

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JANUARY 16, 2007

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, January 16, 2007, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON and HUTTON were present. Council Member JANKU was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of January 2, 2007 were approved unanimously by voice vote on a motion by Ms. Crayton and a second by Ms. Hoppe.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman noted R15-07 would be removed from the Consent Agenda and placed under New Business.

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

SPECIAL ITEMS

Mayor Hindman welcomed Boy Scout Troop 705 of Christian Fellowship Church and noted the scouts were working on their citizenship in the community and communication merit badges. He also acknowledged the Grant Elementary fifth grade students and teachers in attendance, who were studying government. In addition, he welcomed the five tenth grade students and their teacher, who were in visiting from Suncheon, Korea.

Robert Ross – Resolution of Appreciation

Mayor Hindman asked Mr. Ross to join him at the podium to be recognized for his years of service to the City of Columbia and his upcoming retirement. He expressed his appreciation for Mr. Ross' efforts in public communications, the Sister Cities program and the U.S.S Columbia Committee. He read and presented Mr. Ross with a framed Resolution of Appreciation. Mr. Ross thanked the Mayor, Council, staff and citizens for this honor. He introduced his family and friends and thanked them for their presence.

Water & Light Award/Recognition

Mayor Hindman stated the Missouri Public Utilities Alliance had bestowed upon the City's Water & Light Department an award for demonstrating a commitment to community needs. He explained the group recognized utilities that did more than just provide the utility service. They were being recognized for offering a great number of conservation programs since 1979 and for being an active partner in education for over 20 years. They were also being recognized for their commitment in protecting the environment through renewable energy projects. Mayor

Hindman presented the System Achievement Award to Mr. Dasho, the Director of Water & Light. Mr. Dasho thanked everyone and stated it was the outstanding work of the Water & Light Department staff and the support of the Mayor and Council that helped them achieve this award.

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.

Mayor Hindman noted they received a request from the proponents asking that both matters be tabled to the February 5, 2007 Council meeting.

Mr. Watkins explained these ordinances dealt with changes to the sign and awning ordinances in the downtown area and that the Special Business District made a presentation at the pre-Council meeting regarding some suggested changes to the ordinances. They asked for the bills to be tabled, so the changes could be introduced for Council consideration.

Mayor Hindman opened the public hearing.

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

Mr. Loveless made the motion that B444-06 and B445-06 be tabled to the February 5, 2007 Council meeting. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

B1-07 Approving the Old Hawthorne Clubhouse C-P Development Plan located north of State Route WW and east of South Cedar Grove Boulevard; approving less stringent screening requirements.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposal would allow for expansion of the existing residential structure to an approximate 15,000 square foot golf clubhouse. The maximum building height would be 35 feet. The Planning & Zoning Commission recommended approval of the proposed C-P development plan and the accompanying landscape screening variance.

Mayor Hindman opened the public hearing.

Don Stamper, 2604 N. Stadium, stated he was speaking on behalf of Old Hawthorne Development, LLC and noted their actual maximum square footage was about 33,000. He commented that they were implementing plans to construct that amount of clubhouse in addition to the existing structure. It was a range of 15,000 to 33,000 square feet.

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

The vote on B1-07 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

B12-07 Authorizing construction of water mains along Holly Avenue from Parker Street to Oakland Gravel Road and Oakland Gravel Road from Paris Road to Grace Ellen Drive; calling for bids.

The bill was given second reading by the Clerk.

Mr. Watkins described this as a water capital project, which included the upgrading of approximately 2,000 feet of 8-inch water main along Holly Avenue and 6,400 feet of 12-inch water main along Oakland Gravel Road. These two upgrades would improve service to existing customers in the area and provide additional capacity for growth in northeast Columbia. The estimated cost was \$640,000 and was included in the 2003 water ballot issue.

Ms. Hoppe asked what percentage would be applied to existing customers versus new development. Mr. Dasho replied this was a system enhancement, so it would be for all customers, new and existing. He noted it would mostly be for existing customers because it was a water line that would be connecting parts of the system together along Oakland Gravel, which was a well established neighborhood. It would improve reliability for everyone.

Mayor Hindman opened the public hearing.

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

The vote on B12-07 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

(A) Proposals for use of City-owned property adjacent to the ARC.

Item A was read by the Clerk.

Mr. Watkins explained Council directed staff to schedule a public hearing on the proposals received for the use of City-owned property at the intersection of Ash and Clinkscales, adjacent to the ARC. He understood four proposals were considered by the Parks & Recreation Commission, but one, which was for an ice rink, had since been withdrawn.

Mr. Hood stated discussions on this issue began approximately one year ago when the Columbia Youth Basketball Association approached staff and requested consideration in regard to building a structure for basketball and volleyball on City property adjacent to the ARC. That proposal was provided to Council in a May 2006 staff report and Council directed staff to seek alternate proposals from other groups interested in using the property. Four proposals were received and evaluated by staff. A second report was then presented to Council and Council referred the issue to the Parks & Recreation Commission.

As staff reviewed the proposals, they felt the three areas needing to be looked at were the existing site conditions, the recreational need for the project and site limitations. The site itself was 19 acres in size and housed the ARC, which occupied six to seven acres with green space on the southeast corner of the property. There were about 298 parking spaces for the ARC. There was also a chip and seal lot that housed the Columbia Farmers' Market, was used as a staging area for the buses associated with West Junior High School and accommodated overflow parking for anything occurring at the site. About 4.9 acres of the site remained in open green space and was currently being used as a practice field for soccer, lacrosse and other team sports. With respect to the identified recreational needs, he noted the Parks Master Plan for the City identified the need for an indoor ice skating facility and an indoor basketball/volleyball facility. The Plan, done in 2002, suggested an ice rink could be located at

the subject site and indicated a site for basketball/volleyball should be determined at a future date. In 1998, a Site Master Plan was developed for this property. It was a conceptual plan developed prior to the construction of the ARC and it envisioned this site being developed as a recreational campus with multiple recreation structures. It suggested two possible uses, in addition to the recreation center, as an ice skating rink and a farmers' market. In regard to the maximum capacity for the site, staff concluded the property could potentially be developed with up to two additional major structures. They felt one could be approximately 100,000 square feet and another could be approximately 60,000 square feet. They could add about 320 additional parking spaces for a total of 620 parking spaces. If developed to that level, Mr. Hood pointed out there would be a very limited amount of green space remaining on the property. Staff felt the primary site limitation was the parking capacity.

Mr. Hood summarized the four proposals. Boone Ice Group (BIG) was proposing to build a two-sheet ice facility with support amenities, which was to be constructed and operated by the private sector. The estimated size was 65,000 square feet and the estimated cost was \$5-7 million. He noted BIG had withdrawn their proposal in early December. The Columbia Farmers' Market was requesting a 15-year lease on up to three acres of the site with a goal of building a permanent structure. The permanent structure was to include covered pavilions, concessions, restrooms and office space. They were flexible as to the estimated size and the exact location on the property, although they preferred to be located where they currently had their operation on the chip and seal lot. Their estimated cost was \$500,000-\$900,000. The Columbia Youth Basketball Association (CYBA) was proposing to raise funds to build a facility housing eight basketball courts. It would be a multi-use facility that could be used for other sports as well as other non-sports related recreational activities. The facility would be given to the City to own and operate. The estimated size was 62,500 square feet and the estimated cost was \$3 million. The Positive Regional Impact Diversified Enterprise (PRIDE) was proposing a three-story facility with ten basketball courts, a boxing gym, a weight lifting room, classrooms, meeting rooms and offices for social service organizations. Their estimated size was 119,000 square feet with a footprint of 85,000 square feet. The estimated cost was \$9 million.

Staff concluded there to be four development scenarios which could possibly work. Each option included the existing ARC facility and the Farmers' Market, since their primary operating season was in the summer/fall and opposite the primary use season of the other facilities proposed. Either the BIG, CYBA or PRIDE facility could be constructed with those two facilities or they could simply not develop the remainder of the site, leaving it as open space. Staff's recommended option was the ARC, the Farmers' Market and the CYBA proposal. After a public hearing and a lot of discussion, the Parks & Recreation Commission recommended the CYBA and Farmers' Market proposals be considered for development of the property.

Mayor Hindman opened the public hearing.

Wendell Coonce, 3211 Bray, President of the CYBA, stated along with Rising Stars Sports Association, they were asking the City to commit a site of land by the ARC so they could initiate a professionally run capital campaign program with the end goal of giving the City a multi-use recreational facility. Their campaign would have a goal of approximately \$4 million. He noted costs had gone up over this past year and they wanted to set a goal that would be more than adequate to meet needs. The facility would house eight basketball courts with a multi-use floor, so other activities could be held there. He reiterated the facility would be City-

owned and City managed. He explained there was a need for this type of facility as court time was becoming harder to get. He thought the Parks & Recreation Department would be able to enhance existing programs and offer more with this facility. He noted there was a growing need for volleyball and this facility could assist. He asked the CYBA/Rising Stars youth to stand and approximately 20 stood. He explained CYBA/Rising Stars served about 1,000 kids each year. CYBA had been running youth basketball leagues for 15 years and the Parks & Recreation Department had co-sponsored the league for 13 of those years. He noted the working relationship between the two entities was proven and was one of the reasons this project could be successful. He stated the CYBA/Rising Stars valued diversity and were inclusive of the entire community. Mr. Coonce stated the ability to host regional basketball and volleyball tournaments and business conferences included economic benefits. For a tournament of 75 teams, approximately \$150,000 would be brought into the area through hotels, meals and shopping. Another benefit was that the community resource people that currently shared the Armory with Parks & Recreation staff would have that facility to themselves. This would enable them to enhance and offer more programs and activities. Mr. Coonce noted the Parks & Recreation staff projected the facility would cash flow 98% of expenses. He pointed out the facility was tax free, would pay for itself and would be City-owned and managed. He did not believe there was a risk to the City.

Dean Berry, 2204 Sunflower, Treasurer of CYBA, stated he thought this facility would serve the needs of the community. Two different events could be held in the building at the same time without interference of each other. The building was designed so if only half of it was needed, only half would need to be heated or cooled to comfort levels. He agreed \$4 million was a lot of money, but felt confident they could raise the money, and noted they had interviewed a number of professional fundraising companies and had selected Jeffrey Barnes & Associates to assist them. He noted the building would serve a lot of needs at no cost to the taxpayers.

Allen Jennings, 3809 Ashford Court, an Executive Board Member of the CYBA, read a letter from Dr. Pat Smith, the head team physician at the University of Missouri. The letter expressed Dr. Smith's support for the CYBA proposal and stated the CYBA was a top-notch organization with the priority of kids having a positive experience. The CYBA placed a premium on sportsmanship and fairness with the kids learning valuable lessons. The CYBA was also all-inclusive by providing scholarships for those needing assistance. The proposal would benefit the youth of Columbia and would be positive for the City itself.

Andrew Edmondson, 2500 Old Highway 63, stated he was a student at the University of Missouri, the Secretary of the Rising Stars Sports Association and a Board Member of the CYBA and noted this would benefit the community resource group by freeing up space at the Armory. He commented that both organizations taught sport skills and life skills and thought Columbia was lucky in having these two organizations.

Rod Kelly, 1012 Belleview Court, a retired teacher, the Assistant Basketball Coach at Hickman High School and a CYBA Board Member, felt the kids were the ones that would benefit. He stated the kids needed a safe place to play and being a retired school teacher, he understood the limitation of facilities at the Columbia Public School level. He asked the Council to look favorably on their proposal.

Rod Nolke, 2210 Winchester, stated his daughter, a player on the Hickman High School basketball team, started playing on a competitive team at a young age and they traveled all over the Country to participate in tournaments. If one wanted to host a tournament in Columbia, the available courts were essentially non-existent. With the exception of University facilities, the ARC was the only multi-court building. He urged the Council to support CYBA's request. He thought the amount of money that would be brought in with tournaments would be significant.

Felix Okwuosa, 1607 Tidewater Drive, stated CYBA and Rising Stars helped his son readjust when moving to Columbia. They helped integrate him into the community and taught him basketball skills. He noted it was a diverse organization and allowed his son to make friends with people he might not have met. He commented that they had the means to travel to tournaments, but others might not. He thought being able to have tournaments would be beneficial to those kids that did not have the means to travel. He commented he did not feel professional help was needed in order to raise money for the project. He felt it was a noble project that would be well supported by the community.

Beth Newton, 1201 West Trobridge, stated she was representing volleyball in Columbia and noted she had been organizing Junior Olympic volleyball since 1997. She felt the growth of their sport had been hindered by the lack of space for them to have scheduled practice times. She was in support of the CYBA's proposal and thought it would benefit sports other than basketball.

C. K. Hoenes, 3704 Sardis Court, stated he was representing the Boone Ice Group and thanked staff and the Council for giving them the opportunity to look at the subject site for a potential ice rink. He explained they went through months of feasibility studies and meetings with investors before coming to the conclusion they had withdraw their proposal. They could not find an investor who was willing to invest millions without equity value in the land or the option for other uses of the land. Mr. Hoenes asked the City to work with them in support of a public rink built on private land in the future. On a personal note, he felt the CYBA and Farmers' Market proposals were best remaining proposals for the site.

Dan Kuebler, 16471 Hawkins Road, Ashland, Missouri, stated he was speaking on behalf of Sustainable Farms and Communities and the Columbia Farmers' Market and noted they felt they needed three acres and permanence because they were a market of substantial size. He commented it had been a pleasure working with the City throughout the years because without being able to use this property and the low rent, they would not have been able to grow to the degree they had. He explained part of their proposal included the opportunity to build some kind of structure similar to a pavilion so they would have something over their heads. It would not be an enclosed structure, except for possibly a small part that could be used for selling through the winter months when they only had a few growers. He noted the sellers brought umbrellas and canopies and were currently protected, however, the customers were not. He felt it was important to provide shade for the elderly and children. He stated the space they occupied could be use for other events and parking. He felt the Farmers' Market was social meeting place and that it was important to have a place they could rely on for the future.

Dave Kottman, 1692 County Road, Armstrong, Missouri, President of the Columbia Farmers' Market, commented that they were enthusiastic about the possibility of improving the location for use as a Farmer's Market. Access to the population of Columbia was important to

them. He stated they look forward to working with the City in making this a multiple use situation and asked Council for their positive consideration of the proposal.

Michael McGowan, 10500 E. Mt. Zion Church Road, Hallsville, Missouri, explained he started out as a Farmers' Market customer, and although he still shopped at the market, he was now also a vendor. He felt it was a great place where one could meet people from every economic circumstance, age group and nationality. He also thought being able to purchase fresh food was wonderful. He asked Council to support the Farmers' Market's proposal, so they could see it prosper and grow.

Alma Hopkins, 1313 Gary Street, spoke as a health professional and commented that the proposals involving the basketball courts and the Farmers' Market were symbiotic and had a wonderful relationship of physical activity and good nutrition. She thought putting the two together was a great use of the land. As a dietician, she felt access to healthy foods was a big issue and a key answer to childhood obesity. In addition, local produce meant cheaper food due to less transportation related costs.

Ray Magruder, 1821 Tremont Court, Treasurer of Rising Stars, a Board Member of the CYBA and a Board Member of PRIDE, stated that prior to moving to Columbia, he drove from Moberly to Columbia to coach a CYBA team without having a child in the league. He thought the CYBA demonstrated a lot of dedication to the community by housing 1,000 kids in the program. He co-founded the Rising Stars Sports Association, which was fully funded through grants and foundation money and emphasized education and sportsmanship. The kids helped with community efforts, such as selling trees for the Optimist Club and raising funds for tsunami and hurricane relief efforts. He asked the Council to vote in favor of their request.

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

Mayor Hindman commented that when they were considering building the ARC, they conducted surveys, and there was no doubt basketball was one of the most sought after activities. He noted the ARC was built with the idea it would be used strictly for recreational basketball and that there would be no league play because it appeared that was what the community needed at that time. The need for additional basketball courts, however, had always been there. The process to determine how this extra land should be used allowed the need for these courts to rise to the top. He thought it was clear that the leagues could no longer make it with existing facilities. They had met the need for free play with the ARC to a certain degree, but not the need for leagues. He thought this conformed to the requirement of the donor of the land that it be used for recreational purposes. He liked the proposal because it was not only for basketball league play, but also for other court-type games. He liked that it would involve privately raised money for a new facility to be operated by the City. He also felt the Farmers' Market, which served all kinds of purposes, was recreational to a large extent as people got together to visit. He stated he was in favor of the CYBA/Farmers' Market proposals for that site.

Mr. Hutton stated he agreed with Mayor Hindman and was also in support of the Parks & Recreation Commission's recommendation. He understood they would act by motion directing staff to proceed with memorandums of understanding (MOU's) with the two organizations and asked how much detail the Council needed to provide. He wanted to be sure that any structure built on the property was built in such a way that it did not detract from the architecture of the ARC. He wondered how much input staff needed in order to proceed with the MOU's. He noted another issue involved time limits for raising the money. Mr. Hood replied it would be helpful to

be aware of any issues that were of concern to the Council or any issues they wanted addressed in the MOU's. Mr. Hutton stated he would like Council approval of the architecture for both organizations included. He also felt a reasonable time limit should be applied to the fundraising possibilities. He asked how long it would take CYBA to come up with \$4 million. Mr. Coonce replied they wanted to conduct a feasibility study within the first six months. The fundraising would begin within the feasibility study time frame. They would then have a level of progress to show the Council. They also wanted an extended window of eighteen months past the first six months. If they were going to be successful, it would not take that much time, but they wanted to make sure they had plenty of time in case unforeseen issues came up. He clarified they were requesting two years total for fundraising. In regard to the architecture, Mr. Coonce stated they would not be designing the building. They would be raising the money and the City would be designing the building. He stated that as long as there were courts with enough space to accommodate the needs discussed, the design would be done by the City.

Ms. Hoppe asked how long it would take to construct the building. Mr. Coonce replied they had been told by commercial contractors it would take one year to build. He understood that once they got to a certain financial point, they would have the ability to break ground.

Ms. Nauser asked if the multi-purpose floor would be similar to what the Field House had or if it would another type of floor. Mr. Berry replied it would be Sport Court. He explained the Field House had a rough surface and Sport Court, which he thought Columbia College had, was multi-use. They could have a business expo on it. It could also be used for martial arts, basketball, volleyball, roller hockey, etc. Mr. Hutton noted Columbia College brought in the Sport Court for the National Volleyball Championships. He understood Sport Court was a portable court, but they would be pouring a concrete slab and installing a permanently mounted Sport Court. Mr. Berry replied that was correct.

Ms. Hoppe asked how long the floor would last and if it would be the City's responsibility when it needed to be replaced. Mr. Berry replied he was not sure how long it would last. Mr. Hutton thought it would last a long time. Mr. Berry noted it was very low maintenance. Mr. Ristow thought realistically the floor would have a 15-year life expectancy. He explained it was the surface of choice for a number of different sports. He noted Sport Court was a particular brand, but more generally, it referred to interlocking, plastic tiles. Ms. Hoppe asked if the City would replace it at that point. Mr. Ristow replied yes.

Ms. Hoppe stated was appreciative of staff and the Council for going through the process of sorting through the proposals to come up with the best alternatives because she felt it was a good process. She felt the Farmers' Market was a great gathering place, fundamental to the old fashioned democracy of a common market, and had good, healthy, local food. She recalled going to the Farmers' Market in 1979 when it was the Fairgrounds and felt it was continuing that tradition, so this was an appropriate site for it.

Mayor Hindman thought they should make a motion directing staff to prepare two MOU's, one with CYBA and one with the Columbia Farmers' Market, outlining the organizations' commitments and responsibilities. Mr. Hutton thought one stipulation within any MOU would be putting a two year time limit on fundraising. He thought it could be renewed or looked at again if they were making sufficient progress. He felt it was reasonable to say that if sufficient funds had not been raised or if sufficient progress had not been shown at the end of a two year period, the MOU would be null and void. He thought another stipulation for both facilities was that the City

Council would have ultimate authority to approve the architecture of the facilities and the site plan.

Mayor Hindman made the motion directing staff to prepare memorandums of understanding with the CYBA and the Columbia Farmer's Market outlining commitments and responsibilities for the proposed projects and including a two year time limit on fundraising with an option for renewal if sufficient progress was being made and the stipulation that the City Council would have ultimate approval authority in regard to the architecture of the facilities and the site plan design.

Ms. Hoppe understood the two years would apply both to the CYBA and the Farmers' Market. Mr. Hutton replied yes.

The motion was seconded by Mr. Loveless.

Mr. Loveless asked where they were with their existing agreement with the Farmers' Market. Mr. Hood replied the existing contract was a year-to-year contract, which he believed would expire in February or March. If they were to proceed as they had in the past, they would be bringing back a renewal of the year-to-year agreement within the next few weeks. Mayor Hindman understood that had nothing to do with building a facility. Mr. Hood replied that was correct. He stated it only allowed them to operate under their current conditions.

Mr. Hutton assumed they were accepting the proposals as they had been presented and that the MOU's would reflect that. For example, with the CYBA agreement, the City would be assuming ownership and responsibility for managing the facility once it was open. He did not know what the proposal was with the Farmers' Market as far as the future. Mr. Hood stated he did not think their proposal got into great detail in that area. Previous agreements the City had with them specified they would manage the facility, but the City would have certain uses of the facility. He suspected as they worked out the MOU, they would outline those types of terms and conditions. Mr. Hutton understood any MOU would have to come back to the Council for approval, so there would be more opportunity for input. Mr. Hood replied that was correct.

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

(B) Voluntary annexation of property located on the south side of Richland Road at its intersection with St. Charles Road (4102 E. St. Charles Road).

Item B was read by the Clerk.

Mr. Watkins explained this involved the voluntary annexation of approximately four acres. The petitioners were requesting A-1 zoning. The current County zoning was equivalent to the City's R-1 zoning, so it was a downzoning. They were requesting annexation in order to tie into the City's sewer system. The Planning & Zoning Commission recommended approval of the zoning portion of the petition.

Mayor Hindman opened the public hearing.

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

(C) Voluntary annexation of property located on the north side of State Route K, along both sides of Scott Boulevard, extended.

Item C was read by the Clerk.

Mr. Watkins stated this annexation request contained approximately 61 acres. The development plan Council would be considering at a future date included the completion of the extension of Scott Boulevard to Route K by the developer. The petitioner was requesting PUD-1.1 zoning and C-P zoning on a small portion at the intersection of Scott Boulevard and Route K. Mr. Teddy noted this annexation would give the City jurisdiction over all four corners of the projected extension of Scott Boulevard.

Mayor Hindman opened the public hearing.

Jeff McCann, an engineer with Allstate Consultants, 3312 LeMone Industrial Boulevard, offered to answer any questions regarding the proposal.

Ms. Hoppe noted steeply sloping topography and heavy tree cover on the northern part and asked how much land disturbance they were anticipating. Mr. McCann explained the cul-de-sac streets were planned to go on two ridge tops, so they were planning to disturb area along the ridge top and preserving the rest of the area with the trees that were there. They planned on minimizing the disturbance because they wanted to keep as many of the trees as they could.

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

(D) Construction of Louisville Drive from north of Whitefish Drive to Smith Drive.

Item D was read by the Clerk.

Mr. Watkins described this public improvement project as consisting of about 1,000 feet of road and costing approximately \$350,000. All necessary easements had been obtained. It would be a 34-foot wide street with 5-foot wide sidewalks on both sides and was included in the 2005 street ballot issue. Mr. Glascock noted the Parks & Recreation Department had graded their portion of the street, so very minor grading was left at this point. They would be proceeding with the bid process in early spring and awarding the bid in late spring or early summer. It would be built during this construction season.

Mayor Hindman opened the public hearing.

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

Mr. Loveless noted the importance of this road because it connected neighborhoods on the west side. If something were to happen on some of the east/west streets, they would be blocked and this would give people a chance to get around and back out another way.

Mr. Loveless made a motion directing staff to proceed with final plans and specifications for the project. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

OLD BUSINESS

B330-06 Approving the Final Plat of Winchester Subdivision, Plat 1 located generally south of Mills Drive and Hatton Drive and north of Chapel Hill Road; authorizing a performance contract; authorizing a development agreement.

Mayor Hindman noted the applicant was requesting this be tabled again.

Mr. Hutton made the motion that B330-06 be tabled to the March 19, 2007 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B3-07 Approving the Final Plat of Shalom Subdivision located on the south side of Green Meadows Road, east of Eastham Drive; authorizing a performance contract.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposed subdivision consisted of one A-1 zoned lot, which contained the Congregation Beth Shalom facility. The property was being platted because it did not meet the definition of a lot, which was required to obtain a building permit. The Planning & Zoning Commission recommended approval of the proposed final plat, but denied the initially requested sidewalk variance. Since that time, staff had met with the applicants and he thought some changes had been made in regard to the sidewalk proposal. Mr. Teddy noted the performance contract, as proposed, stated the sidewalk would be completed within five years, which was different than the usual maximum term of three years. The Congregation indicated that would be acceptable. They originally argued for a variance because there was not a sidewalk to the east that would connect this parcel to Bethel. Mr. Teddy stated he thought there was also a sidewalk gap on Bethel on the west side near some larger tracts.

Mayor Hindman asked why they felt the time extension was acceptable. Mr. Teddy replied he thought it was a financial matter for them, considering the scale of the project. Mayor Hindman felt that would probably be true for almost any development.

Ms. Hoppe asked how much it would cost to put in the sidewalk. Mr. Teddy replied it was about 427 linear feet at approximately \$35 per foot.

Ms. Nauser asked if there were utility poles on the property. Mr. Teddy replied he was not sure.

Mr. Watkins thought it would cost roughly \$10,000 for the sidewalk.

Ms. Hoppe understood the Congregation had an initial concern about building the sidewalk because they thought Green Meadows was going to be widened. She asked if there were plans for that. Mr. Teddy replied he was not aware of any plans for widening Green Meadows.

David Brodsky, 903 W. Ash, stated he was representing the Congregation Beth Shalom and explained that the sidewalk was a budget and cash flow issue for them. They were a non-profit religious institution and the only Jewish presence in Columbia. In the next few months, they would be submitting building plans to hopefully break ground some time in March or April. This would allow time to further evaluate and deal with any cash flow or budget issues.

Mr. Hutton asked Mr. Brodsky if they had a cost estimate on the sidewalk. Mr. Brodsky replied he did not have those numbers with him.

Mayor Hindman asked what the overall project cost was. Mr. Brodsky replied it was about \$500,000, so the sidewalk would roughly be 2-5 percent of the project cost.

Mayor Hindman felt the value to the community of getting the sidewalk as they built their project or within three years was more important than providing the extra two years because it was only two percent of the cost of the project.

Mr. Brodsky understood they would not be issued an occupancy permit until the sidewalk was built. Mr. Glascock explained the three year period was for the developer that developed the project and the sidewalk would have to be built prior to obtaining a certificate of occupancy. Mr. Hutton understood they were essentially asking for a certificate of occupancy without putting the sidewalk in and having three years to put the sidewalk in. Mr. Glascock replied that was correct.

Mr. Hutton asked if the performance agreement would be sufficient to force the issue at the end of three years or if they would have to bond it. Mr. Boeckmann replied the performance contract took the place of a bond. He noted it specifically provided that an occupancy permit might be issued to the subdivider or any other person for any structure constructed on land in the subdivision before completion of the sidewalk.

Ms. Hoppe stated she agreed with Mayor Hindman in that three years was sufficient given the cost.

Ms. Nauser commented she was inclined to let them have five years. Having lived in that area for over 12 years, there had never been a sidewalk on that section of land. If they were going to require them to complete the sidewalk in three years, she wanted to look at the option of getting that last extension to the corner at Bethel. People would still have to cross the street to get to the bus stop or walk along the grass to get to the bus stop around the corner on Bethel. Unless they were willing to deal with the large gap, she thought they should give them the extra two years.

Mayor Hindman asked how they would need to amend the ordinance to require the sidewalk within three years. Mr. Boeckmann replied they would have to amend the performance contract. Mr. Hutton thought they should change the five years to three years so they could still get an occupancy permit before the sidewalk was put in. Mr. Loveless suggested they remove the last sentence in paragraph 1 of the performance agreement.

Ms. Hoppe asked if it was likely the City would pay for a sidewalk on the other portion within three years. Mr. Glascock thought it could fall under the gap program.

Mayor Hindman stated he thought three years was a good compromise because they did not have to have the sidewalk in order to get their occupancy permit, so they could have a full three years for sidewalk construction.

Mayor Hindman made the motion to amend B3-07 by deleting the last sentence of paragraph 1 of the performance contract. The motion was seconded by Mr. Loveless and approved by voice vote with only Ms. Nauser voting no.

The vote on B3-07, as amended, was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

B18-07 Extending the term of the cable television franchise held by MCC Missouri, LLC (Mediacom).

B19-07 Extending the term of the cable television franchise held by Falcon Telecable, a California limited partnership (Charter Communications).

The bills were given second reading by the Clerk.

Mr. Watkins explained staff had been negotiating with both companies in terms of extending the cable television franchises and because the franchises were up this month, they felt, extensions were appropriate. Staff was suggesting an extension to April 17, 2007. At that time, the Council would have other options to consider, such as seeking other franchisees. The City was also negotiating with phone companies in terms of providing video services. The goal with all three was to provide a level playing field, so no one particular technology had an advantage over the others.

Mr. Hutton asked Mr. Boeckmann if he would categorize the negotiations as being carried out in good faith. Mr. Boeckmann replied he would categorize them as going very slowly in

good faith. Mr. Hutton noted he received a call from a developer who was experiencing problems with Mediacom in a new development. He indicated he could not get them to install the cable or respond to any calls or e-mails. Mr. Hutton wondered if they were making progress or if the City was just beating their heads against the wall.

Ms. Nauser stated she agreed with Mr. Hutton and explained she moved into a new home last year and it took her three instances to get a hold of them. She was then repeatedly told she was not in their service area. After telling them she was a Council Representative, she received cable service the next day. She understood this was the second extension. Mr. Boeckmann replied it was. Mr. Hutton thought they had been negotiating about a year. Mr. Boeckmann replied that was correct and noted they first negotiated the enabling ordinance, which took a while.

Mayor Hindman asked what would happen if they chose not to approve this. Mr. Boeckmann explained they were now engaged in an informal negotiation renewal process, but could go to a formal process if they did not move forward and bring an agreement back to the Council by April. Mr. Hutton asked what the difference was. Mr. Boeckmann replied formal negotiations were spelled out in federal law and would require them to give the City a proposal that the Council would either accept or reject. Mayor Hindman asked what would happen if the Council rejected it. Mr. Boeckmann replied that did not happen often, but they would take their wires and leave. Mr. Watkins commented the ultimate option for the City, which was for the City to get into the business, had been taken away. Although they could not do it at this time, he noted they had a good track record in terms of electric and owned quite a bit of the facilities and much of the fiber. Mr. Boeckmann stated he thought the City could do it, but it would take the vote of the people. Mayor Hindman asked what would happen if they did not pass this tonight. Mr. Boeckmann replied he was not sure. They would either continue operating without a franchise or shut down. Mayor Hindman stated he was uncomfortable with not following the staff's recommendation without having a better picture of the consequences.

Mr. Hutton asked about the level of complaints received and if they were more or less than before. Mr. Boeckmann replied he thought the complaints had remained pretty much the same. Mr. Hutton pointed out that under the current franchise agreement, the City had no recourse. Mr. Boeckmann explained one of the things in the new ordinance, which would be reflected in the franchise agreement, was liquidated damages. If they did not meet the ordinance or the franchise agreement standards, they could be assessed liquidated damages. Now, the complaints were taken into account only in deciding whether or not to renew a franchise with the company. It was an all or nothing situation.

Gary Baugh, 901 College, stated when they began negotiations, a Cable Task Force was involved for 3-4 months and after that, it was decided a consultant was needed, which took another 4-5 months. The consultant then brought in their own consultants, which took another 4-5 months. When talking about true negotiations and the exchange of documents, it had not been all that long. He explained those were the reasons for the first one year extension and the shortened three month extension this time. Mr. Baugh felt many issues had been resolved with give and take by both parties. He noted there were some significant issues left, which would take a few more months, but he did not think they were insurmountable.

Mr. Boeckmann pointed out negotiations were scheduled for next week and he was hopeful progress would be made.

The vote on B18-07 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

The vote on B19-07 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B2-07 Approving the Final Plat of Dysart’s Subdivision Plat 1, a Replat of Lot 1 and Part of Lot 2 of Dysarts Addition to Columbia located on the northwest corner of Washington Avenue and Dysart Street; granting a variance to the Subdivision Regulations.**
- B4-07 Approving the Final Plat of Gold Star Farms – Plat 2 located on the north side of Thompson Road, across from Beechwood Drive; authorizing a performance contract.**
- B5-07 Approving the Final Plat of Hyde Park Block 4, a Replat of Part of Lot E9 of the Administrative Plat of Hyde Park Block #3-A located on the southwest side of Nifong Boulevard, south of Grindstone Parkway; authorizing a performance contract.**
- B6-07 Approving the Final Plat of The Clubhouse at Old Hawthorne, Plat No. 1 located on the north side of State Route WW, east of South Cedar Grove Boulevard; authorizing a performance contract.**
- B7-07 Approving the Final Plat of Old Hawthorne, Plat No. 3 located on the south side of Old Hawthorne Drive East, east of South Cedar Grove Boulevard; authorizing a performance contract.**
- B8-07 Vacating sanitary sewer and drainage easements located on Lot 1 within Lutheran Senior Services Subdivision.**
- B9-07 Appropriating grant funds from the Nonmotorized Transportation Pilot Program to hire temporary employees to assess, plan and coordinate bike lane and bike route striping and marking.**
- B10-07 Authorizing construction of street improvements to Chapel Hill Road from Scott Boulevard to Gillespie Bridge Road; calling for bids.**
- B11-07 Authorizing acquisition of easements for construction of a sidewalk along the south side of Business Loop 70 West between I-70 Drive Southwest and Sexton Road.**
- B13-07 Accepting conveyances for construction of a 161 Kv transmission line from the intersection of Rolling Hills Road and Sugar Grove Road to the Grindstone Substation located on Grindstone Parkway.**
- B14-07 Accepting conveyances for utility purposes.**
- B15-07 Amending the FY 2007 Pay Plan and Classification Plan to adjust the public communications officer classification; amending the FY 2007 Annual Budget to change a position in Public Communications – The City Channel.**
- B16-07 Accepting a donation from TSN Sportscentre for the purchase of digital cameras and equipment for the Police Department; appropriating funds.**

- B17-07 Calling a municipal election to elect Council Member-at-large (Mayor) and Council Members for Wards 3 and 4.**
- R7-07 Setting a public hearing; voluntary annexation of property located on the east side of Scott's Boulevard, south of Thornbrook Ridge.**
- R8-07 Setting a public hearing: construction of the Gans Road Interchange at U.S. Highway 63.**
- R9-07 Setting a public hearing: construction of the Rutledge Drive/Weymeyer Drive storm water management project.**
- R10-07 Setting a public hearing: construction of improvements to the bathhouse at the Oakland Family Aquatic Center.**
- R11-07 Authorizing service agreements with Adventure Club, PedNet Coalition, Columbia Public Schools and Boone Hospital Center for implementing activities associated with the Missouri Foundation for Health – Healthy and Active Communities Grant.**
- R12-07 Authorizing a geographic reference system agreement with the Missouri Department of Natural Resources for development of a height modernization survey.**
- R13-07 Accepting vehicles donated by The National Insurance Crime Bureau and Shelter Mutual Insurance Company through the Columbia Police Foundation to be used by the Police Department in a proactive auto theft program.**
- R14-07 Authorizing a pole attachment agreement with First Christian Church.**

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

NEW BUSINESS

R15-07 Setting public hearings on federal rate making standards under the Public Utility Regulatory Policies Act of 1978 as amended by the Energy Policy Act of 2005 and establishing hearing procedures.

The resolution was read by the Clerk.

Mr. Watkins explained this would approve a process that would allow the City to meet new requirements of the Federal Energy Policy Act, which had recently been extended to apply to non-regulated utilities. The federal government was requiring the City to take testimony, create a record and make recommendations to the Council on five standards - smart metering, interconnection, net metering, fuel diversity and fossil fuel/generation efficiency. The process being recommended was a one that would direct the Water & Light Advisory Board to hold these hearings, create a record and bring them back to Council.

Mr. Dasho explained the law only applied to the three largest municipal utilities and the largest investor owned utilities in the State. They were required to hold public hearings on five separate areas. Smart metering was basically the time of use type metering and they would investigate the advantages, disadvantages and problems associated with that kind of metering. The interconnection was related to tying customers into the grid system, so if they wanted to put in wind or solar generation, the City would be able to interconnect their systems to the City's system in a straight forward manner. Net metering was a process where once one interconnected people with their own generation, a process could be available whereby they

provided their own electricity and at times provided electricity to the City's system. Under that circumstance, they could do a system where the net electricity, in or out of their generation, was monitored for net metering. Fuel diversity was where they looked at the kinds of fuels they could take advantage of. The fossil fuel and generator efficiency involved the capabilities the City had with the existing fossil fuel plant and generators in town in order to make improvements that would provide for a more efficient operation. Mr. Dasho noted that was something they already did on a regular basis. They have a very strict maintenance schedule on all units and had them reviewed by engineering firms to determine actions that could be taken to improve efficiency. He explained this all needed to be done in 2007.

Ms. Hoppe asked when the hearings were and where they would be held. Mr. Dasho replied the first hearing would be on net metering and interconnection and would be held on February 20. The fuel diversity and fossil fuel/generation efficiency hearing would be held on March 27. The smart metering hearing would take place on April 24. He noted all hearings would be held in the Council Chamber at 5:30 p.m. A presentation would also be made to the Council on May 21 relaying the results. On June 18, they would come forward with an ordinance. He pointed out the public hearings would be advertised.

Ms. Hoppe stated she requested this item be removed from the Consent Agenda because she felt there was public interest and because this was a good time to announce and explain the categories.

The vote on R15-07 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

R16-07 Authorizing application to the Missouri Department of Transportation for Safe Routes to School funding.

The resolution was read by the Clerk.

Mr. Watkins stated this would authorize staff to apply for funding for the Safe Routes to School program for which work sessions and public hearings had already been held. Mr. Teddy explained these were all separate applications for the federal program, which involved a 100 percent federal reimbursement for both infrastructure projects to encourage walking and biking to school and non-infrastructure projects for promotion, education, outreach and safety programs to encourage walking and biking to school at a young age. The infrastructure projects could be reimbursed up to \$250,000 and the non-infrastructure could be reimbursed up to \$25,000. He noted that when these projects were presented in December, they tentatively estimated \$100 per lineal foot for several sidewalks. Since that time, detailed cost estimates had been developed and the costs had risen considerably. He pointed out the City would be obligated to pay any balance above \$250,000 and that the applications were due on January 31, 2007. Mr. Watkins understood there was approximately \$2.5 million available State-wide. Mr. Teddy replied that was correct and noted it was a multi-year program.

The vote on R16-07 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

R17-07 Approving the Preliminary Plat of Magnolia Falls located south and east of Old Mill Creek Road and State Route KK; granting variances from the Subdivision Regulations.

The resolution was read by the Clerk.

Mr. Watkins stated this proposed preliminary plat would create 87 lots for single-family and two-family developments as well as two common area lots. The Planning & Zoning Commission recommended approval of the proposed plat to include the three variance requests, subject to the plat being revised to meet the new stream buffer ordinance requirements. Mr. Glascock noted the plat in the packet showed the approximate location of the stream buffer. He explained they were working with the developer to finalize the exact location and thought it would be shown on the final plat.

Mr. Teddy pointed out a discussion at the Planning & Zoning Commission meeting regarding the variance involving the requirement for a stub street to the tract immediately east. After giving that careful consideration and hearing from the applicant in regard to the land division to the east of this tract where there would be large estate lots with shared driveways or individuals driveways to Old Mill Creek Road, the Commission recommended approval of the variance.

Mr. Hutton asked if the lots on the east side of this development would be the large estate lots or if the whole property to the east was being developed. Mr. Teddy replied to the east, there were several lots, but two in particular that abutted this tract. Per the subdivision regulations, subdivisions had to provide a stub street out to land that was unplatted or undeveloped. They treated this as if it was an unplatted lot. He noted just east of the larger lot of the two, there were two lots Boone County approved as a two lot subdivision. He thought the Commission's feeling was that there was already an established pattern of development and the likelihood of that stub street being of benefit to the adjacent parcels was not great. Mr. Hutton if he agreed with their assessment. Mr. Teddy replied he did, given the balance of benefits. He thought the stub street would probably remain for an indefinite period of time without any use. It would provide an access opportunity if the ten acre tract to the east was divided in two, but it was somewhat of an established area. The applicant mentioned a large piece to the south that would still bring the possibility of a street system to the south of those properties in the future. He noted there would be a connecting street into Mill Creek Manor and a street that would align with Applewood Creek Road, which was a County roadway.

Mr. Teddy stated there was a sidewalk variance request, but in lieu of a sidewalk, a public trail would be provided. He noted it was designated on the plat as public and was within the Mill Creek floodplain. Mayor Hindman asked if it would be dedicated to the public for maintenance. Mr. Teddy replied he thought it was contingent upon the City's acceptance of it for public use and maintenance. Mayor Hindman asked if they would build the trail. Mr. Teddy replied yes and pointed out it was shown as an improvement of the subdivision. Mayor Hindman asked if the City was ready to accept the trail. Mr. Teddy replied it was on the Greenway Plan, so there was some future interest in it as part of the larger system. He noted it was possible that the northern portion of it, which paralleled the road, could be considered the public maintenance and the homeowners association could maintain the other part.

Jeff McCann, an engineer with Allstate Consultants, explained they were working with staff to identify the stream buffer. At this time they were calling it an approximate boundary, but

had noted the actual boundary would meet the stream buffer ordinance with the required setbacks. Those would be determined and identified by dimensions on the final plat.

Mayor Hindman understood the trail would be gravel. Mr. McCann referred to note four on the plat, which indicated construction of the trail would be similar to the Grindstone Trail, using type I aggregate. Mayor Hindman asked if it would be similar to the trail in the Grindstone Nature Area or the Hinkson Creek.

Chad Sayre, an engineer with Allstate Consultants, replied it would be similar to the trail from Grindstone Park to Capen Park.

Mr. Loveless stated he noticed Crape Myrtle Drive and Wisteria Lane in their beginnings were straight streets, but changed names without changing direction. He thought that was bad planning and commented he would like to see the names changed. He also noted "Crape" was spelled incorrectly and stated he was disinclined to approve the plat with those confusing names. He explained they tried to discourage changing names of a street unless it changed direction and asked why the street system was done in this manner. Mr. McCann replied he could not speak to that issue, but understood that when plats were reviewed, they received a review comment sheet from JCIC as well as all of the other agencies. At times, they recommended changing street names or adding another name when streets changed directions. He understood they changed the way those comments were written and thought they could be misinterpreted as they were a bit confusing. He thought the ultimate decision fell to the Planning Department now. Mr. Loveless asked Mr. Teddy for his thoughts. Mr. Teddy replied they double checked with JCIC and Protective Inspection and they did not report any concerns about addressing. He thought that might have been because the length was very short where it ran north/south and then changed to east/west. He agreed they did like to see a change in name where the 90 degree bend occurred, but in this case, they let it slide. They interpreted Crape Myrtle as predominately an east/west street, although it winded quite a bit. He also thought Wysteria Lane would be considered an east/west street. He noted a short segment was north/south at the entrance to the subdivision, but rather than breaking it into a street that only ran a few lots in length, they decided to leave the name as it was. Wysteria Lane could be extended to the 90 degree bend as a name, if there was no objection by the subdivider. Mr. Loveless thought it would be very difficult to get east/west addresses on Wysteria Lane for lots 76, 77, 84, 85 and 86 because the street ran north and south in that location. Mr. Teddy stated his assumption was those would get east/west addresses because there was movement between those points of the compass and because the street then went east/west for most of its length toward the bottom of the subdivision. Mr. Loveless noted that Mr. McNabb provided examples of how misspellings caused strange issues in the response screens for JCIC, so he was inclined to table this issue to allow the developer to provide a more logical street naming process. Mayor Hindman suggested they make it a condition on approval of the final plat. Mr. Loveless replied he was agreeable to that.

Mr. McCann noted the developer usually did not care about street names, so they just tried to follow comments received and went by how things were done in the past. Mr. Loveless stated he understood and would have not thought about it had the JCIC Director not made a presentation to them tonight regarding how confusing street names could be to the dispatcher. Mr. McCann pointed out Council would be seeing more of this since the subdivision regulations limited the length of straight street segments. He thought that was promoting more curvature in

the streets to slow speeds down in residential neighborhoods. Another influence was minimizing disturbance and following the terrain.

Mr. Hutton suggested that Wysteria Lane be moved eastward closer to where it changed directions before changing to Forsythia Falls. He also suggested they check the spelling of Crape Myrtle as well. He noted he was not sure he agreed with Mr. Loveless in regard to changing the names of Wisteria Lane or Crape Myrtle where they came off of Apricot Falls.

Mr. Loveless made the motion to amend R17-07 by adding a condition requiring the street names to be revised to meet Council approval. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

The vote on R17-07, as amended, was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

R18-07 Approving the Preliminary Plat of The Villages at Arbor Pointe Phase 3 located generally west of Brown Station Road and north of Waco Road, extended; granting a variance from the Subdivision Regulations regarding cul-de-sac length.

The resolution was read by the Clerk.

Mr. Watkins stated this proposed preliminary plat would create 54 R-1 zoned lots. The Planning & Zoning Commission recommended approval of the proposed plat to include the variance request, subject to the plat being revised to meet the new stream buffer ordinance. Mr. Teddy explained the variance request involved extending the cul-de-sac approximately 30 feet beyond the 750 foot limit required by ordinance.

Chad Sayre, an engineer with Allstate Consultants, 7401 Fall Creek, offered to answer any questions.

The vote on R18-07 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

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.

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.

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.

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

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

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Mr. Hutton thought there were more budget transfers and adjustments in order to balance the budget as of late. Mr. Watkins stated he thought most were small and were required to meet the letter of the law. Mr. Hutton understood every account and line item had to balance. Mr. Watkins noted many of those involved computer equipment, which was normally budgeted under capital, but with costs coming down, much of the equipment was no longer over \$5,000, so money had to be transferred from capital to operating.

The report was accepted.

(B) Review of internal affairs policies.

Mr. Watkins explained that previously staff had prepared a report recommending the City engage Dr. Thompson of the University of Western Kentucky to do an analysis of the internal affairs processes within the Police Department. At that time, Council asked that additional information be provided.

Mayor Hindman asked if Dr. Thompson would be looking at whether or not there should be any sort of outside review or citizen review. Chief Boehm replied that was not included in the scope of what he was currently being asked to do.

Mr. Loveless made the motion directing staff to use Dr. Thompson to complete the review. The motion was seconded by Mr. Hutton.

Ms. Hoppe stated she was surprised to learn Dr. Thompson had only done studies for a few Kentucky towns and not for other States. She wanted to ensure the review was thorough and that the City had the best Police review procedures possible. She felt the community and Police Department both deserved the best input possible. She was not sure this would provide that since Dr. Thompson had not worked with other States. Chief Boehm explained the request they made was specifically for this type of work, i.e. for reviewing internal affairs processes. It was also recent work, so currently and for the last few years, Dr. Thompson had been with Eastern Kentucky University and a lot of his work had been done in that area due to logistics. Chief Boehm noted he worked in many other places throughout the Country, including Missouri. When he first started doing business with Dr. Thompson, he was a professor at the University of Missouri, so he had done a lot of work here as well as in other States. Chief Boehm commented that when looking at a larger scope, much of what Dr. Thompson did was in the way of organizational analysis, which was a much broader examination than what was being asked here. He noted he also had a national reputation for his work in the law enforcement community.

The motion, made by Mr. Loveless and seconded by Mr. Hutton, was approved by voice vote with only Ms. Hoppe voting no.

(C) City of Columbia volunteer hours.

Ms. Nutter stated during the last fiscal year, volunteers gave the City 37,760 hours of service, which was down from last year. She noted they had fluctuations from year to year for a variety of reasons. She explained the City had a very strong volunteer program with volunteers doing lots of wonderful things throughout the City and in the departments. They made 725 new contacts last fiscal year, which involved individuals or organizations that came to the City looking to volunteer, and were able to place some of them. She noted Columbia had a great volunteer program because whenever anything needed volunteers to get done, they had a great response.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

COMMUNITY SERVICES ADVISORY COMMISSION

Hessler, Richard, 411 Westmount Avenue, Ward 4 – Term to expire 12/31/09

Watt, Wilson, 508 E. Rockcreek, Ward 4 – Term to expire 12/31/08

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Elizabeth Holden, 602 Altai Drive, spoke in regard to the position of Public Communications Officer, which the Council approved earlier this evening. She explained she had applied for the position and that although she understood the Council was not responsible for the hiring process, she thought the person in this position would interact with all aspects of City government, and therefore, wanted to introduce herself and tell them about her qualifications for the position.

Mr. Hutton noted a used car lot on property that was not properly zoned for its use and understood the Public Works Department could not do anything about it. He thought the Law Department could look at the zoning ordinance.

Mr. Hutton made the motion that staff be directed to look at the controlling ordinance to see if it could be amended to make it more clearly enforceable. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Loveless commended the staff for the manner in which they dealt with the ice last weekend.

Ms. Nauser made the motion that staff be directed to review the sidewalk gap from the east corner of the Shalom property to Bethel Street to determine if it could be added to the City's gap program to construct the sidewalk. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Ms. Nauser stated she thought the idea brought up by Mr. Watkins in regard to City-owned cable was of interest if negotiations did not continue in the manner they wanted.

Ms. Nauser made the motion that staff be directed to provide a report regarding the feasibility and process of City-owned cable in order to determine whether or not it would be beneficial to the community. Mayor Hindman asked that the report also look into using City electric power lines. Ms. Nauser was agreeable to adding that to the motion. The motion, made by Ms. Nauser, was seconded by Mr. Hutton and approved unanimously by voice vote.

Ms. Hoppe noted they received a letter dated January 11, 2007 from the Energy & Environment Commission, which raised questions and asked for Council direction. She suggested they discuss the issue at a work session. Mayor Hindman stated he just received it today and had not had time to review it. He asked that they be given time to read it before adding it to the work session schedule. Ms. Hoppe commented she was agreeable to bringing the issue up at the next meeting.

Ms. Crayton commended the Water & Light Department for keeping ahead of problems so the power was not lost during the recent storms.

Mayor Hindman echoed comments made by Mr. Loveless and Ms. Crayton regarding the great job done by the staff this past weekend in regard to the ice and snow. He noted the problems experienced in St. Louis with limbs downing power lines and pointed out those situations would not occur if their power lines were buried. He thought the City needed to

continue burying power lines and letting the trees grow out. Mr. Hutton thought another reason they did well was due to the aggressive tree trimming policies.

Mayor Hindman noted he had received several compliments on the improved communications with this storm and thought staff needed to be commended and that they needed to continue looking for ways for people to easily communicate with the City.

The meeting adjourned at 10:32 p.m.

Respectfully submitted,

Sheela Amin

City Clerk