

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**OCTOBER 20, 2008**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, October 20, 2008, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER and HOPPE were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of October 6, 2008, were approved unanimously by voice vote on a motion by Ms. Hoppe and a second by Mr. Janku.

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

Mayor Hindman understood staff was requesting R234-08 be added to the Consent Agenda. The agenda, including the addition of R234-08 to the Consent Agenda, was approved unanimously by voice vote on a motion by Mr. Skala and a second by Mr. Wade.

**SPECIAL ITEMS**

None.

**SCHEDULED PUBLIC COMMENT**

**Ben Londeree – Support of Growth Management Planning.**

Ben Londeree, 2601 Chapel Wood Terrace, stated he was speaking as the Chair of the Boone County Smart Growth Coalition and provided the Council a resolution regarding the need for growth management planning. He read that resolution which endorsed and supported the efforts of the City to undertake a planning process that would include but not be limited to a growth management planning process that would result in clear policies to guide land use and development within the City and its urban fringe for the next 20 years.

**PUBLIC HEARINGS**

**B293-08 Authorizing construction of the County House Branch Trail project from the Twin Lakes Recreation Area to Stadium Boulevard.**

The bill was given third reading by the Clerk.

Mr. Watkins explained this was the required public hearing and bid call ordinance for the County House Branch Trail project. The project went from the Twin Lakes Recreation Area to Stadium Boulevard. He understood staff was working with MoDOT to obtain the appropriate permits to go under Stadium Boulevard. The next item was a companion ordinance and would authorize the acquisition of the necessary easements for the project. Five easements would be required if the Council elected to proceed. The projected

construction cost of this piece of the trail was about \$775,000. An interested parties meeting was held on this project on June 18, 2008.

Mr. Glascock pointed out a public hearing had been held in 2006. The reason they had to hold another one was because of the federal guidelines since it involved federal funding.

Mayor Hindman opened the public hearing.

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

Mayor Hindman felt this was a significant trail project and hoped the Council would approve it. He noted it would open up the opportunity to get to the MKT Trail from numerous neighborhoods.

Mr. Wade stated this GetAbout Columbia project was in his ward and he had received only positive comments from his constituents. He was pleased to support it because he believed it was an important piece.

Mayor Hindman understood they were building a sewer from a point under Stadium for some distance and noted he hoped staff would look at using the sewer right-of-way up to Radcliffe because it could be a funnel for some areas to get to it. He pointed out he did not want to hold up the project. He only wanted staff to see if the sewer easement could be used. He stated there were some controversial parts if they followed the sewer too far and noted he only wanted staff to look at the portion up to Radcliffe.

Mr. Skala commented that he continued to receive feedback from people wondering if the discussion regarding trail surfaces had been closed. He asked if all of the GetAbout projects approved by Council were to be paved cement surfaces. Mayor Hindman replied that had not been decided. Mr. Skala asked how that issue would be resolved. He wondered if it would include more public input. Mayor Hindman understood staff had been working on it. He thought they were evaluating the different surfaces in trying to come up with solutions. He commented that some people wanted side paths. In addition, there were some areas where concrete was absolutely necessary, but other places it was more optional. Mr. Glascock explained they were looking at it on a case by case basis. Mr. Skala assumed these kinds of decisions would be forthcoming after the easement process. Mr. Glascock replied yes and explained they would involve the Council in that decision.

Ms. Hoppe commented that the Council had received a handout regarding a meeting in California, which Mr. Glascock and Mr. Curtis attended, and recalled reading communities had options with gravel.

Mayor Hindman thought this one would be paved. Mr. Janku asked if there was a side path and how wide it would be. Mr. Glascock replied he did not know if there was a side path to this one. He thought it was more of a paved trail than anything.

The vote on B293-08 was recorded as follows: VOTING YES: HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B294-08 Authorizing acquisition of easements for the County House Branch Trail project from the Twin Lakes Recreation Area to Stadium Boulevard.**

The bill was given third reading by the Clerk.

Mr. Watkins explained this would authorize staff to obtain the easements necessary for the project just approved.

Mr. Glascock pointed out that in order to go north they would have to bring forth another ordinance to acquire easements. Mayor Hindman stated he understood and reiterated he was not suggesting they make a decision. He only wanted to determine if it was feasible.

Mayor Hindman opened the public hearing.

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

The vote on B294-08 was recorded as follows: VOTING YES: HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B304-08 Rezoning property located on the west side of Ridgeway Avenue, approximately 500 feet south of Worley Street (315 Ridgeway Avenue) from District R-2 to District PUD-8.3; allowing a reduced perimeter setback; allowing a reduction in the minimum lot width.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this involved a rezoning of about .36 acre located on the west side of Ridgeway Avenue. The request was for a simplified PUD zoning. The applicant was also requesting exceptions by allowing the exterior side yard setback to be reduced from 10 feet to 6 feet and the minimum lot width at the building line to be reduced from 50 feet to 16 feet. The proposed rezoning would allow for up to three one-family dwelling units to be built on the subject property. The Planning and Zoning Commission voted 5-2 to recommend denial of the proposed rezoning request.

Mr. Teddy explained a portion of the zoning ordinance allowed, on a fairly limited basis, some PUD's to be established without a plan, so the Council did not have a development plan before them. He noted there were some restrictive conditions in the statement of intent that would affect the quality of the plan. Simplified PUD's were limited to permitted uses in R-1. This property, once zoned PUD, would only allow detached cottages or a similar type of single-family detached housing. It required a minimum lot size of 5,000 square feet and there was an accommodation for that in the illustrative plans the applicant submitted. There was a requirement for a minimum lot width of 50 feet at the building line, which was conventionally 20 feet from the street frontage, and the applicant was seeking an exception. This would also establish a 20 foot front and rear yard setback. The 20 feet in the rear yard was a reduction from a 25 foot required yard. Three issues were raised at the Planning and Zoning Commission meeting. One was the density and the fact this would allow three units on land that would allow only two per R-2 zoning regulations in the form of two detached single-family units or a single two-family structure or duplex. He commented that ordinarily the zoning ordinance in the accessory uses section required detached garages to be setback 60 feet, so this property would gain the unique right to place a garage in front of the dwellings. The simplified PUD, if granted, did not have a restriction and would garages to be placed 20 feet from the frontage. There was also an issue of the impact of a reduction of the rear yard on the health of some mature trees that were on another property with a Broadhead address. The Commission received testimony at the hearing that a 20 foot rear

yard would be an acceptable compromise. He noted Mr. Ziv had displayed an illustrative plan at the hearing showing the cottage housing layout, the walkways, common areas and detached garages. Since the hearing and in response to comments made by staff and the Commission, Mr. Ziv indicated he would consider carports as an alternative to fully enclosed garages and had submitted a view indicating the same site plan with carports and decorative details on the roof. There were also some illustrative layouts showing different configurations of the cottages. A system of walkways and a public sideway was referenced in the statement of intent, but there was no public sidewalk on Ridgeway for a connection. With regard to the Planning and Zoning Commission vote, those in the majority that were against the PUD 8.3 felt three dwellings as opposed to the two that were entitled by right were excessive for the neighborhood. There was also comment on the impact of the garages in front of the dwellings.

Mr. Sturtz understood with R-2 zoning each lot that was at least 5,000 square feet would be allowed two separate units or a duplex. Mr. Teddy explained 10,000 square feet would allow a duplex, so there would have to be 20,000 square feet for two two-family residences. Mr. Sturtz asked if a 50 x 100 lot would allow only one home. Mr. Teddy stated that was correct. Since this was restricted to R-1 uses, this owner or a future owner could not mix and match a duplex with a single-family detached.

Mr. Janku understood the exception to the stormwater regulations was not before them. Mr. Teddy stated that was correct. Mr. Janku asked how it would be addressed. Mr. Teddy replied that without a development plan, staff would not be evaluating a stormwater management plan. It would be appropriate at the time of preparing a stormwater management plan with a platted subdivision and any waivers or exceptions would be considered by Public Works and the Board of Adjustment.

Mayor Hindman opened the public hearing.

Amir Ziv, 904 N. Eighth Street, commented that the process had been long, expensive and time consuming. They were voted down by the Planning and Zoning Commission and staff did not recommend the rezoning. As of today, they would have to go in front of the Board of Adjustment because of the stormwater ordinance. He understood Public Works had the discretion to work with them, but had chosen not to do so. If it was not approved by the Board of Adjustment, the project could be over because the only way to appeal a decision by the Board of Adjustment was to go to court and he was not sure he would want to accrue the cost of going to court. He stated this project fell within the guidelines of the Affordable Housing Report. Instead of the City helping, there were times he felt the City was his worst enemy. He felt common sense did not come into play and there was a need for new ordinances so projects would not get hung up for months because they were original, creative or unique. The problem was that the City put them in a box, whether it fit or not, and once they were in the box, everything pertained to them whether it made sense or not. He explained one of the reasons for this project was economics. If they built two houses and accounted for the cost of the lot and a little profit, they would end up with houses that were overpriced. He noted they had begun with four houses, but had knocked it down to three. The three cottages would be roughly 870 square feet with a common area. They would create covenants so people would know exactly what they were responsible for and what

could and could not be done to the common area. They would also have rain gardens and rain barrels. He explained they were going to build closed garages because they thought it would enhance the sale of those properties, but neither the neighborhood nor staff liked it. They would now put in carports and leave the dormers on top of the carports, so they could be used for storage. He noted the cottages would be made from poly-steel and would end up being an R45 or R50. They would also use hardy-backer siding and have a residential sprinkler system. He commented that the tree problem had been resolved.

Ms. Hoppe understood one of the issues was stormwater and they had discussed the possibility of using the narrow pavements with grass in between similar to an old fashion kind of driveway. She asked if that was part of the design. Mr. Ziv replied he was in favor of it as he liked that look. He thought they would have a better handle on where the paths would go and how they would make the paths for the garages as the project developed. He reiterated he liked the look and would do the look at it was cheaper than concrete.

Ms. Nauser asked for clarification regarding the resolution of the tree issue. Mr. Ziv replied the neighbors had their oak trees appraised at about \$70,000. He offered them \$25,000 to buy him out, but they did not like that idea. He explained they were afraid heavy equipment would destroy the root system. He noted the equipment they would use was pretty light and the only thing that would be cut was the footing for the back cottage. They decided to make it 20 feet from the fence line as the neighbors had requested a fence be put up while they were building, so equipment would not go past the fence and the root system would not be trampled.

Ms. Nauser asked if he had received any response from the neighbors regarding the change from garages to carports. Mr. Ziv replied he had not.

Mr. Wade asked why open carports were considered more attractive than closed garages. Mr. Ziv replied he should ask those who were opposed to it. Mr. Wade stated every carport he had seen was like a garage except there was no door to cover the junk. Mr. Ziv commented that he thought the garages would have looked better than 80-90 percent of the houses on the block, but he was doing what staff and the neighbors wanted. He reiterated he was uncertain of the rationale.

Mr. Skala understood there had been a potential problem with the sewer and asked if that had been resolved. Mr. Ziv replied it had. Since he fell within the definition of a subdivision, an 8-inch sewer line with a manhole was required and would cost an extra \$3,000 - \$5,000. He thought that money could have been used for something greener or nicer. There would be three or four people in these 870 square foot cottages for a total of about 12 people. He did not think 12 people in a tiny area needed an 8-inch sewer line. He felt a 4-inch line would have been appropriate. Mr. Skala understood the decision to put in an 8-inch line rather than something else was based on the fact this was a subdivision per the ordinances. Mr. Glascock replied yes. The normal size main was an 8-inch. He noted they had gone down to 6 inches before, but preferred not to because it was hard to get equipment in to clean it out.

Mr. Ziv pointed out the stormwater ordinance could cost him \$30,000 and would cause the project to go away.

Mr. Sturtz asked if he could provide his rationale of going from four houses to three houses. Mr. Ziv replied it had more to do with banking than anything else. He explained this project would not be good unless they could sell the houses. They were working with underwriters who loved the project, but there were no comparables. As a result, they decided to reduce it from four to three. Little by little, they would create their own comparables to start building more dense. The bank was happy with that decision due to today's economy.

Mayor Hindman noted Mr. Ziv showed a very attractive development in the pictures and asked if architectural standards were included in the statement of intent. Mr. Ziv replied that was the plan and those were the houses. He commented that the paths might not be exactly like that, but those were the houses. Mr. Janku asked if it was referenced in the statement of intent. Mayor Hindman stated he did not think it was.

Kevin Murphy, an engineer with A Civil Group with offices at 1123 Wilkes Boulevard, pointed out there were no architectural standards in the ordinances of the City of Columbia, although it was continually brought up and frustrating to the engineering and development communities and the neighbors next door. If it was an issue that would continue to come up, he suggested some type of standards be put into place. He referred to the last part of the statement of intent, which stated the garages would be constructed with dormers on the roofs to make them more house-like. He commented that they found four or more properties in the area that had garages closer than the 60 foot range. He explained this was an older and eclectic neighborhood, so he felt this project fit in well. He stated all building exteriors would be clad in painted fiber cement or wood, lap or board and batten type siding with standard asphalt composition shingles. They would be one story or of a loft design. He commented that there was no recognized neighborhood association in this area, but they had worked diligently with what was presented to them as representatives of the immediate neighborhood to address concerns, such as the architectural integrity, landscaping, setbacks, stormwater, the size of the structures, etc. Those were all addressed in the statement of intent and were binding. Also binding were the two different layouts to give them some flexibility with regard to where to put the buildings and sidewalks. Although a plan was not required, they had tried to address those issues. He understood density was a concern and explained newer PUD developments could count the total area to include right-of-way. In addition, there were several properties within the area that involved duplexes or had mother-in-law apartments behind them.

Mayor Hindman understood the neighbors wanted to be assured that the buildings would look substantially as they were presented to the Council. He asked if they would object to amending the statement of intent to say the buildings would appear substantially the same as in the diagrams. Mr. Murphy replied they would not object to that.

Keith Miller, an architect with offices 1717 Cherry Street, stated he was with Columbia Associates Architects and they were serving as the architect and planner of the project. He explained they were responsible for the garages. Mr. Ziv initially wanted to go with carports, but he liked the idea of garages from a couple points of view. One was due to security as the people who purchased the homes would have a locked garage when getting into their cars. He commented that the basis for the concept of this design was that they were creating a small subcommunity within the community. There was a common area around the homes.

He explained he put the garages out front to minimize the amount of hard surface. If they turned the garages sideways, they would have a lot more driveway than what they had now. He felt it also created a small subcommunity within this development. He noted the thing that impressed him about Mr. Ziv's initial concept was that he was infusing a new idea and new life into an older rundown home on a large overgrown lot. The footprint was small and the architecture was vernacular and matched what was currently there. If approved, he thought it would infuse a new spirit in the neighborhood as well as assist the homeowners.

Mr. Sturtz understood they were trying to make the drawings look fairly realistic, but the trees did not conform to reality and it appeared as though there was an ocean in the back. He asked why they felt the need to have those details. Mr. Miller replied they did not have the benefit of an aerial photo, so they had to work with what they had.

Ms. Hoppe noted he explained why it would be advantageous for the people who lived there to have garages, yet the objections of the neighbors was that the garages were nonconforming and too close to the street. Mr. Miller stated he thought it was a balancing act.

Mike Martin, 206 S. Glenwood, commented that he spent the better part of the weekend preparing the shotgun house for its big move to the Boone County Historical Society and on Saturday Amir Ziv showed up with a trailer offering to help free of charge because that was the kind of person he was and the kind of interest he had in the First Ward. He stated Mr. Ziv had set the standard in renovating houses and making them nice again and that he had used it as a model. He also hoped to use this as a model for what could happen when they took these houses down. He thought it was interesting that one of the two people on the Planning and Zoning Commission who voted in favor of this was Jeff Barrow as he lived in the First Ward and had seen Mr. Ziv at work. He commented that this was an area that either had dense housing already or needed it. Across several single-family homes on Seventh Street was a twelve unit apartment complex, which had been constructed without a lot of protest from anyone. He felt the idea that density was a problem in the First Ward was antithetical based on what he had seen. He understood one of the reasons Mr. Barrow gave for voting in favor of this was that it fit in well with the ambiance, attitude and direction the First Ward was taking. It was also innovative and provided people with a way to live in a small footprint with a more conservative lifestyle. He commented that they did not want to see all of the little old homes being replaced by boring, unimaginative, non-innovative apartment complexes. They wanted something that attracted people to the aesthetic and community spirit of the neighborhood. He noted its proximity to downtown lent itself to having close quarters and hoped the Council would support the project.

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

Mr. Sturtz stated he and Mr. Ziv had been discussing this project for about seven months and, in general, he was a big proponent of these types of projects as he believed it was a clever way to introduce density into neighborhoods and prevent sprawl on the outskirts of town. If Mr. Ziv could build houses that looked like what was shown on the diagram, it was a good design. He explained that early on he had expressed some reservations about having the garages up front, which staff and the Planning and Zoning Commission also felt was an issue. He stated he was in favor of the carports because it created eyes on the

street. They wanted visibility from the houses to the street because it created a safe environment and helped preserve the streetscape. In a perfect world, there would be no carports or garages. Given the way the lots were configured, carports were the only solution. He understood Mr. Wade's concern of them piling up with junk and hoped there would be a covenant or something regarding that. He also understood Mr. Ziv had dealt with some of the reservations the neighbors had with regard to the trees in the back. He felt a 20 foot backyard setback was sufficient. He stated he did not have any big concerns other than what Mr. Glascock had expressed with regard to the pipe being larger. He explained he had a 4-inch pipe in his backyard that had recently failed, so he and others would be putting up a considerable amount of money to resolve the issue. He commented that he was not an engineer and did not know how irresponsible it would be to go to this other standard, but wanted to hear more about it. He reiterated he believed it was a great idea in general and hoped they would receive more projects like it. He only regretted it could not be four houses on those two lots. He wanted to see more granny-flats and mother-in-law houses and thought they might want to drop it from 10,000 to 5,000 square feet per lot, which would be sufficient for two units in an R-2 zoned area.

Mayor Hindman felt this was a test. He noted they had received the Affordable Housing Report, and in his view, this was exactly what it had called for, except it would have probably called for four of these units instead of three. He commented that they had a pioneer who was willing to try and do this in spite of the fact the ordinances were not really suited for it. He noted they would learn a lot about what they needed to do to tweak these ordinances in order to make it possible for a person to do these types of developments without having to go through all of the hoops this developer had to go through. This project would increase density in the heart of the City. They would not have to put in new infrastructure. The houses were of a great size. Many people were saying smaller homes were better due to heating and cooling costs and the environmental concerns of the carbon footprint. This project met all of the landscaping requirements and was forward thinking with regard to environmental issues to include insulation. He felt they needed to approve this if they wanted to show they were in favor of projects that would meet some of the affordable housing and environmental needs. He pointed out there were duplexes all over town with garages out front, so all one could see was the two garages out front with the front doors beside the garages. He thought they were extraordinarily ugly. This was R-2 and there was no way to keep someone from doing that unless there was a lot size issue or something else that prevented it. He commented that he wanted the statement of intent to include an item indicating the buildings would be substantially as depicted on the diagrams.

Mayor Hindman made a motion to amend B304-08 by adding a sentence to Section 1 stating "This rezoning is subject to the condition that the property shall be developed substantially as shown on the artist's rendering attached to Exhibit A." The motion was seconded by Mr. Janku. Ms. Hoppe understood that was the artist's rendering with the carport. Mr. Boeckmann agreed that needed to be specified. Mayor Hindman stated he did not have a feeling as to whether it should be carports or garages.

Mr. Janku stated he felt it was important, as areas redeveloped, to put in the level of infrastructure necessary for that redevelopment and in anticipation of other redevelopment.

He thought there might be a way to deal with it so the project remained economically feasible and asked if they could set aside funds for affordable housing projects in the CDBG program for people could to access for infrastructure costs. Mr. Sturtz asked if there were any funds set aside right now in the 2009 budget for this project. Mr. Janku replied no, but understood there were ways to amend it so it could become available. Mr. Teddy commented that there was a possibility of money becoming available if an agreement expired. In addition, there was \$19,000 that was not accounted for in the 2009 Action Plan and next year's allocation could be used for future infrastructure needs if the appropriate application was submitted. Mr. Janku understood a policy and some standards would be needed, but felt this was a way to deal with that issue. Mr. Sturtz thought it was a good idea for the future.

Mr. Wade stated he did not believe the amendment being proposed should specify carports or garages. He felt that was a developer decision versus a Council decision.

Ms. Nauser stated she was not in favor of the proposed amendment of including the architectural rendering for what the building would look like. She did not think anyone would build something that was not conducive to the neighborhood. She pointed out tastes and standards changed continually. Nothing would ever be consistent with all peoples' desires and provided public art as an example. She explained some people liked it and others hated it. She commented that she had been to communities with a lot of architectural standards and similar looking buildings and felt they were boring. She liked the eclectic look of a community and liked areas to have their own character and appeal. She felt it was a marketing tool for residential and commercial developments. She stated she wanted to commend Mr. Ziv for bringing this project forward. It was innovative and something that would fit in with the downtown area. It was what they wanted with regard to density in the downtown and bringing more people into the core of the City so they would be close to transportation and job opportunities. It also brought new life to that part of the City. She commented that she was perplexed by the concern of density due to adding one more unit. She stated she planned to support this rezoning, but was not in agreement with the proposed amendment of building it as shown in the rendering. With regard to a carport or garage, she concurred with Mr. Wade in that the decision should be up to the developer. She did not believe either would detract from the community or neighborhood feeling.

Mr. Skala stated he did not take disagreeing with the Planning and Zoning Commission lightly. He believed density with regard to infill development and infrastructure already in place was important with regard to affordable housing. It was something the Council had decided to promote throughout many parts of the City. He understood staff did not have any objections to the two exceptions mentioned in the report. He noted this would be incredibly energy efficient according to the numbers the builder was suggesting. In addition, there would be sprinklers in a residential system, which was remarkable for this kind of square footage. He felt the carport was a creative solution in terms of the openness and feel of this project, given the increased density. It would also save the developer a few dollars as he would not have to enclose the garage. He believed this was a worthwhile project and would support it.

Ms. Hoppe thought this would meet the Affordable Housing Task Force's recommendation in that it was in an appropriate area and would help reduce sprawl. Mr. Ziv

would be building homes that were small and energy efficient, so they would be affordable in terms of up-front and operating costs. She did not take going against the Planning and Zoning Commission recommendation lightly either, but felt there were significant things the developer was doing. The tree issue with the neighbor had been resolved. In addition, the issue of the garages and the feeling of being blocked off had been resolved with the carports and having storage on top. In terms of architectural standards, some people would say not having them would provide a positive, eclectic feel while others would say it would create a messy hodgepodge. She noted a lot of communities had them. She stated she was in favor of this rezoning with the changes the applicant had already offered involving the carports, substantially developing the property as shown in the rendering and limiting the pavement for the driveways.

Mr. Wade believed this was an important project and stated he was also reluctant to oppose the Planning and Zoning Commission, but felt they were wrong. He thought they had a wonderful opportunity with a private developer who was willing to essentially create an experimental model with regard to affordable housing. He had already identified a number of issues as to how the City could clean up its planning and zoning ordinances for this kind of housing. The developer was also creating an example and model for the development community by showing they could do quality construction with high energy efficiency without pricing themselves out of the market. He believed affordable housing would be more affordable as they moved toward dealing with housing in terms of capital and operational costs. He noted there were a lot of examples of just the opposite in this community with duplexes, low energy efficiency, high operating costs, poor construction and rapid deterioration. With regard to carports, he found them to be uglier and far more intrusive than garages. He did not think they created a sense of openness. He also thought it was a decision that should be left to the developer in terms of the kind of concept he wanted to project with the full development.

Mr. Sturtz stated he could vote in favor of leaving it up to the developer, but pointed out he did not believe developments with garages up front were ones they wanted to encourage.

Mr. Wade commented that the garage issue would not be an issue if they had functional alleys because they would be behind the houses with only little concrete out front.

Mayor Hindman revised his motion to amend B304-08 by adding a sentence to Section 1 stating “This rezoning is subject to the condition that the property shall be developed as substantially as shown on the artists rendering attached to Exhibit A, except that either carports or garages may be constructed.” The revised motion was seconded by Mr. Sturtz and approved by voice vote with only Ms. Nauser voting no.

B304-08, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B305-08     Rezoning property located on the southeast corner of East Texas Avenue and North Garth Avenue (1610 North Garth Avenue) from District R-1 to District C-P.**

The bill was given second reading by the Clerk.

Mr. Watkins explained the subject site consisted of an abandoned church facility and a single-family residence. The contract purchasers wanted to convert the abandoned church facility to a mortuary and the single-family residence to an office. A crematory would not be a part of the proposal. The requested simplified C-P process would allow the applicants to use the church site without presenting a C-P development plan for review. The Planning and Zoning Commission recommended approval of the proposed rezoning request and the request to use the simplified C-P process. The Commission's recommendation included limiting the uses to R-1 uses, a mortuary use with no crematory and office uses.

Mr. Teddy stated the simplified C-P worked differently in that it was more of an adaptive reuse kind of designation. In this case, they would get what they saw as far as the site plan and the existing buildings. It was called a planned business district, but was written as the office zoning district plus the one use from the C-3 zoning, which was the mortuary. The applicant specifically excluded the crematory as part of the operations. According to the C-P rules, the buildings had to conform to the site and structure regulations that were applicable in the ordinance. The only one staff found in its review was landscaping in front of the parking lot to the east of the church on Texas. The developer would have to put some plant material there. Staff and the Planning and Zoning Commission were supportive of the rezoning and felt the restrictive C-P was appropriate for the neighborhood and transitional setting. There was a comment from the Parkade Neighborhood Association indicating the planned business designation as the designation on the map was not particularly appropriate because they felt it would be an entering wedge for further commercial uses in the future. Mr. Teddy noted anything retail, restaurant or otherwise commercial would require an amendment and a new round of public hearings due to the way this was set up.

Mayor Hindman opened the public hearing.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was appearing on behalf of the property owner, Ministry of the Church of God, and the primary applicant, Carr-Yeager Funeral Home, who wanted to use this as a mortuary/funeral chapel with no crematory. He felt this was fairly straight forward and understood the only question that had arisen was due to a misunderstanding about the effect of the restrictions in C-P zoning. He explained this could not be used for any use other than the three prescribed uses, which were R-1 uses, a funeral chapel without a crematory and office uses. No other buildings could be built, no changes could be made to the building or parking area without going through the zoning process and no changes in the uses could be made without going through the zoning process. He commented that they would have been happy to use an O-P zoning if that had allowed for the use, but it did not and they did not have the time to wait for an amendment of the ordinance. He noted they would be willing to agree that if in the future the Council chose to amend the office zoning classification to allow this use as a mortuary without a crematory, they would accept O-P zoning provided they could still participate in the same simplified process and would not have to pay for the advertising costs. He understood the use was not opposed by the neighborhood. It was consistent with the neighborhood and the prior use as church. It was also consistent with the commercial zoning to the east and provided a buffer. He did not think the change was necessary, but if Council felt it was needed in the future, they would be accepting of it.

Mr. Skala understood it would be similar to a voluntary downzoning without the costs. Mr. Simon stated that was correct. They would not expect to have to incur the advertising costs to do it, but if Council wanted to do it, they would be agreeable as long as they could make their use of it as a permitted use and without the need for a plan. He understood there was a simplified O-P process within the O-P zoning ordinances, similar to the simplified C-P.

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

Mr. Janku thanked Mr. Simon for his comments. He thought a mortuary use was appropriate. He also agreed this should be O-P zoning. He suggested they talk about the procedure Mr. Simon had discussed at the end of the meeting. He noted he was willing to vote in favor this, but hoped to come back and accomplish what Mr. Simon had outlined.

Mr. Wade stated he was involved with the work group that had created the changes to add the simplified process in order to try to cut out unnecessary components on specific kinds of projects. He hoped it was working and was more congenial to developers, while still adequately representing the City's interests.

B305-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**R233-08     Approving the FY 2009 Community Development Action Plan.**

The resolution was read by the Clerk.

Mr. Watkins explained this was the public hearing for the fifth year of a five year CDBG Action Plan. In order for the City and several other organizations, such as the Housing Authority, to receive funding, this document must be received by HUD by November 15, 2008. A 30 day comment period, which they were already in the middle of, was also required. Any suggestions and comments made would be included in the submittal to HUD. He provided a summary showing the five year plan as well as the results and goals for this year.

Mr. Teddy noted the columns showed the HUD fiscal year, which was the calendar year, and the table showed the activities and projects completed during the HUD fiscal year. At the bottom were the total goal activities completed and of those was a subtotal of housing units. There were three education activities on the chart and those were the money smart class, the homeownership class and the home maintenance class.

Mayor Hindman opened the public hearing.

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

Mr. Janku thanked staff for providing the chart and stated he thought it would helpful to include the goals achieved per year from this point forward as it would help them see which projects and agencies were successful in getting the job done over time. He understood there was a limited amount of new production of affordable housing each year. In addition, the document they received from the Affordable Housing Task Force included a lot of goals and an extreme number of projects that would be very difficult to put together. They also received a document from the Development Council with regard to the housing market in Columbia, and in reading through it, he understood there was quite a bit of existing housing stock in the affordable range, but it was spread throughout the community. Some of the

condominiums in the Park De Ville and Kennesaw Ridge area were priced under \$100,000. The problem was that low income people could not access funding to help with down payments to purchase those or other properties located outside of the CDBG area. If they really wanted to open up the supply to low income people in the community, he suggested they open up the payment assistance program to an area broader than the CDBG eligible area. He thought only part of that money should be available as a test or pilot, so a significant amount would remain in the CDBG area. He commented that the Park De Ville area was perfect for someone with limited transportation opportunities as they could live near work, schools and shops. He asked if an amendment would be needed to the Plan to allow for it. Mr. Teddy replied it would be an amendment to the program with the way it was set up in the Plan. He noted they had taken the question of geographical boundaries of the homeownership assistance program to the Community Development Commission, but they could not come to a consensus. Some members felt it should be opened up to all areas so they could restore some housing to work, school or shopping balance. In addition, it would allow people to live where they wanted to live. There were also members who liked the targeted approach and increasing the rate of homeownership in areas with a lot of single-family housing stock, but a low rate of homeownership.

Mr. Wade asked if this was an appropriate question for the new long range five year plan. Mr. Janku stated he wanted to offer that as an amendment to the plan. Mr. Watkins explained they had not done the new five year plan. This was the fifth year of the current plan. Mr. Janku stated he would like to start now if the current plan could be amended. This year could be used as a pilot to see how it worked.

Mr. Skala stated he thought it was a great idea, but felt it was reminiscent of some of the problems on the national level in terms of opening things up to the extent people could not afford where they finally wound up. He believed it was a worthy goal, but suggested they talk about the details.

Mr. Janku asked how much money was provided to help with down payments right now. Mr. Teddy replied they planned to increase it from a maximum of \$4,000 per home purchase to \$5,000. There was also the ability to do an exceptional amount of up to \$10,000 if the buyer failed to meet the lender's underwriting criteria, but additional requirements were associated with it.

Ms. Hoppe asked for an explanation of why the existing housing down payment went from 40 in 2005 to 15 in 2008. Mr. Lata replied it was tied to the housing market. Ms. Hoppe understood people were not applying or were not eligible. Mr. Lata stated that was correct. Ms. Hoppe understood it was not a lack of funding. Mr. Teddy explained 2008 was not over yet, so the data was only through mid-September.

Mayor Hindman asked about the demand and if they would use all of the money. Mr. Lata replied they were not on track to use up all of the money. He thought it would be a year to a year and a half before they used all of the money if they continued at the present rate. Mayor Hindman understood lenders were being more restrictive as well, so the down payment assistance might not be enough.

Ms. Hoppe commented that Mr. Janku's suggestion to expand the area made sense since they did not have enough applicants in the limited area.

Mr. Sturtz thought they could also open up what the funds could go toward in the central City. He understood the houses in the cottage development would go in the \$100,000 range and asked if that would be considered low income or affordable housing. Mr. Lata replied it would if there was a 20 percent down payment. One of the big problems was that HUD had not increased the income rates for almost eight years, so as the cost of housing had gone up, there was a squeeze between what people could afford and the increases in the market rate of housing or the cost of building for new construction. There was less ability for people HUD considered to be within the 80 percent of median income range to afford housing. He understood this might change with the new census. He thought they were going to wait until the 2010 census to increase the program income limits.

Mr. Janku understood this Plan needed to be adopted by November 15, 2008. Mr. Watkins pointed out it needed to be submitted to HUD by November 15, 2008. Mr. Janku understood if they wanted this amendment prepared and brought to them at the next meeting for adoption, it could still be sent to HUD in time. Mr. Teddy explained they had amended the Action Plan with stand alone amendments, so the Council would still have that option after approval by making an amendment to a specific program. Mr. Janku asked if it would be a problem to have a properly prepared amendment introduced at the next meeting since they had time. He thought that would be better than coming back with a separate ordinance two weeks after passing this resolution. Mr. Lata stated he thought they could vote to amend it tonight. They could then put a notice out so it could be approved at the next meeting. Mr. Janku understood the amendment would require advertising and asked if it was a 30 day requirement. Mr. Lata replied they were in the 30 day comment period and if someone made a comment within the 30 day comment period, the Plan could be changed based on the comment.

Mayor Hindman understood there would need to be a notice published in the paper before the next meeting. Mr. Teddy stated they would advise doing a notice because the way they had presented the Plan for this hearing and this comment period was that it contained certain new programs with one being a change from a \$4,000 limit to a \$5,000 limit in the homeownership assistance program and another being a \$10,000 limit under certain circumstances. As a result, he thought they would want to publish an amended notice.

Mr. Janku understood they would need to do a separate amendment due to the separate 30 day notice. Mr. Lata replied yes, if the Council wanted to do another full amendment. He thought HUD would accept any changes based on comments received. He pointed out they did not know how much money they would receive for 2009, so there would be an amendment.

Mr. Janku suggested voting on this resolution tonight and preparing a separate amendment with a 30 day notice, so the amendment could be voted on in the first part of December. Mr. Watkins noted this was for money that was not available until March 2009.

The vote on R233-08 was recorded as follows: VOTING YES: HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

## OLD BUSINESS

### **B312-08 Authorizing the acquisition of land located west of Strawn Road (Route ZZ), south of I-70, for the future construction of the Perche Creek Trail.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize staff to acquire 27.5 acres for the future construction of the Perche Creek Trail. The land located west of Route ZZ, just south of Interstate 70, and was adjacent to the 101 acre Perche Creek Wastewater Plant. He noted staff would bring a transfer of this property from the wastewater utility to the parks utility to the Council in the not too distant future. They had a willing seller and had reached a selling price of \$185,500 based upon splitting the difference between the two appraisals. Funding for this acquisition would come from the dedicated greenbelt trails/parks sales tax, which was money that could only be used for the acquisition and development of parks and trails. It could not be used for police, fire or streets.

Mr. Hood commented that besides being a potential location for the Perche Creek Trail, this also preserved valuable open space in the Perche Creek floodplain. He noted the Anderson family had always wanted the land to be in green space. They just had difficulty coming to an agreed upon price, but were now ready to move forward.

Ms. Hoppe understood the Anderson's wanted some type of a sign in recognition of this as a partial gift due to the difference in price. Mr. Hood stated that was correct and noted they had no objections. Based upon the value of the Anderson's appraisal, the gift would be about \$34,500. Staff was agreeable to recognizing that.

Mr. Sturtz asked if there was a precedent for naming a parcel after someone who had given a partial donation. Mr. Hood replied he believed there was. Mr. Sturtz explained he had a problem with setting a precedent for the future if someone only gave 5-10 percent of the value, but was still asking for the park to be named for them. Ms. Hoppe understood they did not want it to necessarily be named after them. They only wanted some recognition.

Mayor Hindman commented that when tacking this on to what they already had, the green space was of a value to them. In addition, it would be an integral part of a trail. He thought another use that might be made of it would be a launching spot for canoes, etc. that used the Perche Creek, as they did not have anything like it already.

Mr. Janku noted they had a number of gifts and acquisitions along the Perche Creek, south of this, as development had occurred. This would potentially make a trail that would go under I-70 and open up northwest Columbia, similar to what they were trying to do in northeast Columbia along the Hominy Branch.

B312-08 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE. 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.

- B306-08 Approving the Final Plat of Tuscany Ridge, Plat No. 1 located on the west side of Brown Station Road, west of Mojave Court; authorizing a performance contract.
- B307-08 Vacating excess street right-of-way along the east side of Range Line Street, north of American Parkway; accepting an easement for sidewalk, drainage and utility purposes.
- B308-08 Authorizing construction of Hunt Avenue from Worley Street to I-70 Drive Southwest; calling for bids through the Purchasing Division.
- B309-08 Authorizing an agreement with the Missouri Highways and Transportation Commission relating to installation of automated traffic signal enforcement equipment.
- B310-08 Accepting conveyances for road relinquishment, sewer, drainage and sidewalk purposes.
- B311-08 Accepting conveyances for utility purposes.
- B313-08 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant for urban forestry managerial training for Parks and Recreation employees; appropriating funds.
- B314-08 Appropriating donated funds for the Cosmo-Bethel Park Four Tennis Court project.
- B315-08 Accepting the FY 2007 Missouri State Homeland Security Grant Program; authorizing a grant agreement; appropriating funds.
- R227-08 Setting a public hearing: voluntary annexation of property located on the east side of Bethel Church Road, south of Poplar Hill Drive.
- R228-08 Setting a public hearing: voluntary annexation of property located south of I-70 Drive Southeast, northwest of St. Charles Road.
- R229-08 Setting a public hearing: considering amendments to the 2008 Community Development Action Plan as it relates to Neighborhood Stabilization Program Funding (NSP) through the Missouri Department of Economic Development; authorizing City staff to prepare a Neighborhood Stabilization Program application.
- R230-08 Authorizing an agreement with Planned Parenthood of Kansas and Mid-Missouri for Title X Family Planning Services.
- R231-08 Authorizing an agreement with the Missouri Department of Public Safety for a Title V Juvenile Justice and Delinquency Prevention Grant; authorizing a subgrant agreement with Columbia Housing Authority Low-Income Services, Inc.
- R232-08 Authorizing an agreement with George Butler Associates for engineering services relating to sanitary sewer map and GIS updates.
- R234-08 Setting a public hearing: considering the final engineering report submitted by Jacobs Engineering Group Inc. relating to a Long Range Water System Study.

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

**NEW BUSINESS**

None.

**INTRODUCTION AND FIRST READING**

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

- B316-08**     Authorizing Safe Routes to School Program Agreements with the Missouri Highways and Transportation Commission; appropriating funds.
- B317-08**     Approving the Final Plat of Broadway Trio Subdivision, a Replat of part of Lots 164 and 165 of the Original Town of Columbia, Missouri, located on the south side of East Broadway between south Ninth Street and south Tenth Street; granting a variance from the Subdivision Regulations regarding street right-of-way width.
- B318-08**     Authorizing construction of Fire Station No. 9 located at the northwest corner of Blue Ridge Road and North Providence Road; calling for bids through the Purchasing Division.
- B319-08**     Accepting a conveyance for utility purposes.
- B320-08**     Authorizing Supplemental Agreement No. 2 with HNTB Corporation for engineering services for the design of the Hinkson Creek Trail between the Grindstone Nature Area and Stephens Lake Park.
- B321-08**     Accepting and appropriating donated funds for Parks and Recreation Department programs.

**REPORTS AND PETITIONS**

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

Mayor Hindman noted this report was provided for informational purposes.

**(B)    Fire Safety Standards for Multi-Unit Housing.**

Mr. Wade understood the Building Construction Codes Commission had asked if there was any other directive the Council wanted to give them.

Mr. Glascock stated the Building Construction Codes Commission felt the International Fire Code addressed all of the safety standards. They felt uncomfortable with setting new safety standards because they did not have a lot of expertise. If they were to hire fire safety experts, the Commission thought they would be told to implement the Fire Code. They were uncertain as to whether that addressed Council’s issue or if there was something else they needed review.

Mr. Watkins understood they were implementing the Fire Code. Mr. Glascock stated that was correct.

Mr. Wade noted this discussion was a result of the issue involving sprinklers at fraternities. The concern was the City was singling out one multi-family unit, while ignoring the rest. The question was whether the City needed additional standards for multi-family development, especially for new construction. He understood the Commission was saying they did not know. Mr. Glascock stated the Commission wanted to implement what had been passed.

Mayor Hindman commented that he had been asked to appoint a committee and had it almost put together. He understood they would look at fraternity, sorority and other student housing.

Mr. Wade asked if they wanted to wait to dispense of this until they saw what came of this new committee as they might want to revisit this question. Mr. Janku noted it was a circular argument because the fraternities and sororities were saying these other groups should be included.

Ms. Hoppe asked if International Fire Code required sprinklers in multi-family or multi-unit housing. Mr. Glascock replied he thought it was required, but that they had allowed that piece to be taken out. He stated he needed to check to be certain. Mr. Janku thought having that information would be helpful. Mayor Hindman asked if new construction had been taken out. Mr. Watkins understood it affected existing housing and retrofits. Mayor Hindman understood it was required for new construction. Mr. Glascock stated he would check, but believed it was.

Mr. Watkins noted they would see a new set of codes for consideration in March of 2009. He thought that was one of the items in an upcoming work session as they had to determine how to approach consideration of the new codes.

Mr. Wade understood a new set had been approved recently. Mr. Watkins thought the 2006 Codes had been approved 2-3 years ago. Mr. Wade clarified he meant the International Building Codes Institute had recently approved a new set. Mr. Watkins stated they might have just passed something. The City would get copies in March.

Mr. Janku stated he recalled that when they passed the 2006 Codes, the Council adopted the recommendation of the Commission to include fraternities and sororities while providing them additional time.

**(C) Bleu Restaurant – Building Code Violations.**

Mayor Hindman understood this report had been provided for informational purposes.

**(D) Burnam Road Parking.**

Ms. Nauser stated constituents in her ward had asked for no parking along both sides of Burnam Road and a petition had been submitted. She commented that there now seemed to be some that did not want the restrictions. She had told her constituents that she would ask staff to prepare an ordinance initiating no parking, so they would have the opportunity to express their opinions.

Mr. Janku understood a fraternity was using its lot to rent spaces and asked if that was a zoning code violation. He thought operating a parking lot for profit was a commercial business. Ms. Nauser understood staff was looking into some of these issues and thought that could be a part of the discussion when the ordinance came before them.

Ms. Hoppe noted this was an issue that was not applicable to only this area. It was also occurring in East Campus. She understood one option other communities utilized was residential parking permits during a certain time period. She thought that had been used in other university communities. She wanted staff to provide a report on it. She felt this was a community-wide problem, which needed to be approached as a whole.

Mr. Wade agreed with Ms. Hoppe. He noted Garth between Stewart and Lathrop filled up between 7:00 a.m. and 8:00 a.m. with students and residents had no streets left on both sides. He wondered what options they had that would be fair to the residents by allowing them to park. If it was going to be used as a parking lot, he thought the City should be able to extract some money from the nonresidents using it. He felt there had to be other solutions.

Mr. Janku pointed out it was not just students causing the problem, but also University staff. Mr. Wade agreed and noted it was unfair to the residents that lived there.

Mr. Skala commented that a lady who attended his church and lived in this area indicated the petition was not entirely fair as they were just students and only parked there once in a while. In addition, they were gone on the weekends. Her perspective was a little different than those who thought it was a huge violation.

Mayor Hindman asked if they still wanted staff to prepare a no parking ordinance. Ms. Nauser replied there seemed to be a new emerging consensus to obtain additional information on other solutions, so she would be amicable to that as long as they could have that information by the next Council meeting.

Mayor Hindman noted the University Communities Council held meetings at the National League of Cities Conference and discussed this issue all of the time. He did not think there was a perfect solution, but thought it might be a good idea to hold things off until after those interested attended the Conference.

Ms. Nauser stated the residents were frustrated, but thought it might be a good idea to have more options.

Ms. Nauser made a motion directing staff to prepare a report with options for addressing the parking situation on Burnam Road and other streets in the City. She noted she would like this in a time frame that would allow them to decide whether to bring forth an ordinance or not at the first meeting in December. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**(E) Follow-up to James Pounds Public Comment.**

Mr. Watkins explained Mr. Pounds had commented at the beginning of the last Council meeting and he thought the best way to respond was by placing this report on the agenda. He noted Mr. Pounds had requested consideration for the fact he had platted the development under a previous building code. He was asking for permission to build his buildings under that code as opposed to the current code. He pointed out the property had been platted, but he had not obtained a building permit.

Mr. Glascock noted he had talked to Mr. Pounds today and he had indicated it would cost him an additional \$30,000 to comply with the 2006 code. He pointed out he had asked Mr. Pounds to provide him a list of the specific things he would need to comply with that was associated with the extra cost. Once he received the list, he would have a better understanding of the problems. He stated he needed those specifics before a judgment could be made.

Ms. Hoppe understood the City normally required a person to build to the building code in effect when they received their building permit. Mr. Glascock stated that was correct. Mayor Hindman stated he thought that was reasonable.

Mr. Skala stated he had spoken with Mr. Pounds and had indicated they could come up with an answer, although it might not be the one he preferred. He felt Mr. Glascock was on the right track in terms of finding out exactly what the difficulties were before making a decision or accommodation.

Mr. Janku commented that they were talking about amending the building codes for energy conservation and if they put these new standards in place, initial construction would be more expensive. He wondered if they would allow anything platted over so many years to not have to comply with the building codes in effect when they applied for the building permit.

Mr. Wade stated he felt the building permit was the trigger. The platting process was not. The platting was a decision in regard to a certain set of City regulations. The building permit was a trigger for another set of City regulations. He appreciated Mr. Pounds' concern for economics, but did not agree with him.

Mr. Janku pointed out the City did not adopt all of the codes that came forward from the International Code Council. The Building Construction Codes Commission held extensive public hearings and made amendments and deletions, so they might retain the existing code. If there was a problem with the 2006 Code, it should go to the Building Construction Codes Commission for a recommendation. If it needed to be amended, it could be and could then apply to everyone. He felt that was the more appropriate approach to take.

**(F) CAL – Open Container Variance Request.**

Mr. Watkins explained the Columbia Art League was requesting approval of an open container variance on the sidewalk in front of their offices for the gala and grand opening fundraiser on October 23, 2008 from 6:00 p.m. to 8:00 p.m.

Mr. Janku asked if this would allow for a passageway for people to walk by. Mr. Sturtz replied it was a wide sidewalk. He thought it was close to 14 feet. Mr. Janku understood it would meet the five foot requirement they used for restaurants with tables on sidewalks.

Mr. Watkins suggested the motion include a five foot allowance, if they planned on approving this.

Mr. Janku made a motion to approve the Columbia Art League's request for an open container variance for October 23, 2008 from 6:00 p.m. to 8:00 p.m. provided they maintain a five foot passageway on the sidewalk for people to pass by. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Nauser asked if they could discuss the Burnam Road issue again. She had been mulling it over and wanted staff to prepare an ordinance while providing other options at that time. She thought having a couple options for the public to debate would be helpful because she did not think this issue would go away.

Mayor Hindman understood the original motion asking for a report regarding options would stand. They would just be asking for a no parking ordinance to be prepared as well. Ms. Nauser agreed. Mr. Watkins understood it would involve no parking on both sides of the street. Ms. Nauser stated she thought they had asked for no parking on both sides to Clarkson.

Ms. Nauser made a motion directing to staff to prepare an ordinance restricting parking on Burnam Road. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

### **COMMUNITY DEVELOPMENT COMMISSION**

Carlson, Roger, 2712 Greenbriar Drive, Ward 5, Term to expire November 1, 2011

Hammen, Janet, 1416 Wilson Avenue, Ward 6, Term to expire November 1, 2011

### **CULTURAL AFFAIRS COMMISSION**

Kerner, Daniel, 515 Cherry Street, Ste 201, Ward 1, Term to expire October 31, 2011

Myers, Addison, 504 Lathrop Road, Ward 4, Term to expire October 31, 2011

Underwood, Lara, 3309 St. Charles Road, Ward 3, Term to expire October 31, 2011

### **BOARD OF HEALTH**

Lyle, Shelley, 1001 LaRail Drive, Ward 5, Term to expire August 31, 2011

### **NEW CENTURY FUND BOARD**

Stepanek, David, 4909 Silver Cliff Drive, Ward 5, Term to expire September 30, 2011

Williams, Matt, 2609 Limerick Lane, Ward 4, Term to expire September 30, 2011

### **PARKS AND RECREATION COMMISSION**

Davis, Sue, 2209B Creasy Springs Road, Term to expire May 31, 2011

### **SUBSTANCE ABUSE ADVISORY COMMISSION**

Crosby, Daniel, 2504 Woodberry Court, Ward 5, October 31, 2011

Vinson, Daniel, 2604 Hillshire Drive, Ward 4, October 31, 2011

Yoakum, Michael, 4802 Thornbrook Ridge, Ward 5, October 31, 2011

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

Jimmy Pounds, 4403 Brown Station Road, stated he wanted to discuss the Seasons Brook Estates and noted that when the scope and detail of a project changed, the costs increased. That was what had happened when going from the 2000 code to the 2006 code. When he came before the Council, he had agreed to build Seasons Brook under the 2000 IBC. He did not think there was anything wrong with those codes. He did not understand why he could not continue build those units under the 2000 codes. He stated he thought this issue had been resolved in January 2007.

Mayor Hindman understood he had heard Mr. Glascock's statement. Mr. Pounds stated he had and noted he had received a letter from him. Mayor Hindman stated that was how it would be handled unless someone on the Council wanted to provide an alternate solution.

Mr. Skala understood they would flush out the details of the differences and would then provide direction regarding whether to confirm staff's position or not.

Mr. Pounds stated he wished he had known about this a year and a half ago. He felt there was nothing to protect him from the government because they could arbitrarily change the codes next week.

Mayor Hindman pointed out there were a lot of situations in life like that and gave the tax code as an example.

Ms. Hoppe understood once someone submitted an application for a permit, the codes in existence at the time of the submittal of the permit were in effect. Mr. Wade noted it was good for only a certain length of time. Mr. Watkins stated it was good for two years.

Mr. Watkins thought the issue was that it could be taken to the extreme. He wondered what they would do with an infill development in an area that had been platted before there were building codes.

Mr. Pounds stated he understood, but noted he was not asking for 100 years. He was asking for the previous code. He never envisioned it would take him this long to get going with Seasons Brook Estates.

Mr. Skala commented that it was the government's place to protect everyone in the community. They were not trying to single anyone out. They had to make a decision based on the rules.

Mr. Skala noted there was a presentation earlier with a resolution endorsing growth management planning. He wanted that resolution available for discussion when they had the growth management planning work session.

Mr. Skala commented that he thought the Roots N Blues N BBQ Festival had been a great success and hoped they would find a way to keep it around. He understood some in the business community felt they had a down day given the circumstances and were taken advantage of by the organization that put on the event. Parking across Providence in the old Osco lot was restricted and Office Depot was not very happy about that. Some business people downtown had objected to the frontage they had and the closing of some streets. He stated the Council was not privy to a lot of that information. When they had heard from Thumper, they talked about signs and street closings. He thought some of these issues needed to be considered when they made plans for next year, depending on the finances, so they could avoid the problems encountered this year.

Mr. Janku understood the festival had been relocated in part due to complaints in the previous year. He hoped there would be the opportunity for comment and involvement in any future process.

Mr. Sturtz stated he hoped the downtown businesses viewed the larger perspective. It was not just a one day event. They were building a downtown that was a cultural attraction. Even if business was down one day, it was probably better in the long run. He commented that he had the same discussion with the people at Sycamore, as they probably did not benefit from it. The Ragtag did not benefit directly either, but he felt they would all benefit from it over the next many years.

Ms. Hoppe commented that she thought this was a great event and that there were a lot of side benefits beyond those days. She asked if they had any figures on the amount of recycling at the event. Mr. Watkins replied he did not, but stated he would provide that information.

Mr. Wade noted he handed out a couple motions during a pre-Council meeting a couple months ago, which he wanted to further develop. He did not want to make those motions without discussing them at a work session because he wanted everyone to understand what he wanted to do. One involved criteria for the nonmotorized system that was being created. It was a new major infrastructure system for Columbia and was a good one, but many of the disputes that occurred were because there was no elaboration on the various options or purposes of the different kinds of pathways. He noted that had been dealt with in terms of street and sidewalk standards and thought they needed to think about the same kind of thing for the nonmotorized pathways. They were talking about trails, hard concrete roads, etc. He thought they needed a set of definitions to clearly understand the different purposes. They were trying to mediate multi-modal and felt they needed to be careful so one mode would not dominate the decision making. He thought if they had clear criteria, definitions and guidelines, they would not be faced with the same questions on every individual project. He asked staff to distribute his initial draft to the Council and place it on the work session schedule.

Ms. Nauser thanked the City staff for giving up their Saturday for the Education and Awareness Fair.

Ms. Nauser asked if they would be receiving an economic impact summary of the Roots N Blues N BBQ Festival like they did last year. Mr. Watkins replied he was not sure, but would get something together. Mayor Hindman noted they had already received something that referred to the City's expenses. Ms. Nauser stated she wanted information related to economic activity, hotel stays, etc.

Ms. Hoppe commented that a variety of people were concerned with the intersection of Bearfield and Nifong and understood a study was being done with regard to traffic, signage and speed limits. The residents were suggesting having stop signs on Nifong. She asked for a status of the report. Mr. Watkins replied it was on the list. He explained they were working on dozens of traffic issues. They were trying to get one or two out per Council meeting. Ms. Hoppe wanted to emphasize the urgency of looking at that corner due to the buses going out to the cottages and the intensive use of the area.

Mr. Janku noted they had talked about ways to make the bus system attractive to the broader community and understood some communities had Wi-Fi on their buses.

Mr. Janku made a motion directing staff to provide a report regarding the possibility of providing Wi-Fi service on City buses. He hoped it could be done by advertising the service that was being provided. The motion made by Mr. Janku was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku stated he thought they should try to bring Wi-Fi to public spaces. He understood they had it at the Airport and asked if it was in the ARC. Mr. Skala stated it was in the ARC as he had used it on Saturday. Mr. Janku noted another public space he had been thinking about was Flat Branch Park as people might want access during their lunch hour. They had talked about expanding Wi-Fi access to the downtown and thought public spaces in the downtown would be a place to start.

Mr. Janku made a motion directing staff to provide a report on the possibility of providing Wi-Fi service at Flat Branch Park. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mayor Hindman stated he did not know Wi-Fi was available at the ARC and thought it would be a good idea to make it known to the public. Mr. Janku agreed and noted it was important because they rented rooms for business meetings and groups.

Mr. Janku made a motion directing staff to provide a report on options and guidelines for amending the 2009 Action Plan so the homeownership assistance program funds could be distributed throughout the City versus just in the CDBG eligible area. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Janku noted they had talked about supporting low income housing through CDBG funding of infrastructure costs. He also wondered about their policies in general. For example, they were rebuilding sewer infrastructure at the public's expense when at one time it was cost shared. He wondered if they could look at that in terms of affordable housing. They also shared in the oversizing of certain lines and thought that could be looked at as well.

Mr. Janku made a motion directing staff to provide a report on how they could help with infrastructure costs related to redevelopment in the older parts of Columbia, and particularly with regard to affordable housing, through CDBG funding or other polices. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Sturtz understood Mr. Janku was not talking about oversizing but bringing it to the standard. Mr. Janku replied yes. He explained that when there was an extension of a water line for new development and the City required it be built to a size larger than needed to serve that particular development, the City picked up the extra cost. He thought they might want to consider that for potential redevelopments. He was not saying they needed to make it bigger than necessary.

Mr. Janku commented that he thought he asked for a report regarding a stop sign at Smiley and Derby Ridge. He understood it was waiting in line as well.

Mr. Janku noted Mr. Simon had talked about the possibility of O-P zoning for mortuaries in the rezoning they considered earlier in the evening. The staff report indicated the zoning regulations should be reviewed to consider the possibility allowing mortuaries in the O-P zoning district, given the other uses allowed in O-P such as hospitals and residential care facilities, because a mortuary would be a low intensity use by comparison. It was also

mentioned during the Planning and Zoning Commission meeting that there were others looking for sites and if it was opened up to O-P it might help people find locations.

Mr. Janku made a motion directing staff to provide a report regarding an amendment to the zoning code to allow mortuary uses in the O-P zoning district. He noted he would eventually want to refer it to the Planning and Zoning Commission for action. The motion was seconded by Mr. Skala.

Mr. Wade pointed out the 2009 budget included a revision of the zoning codes and asked if this could take place then. Mr. Janku replied this was a relatively minor change and he thought this would ameliorate the difference they had with the neighborhood. He hoped they could move forward since there was no opposition. He reiterated it was relatively minor and did not think it needed to be wrapped up in the zoning revisions that might take many years.

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

With regard to Wi-Fi, Mr. Skala wondered if they could also look at Stephens Park. Mr. Janku agreed and stated he would accept that as a friendly amendment to the motion already approved.

Mayor Hindman noted he mentioned the idea of staff looking at following the easement to Radcliffe in relation to the County House Branch Trail, which had been approved. It was not very long and was quite flat. He understood it might not be a good idea, but if doable and reasonably agreeable, it might also be a good idea. He stated he was only asking that it be looked into.

Mayor Hindman made a motion directing staff to look into the idea of following the sewer easement to Radcliffe with regard to the County House Branch Trail. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mayor Hindman stated Columbia had done well in the America in Bloom competition and had just lost out to Fayetteville, which had been doing this for many years. He thought it was a fantastic program and was disappointed they were talking about not doing it next year. He just wanted to congratulate staff and the City for what he felt was extremely important. He thought it could motivate the private sector as well as the government in helping make Columbia look like it should.

Ms. Hoppe understood Columbia was the highest with regard to public participation and thought that was good.

Mayor Hindman understood there had been series of articles on a blog about a house where there was unbelievable criminal activity. He stated he wanted report on the situation at the house and wanted to know what could be done. He thought it was wrong if those facts were correct. He noted they had been trying to do something about criminal activity in Columbia and allowing landlords to continually permit criminal activity in the same location did not make sense.

Mayor Hindman made a motion directing staff to provide a report on the situation at the house and to provide options to remedy the situation to include receivership. The motion was seconded by Mr. Skala.

Mr. Wade understood the chronic nuisance ordinance was designed to deal with situations like this, yet somehow it was not doing it, if these facts were correct. Mayor Hindman explained that was why they needed a report. Mr. Boeckmann noted there was not enough information in that report to tell. There were no dates. There was nothing showing the criminal activities took place at that location, which was a requirement of the chronic nuisance property ordinance. In addition, there were multiple names. He did not think they were all living there at the same time. Mayor Hindman stated that was the reason he was asking for a report. Mr. Boeckmann pointed out the only chronic nuisance property case that had come to the Law Department involved a homeowner. It was not a rental situation. He had communicated with an officer, who had indicated they were having some success with landlords because the written complaints went through evictions, so he thought the ordinance was working. Mayor Hindman understood the report might show that.

Mr. Wade stated he wanted to be sure the report included reasons the present ordinance could not be applied to this situation so he could understand it better.

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

Mayor Hindman referred to the cottage development discussed earlier and stated he understood they would be reviewing the zoning and subdivision ordinances. They also had a recommendation from the Affordable Housing Task Force and at least one developer that was willing to do this kind of development. If successful with his experiment, they would have more. He wondered if they needed find a way to deal with the zoning ordinances or have a cottage development ordinance that could be put in place now to allow this kind of development without going through all of the hoops and exceptions. He understood it would be a stop gap measure until they had an overall zoning ordinance reform. He did not want to discourage this type of development by making it extremely difficult due to the application of the present ordinances. He thought they should ask staff to look into what could be done, such as a special subdivision in the ordinances for cottage developments in affordable housing type situations. If that turned out to be too big of a job, he would be glad to know that as well.

Mr. Skala commented that the thing that troubled him was that it seemed to take a long time even though they used the simplified approach. In addition, it seemed as though they had to jump through a lot of hoops. He wondered how they could facilitate what they already had because they had given the impression that they wanted to act on these kinds of affordable housing projects. He noted they had another case of a cottage development, which was probably inappropriate due to its location.

Mr. Janku noted part of the problem involved infrastructure issues. He thought it would help if they found a way to deal with the costs. It seemed as though a lot of time was spent talking about how to deal with the infrastructure issues. If there had been a procedure in place to pay for those costs or support affordable housing, this issue would have been

taken out of the equation. He thought they should look at the issues that caused the hang-ups and try to resolve them.

Mayor Hindman pointed out he had asked Mr. Ziv to provide a diary of the problems so the Council could look at that. He suggested they ask for a report which would look at the obstacles and changes that could or should be made to reduce the obstacles.

Mr. Sturtz wondered if they could look at accessory units in already existing houses, such as granny flats or mother-in-law houses that could be put in the back of already existing houses. Mayor Hindman noted they might run into deed restrictions in a lot places.

Mr. Janku commented that there was a big problem in certain R-1 neighborhoods with regard to student housing and adding a granny flat raised an issue. If it was a R-2 zoned area, which some of the older parts of the community were zoned, it was not a zoning code violation. He wondered if anything needed to be done to have someone put something like that on their property.

Mr. Sturtz understood they were limited by the 10,000 square foot requirement, which was a very large lot. Mr. Janku understood Mr. Sturtz was trying to figure out how to allow this in an existing R-2 area. Mr. Sturtz stated that was correct. He was not certain of all of the limiting factors as to why those types of units could not be built these days, but saw it as something that could help solve the problem. He thought it had also been discussed in the Task Force report.

Mr. Wade thought part of the issue was that R-2 was duplex and Mr. Sturtz was talking about a second unit on the back end of a lot, which involved two detached houses. Mayor Hindman thought he was referring to an apartment above the garage. Mr. Janku thought he was referring to something that was part of the original structure with a different entry point and kitchen. Mr. Sturtz stated it could involve all of those situations.

Ms. Hoppe noted the Growth in the Heartland study showed Columbia as having the empty nest syndrome in the central City because they had so many homes where there were only two people. If they wanted infill, she wondered if granny flats with restrictions could be part of the mix. She understood there were problems, but wanted to have it reviewed with some suggestions made. The study pointed toward revising the ordinances for that.

Mayor Hindman thought they should keep this simple by dealing with the cottage items that were specifically recommended.

Mayor Hindman made a motion directing staff to provide a report regarding the difficulties and barriers to low income cottage developments and the changes that could be made to facilitate those developments. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Hindman made the motion for the Council to hold a closed meeting at 5:30 p.m. on Wednesday, October 22, 2008, in the fourth floor conference room of the Daniel Boone Building, 701 E. Broadway, to discuss personnel matters and litigation as authorized by Section 610.021(1), (3) and (13) of the Revised Statutes of Missouri.

The motion was seconded by Mr. Janku with the vote recorded as follows: VOTING YES: HINDMAN, STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE. VOTING NO: NO ONE.

The meeting adjourned at 10:08 p.m.

Respectfully submitted,

Sheela Amin

City Clerk