across Perche Creek.

Ms. Nauser asked how many houses were planned for the Bellwood Subdivision. Mr. Teddy replied over 200.

Mr. Janku asked if the Bellwood developer had agreed to make any improvements to West Broadway. Mr. Teddy replied there was no agreement with that developer to make any improvements. Mr. Janku understood any changes or improvements to West Broadway, in front of Mr. Jindra's house, would be made through the City's public improvement process where there would be notice given and public hearings held. He also understood there would be no changes to the structure of the street in front of his house as a result of anything they did tonight. Mr. Teddy replied that was correct. The intent of the recommendation for that condition was to get a hard surface down. It was not intended to widen the road significantly. It was very narrow now, so it needed to be widened to two lanes, but the idea was to just have a serviceable entrance into the subdivision and not to develop an arterial road at this point in time. Mr. Janku understood Mr. Jindra's house was actually across from the Bellwood development. Mr. Teddy replied that was correct. Mr. Janku asked if it was paved at that location. Mr. Teddy replied there was a gravel section, which he thought was in front of Mr. Jindra's house.

Mayor Hindman understood they would not be building the road any closer to his house than it was now. Mr. Teddy replied it did not appear that way. Mayor Hindman asked if the right-of-way would have to come from Mr. Jindra if it was upgraded in the future. Mr. Teddy replied yes and noted the lots to the east would also be affected. There would be an impact if a full arterial was required because for a 100-foot wide arterial, the right-of-way line would be very close to the house. He pointed out an arterial did not make sense until a bridge was built.

Mr. Janku understood right-of-way was being dedicated from the Bellwood plat that would allow the improvement of the street in the short term. Mr. Teddy replied it was similar to other places in the City where two lanes had been initially been built.

Mayor Hindman stated he understood Mr. Jindra's concern because if the road was expanded, it would come from his yard. Ms. Hoppe felt, if the road had to be expanded, it should come out of the other land. Mr. Loveless pointed out that was not the issue before them. Mayor Hindman agreed, but thought they would be sealing the fate if they approved this preliminary plat because there would be no other way. Mr. Hutton commented that even though the lots that went down in the Bellwood Subdivision were deep, without a lot of

cooperation on the part of the owner of Bellwood, they would not be able to change the plat to reflect a wider right-of-way there. Ms. Nauser felt this was poor road planning. She recalled concern voiced in regard to the little strip of West Broadway when they discussed the Bellwood Subdivision because it was a narrow road with a high cresting hill. They made no provisions to require improvements to the road and now they were getting ready to put in another 141 houses in the area that would dump out onto it. She stated she was not happy about that being the only access to Bellwood. She noted they were again looking at the errors of previous decisions. She stated she did not think it was fair to anyone moving out there to leave West Broadway in the shape it was in, while just extending it another lane. Mayor Hindman suggested they table the issue to let their concerns be known and allow staff and the developers to look into the issues.

Dave Bennett, Engineering Surveys and Services, 1113 Fay Street, explained they were stuck because what happened at Bellwood was creating a problem for them. They wanted to move forward, but did not know how to solve the Bellwood issue because they were not involved with them. He understood there would have to be some cooperation, but he did not know how they would do that. The problem was that only half of the right-of-way width was given on Bellwood, and yet they were giving the entire right-of-way and had no choice, but to match up with Bellwood. He noted they saw this as a problem and sent a letter in October, but it had not been resolved.

Mayor Hindman understood Mr. Bennett to say they were providing the entire right-of-way to include if it were upgraded. Mr. Bennett replied yes and noted it was a 110 foot right-of-way. Mr. Glascock pointed out there was currently no street, so they were required to do the whole street. Bellwood gave a half width per ordinance. They were not required to do the whole street. Mr. Bennett explained the origination of their street had to start with Bellwood, so they were stuck. Mr. Hutton asked what the access would be and wondered if it would be off of a gravel road. Mr. Teddy replied they were recommending they pave it before any homes were built. Mr. Hutton asked who would pay for paving it. Mr. Teddy replied the developer of this subdivision should. Mr. Bennett explained they had to work out a development agreement and all of those provisions would be worked out in that agreement or it would not go forward. Mr. Hutton commented staff was going to have to get creative and work with the Bellwood people. He thought the lots were deep enough to do it.

Mayor Hindman made the motion that R32-07 be tabled to February 19, 2007 Council meeting. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

R33-07 Authorizing the City Manager to apply to the Missouri Transportation Finance Committee (MTFC) for a loan to finance the local portion of a cost share project relating to construction of improvements to Route 740 (Stadium Boulevard).

The resolution was read by the Clerk.

Mr. Watkins explained staff had been working with MoDOT and three TDD's that had been formed in west Columbia to implement significant changes and improvements to Stadium at Bernadette. The City had been invited to apply to the Missouri Transportation Finance Committee for a low interest loan for \$10.9 million that would compliment the \$8.99 million already obtained from MoDOT as a cost share grant. The City would be making an approximate \$20 million improvement in this less than a mile section of road at no direct cost

from the City budget. They were asking for Council authorization to apply for this low interest loan. If successful, they would bring the agreement back to the Council at which time the specifics could be worked out. He noted it was possible they could obtain less than this amount, but they would apply for the maximum amount.

The vote on R33-07 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. 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.

- 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.
- 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.
- B41-07** Approving the Final Plat of Shanthi 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.
- B43-07** Authorizing construction of traffic calming speed humps on Alexander Avenue between Ash Street and Worley Street.
- 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.
- B47-07** Authorizing the upgrade of water main along the north side of Walnut Street, between Tenth Street and College Avenue.
- B48-07** Approving the Water and Light 2007 Renewable Energy Report.
- 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 Plat to Star School Road.
- B51-07** Accepting conveyances for utility purposes.
- 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.
- B53-07** Authorizing construction of improvements at Nifong Park, Valley View Park and Hickman Pool; calling for bids through the Purchasing Division.

- B54-07 Authorizing development of Longview Park; calling for bids through the Purchasing Division.**
- B55-07 Authorizing an amendment to the Fairview Marketplace development agreement with Broadway-Fairview Venture, L.L.C. and Broadway-Fairview Transportation Development District.**
- 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.**
- B58-07 Appropriating funds for the PedNet Project promotion and education program.**
- 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.**

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Homkor of Missouri agreement.

Mr. Watkins explained this was an agreement to sell 300 one-year bus passes to Homkor of Missouri and required a very minor change in one of the bus routes with no reduction in the route or service area.

Mr. Janku stated he was pleased to see the service extended and noted he wanted to see a short sidewalk connection on Stadium from Primrose to the road where the bus came out, if possible, because it would give access to the Valley View Neighborhood.

(C) Future Percent for Art projects.

Mr. Watkins explained that according to Council policy, the Council needed to designate projects for Percent for Art. They were in the very preliminary stages of the design of Fire Station No. 7, which was the replacement at Green Meadows, and Fire Station No. 9, which was the new station in north Columbia. Staff was recommending both be designated.

Mr. Janku made the motion to designate Fire Stations No. 7 and 9 as eligible for Percent for Art. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

(D) H-13 Trunk Sewer – sewer extension request from University of Missouri-Columbia.

Mr. Watkins explained this was a request from the University to develop additional sewage capacity to handle improvements the University was making in their south campus area near the hospital in the new surgical towers. The City agreed to begin splitting some of the costs and was asking Council to direct staff to bring back a formal agreement with the University regarding this issue.

Mr. Loveless made the motion that staff be directed to proceed with negotiating an agreement with the University for the H-13A Trunk Sewer project. The motion was seconded by Mayor Hindman.

Ms. Hoppe stated she could not tell from the map exactly where the sewer would go and asked if it went down Rock Quarry Road. Mr. Glascock replied it did and showed the route on the overhead. Ms. Hoppe asked if they would be taking out trees on either side of the road. Mr. Glascock replied it would probably be going up the middle of the road. When they got to the bottom, some trees would be taken out. He explained it cut across the parking lot and he was hopeful it would get in when they built the new Hampton Inn. Mr. Hutton asked if the size of the sewer line took the Hampton Inn into account. Mr. Glascock replied it would. Ms. Hoppe noted Rock Quarry Road was a scenic road and part of its designation was the tree cover. She asked how it would affect the tree cover on Rock Quarry. Mr. Glascock replied they would dig up the street along Rock Quarry. He clarified on the overhead where the trees would be removed.

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

(E) Natural Resources Inventory (NRI).

Mr. Watkins noted at an earlier work session, staff discussed the desire to conduct a natural resources inventory. They were asking Council to determine whether they should proceed with the inventory and if so, if they wanted to fund both the photography and analysis with this year's budget or if they wanted to do the photography in this year's budget and the analysis in next year's budget. He was recommending the second option, which would delay the process by two months.

Mayor Hindman did not think a two month delay would be very significant. Mr. Janku wondered if they could fund it with the sewer utility, storm water utility, trails funds, etc. because a lot of entities would benefit from it. Mr. Watkins explained that if the Council wanted to move forward right away, they would provide suggestions for funding. Mayor Hindman stated his concern was that development was taking a lot of places they might want to look at in this inventory and noted they saw an example of that tonight. Mr. Watkins pointed out the key piece was to get the photography done this spring. If directed, they would bring back the actual agreement along with an appropriation to cover the agreement.

Mr. Loveless asked if the pictures had been taken. Mr. Watkins replied they had not and pointed out it needed to be done when the foliage was just coming out. Mr. Loveless understood the analysis could not be done before taking the pictures. Mr. Watkins replied that was correct.

Mr. Janku stated he was in favor of moving forward and doing it all in one year. Mayor Hindman was happy to do that, but questioned if taking money from something else would set another project back.

Mr. Janku made the motion that staff be directed to bring back a specific budget and appropriation ordinance to proceed with the acquisition of high resolution colored photography and contract with University Geographic Research Center to conduct the image analysis with all work to be funded in FY 2007. The motion was seconded by Mayor Hindman.

Ms. Hoppe asked if this was the appropriate time to add a few items to the list. She noted it did not cover viewsheds. Mr. Watkins felt the key piece right now was the photography having to do with vegetation. He thought they already had viewshed capabilities. Mr. St. Romaine explained that once the actual imagery was acquired, the next step would be to get a group of key stakeholders together to discuss who could actually benefit from the image analysis and what it was they were trying to capture, such as tree cover, vegetation, types of grass, wildlife, etc. Once they did that, they could direct the University Geographic Resource Center to actually prepare it as part of the inventory report. Ms. Hoppe understood these to be examples of things the City could do, but that they were not limited to just those. Mr. Watkins replied the key piece was to get the photography done.

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

(F) Project Lifesaver.

Mr. Watkins stated this was in response to a request by Council to look into adopting Project Lifesaver, which was a program designated to assist in locating people with diminished mental capacity.

Mr. Janku made the motion that the report be accepted. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(G) Street closure request.

Mr. Watkins explained this was a request for the True/False Film Festival Parade to be held Friday, March 2, 2007.

Mr. Hutton made the motion to approve the street closure as requested. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(H) Naming of Southampton Drive, extended.

Mr. Watkins noted this street was under construction and because it was not part of a plat, the Council needed to decide on a name. Staff had six options and suggested Council refer the issue to the Planning & Zoning Commission for their consideration and recommendation.

Mr. Janku felt whatever name they came up with should be consistent with City policy and he recommended either option one or four.

Mr. Janku made the motion that the issue be referred to the Planning & Zoning Commission for their consideration and recommendation to Council. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(I) Shared access/parking lot interconnections.

Mr. Watkins stated this report had been requested by the Council. Staff had reviewed alternatives for shared access between adjacent commercial developments. The report provided a number of suggested changes to both zoning and subdivision regulations. They were recommending it be referred to the Planning & Zoning Commission for their review.

Mr. Hutton made the motion that the issue be referred to the Planning & Zoning Commission for their review and recommendation to Council. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(J) Revised CDBG funding guidelines.

Mr. Watkins noted the Community Development Commission had made some suggestions in terms of their process of consideration for CDBG funding. They wanted a meeting with the City Manager as part of the budget process versus having two meetings with the Council. One meeting would be held to consider needs and the other would be changed to a meeting with the City Manager. They also wanted to establish the timeliness of project implementation as one of the criteria. On several occasions in the past, there were projects that did not meet HUD timeliness and caused difficulties. They were also suggesting changes in the ranges of funding percentages. If Council concurred, staff would draft the appropriate legislation for the next meeting. He noted staff had reviewed the recommendations and agreed that options one and two made sense and option three was a policy issue the Council would need to consider.

Mr. Janku stated he agreed the idea of timeliness was important, but was concerned about the percentage reallocations because they were lowering the minimum for housing. He understood an item on the next agenda involved two groups competing for a limited amount of housing funds. He also did not think it was a good idea to reduce the minimum percentage for basic infrastructure for public improvements, such as streets. He referred to the list of streets needing funding and noted some could involve CDBG funds. He felt that in order to meet the timeliness requirement, they needed to get the money up front versus stringing it out by doing half a street a year. He stated he was comfortable with the other categories, such as community facilities, community services, and economic development, having a single pot for more flexibility.

Mr. Watkins noted he thought the main concern of the Community Development Commission was that if one category, particularly community facilities, did not have a good project, they wanted the ability to shift some of that money to another category/project.

Mr. Janku made the motion that the existing percentages for public improvements and housing be retained, but that the three categories of community facilities, community services and economic development be merged into a single pool. He explained the minimum percentage for housing and public improvements was 45% and 20%, respectively, and planning administration had 10%, so there was 25% for the remaining three categories. If the

percentages went up in public improvements, housing or planning administration, the percentage for those three categories would go down.

Mr. Watkins asked if they would allow a zero percent for anyone of them. Mr. Janku replied yes.

The motion made by Mr. Janku was seconded by Ms. Nauser and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ms. Hoppe asked for a schedule/timetable of how they would follow up on the Sasaki report relating to the downtown. Mr. Watkins explained staff would be meeting with the University and would try to move it along. Mr. Janku asked what role the Council would play. Mr. Watkins stated he anticipated bringing the Council the last presentation and asking for approval of the plan. Mayor Hindman thought it would be approving a general concept since there was no real plan. Mr. Watkins agreed, but noted there were four major projects, which they were trying to locate. Mayor Hindman thought the Sasaki group was brought in to facilitate the development of cooperative ideas for the land/area. It was mostly idea stimulating versus someone saying how it should be done. He suggested, as part of it, they ask for suggestions regarding what could be done to pause development that would prevent the City from being able to plan. Mr. Watkins noted that was one of Sasaki's recommendations.

Ms. Hoppe made the motion that staff be directed to provide a schedule/timetable on the Sasaki report relating to the downtown and suggestions for pausing development that might prevent the City from being able to plan. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Nauser stated she was concerned about the West Broadway, Strawn Road, Scott Boulevard intersection. They could now potentially have 200 homes dumping onto that strange configuration of an intersection and thought staff should look into some traffic options. She noted it was a very dangerous corner and the added traffic would result in the stacking of vehicles causing more of a safety concern. Mr. Watkins thought staff was considering an extension of Scott Boulevard due north, which would make it a four-way intersection. The extension of Scott Boulevard due north would end up in a new interchange on I-70. They requested from MoDOT a designation in regard to what environmental clearance would be needed to begin a study. Ms. Nauser asked if that would be a short term solution or something in the range of 15 to 20 years from now. Mr. Watkins replied he did not think it would be 15-20 years from now.

Ms. Nauser made the motion that staff be directed to provide a report regarding the status of the Scott Boulevard extension project involving the West Broadway/Strawn Road intersection. She wanted the report to include what they were doing and what the end result might be. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Loveless understood there was a new style of billboard the industry wanted to put up that made the movable message boards appear tame. He was told some were located in Kansas City and believed they were LCD changing message billboards that were great distractions for drivers. He wanted staff to investigate the issue to see what, if any, authority the City had, as a local jurisdiction, to regulate them because he did not want to see those here.

Mr. Loveless made the motion that the staff be directed to provide a report on the issue of LCD changing message boards and any City authority for regulation. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Loveless noted he was thinking of the rebuilding of I-70 and with the access roads on both sides, it would take everything there. This meant every billboard along that stretch of I-70 was going to come down as that section was rebuilt. He stated he wanted to know what authority the City had and what ordinance changes could be made to regulate the replacement of those billboards. He realized this was years away, but wanted to set things up so that when the billboards came down, they would have some say in the quantity and size of what went back up.

Mr. Loveless made the motion that staff be directed to provide a report regarding the City's authority and recommend ordinance changes for the City to have the ability to regulate billboards in the future. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Loveless stated a few meeting ago he asked staff to look at a proposal regarding clearings on steep slopes and asked for the status of that report. Mr. Watkins replied it was being worked on by Public Works.

Mr. Hutton commented that there was recently a meeting regarding Mexico Gravel Road and Vandiver and he felt there were two basic questions that needed to be asked about the plan as presented at the meeting. He thought they needed the pros and cons of actually doing the change over or the angling of Vandiver over to Mexico Gravel on the west side of the creek as opposed to the east side of the creek through what was now CenterState property. He understood Creekwood Parkway was currently being platted on the south side. Mr. Watkins clarified it was being discussed. Mr. Hutton thought that would possibly create an intersection and wondered if a roundabout would work there with Vandiver coming in on the west side of the creek. He thought there could be some benefits for Mexico Gravel or Vandiver to be on the west side of the creek as opposed to the east side. He also thought they needed the pros and cons of actually moving the straight east/west portion of the new Mexico Gravel even farther to the south as it approached the intersection of PP. He thought the design had it fairly close to houses.

Mr. Hutton made the motion that staff be directed to provide a report with the pros and cons on these two issues. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Janku stated he wanted staff to look at a sidewalk connection on Stadium between Primrose and the new bus line extension.

Mr. Janku made the motion that staff be directed to provide a report on the possibility of the sidewalk connection on Stadium Boulevard between Primrose and the new bus line extension. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Janku noted someone had previously raised a concern about the bend in Northland Drive where the City trail came in. He understood the big tree at that corner died last summer. If the tree did not leaf out this spring, he thought it would need to be removed and believed they should do something to make that corner safer.

Mr. Janku referred to an article he read in a Kansas City paper about urban planning where an additional 100 parking spaces were created in a neighborhood by simply angling their parking rather than allowing parallel parking. He suggested they try the same thing in Columbia near the University on streets, such as Hitt Street, which were wider. This would create more high dollar meters, which would help with the parking structures the City might be building pursuant to the Sasaki plan. He thought Conley and Fifth were other streets that could accommodate angled parking.

Mr. Janku made the motion that staff be directed to look into what could be done in order to increase parking revenues. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

Mayor Hindman made the motion for Council adjourn to closed session on Monday, February 12, 2007, immediately following the work session in the fourth floor conference room of the Daniel Boone Building to discuss contract negotiations as authorized by Section 610.021(12) of the Revised Statutes of Missouri. The motion was seconded by Mr. Janku with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Motion passed.

The meeting adjourned at 12:14 a.m.

Respectfully submitted,

Sheela Amin
City Clerk