

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
NOVEMBER 2, 2009

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, November 2, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL and SKALA 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 19, 2009 were approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Wade.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Ms. Nauser made a motion to add B337-09 to the Introduction and First Reading portion of the agenda, to add a special presentation to the Special Item portion of the agenda, and to approve the agenda with those additions. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

SPECIAL ITEMS

Thumper Entertainment – Check Presentation.

Nicole Thieret, 307 Bay Pointe Lane, presented a check in the amount of \$14,144.90 on behalf of Thumper Entertainment for services rendered at the 2009 Roots N' Blues N' BBQ Festival.

Mayor Hindman stated he believed the Roots N' Blues Festival was a plus for the community. It started as a gift to the community from Boone County Bank and now people with an entrepreneurial spirit had taken it on to make it a successful annual event. He congratulated Thumper Entertainment for what they had done and stated he looked forward to it continuing.

Richard King thanked the City, the University of Missouri, and all of the volunteers for their cooperation and for helping make the event possible.

Creation of Community Foundation.

Teresa Maledy, 215 W. Brandon Road, stated she was the Chair of the New Century Fund Board and explained the New Century Fund was a 501c3 that was created in 2001 as a way for the City of Columbia to receive tax deductible gifts from businesses and individual grants from foundations. The money was used to improve many services enjoyed by Columbia residents and included parks, cultural opportunities, public health services, public safety activities and recreational activities. She explained the concept of a community foundation had been discussed for several years and was a goal of the Columbia visioning process. This year the New Century Fund Board was asked to explore this concept in

greater depth, and they saw it as a way to encourage public and private dollars to work together to maximize impact and provide direct benefit to the community. In addition, a community foundation could increase efficiencies in giving for the New Century Fund and other interested organizations within Columbia.

Bob Gerding, 101 S. Fifth Street, explained he was a member of the New Century Fund Board and noted they had explored relationships with other community foundations to include the Greater Kansas City Foundation and the St. Louis Foundation. The Greater Kansas City Foundation offered resources at low costs and those resources included proper accounting for the different funds involved and transactional services, such as receiving money, mailing out donor letters, and cutting checks to the recipient organization. In addition, they provided 24/7 web access to allow people to look at their specific funds. He pointed out any person, business or existing foundation could set up an individual donor fund within the community foundation. The donor could then decide how he wanted the funds dispersed. It allowed an individual donor control over his particular funds. He stated that the primary reason they were before the Council was because they needed the City's assistance in getting this program off of the ground. Someone would be needed to direct the project and collateral marketing material would need to be developed. He suggested the Council direct staff to work with the New Century Fund Board in coming up with a budget for future Council consideration. He understood the Greater Kansas City Foundation had donors from Columbia, Missouri, and thought it made sense to have a community foundation established here.

Mr. Skala asked if the donations had to be monetary. He wondered if they accepted real estate or other gifts. Mr. Gerding replied the Greater Kansas City Foundation dealt with unique gifts such as real estate, art, personal property, stocks in closely held corporations and limited partnerships, and etc. because they had the staff to handle complicated gifts.

Mayor Hindman thanked the New Century Fund Board for providing this report and stated he hoped the Council would move forward with it. He believed they would all benefit if this was established and felt a lot of people in Columbia would take advantage of it. Mr. Gerding agreed and pointed out the Greater Kansas City Foundation gave out \$147 million in gifts last year alone, so the potential was there.

Recognition of Mayor Hindman – Parade Magazine Article.

Mr. Watkins stated Mayor Hindman was prominently featured in the September 27th edition of Parade magazine, which was the most widely read magazine in the Country with a circulation of over 71 million per week. He presented Mayor Hindman with a framed copy of the article and noted it was a great tribute to the City of Columbia.

Mayor Hindman stated he was honored by this gesture. He noted he had been surprised when contacted to do the article and believed the attention of 71 million readers was great advertising for the City.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

(A) Consideration of the water production operations in the McBaine bottoms.

Item A was read by the Clerk.

Mr. Watkins explained this was a public hearing on a combination of reports with regard to water supply and included the report by the University of Missouri's Civil and Environmental Engineering Group, which tied into a series of other reports received by the USGS.

Mr. Schmitz noted the City had fifteen wells in the McBaine bottoms to the depth of 100 feet and each well was capable of 1,500 gallons per minute, which calculated to a capacity of 2.16 million gallons per day per well. They did not perform at that level in tandem, but each would perform individually at that level. He explained the City had recently changed its disinfection process from free chlorine to chloramine as the University study showed this would reduce the TTHM's by 50 percent. In addition, they had recently entered into a contract with Carollo to study the treatment plant and future treatment methods to include the treatment process and capacity for future needs. He pointed out the City currently met all State and Federal water quality requirements.

Mike Kleeshulte stated he was with U.S. Geological Survey (USGS) and wanted to update the Council on the work they had been doing in the McBaine bottoms. He displayed groundwater maps with contours for 1968 before any monitoring wells had been installed, for 1978 when there were seven municipal wells, and for today when they had 15 municipal wells, four treatment units and the Eagle Bluffs Conservation Area, and noted the contours had changed and the water not captured by the monitoring wells was escaping to the south. He explained the Conservation Area had started receiving effluent in 1994 and thought some of the semi-permanent marshes were receiving treated effluent as well. USGS started monitoring the groundwater levels and water quality in the alluvium in 1992 with the City and USGS jointly installing 34 monitoring wells through a cooperative agreement. Around 1995, they started seeing water quality changes in the alluvium and installed 55 more monitoring wells because they realized they did not understand groundwater flow as well as they wanted. During the 2000's, they saw other water quality changes they could not explain and drilled two deep wells to sample water at the depth the public water supply was coming from. He state three persistent features had been seen on the groundwater maps since they had begun monitoring and those were a groundwater high in the Conservation Area, a drawdown cone in an area he pointed to on the map, and a groundwater high underneath Treatment Cell No. 1. He explained they currently sampled 36 different wells and five surface water sites, and 23 of those wells monitored were affected by treated effluent as the chloride concentration in the wells was over 40 milligrams per liter. He noted the three sources of recharge to the alluvium were precipitation, the Missouri River and groundwater flowing naturally.

Mr. Wade asked why there was a groundwater high under Treatment Cell No. 1. Mr. Kleeshulte replied he was told there had been some damage during the 1993 floods, and although the cell had been repaired, they were still seeing a groundwater high. He thought there might be some seepage through that cell.

Mr. Kleeshulte displayed areas with chloride concentrations over 40 milligrams per liter for 1995 through now to show water quality changes, and stated they were seeing higher concentrations in the deeper wells than in the shallow wells. He displayed a schematic of what they thought was happening and noted that as the water seeped through the wetland area, it moved downward and laterally. He thought the treated effluent might be going under the monitoring wells furthest away from the marshes. Since they were seeing these changes, they had decided to change the water quality monitoring network, the sampling frequency and the wells they were sampling, and explained those changes.

Ms. Hoppe understood they might sample some areas only once a year and asked if results could vary depending on the time of the year. Mr. Kleeshulte replied they believed the best time to sample was when the Missouri River was low, the Eagle Bluffs wetland area was flooded and the groundwater levels were low, and that would likely be between October and December.

Mr. Skala wondered if the City's decision to use salt on roads had caused a peaking effect when sampling in the winter. Mr. Kleeshulte replied there had not been snow on the road when they had taken samples the last couple of years. He also did not believe there was any reason for salt to be in the City part of the alluvial and monitoring wells. Mr. Skala commented that because they were having an infiltration problem, he thought the salt potential was something they might want to look into.

John Schumacher of USGS presented information regarding the organic compounds found in the samplings since Mr. Kleeshulte had discussed the inorganic chloride concentrations. He explained they started analyzing for pesticides in 1995 since technology had caught up to the interest in analyzing various organic compounds. As new analytical techniques were developed, they started testing for a large number of organic compounds, such as pharmaceuticals, plasticizers, flavorings, fragrances, stimulants, fire retardants, etc. He noted that more than 350 compounds were analyzed and displayed a chart showing the number of detections found in the McBaine bottoms. He pointed out they had found 35 pesticides in ground and/or surface water samples from all of the sites.

Mr. Skala asked if there was a difference in the numbers due to the time of year, such as when lawn care companies generally sprayed pesticides. Mr. Schumacher replied he thought it was a possibility, but it was very expensive to analyze. He explained they were just trying to determine if these things were out there. Mr. Skala understood they had a fixed time for when the samplings took place. Mr. Schumacher replied that was true for the most part, but they had moved it around in terms of the fall versus the spring. They were not testing for these every month.

Mr. Schumacher displayed graphics showing the classes of compounds found in the McBaine area and commented that it was the frequency and the number of these types of compounds that were more important than the presence and absence of any individual compound. They had a small dataset so they had to be careful in saying anything mechanistic or scientific. Virtually, 100 percent of the samples taken from the wetland wastewater treatment plant cells, although small, contained some organic compounds, which were typical across the Country. Some were consumed in the wastewater treatment process while others were not. Most of the compounds found were in the wastewater treatment plant

effluent and he listed some of those compounds. He also listed the compounds found when testing the cells, the groundwater wells and monitoring wells. Due to the small number of samples, they could not say a lot, but they did not see the plethora of other compounds. The wetlands were known to consume organic compounds and a lot were going into the treated effluent. He explained the primary study had been water quality and groundwater hydraulics around the Eagle Bluffs Conservation Area and the McBaine bottoms, and they were now going to do a separate study in conjunction with the Missouri Department of Conservation regarding seepage rates or water loss from the Conservation Area pools in order to understand the amount of water leaving the system. He appreciated the City's cooperation and noted they were a scientific agency that did not really get involved in policy, but he believed they had one of the better datasets in the Country to make rational decisions regarding the changes going on.

Shauna Marquardt of the Missouri Department of Conservation explained she would discuss the mission of Eagle Bluffs and their management of it. The land was acquired in 1989, and the City of Columbia happened to be working on its wastewater treatment plant at the same time the Department of Conservation was developing this new conservation area and looking for a source of water for wetland management. She noted they received finished wastewater and were not part of the treatment process, and even though they were not part of the treatment process, there had been documented improvements in water quality as it filtered through the wetland. She noted they were able to do some unique things because they had wastewater to flood the wetland pools year round. The first waterfowl season was in 1995 and it signified them being up and running in full force. She described the flow of wastewater to the wetlands, the management of the water levels and pools and the vegetation in the pools, and stated they tried to recreate natural systems as closely as possible. She commented that the effluent flow was not at a consistent level, but was highly economical since pumping river water was expensive. In addition, since they were able to receive water daily, they were able to adjust water levels and better manage the wetlands. The Eagle Bluffs Conservation Area had a three-fold mission to include managing wetland ecosystems, providing for the life history needs of migratory water birds and resident wildlife, and providing opportunities for the public, such as hunting and viewing opportunities and outreach and education. She explained maintaining a dynamic wetland was challenging during peak flows because they did not want the wetland pools to be a pond or have deep water everywhere, so they had to work hard in maintaining the fluctuating water levels to mimic natural systems as much as possible. She commented that they intended to stay updated on any information with regard to drinking water issues. In addition, they were rethinking the agricultural system at Eagle Bluffs to encourage more natural vegetation. They were also going to focus on long-term planning and engage in closer communication with all of the stakeholders involved.

Mr. Skala asked if the wetlands had a catabolic function with regard to E.Coli or other organic compounds or if it was just distributed. Ms. Marquardt replied all of the water was exposed to sunlight, which helped to kill a lot of the bacteria. She felt time, distribution, exposure and plants using the nutrients helped the situation.

Enos Inniss, an Assistant Professor in Civil and Environmental Engineering at the University of Missouri and a member of the Missouri Water Resources Research Center, discussed the study regarding disinfection by-products (DBP's) they had conducted for the City of Columbia this past year. They addressed system performance, formation potential, hotspots and sustainable compliance. Since there was a violation of the maximum contaminant level (MCL), the City had also asked them to test the option of chloramines. He understood the City had changed over to chloramines, but was considering other options as well. Two classes of DBP's were currently regulated and those were the total trihalomethanes and the total haloacetic acids. He explained the purpose of the study was not to determine if there were DBP's in the water. The purpose was to determine whether there were concentrations in the water that were violating MCL's, so they studied the chlorinated samples of water since it was the disinfectant to determine the number of DBP's produced from the sample. They sampled areas further away from the distribution system that had more time and found those samples were not close to or in violation of the DNR standards. They also tested the wells and areas in the process up to the distribution system to determine if they saw numbers similar to what they had seen in the distribution system. They found total trihalomethanes in the water after three days of incubation with chlorine at a level of 77 micrograms per liter, which meant they had the potential for violations. The City then asked them to look at the use of chloramines instead of chlorine because they felt it would work fast and they would be able to obtain DNR approval. The chloramines allowed the concentration of total trihalomethanes to remain at or near the concentration when it left the plant, which was 25-35 micrograms per liter and well below the MCL.

Mr. Skala asked if the treatment efficacies had been compared across various applications for different cities. He wondered if there were a range of cities that used chloramines versus chlorine. Mr. Schmitz replied he understood the majority of communities that had surface water used chloramines for treatment because they had more organics naturally in their water. Communities, such as Columbia, that had groundwater typically used free chlorine as the disinfectant because there were not as many organics in the water. After the EPA lowered the standard from 100 to 80, Columbia had been on the border, but had typically been under the limit. A year or so ago, they were in violation because they were at 82 instead of 80. Instead of looking at the number, they felt they should look at the trend because the limits might be tighter in future. Chloramination was a middle-term solution to the problem while they looked at the long-term solution. The study by Carollo would help with determining a long-term solution.

Mayor Hindman opened the public hearing.

Tom O'Conner, 806 Leawood Terrace, stated he was a member of the Environment and Energy Commission (EEC) and the Water and Light Advisory Board and commented that he would present the EEC's report on the effects of the wetlands on the drinking water supply. By wetlands, he noted he was referring to the wastewater treatment wetland cells and Eagle Bluffs Conservation Area. In looking at the data, changes had occurred in the McBaine bottoms over time and they needed to determine if they were concerned about these changes and how they wanted to operate the system in the future as a community. He displayed a map of the area and explained the four southernmost wells, Well Nos. 5, 6, 11

and 12, had shown a steady increase in chloride in past few years. In addition, the chloride in the finished water had increased over the years. The EEC was concerned with the proposed location of the new well, which would be located with Well Nos. 11 and 12, as they felt it might be questionable in terms of water quality since some of the wastewater related contaminants might be regulated in the future. If the City's source water quality diminished and greater steps were needed to treat it in order to meet standards, costs could increase. In addition, the McBaine bottoms were a treasure with regard to water quality and they wanted to maintain its level of quality. The EEC was suggesting the City look for alternate locations for future wells, develop strategies to minimize the wetlands' effects on groundwater flow and quality, create a Source Water Protection Plan and develop a long-term water supply, and as a result, they were recommending the Council table preparations of plans and specifications for Well No. 16 in that location until the completion of the Carollo water treatment study and direct staff to review alternate locations for Well No. 16.

Ms. Hoppe asked Mr. O'Connor to state his professional training and expertise on this subject. Mr. O'Connor replied that he was an environmental engineer and specialized in drinking and wastewater engineering projects.

Mr. Skala asked what effects the EEC was referring to with the suggestion of developing strategies to minimize the wetlands' effects on groundwater flow and quality. Mr. O'Connor provided the creation of the wetlands as an example as it had modified the underground water flow over time. Mr. Skala understood he was suggesting the change to the natural water flow was an issue. Mr. O'Connor stated he was and explained the treated wastewater placed on the groundwater mound now had the potential to slide north toward the well field. He thought it could potentially be managed by taking the treated wastewater further south into the Eagle Bluffs and adding Missouri River water to the northern portion.

Mr. Thornhill asked if the facts presented in the chart indicating significant or moderate wastewater influence were disputable. He wondered if all of the stakeholders would agree with the findings. Mr. O'Connor replied he did not believe it would be too controversial. Mr. Thornhill explained the reason he asked was because the proposed location did not seem logical given the data provided.

Lawrence Lyle, 7425 East Route Y in Ashland, stated he was a member of the EEC and explained he was concerned by the fact they had wastewater tracers in the wells. He pointed out this presentation did not address the trihalomethane problem. The five affected wells were not in violation now, but their levels of tracers were rising, and he was concerned with having to close some of them in the future. They were recommending they place any new wells as far from the wetlands as possible.

Dan Goldstein, 604 Red Bud Lane, stated he was the Vice-Chair of the EEC and noted their primary concern was the location of the well. He explained they sent a letter to Council on August 8 expressing their concerns, but it had not been provided to Council as part of their discussion of Well No. 16 at a September meeting. He was not sure if Well No. 16 had been permanently sited and asked if it had or if it was still under discussion.

Mayor Hindman asked if Well No. 16 had been sited. Mr. Watkins replied some engineering work had been done, but they had not gone out for bids yet.

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

Mr. Wade commented that he understood preliminary engineering studies had been done, but no decisions had been made with regard to Well No. 16.

Ms. Hoppe asked when the Carollo study would be completed. Mr. Schmitz replied it would be done in 6-9 months.

Mr. Wade understood the Carollo study would review the water treatment system and asked if it would also address the issue of well placement in the alluvial plane. Mr. Schmitz replied the study would not specifically address well placement. He explained the location proposed for Well No. 16 had been purchased to house three wells. He also noted Well Nos. 3 and 4 were not much further from the wetlands than Well Nos. 1 and 12 although there was a large change in the chlorides. In addition, Wells No. 11 and 12 were only 150 feet apart, but also differed substantially. He noted the chloride tracer was a valid tracer, but it was not the sole factor when they made the decision to site the well. If Council directed staff to select another location, they would be supportive, but they would have to negotiate with landowners in order to secure a well site big enough for Well Nos. 16, 17 and 18. The result would be that Well No. 16 would not be available for next summer's peak pumping period and the City would not be able to meet the SRF low interest loan criteria.

Mr. Wade understood the proposed location for Well No. 16 was determined due to its cost effectiveness in terms of infrastructure and decisions made years ago. Mr. Schmitz stated that was correct.

Mr. Skala asked if they had looked at other properties to the north and west. Mr. Schmitz replied they had examined other properties that were available to them. One property between Well Nos. 11 and 12 and Well Nos. 5 and 6 was ruled out. Another available property was due east of Well Nos. 11 and 12 and closer to Perche Creek, but it was also ruled out. A third available property due west of Well Nos. 3 and 4 was outside the levy system so it was also ruled out because they would not be able to get to and maintain the well when it was flooding. As they looked at the properties available, they went to the Water and Light Advisory Board two years ago with the proposed Well No. 16 site, and it had been approved by them. He noted the dynamics had changed since then.

Mayor Hindman understood Well No. 16 could be re-sited further north and west so they would presumably get cleaner water, and asked how that would benefit the City since they were already pumping water from the other wells. Mr. Schmitz replied he could not respond because he did not know what would happen. He knew the dynamics of the aquifer would change if the City placed three wells north and west of the current sites because they would create a different cone of depression when pumping there. It might possibly slow the migration from the high water mound and they would probably have a stronger influence from the Missouri River, but it could result in a worse scenario than the chloride situation from future regulatory requirements in terms of pesticides, herbicides, hormones, etc. found in the River. He just did not know. It would be better for some things, but could be worse with regard to other things. The treatment plant process study should provide the best answers for future expected regulations.

Mayor Hindman asked what information Carollo would provide. Mr. Schmitz replied they would try to determine where the EPA was headed in terms of regulations and recommend a plan of action to meet those future regulations.

Mr. Schmitz pointed out that over the millenniums of the River flooding and receding, the water traveled through channels and conduits they did not know about, so theoretically they could site a well pair closer to the wetlands than Well Nos. 5, 6, 11 and 12 and have less chlorides due to those dynamics.

Mr. Skala understood Mr. Schmitz had suggested they choose a site large enough for three wells if they decided to look for another location for Well No. 16. This would indicate they would affect the dynamic of this at some time in the future because they would need more than one extra well. He thought it would be prudent to start considering where they might put three wells. Mr. Schmitz stated he agreed. He explained that if Council decided a different location was needed for Well No. 16 and he was charged with going to a landowner and securing a well site, he wanted direction to secure a site that was big enough for Well Nos. 17 and 18, which were in the CIP and approved as part of the bond issue.

Mr. Wade understood the wells, the treatment cells, Eagle Bluffs, etc. was planned years ago and since then there had been the unanticipated consequence of a change in the hydrological patterns there. They now had to decide if they wanted to plan for reality now with the understanding that the hydrological patterns could change again in a few years. He thought they needed to re-plan due to the change in the hydrological pattern to ensure the investments made would provide the best long-term potential although they might have to review the situation again in a few years due to another change in hydrological patterns in the future.

Mayor Hindman asked if there was a need for the well by next summer. Mr. Schmitz replied the treatment plant could handle up to 32 million gallons, and from an engineering perspective, they wanted to stay ahead of the anticipated pumping demand so water usage did not need to be restricted.

Mayor Hindman asked for clarification regarding the state revolving fund. Mr. Schmitz replied the City would lose out on its eligibility for a low interest loan if a contract was not signed by January 2010. He pointed out they were not sure they would get the loan, but if they were not ready in January they would definitely not get the loan. Mayor Hindman asked if the City could try again a year later. Mr. Schmitz replied yes. Mr. Watkins pointed out they were applying for stimulus low-interest loan money for this project. This would still qualify for a normal revolving loan fund, but the interest rate would not be as low.

Mayor Hindman asked for an estimated cost of the project. Mr. Schmitz replied it would cost about \$325,000 - \$350,000 if the well was placed on the current site. Ms. Nauser understood if they relocated the well to the north, there would be additional infrastructure costs, and asked for a cost estimate. Mr. Schmitz replied he did not believe the infrastructure costs would be exponential, but the land purchase cost would be high. Mayor Hindman understood the need for additional land was inevitable. Mr. Schmitz agreed.

Mayor Hindman understood the City would have to continue to treat its water due to the wetlands and asked if they could ever get to a situation where they had pure water again. Mr. Schmitz replied he understood that if they stopped putting sewer effluent on the ground tomorrow, it would take years before the impact would be realized. In addition, if they stopped pumping sewer effluent, the Missouri Department of Conservation would pump water from the Missouri River so there would a high water dome there. It would cost them more

and would involve a different water source, but he did not believe the water dome would go away in the near future.

Mr. Wade asked if Well No. 16 was located as proposed and removed more water, if it would speed up the water flow out of Eagle Bluffs from the dome. Mr. Schmitz replied he thought that would be a reasonable expectation.

Mr. Skala understood this could affect economic development and the possibility of attracting a high water user. Mr. Schmitz stated that was part of the unknown peak that concerned them. He noted water conservation could play a large part, but he was uncertain as to how deeply the market had been saturated.

Ms. Hoppe stated she thought it was important to consider whether they would contribute to the negative water supply and noted they might have to discontinue the use of some wells in the future. She understood Mr. O'Connor had indicated other strategies might work with the relocation of the well. She did not feel it was prudent to continue on the same path if there was a problem. Mr. Schmitz explained the Source Water Protection Plan referred to by Mr. O'Connor would move forward, but he understood it would be a county-wide plan. He did not know how long it would take for the Plan to be completed.

Mayor Hindman agreed it was counter-intuitive to put a well in a location where there was strong evidence of detrimental effects, but understood there were also benefits to proceeding as planned to include a lower cost.

Mr. Skala wondered if it really would be cheaper since it was a moving target as regulations became tighter. He understood adding another well was necessary, but not sufficient because more than one well would be needed in the future. Since they would continue to have to deal with a moving target and reacting to changes in the dynamic water table, he suggested they look at relocating the well to the north or west.

Mr. Wade stated he thought they needed to reconsider the location of the well due to the hydrologic information they had now.

Mr. Sturtz asked if there was a way to determine the effects if they went north or west with regard to the Missouri River and agricultural chemicals or if it would require a multi-year study. Mr. Schmitz replied they had on-going discussions with USGS about water flow studies, but it would only be as good as the accuracy of the geological substrates. In addition, it would be a long-term and expensive proposition. It was comparable to what they were spending on water quality and water level studies now. Part of the study the Missouri Department of Conservation and USGS would be doing involved something similar as it would try to determine how much water was seeping out of the ground. He noted he had asked if they could inject dye in the water in order to trace it, but was told it moved too slowly to see anything in one year that would be conclusive.

Mr. Thornhill asked if there was the potential to discontinue the use of a well due to the contamination level if there were increased restrictions on water quality. Mr. Schmitz replied he did not think that would be likely, but noted the treatment process would have to change.

Mayor Hindman understood that even if they moved the well to the north, the treatment process would continue to need to be looked into as the rules changed.

Mr. Watkins pointed out the City's water supply did not violate any of the 90 EPA regulated contaminant levels. The City had a problem about a year ago primarily because

the EPA had lowered its standard on one contaminant. They studied the problem and the recommended interim solution was to change how the disinfectant was added. They also understood the EPA had a candidate list, and as monitoring technology improved, the list of regulated contaminants would increase. In addition, the standards would likely change as well. He felt the City needed to change the technology it used to ensure its water was the best and safest it could possibly be. He pointed out the City's water was safe now, but they needed to look toward a different treatment process in the future.

Mr. Skala commented that he believed not taking a time dependent variable into consideration was a flaw of the sampling study and design as some of the chlorides could come from salt usage, and this could be corrected without having to spend a lot of money.

Mr. Wade stated he believed they needed to seek alternative locations for future wells. He wanted to see alternative locations and a comparative analysis.

Mr. Sturtz asked if anything could be accomplished by spending \$350,000 on an aggressive demand side management program to reduce water use. He wondered how many gallons of water would be saved if everyone used low flush toilets. Mr. Watkins replied the elimination of irrigation would save a substantial amount of water and would be a quick and easy solution. Mr. Sturtz asked if there was something in between converting to low flush toilets and eliminating irrigation that could be done. Mr. Watkins replied he was not sure of what that would be.

Mayor Hindman made a motion directing staff to hold off on moving forward with Well No. 16 and to review and analyze alternate locations, and directing the Environment and Energy Commission and Water and Light Advisory Board to review the situation and provide additional input. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

B315-09 Amending the Major Roadway Plan, a part of the 2025 Transportation Plan.

The bill was given second reading by the Clerk.

Mr. Watkins explained CATSO and the Planning and Zoning Commission had been looking at the potential need for new roads around the developing areas of Columbia. The Planning and Zoning Commission was recommending three roads be considered by Council to be included on the City's Transportation Plan.

Mr. Teddy noted these would be lines on the Plan and would not be planned projects at this time. The Planning and Zoning Commission would use this information in the future when considering land use changes or subdivision activity in the vicinity. He described the location and potential connections of these three roads using the overhead.

Mr. Sturtz understood part of the function of SB2 was to connect parts of the Thornbrook Subdivision from the south. Mr. Teddy replied it could do that and explained it was mainly there to establish a spine for a road greater than a local street for future subdivision activities in the area. Mr. Sturtz asked if Thornbrook was considered to be within the City or the County. Mr. Teddy replied it was in the City as it had been annexed. Mr. Sturtz understood Thornbrook was the classic leap-frog development when first planned and this would now clean up that project. Mr. Teddy stated there was a lot of subdividing activity

throughout the area and the idea was to introduce east-west roadways to an area that had predominantly north-south roads.

Mayor Hindman opened the public hearing.

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

Ms. Nauser stated she was happy to see that these roads would be added to the Transportation Plan as connectivity in these areas was a concern for the residents.

B315-09 was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(B) Construction of sanitary sewers in Sewer District No. 167 (Shepard Hills Subdivision).

Item B was read by the Clerk.

Mr. Watkins explained that this involved the potential construction of sanitary sewers in Sewer District No. 167 along Timberhill Road. The sewer district would consist of 16 parcels and was estimated to cost \$685,000. The not to exceed tax bill rate was 42 cents per square foot of property and the tax bills exceeding \$5,000 would be deferred in accordance with Section 22-97 of the Code. The sanitary sewer utility would pay for design cost and that cost would not be included in the tax bill.

Mr. Glascock pointed out the deferred tax bills might cause them to exceed the limit so it would likely need to be revised.

Mayor Hindman understood the City deferred anything over \$5,000 and the deferment remained in place until the property was subdivided. Mr. Watkins stated that was correct. Mayor Hindman noted subdivision was a long way away for these properties.

Mr. Skala understood this was becoming a public health issue. Mr. Watkins stated he thought that could be said for some of the parcels.

Mayor Hindman opened the public hearing.

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

Ms. Hoppe made a motion directing staff to proceed with the final plans, specifications and construction of Sewer District No. 167, and to file a notice of impending tax bill. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

(C) Voluntary annexation of property located at 5981 South Highway KK.

Item C was read by the Clerk.

Mr. Watkins explained the Council was to consider whether this half acre lot should be added to the City limits.

Mayor Hindman opened the public hearing.

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

OLD BUSINESS

B289-09 Amending Ordinance No. 019312 which granted a variance from the Subdivision Regulations for sidewalk construction along the east side of Scott Boulevard crossing Mill Creek, adjacent to proposed Lots C101 and 142 within Copperstone Plat 1; setting forth conditions for approval.

The bill was given third reading by the Clerk.

Mr. Watkins explained this involved a change to Copperstone Plat 1 and a request to do a low water crossing. The proposal would provide an eight-foot wide passable crossing for about 70 percent of the year.

Mr. Sturtz understood the staff report indicated the low water crossing would work 70 percent of the year as long as it was maintained and inspected on a regular basis by the owner and asked how that would be certified. Mr. Glascock replied it would be the responsibility of the property owner to maintain. Staff would not inspect it.

Mr. Skala understood violations would be complaint driven. Mr. Glascock stated that was correct.

Mayor Hindman asked for more information on the low water crossing because one of the reasons the subdivision was approved was because it would have an interconnected sidewalk system and this would potentially create a gap. He wondered how adequate it would be. Mr. Glascock replied he would not recommend this if it was a public access project. It would be flooded in the spring and at wet times in the fall when more people would be out walking.

Kevin Murphy, an engineer with A Civil Group with offices at 1123 Wilkes Boulevard, provided a handout and commented that there were certain expectations of this low water crossing that were hard to completely address. The crossing would consist of a row of ten 18 inch culverts and would be left open 70 percent of the time based on historic rainfall data for the City. He explained they could not allow the water level to rise and would conduct additional grading in the area to accommodate the requirement. He noted another concern with larger pipes was liability with regard to water depth as this crossing would be maintained by the homeowners association. He explained Stone Grove Court would have sidewalks on both sides and the new bridge, when constructed on Scott Boulevard, would provide access to the area.

Mr. Skala asked if there would be signage to warn people of high water. Mr. Murphy replied yes.

Ms. Hoppe asked if the crossing would have a gripping-type surface so someone that wanted to cross in boots could do so. Mr. Murphy replied rough-rake concrete would be used.

Mr. Murphy noted his client had agreed to sign the easements along Scott Boulevard. He explained his client had an initial bridge cost in mind for the connection and had come to the table with an offer that would offset that cost. He was now being asked to construct a low water crossing which also had a fairly substantial cost, so they wanted to discuss an offset to the original in lieu of payment for the sidewalk along the bridge, which they were not obligated to do. The cost estimate for construction of 430 feet of sidewalk to get to the crossing and for the crossing itself was \$60,000. His client had initially offered to pay \$80,000 toward the bridge. In addition, the payment in lieu of sidewalk along Scott Boulevard was estimated at \$25,000 by his client, so he was looking at \$105,000 for the two. He asked if the \$60,000 could be discounted.

Mayor Hindman stated he did not feel they should negotiate these costs at the meeting and suggested he discuss this matter with staff and staff could then provide a recommendation to Council.

Mr. Skala understood the initial agreement included a bridge with the developer getting something in return, such as an increase in property value, and wondered if they still wanted to do the bridge based upon his comments. Mr. Murphy stated they did not. The cost to construct the pedestrian bridge over Mill Creek was over \$200,000 and was the reason they decided not to pursue it. In an effort to get a variance from building the bridge, they were offering \$80,000 toward the bridge on Scott Boulevard.

Mayor Hindman suggested this item be tabled and for Mr. Murphy to provide a specific proposal for Council to consider.

Ms. Nauser agreed this was not the time to negotiate, but noted the Planning and Zoning Commission had approved the \$25,000 in lieu of payment if they provided the temporary construction easements, so she was confident in moving forward with it.

Mr. Skala and Mr. Wade stated they would prefer to have a proposal to review.

Mayor Hindman made a motion to table B289-09 to the November 16, 2009 Council meeting. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

B312-09 Voluntary annexation of property located on the south side of Richland Road, along both sides of Rolling Hills Road, extended. establishing permanent C-P, PUD-7, PUD-5 and PUD-4 zoning; authorizing a development agreement.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a request to annex and zone 271 acres located on the south side of Richland Road, southwest of the intersection of Grace Lane and Richland Road. Mr. Teddy noted the property had frontage on Richland Road and the planned Rolling Hills/Grace Lane extension project would run through the property on the east. The north fork of the Grindstone Creek ran through this property as well and formed a boundary between some of the zoning tracts. He described the requested zoning and proposed uses of each of the five tracts.

Mr. Sturtz asked if half of the 90 acres in Tract 1 would have no commercial zoning. Mr. Teddy replied the statement of intent was not geographically specific, but there would be a space limitation. Staff had made an alternative recommendation, which had been discussed at the Planning and Zoning Commission meeting, in which the use groups could be separated by future roadways. Mr. Sturtz asked how it was anticipated with the way it was written now. Mr. Teddy replied he did not see where there was a distinction as the boundaries were not laid out.

Ms. Hoppe asked how many acres had been involved with Grindstone Plaza. Mr. Teddy replied he thought it was about 50 acres with a total build out was 350,000 square feet. He noted it was not all built yet.

Mr. Teddy provided an explanation of the changes made since the project had been sent back to the Planning and Zoning Commission and the details of the development agreement. He noted the Planning and Zoning Commission determined the zonings requested were not appropriate by a vote of 5-3. Concerns included this level of zoning

being premature considering infrastructure, residential density, the commercial location on Tract 1, the desire to keep Stadium Boulevard a scenic roadway if extended, the adequacy of the development agreement, and the precedent of looking at zoning in advance of a long range plan for the general area.

Ms. Hoppe understood certain tracts could not be platted until MoDOT programmed 740. Mr. Teddy explained it would have to be a project that had some commitment to it. It was on a plan, but funding had not been identified and an alignment study had not been completed. The idea was to avoid a very expensive purchase of right-of-way in the future with a commitment they would provide the necessary right-of-way through their tract. Ms. Hoppe asked how long it would be between the time it was programmed and funded. Mr. Teddy replied he did not know.

Robert Hollis, an attorney with offices at 1103 E. Broadway, provided a handout and explained he had been working on this for over a year. He noted they had made an effort to get interested parties involved as much as possible and as early as possible, and had attempted to respond to comments and suggestions received. He understood the East Columbia Area Plan (ECAP) was to address infrastructure, environmental issues and land use, had recently been commissioned and would be completed around April, and he felt they had addressed those issues with this proposal. He commented that the infrastructure was there except for the roads, and if the developer had an idea for a proper use, they would perform a traffic impact study with a scope defined by staff to identify improvements needed to maintain or meet levels of service for certain roadways and intersections. If the developer and City could not agree on who would pay for those improvements, the property would not be developed. With regard to the environment, the City could require increasing the percentage of open space on some or all of the tracts. He pointed out these were all planned developments, so the Council would still review the plans in the future. He noted the land uses chosen were predicated by the future roadways and the road improvements had to be in place prior to development. If Council felt it should be zoned otherwise, he thought that should be discussed. He commented that they would also hold 2-5 acres for an emergency services site near Rolling Hills which the City could later decide if it needed or not. He pointed out the staff report indicated approval of this proposal would not have a detrimental effect on the ECAP moving forward and he agreed. He noted it was a small part of the area the ECAP would encompass. In addition, due to the sound planning principles and the infrastructure as it would exist, he thought the site stood on its own and the uses surrounding it would not matter. He understood the Council could deny this, but if it was denied it would remain as A-R and R-S zoned property in the County and fragmented development could occur. In addition, the City would miss out on trails, a park, open space, an emergency service location, free right-of-way, and guaranteed infrastructure. If approved, there would be a well-planned, cohesive development controlled by the City.

Mr. Sturtz asked how he could be so confident in this proposal conforming or being a model to the ECAP when the process had just started and had 5-6 months to go before it was finalized. Mr. Hollis replied he understood the purpose of the area plan was to look at infrastructure, the environment and land use, and he felt those were properly addressed by this proposal.

Mr. Skala understood Mr. Hollis had suggested the infrastructure was guaranteed, but Mr. Teddy suggested at the Planning and Zoning Commission meeting that the infrastructure involved was that which was solely attributable to the development. He asked what that meant in terms of off-site infrastructure improvements that were in part attributable to the development. Mr. Hollis explained the scope was partially defined in the development agreement as a minimum of what must be looked at in any traffic impact study. It identified portions of roads and intersections that were not on-site. If the level of services did not meet the levels identified in the study and the proposed development was the cause of this, the developer would have to pay for the improvements, make a deal with the City to pay for the improvements or not develop the property.

Mr. Wade asked for clarification regarding the restrictions on tree cutting. Mr. Hollis replied he understood an ordinance indicating certain steps were necessary prior to cutting timber was applicable. Mr. Wade asked how much of the property was currently covered by trees. Mr. Teddy showed the aerial view of the property on the overhead. He pointed out they had not yet determined how much of it would be considered climax forest per the ordinance.

Mr. Wade understood 25 percent of the climax forest had to be saved per City ordinance and explained Council was looking at alternatives so there was a possibility of a different ordinance being in effect before this property was developed. He asked if this property would fall under the new ordinance if it was in effect when the property was developed. Mr. Hollis replied he thought it depended upon how the development agreement was worded. Mr. Wade asked if the ordinances in effect at the time the C-P and PUD plans came forward would be applied. Mr. Boeckmann replied it depended. If they adopted an ordinance that was inconsistent with the development agreed upon today, the ordinance in effect now would need to be followed. If the ordinance did not affect anything outlined by the development agreed upon today, it could probably be changed to apply the new rules to the development. He pointed out that was something they needed to consider when changing the rules on development.

Mr. Thornhill asked if the agreement could have a caveat indicating they would be subject to a revised ordinance. Mr. Hollis understood it depended upon how the development agreement was worded, but thought they could agree future development would be bound to the then applicable ordinance specifically with respect to tree preservation as part of the development agreement if they wanted. Mr. Boeckmann agreed he thought they could.

Ms. Hoppe asked if that could change the PUD number for Tract 5. Mr. Wade replied the density would not be affected by the tree ordinance.

Mr. Skala recalled the Planning and Zoning Commission asking Mr. Hollis about changing a parameter or making a concession and the response was a reluctance to make public promises because public expectations could drive the process. He asked what was meant by that. Mr. Hollis replied he did not recall the context of the conversation, but thought it might relate to the design of structures. Mr. Skala did not think the subject was as important as the response. Mr. Hollis disagreed and explained the design of a project in terms of how it would look was very different than density and other items that were more concrete. He felt entering into a development agreement with design criteria would result in

failure due to expectations. He noted he was asked to bring depictions of the development to include where buildings might go and he was hesitant because it would build expectations the public might rely on when it should not.

Mr. Thornhill commented that this was something they lacked with Crosscreek and had wanted for a while, but were still putting up new hurdles. He felt they had done a commendable job in listening to concerns and suggestions. He believed this type of advanced and thoughtful planning was what they wanted, yet they were making it difficult for people to accomplish since they seemed to have a moving target.

Tony Black, 5533 Yosemite, stated he was the President of the Lake of the Woods Neighborhood Association and that he represented a group of citizens living in the Bay Hills subdivision along Richland Road as well. They agreed with the Planning and Zoning Commission in that this was premature. They were assuming this was the future location of Route 740 and that the roads would be upgraded in the future, but it was not concrete. The amount of commercial development and the number of dwelling units on this tract of land was inappropriate for the roads there. Richland Road had a one lane bridge and Grace Lane did not have any curbs and gutters. The assumption that Rolling Hills Road coming into WW would relieve some traffic was silly because people would not drive down to WW to get into town. They would go down Richland Road and up Grace Lane. He understood Mr. Hollis stated the development agreement indicated there would not be any development until the roads were built, but he did not recall reading that in the original development agreement. He had not seen anything in writing indicating no development would occur until the roads were built. He noted DNR had voiced concern regarding runoff into the Hinkson Creek and the Grindstone Creek, and this development would be on the banks of the north fork of the Grindstone. The people living there were concerned with the potential amount of rental properties as renters generally did not care about their homes or their neighbors. He believed they would get more owner occupied homes with R-1 zoned property and noted rental areas with duplexes, 4-plexes and apartment buildings tended to have a higher crime rate. He commended the developer for trying to do the right things, but felt it was premature. Due to the economic climate, he did not believe anyone would do anything with the property for at least a year with its current zoning knowing 740 might go through there in the future. Also, in a year from now, they would know where 740 and Rolling Hills Road would be going and the ECAP would be completed. He asked the Council to deny the request.

Dan Goldstein, 604 Redbud Lane, commented that there was a commitment of City services and infrastructure with a large annexation such as this, yet the cost was zero and asked for clarification. Mr. Teddy explained the use of a fiscal note on the report was to explain to Council if there were any anticipated fiscal impacts to the current fiscal year or the next fiscal year, and since this development was so far in the future, they had not attempted to quantify it. If there had been a development proposed simultaneously, they might have been able to put some costs toward it. Mr. Goldstein stated that as a citizen, he wanted to know of the fiscal impacts of this in the future and did not understand why they did not have some sort of study or plan. He had come across an April 2002 report titled *A Plan of Intent for Provision of City Services for North Annexation Areas* and asked about it. Mr. Teddy replied it was an annexation study that was done prior to the last ballot annexation. Mr.

Goldstein suggested the Council read this report to determine if similar reports could be done for large annexations so the costs were known in advance.

Mr. Wade clarified the development agreement stated that the developer would not seek preliminary plat approval or development plan approval until the right-of-way on Tract 1 for the Stadium Boulevard extension was identifiable and construction of the roadway was programmed in the Missouri State Transportation Improvement Program, would refrain from seeking preliminary plat approval or development plan approval for the areas shown in Tracts 2, 3 and 4 until the alignment for the Rolling Hills Road extension was approved by the City Council and would refrain from seeking preliminary plat approval for Tract 5 for more than 100 units until an east-west roadway connecting with the Rolling Hills Road extension and extending into Tract 5 connected with Route WW, Richland Road, Stadium Boulevard or some other arterial roadway or another roadway with at least a collector classification that connected with an arterial roadway.

Mayor Hindman noted this was a single, large coordinated development, which was what they wanted. In addition, this would not be developed until there was road infrastructure to support it. There was an opportunity to get the ECAP done, which would theoretically allow planning to be ahead of development, but they had a developer ahead of the ECAP. He thought they had an interesting situation where there were a lot of positives, but noted it would have huge impact on the east side of Columbia. He pointed out there was also a possibility of the development breaking up because the developer might not be able to hold on to it for a long time as a practical matter.

Mr. Skala stated at this time he wanted to be prudent and wait for the ECAP to be completed. There was a lot in this proposal that was commendable, but there was no relative contribution agreement, which was partly the responsibility of the Council. Although it was not a fault of the applicant, he was uncomfortable with the fact they were not discussing the impacts in terms of the relative contribution with regard to off-site infrastructure improvements. He noted they now had the opportunity to allow the Planning and Zoning Commission to produce the ECAP without anything in the middle of it. He understood it would be risky if they felt this proposal was the best possible way for the area to develop, but thought they could afford to wait 4-5 months. He reiterated he believed it was prudent to wait six months to allow for completion of the ECAP as it would ultimately produce a better product.

Mayor Hindman commented that the issue of a relative contribution by developers and the public for off-site infrastructure would not be settled soon. He felt in this case there was sufficient leverage in them not developing until an agreement was worked out. It might be years before a policy could be worked out with regard to relative contribution. Mr. Skala stated he agreed the policy would not be settled in order to deal with this issue and explained his decision was primarily based on letting the Planning and Zoning Commission work on the ECAP.

Ms. Nauser stated that although she was in favor of planning, she did not think it was fair to place a moratorium on annexations in this area until the ECAP was done. Since this developer was ahead of that process, she felt they deserved to have their project looked at in terms of how things were today. She noted 740 would be an expressway and it was

appropriate for property located on an expressway to have a higher density. Due to the changes made and the fact the commercial development could not take place until certain criteria had been met, she planned on supporting the proposal.

Ms. Hoppe commented that they had been encouraging the Planning and Zoning Commission to do upfront and long-term planning. She felt the approval of this proposal would undermine that planning process. She noted she had spoken with some Planning and Zoning Commissioners to include ones that had voted in favor of this proposal, and they were concerned with the density of Tract 5. She reiterated she felt it would undermine the planning process to not wait six months as nothing would move forward. She also felt it was the better course of action.

Mr. Sturtz understood the need to plan for 740, but believed the opportunity for donated right-of-way was driving this process. He thought this had to do with increasing the value of the property for resale in the future and did not believe that was the best way to plan for the long-term. This was a large area east of town with an opportunity to become many different things, such as an employment center, and he wanted to see more minds involved with its planning. He did not see the need for this to be approved tonight. He understood there had been a lot of negotiations with City staff, but this was the first time they had been asked to consider it as the elected officials of the City. He did not know if the extension of 740 was meant to be an expressway to move traffic through to I-70 or a more intensely developed road that might not push traffic through quickly, and commented that this was one of many questions he hoped the ECAP would address in helping guide them in making a wise decision.

Mr. Thornhill stated he thought it was commendable that Mr. Black showed up for the entire neighborhood as it was disappointing when people did not come to express their opinions on various projects. With regard to density and the use of the land, he pointed out the land to the north of this tract was zoned similar to much of what this was proposed to be. There were multi-family rental houses flanking Mr. Black's neighborhood. In terms of total density, there was probably more multi-family than commercial, but it was not necessarily out of place. He commended the process and stated he would support the proposal.

Mr. Wade stated he liked the notion of doing this kind of land use patterning with development agreements many years ahead of the development taking place. They had a unique situation in that they had an expressway which they had little experience designing around. He commented on the road structure and noted he did not believe the proposal was too dense. He explained that if they wasted the few locations with that kind of road structure with the equivalent of R-1 density, they would lose the ability to deal with sprawl. He stated he also liked components of the development agreement to include the guaranteed natural areas. On the other hand, they were 4-6 months out of synch with the ECAP and he felt this should be considered in conjunction with the ECAP. He did not necessarily want to deny the request and wait a year for it to come back due to the ability of these agreements to fall apart, but if they were to move forward with the ECAP, he thought it needed to have some integrity. He wanted to see the two together in terms of time.

Mayor Hindman stated he agreed with Mr. Wade in terms of density and the fact that a decision on this project should be held until the ECAP was complete if they were really going to give advanced planning an opportunity.

Mr. Skala understood the issue of a relative contribution for off-site improvements would not be settled by the time the ECAP was completed, but he did believe they could start the process. He thought it might provide a better indicator for the development interest and planning interest in conjunction with the ECAP. He stated the integrity of the planning process for the Planning and Zoning Commission and the inability of the Council to tackle the issue of the costs of off-site infrastructure improvements were the reasons he would vote to deny or table this proposal.

Mr. Sturtz stated he was confused by the perception they would lose this opportunity if it were delayed it for a few months. He felt the Stadium extension was the greatest amenity possible, so he did not understand why the developer would not want to donate the right-of-way since it would improve the value of the property. Mayor Hindman thought it involved more than the issue of the right-of-way. It was a question of whether or not they would go forward with planning it as a whole since it could be subdivided. Mr. Sturtz commented that he thought it would be monetarily foolish to not to pursue being annexed by the City and to not work with the City.

Mayor Hindman pointed out that with respect to getting the developer contribution, the present development agreement provided them more leverage than anything they had ever seen before. Mr. Skala stated the probability of leverage was not definite and that made him a bit uncomfortable.

Ms. Nauser asked when the ECAP plan would be completed. Mr. Teddy replied the tentative schedule indicated it would be done by April, but he could not guarantee delivery by that time. Ms. Nauser understood the Council would then have to have its own public process, so they were really looking at 8-10 months prior to completion. She reiterated she did not feel it was appropriate to place a moratorium on all property covered by the ECAP until it was completed, which was effectively what they would be doing. She did not feel they could deny this proposal and allow a project for someone three months later to move forward. Ms. Hoppe stated another project might be appropriate. Ms. Nauser did not know how they could determine that without the plan if that was the reason to deny this proposal. Ms. Hoppe explained the magnitude was the cause for concern for this proposal. She was not sure they could make a blanket statement regarding all development in the area.

Mayor Hindman made a motion to table B312-09 to the March 1, 2010 Council meeting and to direct the Planning and Zoning Commission to provide a preliminary report on the ECAP prior to March 1, 2010 to assist them with their decision. The motion was seconded by Mr. Skala and approved by voice vote with only Ms. Nauser voting no.

B313-09 Increasing the allowed density on PUD zoned property located at the southeast corner of Bethel Church Road and Old Plank Road from PUD-6.7 to PUD-7; approving a revision to the PUD development plan of Bethel Falls PUD; allowing a reduction in the required perimeter setback.

The bill was given second reading by the Clerk.

Mr. Wade made a motion to table B313-09 to the November 16, 2009 Council meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B314-09 Changing the uses allowed on C-P zoned property located on the northwest corner of Providence Road and Third Avenue (1001 North Providence Road); setting forth a condition for approval; approving less stringent parking requirements.

The bill was given second reading by the Clerk.

Mr. Teddy explained this property located at Providence and Third Avenue was rezoned to C-P in 2004 and was restricted to only an auto parts sales warehouse use. The Planning and Zoning Commission recommended adding only O-1 uses and was against any expansion of further retail use due to the impact on the neighborhood and higher traffic visits.

George Smith, an attorney representing Mr. Kardon, provided a handout and explained they were requesting a simplified C-P and were not in favor of the recommendation of the Planning and Zoning Commission because it restricted the uses to office uses. He noted they had not been successful in finding potential tenants for this building with an office use or an auto parts sales use. One comment made at the Planning and Zoning Commission meeting was that Mr. Kardon never intended to make this an auto parts store and had always intended to come to Council to obtain expanded zoning. He felt that argument was disingenuous as Mr. Kardon had built the building to the specifications of the site plan, and absent the economic downturn, had fully intended to move and expand his auto parts store to that building. He was unable to afford to move into it now and could not get another auto parts entity to move into it either. As a result, he needed to expand the uses of the lot so the building could be used by someone. Another argument made was that Mr. Kardon had not kept his word in that the more aesthetically pleasing side of the fence faced a neighbor's yard instead of Providence. He felt that argument was disingenuous as well as the fence was constructed so it would be more aesthetically appealing to Providence Road. He noted one other argument presented involved the Providence corridor plan and commented that the economic reality of the Providence corridor was that it was losing its residential character. Approximately 40 percent of the entities on the frontage of Providence Road from the Business Loop to Broadway were commercial and approximately 20 percent was occupied by Douglass High School, the park, the Blind Boone Center and Hickman High School. In addition, there were no residential properties on the west side of Providence from Business Loop to Mr. Kardon's property and the residential property to south was boarded up. He did not believe the corridor would ever be residential in nature or character. He thought it would be developed into office and commercial uses. He commented that Mr. Kardon took an economic risk by converting abandoned buildings into a nice, usable building and pointed out he was not asking for extensive commercial allowances for this property. He was only asking for service-type entities.

Mel Zelenak, Maly Commercial Realty, stated he had been hired by Mr. Kardon several months ago to find an auto parts store to occupy the building, but could not find anyone wanting to use this site. As a result, they determined a change in the occupancy use of the site was needed in order to get someone into the building. He noted a local business owner had submitted a contract for five-year lease that was amicable to both parties for a

beauty supply store/parlor, and they felt this could be a good use for the building. It would have a low impact on the neighborhood in terms of traffic and on the building. He thought it would also benefit the neighborhood to have an actual user in the building due to negative activities that could occur with a vacant building.

Thomas Kardon, 4103 Heartfield Drive, stated he had kept his promise to the Council and the neighborhood. He had built the building for himself and as required by the City. During construction, he went back to the bank to obtain a loan for the auto parts and was told he was lucky to get a loan for the building and would not get a loan for the parts. He tried to find an auto parts store to utilize the building since he could not expand his business and because it was built specifically for an auto parts store, but had been unsuccessful. He pointed out that because the building was vacant, someone had stolen one of the air conditioning units last night.

Karen Baxter, 117 Fourth Avenue, commented that the building was across from Hickman High School and traffic was a big problem, so the type of use allowed for the building was important. Some of the suggestions made at the Planning and Zoning meeting were impractical due to the traffic situation. She noted the neighborhood discussed this issue with the Planning and Zoning Commission, so she believed it was wrong for Council to go against the Planning and Zoning Commission recommendation since they had not participated in the discussions. She asked the Council to give weight to the Planning and Zoning Commission's recommendation when making a decision.

Pat Kelley, 1007 Grand Avenue, stated she was the Vice-President of the Ridgeway Neighborhood Association and provided Council with a copy of a policy resolution involving the Providence Road corridor. She explained the neighborhood had been against the car parts store since 1998. They missed the meeting in 2005 when this use had been approved, but had been involved in the C-P Plan process resulting in a plan they felt they could all agree upon. The Neighborhood Association Board met with regard to this request and decided they could not approve any changes until the Providence Road corridor guidelines were more defined.

Mayor Hindman asked if the neighborhood favored Mr. Kardon's request. Ms. Kelley replied they were opposed to it because they did not want to approve anything without a plan to guide discussions since they had already invested so much time and effort in this project.

Ms. Nauser asked how Mr. Kardon had deviated from the policy resolution. Ms. Kelley explained she was more concerned about the use change. She commented that every time they had supported a rezoning on Providence, another person came forward wanting property rezoned, so they felt vulnerable as a neighborhood without an enforceable corridor plan being in place. She did not feel it was right to ask them to support something when they had been waiting for a corridor plan for a number of years.

Mr. Thornhill asked how they felt about the proposed tenant. Ms. Kelley replied she could not respond as she would have to discuss it with the Association Board.

Ms. Hoppe asked what Ms. Kelley would like to see happen. Ms. Kelley replied she wanted an enforceable Providence Road corridor plan. She commented that they could then discuss the details between different uses. Since there were other vacant buildings and lots along Providence, they felt now was the time to decide how Providence should look.

Mr. Wade commented that he concurred with the Planning and Zoning Commission member that stated he thought it should include all office uses, but would support the recommendation of the Commission as a whole.

Mr. Sturtz understood the Planning and Zoning Commission recommendation would not allow the proposed tenant. Mr. Skala stated that was correct.

Ms. Nauser asked what the logic was to allow business and professional uses, but to not allow the sale and rental of goods. She could see artists and photographers wanting to sell their work. In addition, physicians, dentists and chiropractors sold incidental products. Mr. Teddy explained the Commission and staff were concerned with businesses that might have later hours, higher turnover and traffic impacts. O-1 zoning was north and south of the site, so this would be an island of exceptional retail use. Ms. Nauser felt the time restrictions would limit the type the use. She did not see how an auto parts store could compete with other stores if they had to be closed by 7:00 p.m.

Mr. Sturtz commented that in 2005 he probably would have turned it down, but now there was a building that was sitting vacant on the lot. He thought there should be a slightly more liberal use than that suggested by the Planning and Zoning Commission because he did not think the building would be rented any time soon with those uses. He agreed they needed an overall plan to guide the corridor, but did not know why they would want this site to remain vacant for very long. He did not believe a beauty supply store would be any worse than an auto parts store. He suggested office uses plus a beauty supply store. He was not in favor of a dry cleaner or other similar potential uses.

Mayor Hindman stated he agreed with Mr. Sturtz that it was important to get this rented and felt a beauty parlor that could serve the neighborhood was logical. He suggested they require landscaping as part of the approval if they approved the change in uses.

Mr. Skala thought they should try to find a useful purpose for the building since it was built, but also believed the recommendation from the Planning and Zoning Commission of not going beyond the commercial use was reasonable.

Mr. Thornhill asked for clarification regarding the potential tenant use for the building. Mr. Zelenak replied it would a beauty supply store as well as a beauty salon. They would paint nails, cut hair, etc. and would sell retail-based supplies.

Mr. Thornhill made a motion to amend B314-09 by removing “cleaning, pressing and dyeing establishments, provided that no explosive cleaning fluids shall be used” and “laundries, coin-operated” from the uses allowed, by adding “including the retail sale of beauty supplies” to the “barber and beauty shops” use, and by adding a condition stating the “property owner shall submit and implement a high-level landscaping plan subject to council approval.” The motion was seconded by Mr. Sturtz and approved by voice vote with only Mr. Wade and Ms. Nauser voting no.

B314-09, as amended, was given third reading with the vote recorded as follows:
VOTING YES: NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. VOTING NO:
WADE. Bill declared enacted, reading as follows:

B316-09 Authorizing a development agreement with Broadway Crossings II, L.L.C. and Conley Road Transportation Development District relating to the Trimble Road improvement project.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a development reimbursement agreement involving the moving and undergrounding of utilities.

Erick Creach, an attorney with offices at 1103 E. Broadway, stated he was available to answer questions.

Mr. Skala asked if this action affected negotiations between the Conley Road TDD and the golf course and other property owners regarding the maintenance shed, etc. Mr. Creach replied no and explained those negotiations affected the north end of the Conley Road TDD. This was at the south end and they were basically cleaning up some work done by the Broadway Bluffs. He noted Conley Road went from four lanes to three for a few feet and then back to four lanes, so they were addressing that issue.

B316-09 was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B320-09 Establishing a moratorium on the establishment of new payday loan businesses and the opening of new payday loan business offices.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was requested by Council and would establish a six month moratorium while they continued to study and discuss the issue.

Julie Townsend, 7 Edgewood Avenue, stated she was the Missouri State Director for Advance America, which was founded in 1997 and was the nation's largest payday lending company. They had 2,600 stores nationwide, 87 in Missouri and two in Columbia. She explained payday loan customers had a steady income, a job and a checking account. The average customer was 39 years old and had a median income of \$41,000. In addition, 48 percent were homeowners, 87 percent had a high school degree and 54 percent had some college or a college degree. The typical fee in Missouri for a payday loan was \$17 per \$100 borrowed and the average loan was just under \$300. Ninety percent of their customers repaid the loan in full on or about their next payday when they presented a post-dated check for the loan amount plus the fees. They were a State-regulated industry and the regulators reported very few complaints out of millions of transactions. The only way a customer could reach a 400 percent interest rate was if they renewed the loan every two weeks while only paying the fees associated with the loan for an entire year. This was not possible because under Missouri law a loan could only be renewed six times. In Missouri, the total fees could only add up to 75 percent of the original loan amount once the loans were rolled over six times. She pointed out payday loans were cheaper than the alternatives when looking at short-term credit options. The typical overdraft protection fee was \$35, which was about 913 percent interest, and credit card late fees at \$29 came out to 756 percent interest. Bounced check fees were \$51 when including bank and vendor fees and totaled about 1329 percent interest. She stated they were a founding member of the Community Financial Services Association of America (CFSA), which was a national trade association, and they represented more than half of the payday lenders in Missouri and 8 of the 21 located in Columbia. All CFSA member companies operated under a set of best practices which

focused on responsible lending and responsible use of the product by the consumer. They also practiced community reinvestment in all of the communities they operated in and put over \$6 million into the Missouri gross state product. They employed 4,200 people within Missouri with an average wage of almost \$35,000 per year with full benefits. She commented that she did not believe a moratorium was necessary as the number of payday loan stores was not increasing and welcomed the opportunity to work with the City in providing industry related information in coming up with workable regulation, if the Council felt regulation was necessary.

Amanda Kegerreis stated she worked for Quick Cash or QC Holdings with offices at 219 E. Broadway and 313 Business Loop 70 East and noted QC Holdings was a nationwide company that served about 500 locations. She commented that she had been working for QC Holdings for six years and had seen the decline in the number of payday loans during that time. She offered to answer any operational questions the Council might have.

Ms. Nauser asked if she could explain the difference between payday loans, title loans and pawn shops. Ms. Kegerreis replied she could not speak on pawn shops, but understood payday loans and title loans were two separate products. The payday loan was an unsecured loan involving a check from a checking account. The title loans were regulated differently in Missouri than payday loans. It was a collateralized loan so the terms and conditions were different. Some lenders offered both payday and title loans and others offered just one or the other.

Mr. Wade commented that the moratorium would halt business licenses for six months while they studied the situation to determine what might be best for the community.

Ms. Nauser stated she did not oppose studying the topic, but had a problem with placing a moratorium on a legal business already regulated by the State. She thought they could investigate without establishing a moratorium.

Mr. Thornhill stated he agreed with Ms. Nauser. He also agreed with discussion in pre-Council with regard to appearance. The paint schemes, signage, etc. brought too much attention to them. There were ways to draw business without being outwardly offensive to the eye although he was not sure how they would fix it.

Mr. Sturtz commented that he received a call just before coming to the meeting from a lady who indicated she would rather do business with loan sharks than payday loans. She indicated she had lost her home, car, etc. after suffering three strokes and not being able to repay a loan. He thought there were more people like her.

Mayor Hindman stated he favored the moratorium as he did not think it would make a difference. In addition, he thought it would send a message indicating they were concerned about the situation. He noted Ms. Townsend had made an interesting point in that they were cheaper than some alternatives.

Ms. Nauser noted people entering into these contracts were adults who were of legal age and had the ability to analyze the situation.

B320-09 was given third reading with the vote recorded as follows: VOTING YES: WADE, HOPPE, HINDMAN, STURTZ, SKALA. VOTING NO: NAUSER, THORNHILL. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B317-09 Authorizing a conveyance for sidewalk purposes relating to construction of a walkway as part of the development of Cascades Park.
- B318-09 Authorizing Revision #1 to the contract with the Missouri Department of Transportation – Highway Safety Division for a DWI enforcement project; appropriating funds.
- B319-09 Authorizing a sub-recipient monitoring agreement with the County of Boone for acceptance of the FY 2009 Justice Assistance Grant Program Award to purchase equipment for the Police Department; appropriating funds.
- R257-09 Setting a public hearing: construction of the Westwood Addition PCCE #9 Sewer Improvement Project along Rollins Road and South West Boulevard.
- R258-09 Authorizing an agreement with the Missouri Department of Public Safety for a Title V Juvenile Justice and Delinquency Prevention Grant.
- R259-09 Authorizing an amendment to the FY 2009 social services agreement with CHA Low-Income Services, Inc. for the child care tuition assistance program.
- R260-09 Authorizing agreements for FY 2010 Public Communications Program funding.
- R261-09 Authorizing Amendment No. 1 to the agreement with Crawford, Murphy & Tilly, Inc. for engineering services relating to the Clear Creek Pump Station and Force Main Improvement Project.
- R262-09 Authorizing an extension for the lease of parking facilities with First Christian Church of Columbia, Missouri.

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

NEW BUSINESS

- R263-09 Authorizing a contract amendment with The Curators of the University of Missouri for solid waste disposal services.

The resolution was read by the Clerk.

Mr. Watkins explained this contract amendment would expand services to cover recycling as well as solid waste disposal services.

Mr. Glascock noted the change involved the collection and selling of recycled items from the University. Profits would be shared as an incentive to recycling.

Ms. Nauser asked if the City had profit sharing agreements with anyone else in the community. Mr. Glascock replied they did.

Gary Ward, Assistant Vice Chancellor for Facilities at the University of Missouri, stated he was available to answer questions.

The vote on R263-09 was recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, THORNHILL, SKALA. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- B321-09** Voluntary annexation of property located at 5981 South Highway KK; establishing permanent R-1 zoning.
- B322-09** Voluntary annexation of property located on the south side of Richland Road, approximately 250 feet east of the St. Charles Road and Richland Road intersection; establishing permanent C-P zoning.
- B323-09** Approving the Final Plat of Smithton Villas Plat 1 located northwest of the intersection of Worley Street and Silvey Street; authorizing a performance contract.
- B324-09** Approving the Final Plat of Smithton Villas Plat 2 located on the west side of Silvey Street, approximately 700 feet north of Worley Street; authorizing a performance contract.
- B325-09** Amending Chapter 14 of the City Code to remove parking from a section of Sixth Street.
- B326-09** Authorizing an airport aid agreement with the Missouri Highways and Transportation Commission for air service promotion.
- B327-09** Authorizing an agreement with THF Grindstone Plaza Development, L.L.C. relating to the Clear Creek Pump Station and Force Main Improvement Project.
- B328-09** Authorizing a right of use permit with Farmhouse Fraternity for placement and maintenance of a decorative paver walkway within a portion of right-of-way located at 507 Kentucky Avenue.
- B329-09** Authorizing an agreement with Consolidated Public Water Supply District No. 1 for replacement of a waterline along Scott Boulevard as part of the roadway improvement project.
- B330-09** Accepting conveyances for drainage, access, access to storm water facilities and temporary construction purposes.
- B331-09** Accepting Stormwater Management/BMP Facilities Covenants.
- B332-09** Accepting a conveyance for utility purposes.
- B333-09** Authorizing an agreement with the Columbia Housing Authority Low-Income Services, Inc. as it relates to the Missouri Department of Public Safety Title V Juvenile Justice and Delinquency Prevention Grant; appropriating funds.
- B334-09** Authorizing an agreement with Boone County for Joint Communications clerical services.
- B335-09** Accepting a Bulletproof Vest Partnership Grant from the U.S. Bureau of Justice Assistance; appropriating funds.

B336-09 Amending the FY 2010 Annual Budget to add positions in the Law Department City Prosecutor Division and the Municipal Court; appropriating funds.

B337-09 Appropriating CDBG-R Stimulus Funding for the construction of sidewalks on the east sides of Walnut Street, Anthony Street and Paquin Street.

REPORTS AND PETITIONS

(A) Intra-Departmental Transfer of Funds Requests.

Mayor Hindman noted this report was provided for informational purposes.

(B) Elm Street – Proposed Metered Parking between Providence Road and Fifth Street.

Mayor Hindman made a motion directing staff to prepare an ordinance amending Chapter 14 to allow metered parking on the south side of Elm Street between Providence Road and Fifth Street. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

(C) Proposed Street Renaming – Rock Hill Road.

Mr. Teddy noted the Historic Preservation Commission recommended renaming this portion of Rock Hill Road to Toll Gate Drive as it would commemorate a toll gate that once existed on Broadway. This would need to be referred to the Planning and Zoning Commission for a public hearing to be held if they could not get the concurrence of the one property owner affected.

Ms. Hoppe understood staff had recommended Capri Drive to the property owner prior to her referring the issue to the Historic Preservation Commission and that the property owner preferred Capri Drive. She noted she had spoken with the Chair of the Historic Preservation Commission and he indicated he was okay proceeding with Capri Drive. She asked if it still needed to be referred to the Planning and Zoning Commission if they chose to name it Capri Drive. Mr. Teddy replied if the property owner signed a document indicating he concurred with the name, it could go directly to Council for consideration.

Ms. Hoppe made a motion directing staff to obtain approval from the property owner and to draft an ordinance for Council consideration renaming this portion of Rock Hill Road to Capri Drive. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

(D) Leadership in Energy and Environmental Design for Neighborhood Development (“LEED-ND”) Rating System.

Mr. Watkins noted this was an informational report prepared at Council’s request.

(E) Northeast Columbia Area Plan.

Mr. Watkins stated this was the plan as proposed by the Planning and Zoning Commission. If Council concurred, a public hearing would be held at the December 7, 2009 Council meeting.

Mr. Skala made a motion directing staff to schedule a public hearing on the Northeast Columbia Area Plan for the December 7, 2009 Council meeting. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

(F) EEC October 28, 2009 Letter to Council regarding Water Issues.

Mayor Hindman noted this had already been addressed at the beginning of the meeting.

Mayor Hindman suggested they address the Community Foundation report they received under Special Items at this time.

Mayor Hindman made a motion directing staff to draft an ordinance in support of a community foundation to include funding for its beginning for Council consideration. The motion was seconded by Mr. Skala 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.

CITIZENS POLICE REVIEW BOARD

Alexander, Stephen, 2414 Lynnwood Drive, Ward 5, Term to expire November 1, 2011

Highbarger, Carroll, 3100 Rodeo Drive, Ward 5, Term to expire November 1, 2011

LoCurto-Martinez, Ellen, 4908 Aspen Drive, Ward 2, Term to expire November 1, 2011

Martin, James, 2115 Hunter Lane, Ward 2, Term to expire November 1, 2013

McClure, John, 28 E. Ash Street, Ward 1, Term to expire November 1, 2012

Smith, Susan, 4213B DeFoe Drive, Ward 4, Term to expire November 1, 2012

Weinberg, Steve, 807 West Boulevard South, Ward 4, Term to expire November 1, 2012

Wilson, Betty, 1719 University Avenue, Ward 6, Term to expire November 1, 2013

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Wade noted he provided a handout at pre-Council and asked staff to work with the constituents to determine what might have happened with the frogs dying. He stated he would make a motion at the next meeting if needed.

Ms. Hoppe stated they had received the federal funding priority for roads and related projects and wanted additional information regarding the COLT Railroad Rehabilitation project. She wanted to know what it involved and what had already been done in terms of improvements within the last five years.

Ms. Hoppe made a motion directing staff to provide additional information regarding the COLT Railroad Rehabilitation project to include what it involved and the improvements made within the past five years. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Sturtz made a motion directing the Planning and Zoning Commission to work on the Providence Road Corridor Plan some time next year. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Thornhill suggested the Police Department start working on a long-term strategic plan in terms of coverage for the City as it had grown and addressing any needs they felt they might need in the near future.

Mr. Thornhill stated he had received a couple requests for bus service in and around the schools along the Smiley Lane and Parkade areas.

Mr. Thornhill made a motion directing staff to provide a report regarding the feasibility of additional routes to provide bus service closer to the neighborhoods around Parkade, Derby Ridge and Lange Schools. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Skala noted the City was accepting applications for the Comprehensive Plan Task Force until Friday, November 6 at noon if anyone who was not selected for the Citizens Police Review Board was interested in participating on that Task Force.

Mr. Skala stated he received a memo regarding a certification of consistency with regard to a Section 811 project for New Horizons on McKee Street. It involved a \$1.3 million ten unit facility for supportive housing for persons with disabilities. He wanted the public to be aware of it and to provide comments regarding whether it should proceed or not.

The meeting adjourned at 1:20 a.m.

Respectfully submitted,

Sheela Amin
City Clerk