

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
APRIL 17, 2006

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, April 17, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER and HOPPE were present. The City Manager, City Counselor, City Clerk and various Department heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of April 3, 2006 were approved unanimously by voice vote on a motion by Mr. Hutton and a second by Ms. Crayton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Hutton noted B171-06 and B172-06 would be added to the Introduction and First Reading section of the agenda.

The agenda, as amended, including the Consent Agenda, was approved unanimously by voice vote on a motion by Mr. Loveless and a second by Mr. Janku.

SPECIAL ITEMS

Mayor Hindman acknowledged Boy Scout Troop #707 was present at the meeting.

R97-06 Naming the courtroom in the Howard Municipal Building in honor of George F. Nickolaus.

The resolution was read by the Clerk.

Mr. Watkins explained George Nickolaus was a long time City official serving as Mayor, City Counselor and Associate Municipal Judge. They felt it was a fitting tribute to Mr. Nickolaus that the newly remodeled courtroom in the Howard Building be named in his honor.

Mayor Hindman requested Charlene Nickolaus and her family come forward. Mrs. Nickolaus introduced her children and grandchildren. Mayor Hindman acknowledged that Mr. Nickolaus served as City Counselor, Municipal Judge, Acting City Manager and Mayor. He stated that George was an outstanding Columbian. Mayor Hindman presented Mrs. Nickolaus with a framed resolution. Mrs. Nickolaus thanked the Council and City.

The vote on R97-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B69-06 Approving the Engineer’s Final Report; levying special assessments; appropriating funds for the Sewer District No. 156 (Edgewood Avenue and Westmount Avenue) project.

The bill was read by the Clerk.

Mr. Watkins stated this was a public hearing tabled from the March 20th Council meeting. Mr. Hessler who was served by Sanitary District No. 156 had presented Council with some concerns. City staff worked with Mr. Hessler and a satisfactory accommodation had been reached. The proposal was to reimburse Mr. Hessler for some charges, but to leave the tax bill at the original amount.

Ms. Hoppe asked if the \$3,000 reimbursement was from the City or from the Capital Railroad contract. Mr. Watkins replied from the City. Ms. Hoppe asked if that was because of the agreement with Capital. Mr. Watkins replied yes.

Mayor Hindman opened the public hearing.

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

Mr. Loveless thanked staff for working with Mr. Hessler on a difficult situation. He believed the resolution was one that everyone could be pleased with.

Ms. Amin stated there was an amendment sheet provided to Council at the last meeting that was not passed. She explained the amendment sheet corrected a legal description.

Mayor Hindman made the motion to amend B69-06 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on B69-06, as amended, was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B124-06 Voluntary annexation of property located on the north side of St. Charles Road, east of Talon Road (5301 E. St. Charles Road); establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would annex and zone about 2.77 acres to R-1. The site contained an old mobile home park, which was in non-conforming use in both unincorporated Boone County and in the City. The Planning and Zoning Commission recommended approval. He noted this would allow the elimination of a non-functioning sewer lagoon and allow it to tie into City sewer adjacent to the property.

Mayor Hindman opened the public hearing.

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

Mr. Loveless asked if the center, which looked like a road, was already in the City or if it was included in the annexation proposal. Mr. Teddy replied the whole property, inclusive of that strip, was part of the annexation.

The vote on B124-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B125-06 Rezoning property located on the northwest corner of Park Avenue and North Ninth Street (301 N. Ninth Street) from R-3 to O-P.

The bill was given second reading by the Clerk.

Mr. Watkins stated this would rezone the subject tract from R-3 to O-P. The O-P allowed uses would be limited to residential apartments and offices for professional and business use. The Planning & Zoning Commission recommended approval of the proposed rezoning and the minutes reflected the North Central Neighborhood Association was in favor of the proposal.

Mayor Hindman opened the public hearing.

Mike Blum, 7540 E. Sunny Vale Drive, stated he was now the owner of the property and described the location of the property in relation to commercial and industrial property in the area. He explained he was not trying to get a specific plan approved, but did have a conceptual plan for illustration purposes. The property was currently zoned R-3 and had four apartments with four separate meters. He planned to continue using two of the apartments as residential apartments and would use the main floor his office. He noted he would be further restricting the residential uses from how it was currently zoned by simply saying residential apartments. The O-P uses would be restricted to be professional offices, so he could have his law firm there. He explained he would be required to have 8 parking spaces, but since this was a dual use building with two apartments and one office, he thought the parking could be offset with four spaces in the evening for the apartments and four spaces during the day for his office. He pointed out if this was zoned commercial, he would not be required to have any on-site parking. He described the locations where off-street parking was available. He stated he had spoken with Boone County Bank and the Oxenhandler law firm and both were amenable to him renting spaces if the Council required him to do so. In regards to screening, he requested that he only be required to maintain a 6 foot fence. There was currently a 6 foot fence to the north and west. He noted the City Code required an 8 foot fence. He pointed out there would no architectural changes other than a ramp from the parking area to the front to make it accessible.

John Clark, 403 N. Ninth Street, President of the North Central Columbia Neighborhood Association, stated they were very much in support of the rezoning and planned to support the variance in regards to the fencing as well. He noted this was about maintaining a residential look and appearance. The mixed use appealed to them. He was hopeful they would work out the parking arrangement so slab concrete was not in the back yard. He stated this was in the North Central neighborhood and not in the Special Business District, and therefore, the rules for the Special Business District should not apply and should play no part in the zoning decisions.

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

Mayor Hindman understood if this was C-2, there would be no parking requirement. Mr. Teddy replied that was correct. Mayor Hindman understood with O-P, there was a minimum parking requirement. Mr. Teddy replied that was correct, but pointed out Council had the ability to make exceptions to what would ordinarily apply in an office district since it was zoned O-P, and therefore, Council could consider a reduction of the parking spaces that were required on-site. He explained he thought they could fit two comfortably. Having 3-4 would be difficult. He reiterated 8 were required by the Code if office zoning was followed.

Mayor Hindman understood since it was O-P, they could reduce the number of parking spaces and it would not be a variance. He thought Council could just approve the plan with fewer parking spaces. Mr. Teddy replied in the development plan approval, they would state the maximum or minimum parking spaces as indicated on the plan. Mayor Hindman understood they did not need to take up the parking issue at this time. Mr. Teddy replied they did not. Mr. Teddy thought it was appropriate, if they had a concern about there not being enough on-site parking. He noted street parking was allowed on the west side of Ninth Street and private parking lots were on the south and to the west. Mr. Teddy stated they could defer a decision until the development plan.

Ms. Nauser asked how many parking spaces were already there for the four residential units. Mr. Blum replied there was easily enough entrance space off of Park to have two cars. He thought they could get three parked in a similar fashion. Ms. Nauser understood they basically had two spaces for four apartments. Mr. Blum replied that was correct.

The vote on B125-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B126-06 Approving the Taco Bell at Northwoods C-P Development Plan located on the southeast corner of Smiley Lane and Rangeline Street (State Route 763).

The bill was given second reading by the Clerk.

Mr. Watkins explained the proposed ordinance would approve a development plan for a 3,200 square foot fast food type restaurant with drive-thru service. The Planning & Zoning Commission recommended approval of the development plan.

Mr. Teddy stated they discussed a six foot sidewalk on Rangeline with applicant's engineer and they added a note to the plan. Mr. Janku asked if they would escrow the funds. Mr. Teddy explained the plan would show a six foot rather than a five foot sidewalk. MoDOT commented on the plan and urged an escrow arrangement considering pending construction along Rangeline because the sidewalk could get beaten up if it was installed ahead of time.

Mayor Hindman opened the public hearing.

Dan Simon, 203 Executive Building, stated he represented the applicant and was available to answer questions.

Mr. Loveless asked about the light pole height. Mr. Simon replied they would be 24 feet. He pointed out they also provided a photometric survey study showing no light infiltration from this site with the poles at that height. A reduction to 18 feet caused a substantial additional number of light fixtures and poles. They preferred keeping it at 24 feet.

Ms. Hoppe stated she had questions regarding parking and asked what the maximum capacity would be. Mr. Simon replied it would seat roughly 80 patrons, plus they had 9-12 employees. He explained they had discovered, during rush hour, the parking spaces they had were the number required to serve the location. They also found, during rush hour, crews with trailers would come in and park across the back, taking a substantial number of parking spaces. Using the overhead, Mr. Simon explained the spaces would have to be paved regardless of whether they were used for parking because the trucks delivering food

supplies would need it to provide for the turning radius. He stated they were not paving anything that would not have to be paved for ordinary food delivery. Ms. Hoppe understood Mr. Simon as saying the larger trucks could not physically turn around if the lower lots were grass. Mr. Simon replied that was correct. Ms. Hoppe stated her concern was that it was on a sidewalk/bike area and a bus line that might be extended to that area. She was also concerned about shared parking with Moser's. Mr. Simon noted Moser's did not want them on their parking lot.

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

Ms. Hoppe noted staff initially recommended some of the 62 parking spaces be deferred to see if it was needed over the long term. Mayor Hindman stated they explained they could not do that. Ms. Hoppe asked if staff agreed with that. Mr. Watkins replied they did.

Mr. Loveless asked if anything needed to be done about the 6 foot sidewalk issue. Mr. Boeckmann stated it was his understanding the plan had been changed to reflect the six foot sidewalk.

The vote on B126-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B127-06 Approving the Moser's Grocery Store C-P Development Plan located on the east side of Rangeline Street (State Route 763), south of Smiley Lane.

The bill was given second reading by the Clerk.

Mr. Watkins stated this proposal would allow for a 26,670 square foot grocery store on property that was recently zoned C-P. The plan met all of the zoning regulations. The Planning & Zoning Commission voted unanimously to recommend approval of the proposed C-P development plan subject to the condition that the light poles be no higher than 25 feet. The light poles were shown to be 30 feet in height on the plan and the applicant did not want to reduce the height of the poles.

Mayor Hindman asked if staff would still like to see the pole height reduced. Mr. Teddy noted this was the Planning & Zoning Commission's recommendation. Staff did not have a comment on the 30 foot pole height.

Mayor Hindman opened the public hearing.

Rick Coffman, A Civil Group, 1010 Fay Street, stated late last week his office sent a letter requesting this issue be tabled for two weeks, but it had not been received. He was, therefore, asking Council to table the issue until the next Council meeting.

Mr. Janku made a motion to table B127-06 to the May 1, 2006 Council meeting. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

There being no further comment, Mayor Hindman continued the public hearing to the May 1, 2006 Council meeting.

B140-06 Authorizing the design of a renewable fuels facility at the sanitary landfill, authorizing a request for proposals.

The bill was given second reading by the Clerk.

Mr. Watkins explained this project involved the development of a gas resource center at the Columbia landfill. The bill would authorize the Water & Light Department, through the Purchasing Division, to request proposals for design and to construct and operate a renewable fuels facility at the landfill site. It would also appropriate funds for the design portion. The estimated capital cost of the entire project was \$3 million. Funding for designing the plant, which was \$300,000, was appropriated with a reimbursement fund contingent upon the passage of a future ballot issue. Funding for the actual construction of the facility would be in the future bond issue proposal. Phase 3, which would be the actual operation of the facility, would be included in Water & Light Department's operating budget, which the Council would consider at the appropriate time.

Ms. Hoppe asked what percentage of the City's energy this would supply. Dan Dasho replied it would be approximately 1-1 ½ percent of the City's energy requirement.

Mayor Hindman opened the public hearing.

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

Mayor Hindman stated he thought this was a very exciting idea and felt they should move forward.

The vote on B140-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B144-06 Calling for bids for construction of improvements to tennis courts located in Fairview Park and Columbia Cosmopolitan Recreation Area; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was the required public hearing for the reconstruction of tennis courts at the Fairview and Cosmo parks. At the last meeting, the City accepted a grant in the amount of \$100,000 from the United States Tennis Association to assist in these projects. The balance of the cost, \$550,000, was included in the last November parks capital project tax.

Mr. Hood stated they currently had four tennis courts in Fairview Park and eight in Cosmo Park. Both complexes were over 25 years old. The asphalt courts had deteriorated to the point they needed to be replaced. The four courts in Fairview would be demolished and replaced in the same location. Rather than building eight linear courts in one line at Cosmo Park, the tennis community preferred two four-court blocks. They felt that was more ideally situated for programming, particularly during large tournaments.

Mr. Janku noted when they did the Russell Park plans, there were questions about excess parking and he wondered if this might be an opportunity to address that. Mr. Hood stated, at that time, they had discussed the possibility of building an access road and a small parking lot off of Fairview. Staff was still interested in doing that. They had included \$100,000 in the FY07 or FY08 budget for that. At this point, they wanted to get the tennis courts rebuilt because of the condition they were in. Mr. Loveless asked if putting the tennis courts right where they were would preclude that access. Mr. Hood replied it would not.

Mr. Loveless asked if they should light the courts. Mr. Hood stated about 3-4 years ago, they suggested lighting those courts and had substantial opposition from the

neighborhood. Since that time, they had not suggested lighting the courts. Mr. Loveless asked if there was an opportunity to put the conduit in place for lights at this stage. Mr. Hood replied that would be very simple to do. Mr. Loveless asked them to consider that when they got to the planning stage. Mr. Hood replied they would.

Mayor Hindman opened the public hearing.

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

Mayor Hindman thanked the USTA for the grant and stated it made a huge difference.

The vote on B144-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

OLD BUSINESS

B128-06 Approving the Final Plat of Forest Ridge Plat 4 located east of Sandker Lane, extended; granting a variance to Appendix A of the Subdivision Regulations relating to utility easement width; authorizing a performance contract.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a proposed final plat that would create 31 R-1 single-family lots, one of which was a common area. It met all of the City subdivision regulations, except that it was requesting a variance that would allow a five foot utility rather than the ten foot utility easement. The Planning & Zoning Commission recommended approval of the variance. Approval, by the Planning & Zoning Commission, of the final plat was not required.

Mr. Teddy noted staff considered the alternatives this subdivider would have to the variance and they shared the concern that if ten feet were required on the west side of Nordic Drive, the lots on the other side of the street would be less than 100 feet in depth, which was not an optimal front to back lot depth. They felt it was a reasonable variance request and the Departments concerned with utility planning did not object.

Mr. Loveless asked if this would require a five foot sidewalk to be built on the west side of Nordic Drive. Mr. Teddy replied ordinarily, yes, unless a variance was requested. Mr. Loveless asked if there was a variance requesting no sidewalks on the west side. Mr. Teddy replied there was not a variance request. The sidewalk would be inside the right-of-way on both sides.

Ms. Nauser noted she had received a letter from Mr. Bradshaw regarding water run off issues and asked if staff had received the letter and photographs and if it had been addressed. Mr. Glascock replied they had received it and were addressing it. Mayor Hindman asked about the nature of the letter. Mr. Nauser stated it was in regard to the run off on Mr. Bradshaw's property, which adjoined Forest Ridge. The photograph showed stormwater being dumped from this property onto his property. Mayor Hindman asked how it was being addressed. Mr. Glascock explained there were some grading issues that needed to be handled that had not been addressed in the past. They were trying to divert the water to where it was supposed to be going. It was bermed up, if he remembered correctly. Ms. Nauser agreed it was bermed up with a pipe running through it. She asked if Mr. Glascock had included Mr. Bradshaw. Mr. Glascock replied he had.

The vote on B128-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B133-06 Authorizing a funding agreement with the Missouri Highways and Transportation Commission and the County of Boone relating to the Route 763 reconstruction project, from Big Bear Boulevard to Route 63.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a funding agreement with MoDOT to allow them to move forward with the 763 expansion, from Big Bear Boulevard to Route 63. The total cost of reconstruction was estimated at \$29,782,000. The Highway Commission's obligation towards the cost of the project was \$25 million. The proposed agreement had the County's obligation at a maximum of \$1 million and the City would be responsible for any other projected cost over and above the Commission and the County, which was about \$3,782,000 plus interest because MoDOT would only put forward a percentage of their money initially. The City would need to front about \$7 million for about two years. He noted this was a fairly standard practice, which had been done with Route B, Clark Lane and a number of other projects where the City wanted MoDOT to move the project up. Funding from the City's prospective was \$2 million in capital funds and right-of-way donations. He stated they believed there would be significant donations in that area of right-of-way. He pointed out the County, at this point, had still not agreed to put up \$1 million. He recommended they fund their part, so they did not hold the project up. He stated MoDOT had started re-engineering the project and until the engineering was complete, they would not know what right-of-way was needed.

Mr. Nauser asked if the County did not put up the money where that left the project. Mr. Watkins replied it might hold it up. Mr. Nauser asked if it would derail the entire project. Mr. Watkins replied it might. He noted he could not imagine for a couple hundred thousand, because they had agreed to put some money into it, the County would hold up the project. They both agreed this was the single most important highway project and had worked together on it.

Mr. Janku pointed out they had a public hearing a few months back and this reflected what was agreed to by the Council after the public hearing.

The vote on B133-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B141-06 Authorizing a unit power purchase agreement with the Missouri Joint Municipal Electric Utility Commission for the purchase and sale of capacity and energy from the Prairie State Energy Campus.

The bill was given second reading by the Clerk.

Mr. Watkins explained staff, along with the Water & Light Advisory Board, had been working for several years on long term power supply arrangements. In 2008, the City's contract with AmerenUE for a big block of power that was currently being bought at an attractive price would expire. They were offered an opportunity to purchase 50 megawatts

from a coal fire plant being built in Illinois at Prairie State. He stated staff and the Water & Light Advisory Board felt this was an appropriate piece of the gap the City would have. This project would produce 20-25 percent of the gap needed to be filled by the year 2028 and it did not rule out other options. This was also an option which seemed, for the City's usage of electricity and load patterns, to be particularly cost effective. A number of years ago, they began a strategy of buying small pieces of power plants to spread the risk around for reliable power. It had proved to be a good strategy over the years and this would be the fourth such small piece of a plant the City purchased.

Mr. Dasho stated the City had a need for base load capacity, which was the type of energy needed 24 hours per day 365 days out of the year. Peak load was needed during the very peak times, when air conditioning was needed. Base load was needed on a daily basis. He stated the graph showed, with the loss of the AmerenUE contract in 2008, they had a need for the base load capacity. In regards to where they could get base load capacity, he noted nuclear energy was a possibility, but it was not available for the City since the Callaway Plant was owned by AmerenUE. In regards to hydro-electricity, he stated no new hydro had been built and what had already been built was taken up by other customers. Solar technology was not advanced enough to be used as a base load resource. Natural gas was very expensive and could only be used during peak periods, not as a base load resource. Wind only had a capacity factor of 30 percent and due to the seasonal nature of winds speeds, it could not be used as base load capacity. Coal had a capacity factor of 80 percent. In addition, during the City's peak period, wind energy was at its minimum capability. It would require a purchase of three times more wind resources to meet the energy requirements associated with the peak load. He pointed out they intended to use renewables in the future as part of their energy portfolio. The voters had given them a clear message that they wanted the City to use renewables, but noted they had also given them a 3 percent cap on costs associated with the renewables. He stated when the Water & Light Department and the Water & Light Advisory Board looked at future energy options, they took into consideration the reliability of the option, the transmission capability of bringing the option/electricity to Columbia, the cost of that option, and the environmental impact. Any one of those taken by itself would skew the results. He stated Water & Light needed to take a balanced approach to meet the needs of the entire community, which included people wanting the City to use more renewables and people on a fixed income that wanted them to keep costs at a minimum. They looked at over fifteen options and compared them over a 20 year horizon. Buying energy over the next 20 years would cost between \$1.3-\$1.4 billion. They narrowed it down to six different options related to building a power generating unit in Columbia or buying off of the wholesale market. They also looked at bringing the Prairie State project into those different options. They found the low cost options involved using the 50 megawatts of Peabody equity. The 50 megawatts of Peabody would not meet all resources, but would be a portion of what was needed for the future. Mr. Dasho pointed out that what really reduced costs was conservation. They could lower the cost of the overall plan over 20 years by implementing conservation and efficiency measures. They also looked at the impact of emissions over the 20 year horizon. In plans where they built new technologies, the overall emissions of sulphur dioxide would be reduced. Any plan that

involved purchasing power from the wholesale marketplace brought the emissions up to a higher level. When Peabody was brought into any of these plans, it lowered the overall emissions of the plans. This was due to Peabody being a new emissions technology. This was the same for nitrogen oxides as well. Mr. Dasho stated they felt Prairie State was a reasonable option to move forward with.

Mr. Janku asked for an explanation of the relationship between the Missouri Municipals and the City. Mr. Dasho stated the intention was to have a purchase power arrangement through the Municipal Association, whereby the Municipal Association would own a share of Prairie State, approximately 150 megawatts, and they would then sell 50 megawatts of power and capacity to the City through a purchase power agreement.

John Conway, 4902 Thornbrook Ridge, Chairman of the Water & Light Advisory Board, stated he was endorsing the recommendation of the Board to the Council in regard to the 50 megawatt purchase through the Missouri Public Utility Alliance and the Missouri Joint Municipal Electric Utility Commission (MJMEUC). The Advisory Board had worked closely with the Water & Light staff for years as well as Black & Veatch on the recent study for future power supply needs. He felt the Missouri Public Utility Alliance would be a good partner to move forward with on this purchase and encouraged the Council to take a positive action in that regard.

Duncan Kincheloe, Chief Executive Officer of the MJMEUC, 2407 W. Ash, explained the MJMEUC was a statutorily authorized government entity for the State of Missouri. It was essentially a cooperative organized by and for municipal utilities in the State. They had 58 municipal utilities participating. Their mission was to facilitate the power supply arrangements for municipal utilities. They had been in operation since 1979 and this year would provide \$100 million worth of supply to state-wide municipal utilities. He noted they would be the mechanism for Columbia's participation in this. There were 34 municipal utilities in Missouri and an additional 85 utilities throughout the Midwest participating in the Prairie State project developed by Peabody. They were constantly evaluating power supply alternatives for their members. They had been studying and negotiating with Peabody and others since 2003. The appeal of the project to cities had been the opportunity to participate with virtual ownership. The cost appeal was that they were paying cost rather than the additional markup through another supplier. It would be a substantial unit consisting of two generating units totaling in excess of 1600 megawatts and involved low cost technology. He distributed a handout showing the advantages of coal and its ability to provide the lowest cost power supply in the nation from technologies that could be applied. He pointed out the ability to bring municipal financing to the project by direct ownership participation and the opportunity to have fuel costs locked down to a large degree because they were buying the power plant and the coal reserves were right there. He explained two-thirds of coal costs were from transporting the coal to the Midwest. The EPC contract with construction would lock down that cost and the reliability factors were substantial. He noted the transmission was through MISO. As far as the environmental considerations, it had the lowest emissions technologies. He stated they were pleased to facilitate Columbia's participation in this project. Ownership opportunities were not being offered to other participants at this stage. He pointed out the project would move ahead very quickly.

Mayor Hindman noted there was a lot of interest in acquiring renewable power in Columbia. One of the things called to their attention was that the REA's joined together to purchase a substantial block of power from a wind farm in northwest Missouri. He asked why the municipal utilities were not doing something like that. Mr. Kincheloe stated they were examining those opportunities. He spoke with Jim Jarret, who headed the Coop Generation Operations, last week and thought there were some good opportunities, but pointed out they needed to match their supply portfolios to what their needs were. In terms of base load requirements, wind was not the effective alternative at this point. The City of Odessa, a member of the MJMEUC was excited about the possibility of being investigated for some wind generation. They also had a number of municipals in northwest Missouri where they believed the opportunities were greatest. He explained some needs had to be economized to keep the rates low enough, so investments could be made in other things that cost more. The ability to have this kind of low cost power to keep rates low would facilitate the municipals to be able to invest in some of those other technologies that had other features where low cost was not a primary.

Mayor Hindman asked how the REA's were able to do it. He thought they had the same base load requirements. Mr. Kincheloe replied they had a much more substantial requirement demand customer base. He noted they were a few steps ahead. They also had much more investment in coal technologies. He explained the MJMEUC had only been able to invest collectively in these projects since some legislation and a constitutional amendment was passed in 2002 to facilitate these types of joint activities, which provided them the combination of municipal needs to give them the scale to have the diversity of supply that many of the smaller municipalities could never have. He noted they were also supplying power to some of the smaller municipal utilities from landfill gas and had two projects with waste management. Mr. Janku understood Columbia received power from one. Mr. Kincheloe replied they had an arrangement with Columbia for some of the power out of the East St. Louis facility. He pointed out they were looking for other biomass potentials as well.

Ms. Hoppe asked if coal became more expensive in 20-30 years and wind or other renewables become cheaper and more feasible, if the City could get out of this or if they were committed for the next 40 years. Mr. Kincheloe explained this was basically the equivalent of an ownership situation. One of the advantages of this project was that they were buying the coal in the ground to fire this plant, so a substantial amount of the coal costs would be locked in. They were also avoiding the costs of shipping coal to this region since the plant was located by the coal mine.

Jacob Williams, Vice President of Generation Development for Peabody Energy, stated they were based in St. Louis and were the largest coal company in the world. Their major operations in the U.S. were in Wyoming, where the low sulfur coal came from, and in the Midwest. He noted coal was the largest growing energy source in the world over the last three years. Most of the growth, 25 percent, came from the growing economies of China and India. The United States was the third largest country in the terms of coal growth at around five percent and the reason was that U.S. had affordable electricity. He provided a graphic showing a state by state comparison of electricity prices and the percent of generation coming from coal. The low cost states, with the exception of three states in the Pacific

Northwest who had a hydro resource, had about 90 percent of their electricity from coal based generation. Missouri was one of the lowest and 85 percent of its electricity came from coal based generation. The high cost states did not have more than 25 percent of their electricity from coal. He pointed out in the late 90's the price of natural gas and oil were fairly competitive with coal, but that was no longer the case. By participating in the Prairie State project, the City would lock in the cost of coal by owning the reserves for 30 years. The City would not see any price appreciation other than labor costs to get it out of the ground. He explained Prairie State was a project that started back in 2001 in the permitting phase and was 40 miles southeast of St. Louis in Illinois on the coal fields of southern Illinois. It was a 1600 megawatt unit. He noted they had received all of the permits required for construction and operation. Some of those permits were under appeal, but they had received all of the permits from the permitting body at the state or local level. He pointed out this would be one of the most efficient plants in terms of producing electricity. It would produce 7-20 percent less CO₂ than the average coal plant in the United States and would be the cleanest coal plant in either Illinois or Missouri. Sixty percent of the project would be owned by communities of public power and cooperative utilities. Peabody would have a 20 percent share in this project. He explained that while the amount of electricity from coal in the United States had tripled since 1970, the emissions profile from these coal plants had gone down dramatically. He stated the air was cleaner today than it was 30 years ago. When comparing this project to the current average, the Prairie State project would be 80 percent below the U.S. average in SO₂ and NO_x and 40 percent below the guidelines in 2015. It would be the lowest emitting project in Missouri or Illinois in terms of Mercury, NO_x and second lowest in terms of SO₂. He pointed out most the City would be replacing higher emitting plants with this.

Mr. Hutton asked who would operate the plant. Mr. Williams replied they were in final contract negotiations with a party that could not be publicly disclosed. He stated the participants in the project were aware of whom that entity was and he hoped to finalize those negotiations in the next 2-3 weeks. They were a utility that operated coal plants, based out of the middle part of the country and were experienced in operating coal plants. In addition, they would own 20 percent of the project.

Ms. Hoppe understood it would be the cleanest in Illinois and Missouri, but asked why it would not be the cleanest in the United States. Mr. Williams replied the coal in Illinois was a very high sulfur coal. They would remove 98 percent of the sulfur from the coal when it was emitted. If they removed 95 percent of the sulfur from coal from the powder over basin mines that had one-tenth the amount of sulfur, they would get to lower sulfur limits than they could here. The technology was trying to get up to 98-99 percent. To date the permit limit was 98 percent removal. They would likely operate higher than that, but their equipment manufacturers would not guarantee anything more because if the plant did not run at that level, they would have to replace the plant, which was about a \$2.5 billion investment.

Ken Midkiff, 1005 Belleveiw Court, Osage Group of the Sierra Club, stated he had no doubt staff was recommending this proposal in good faith, but noted he felt this proposal fell far short of meeting the City's needs. He noted the Council had received a letter detailing the Sierra Club's concerns and reasons for their positions. He pointed out this proposal was

ecologically and economically irresponsible. Assuming current coal-fired power plants would continue operating at the same level as present, this proposed plant would add several new emissions to the surface and upper atmosphere adding to the problems of global warming from carbon dioxide, of acid rain from sulfur and to human health from all of the emissions. Peabody was proposing to add emissions and refused to make simple changes that would at least reduce, but not eliminate, new emissions. The economic problems of this contract included the fact City had been presented with a take it or leave it life of the plant contract to be in place for at least 40 years. He felt there was little doubt non-polluting sources would be available at reasonable rates in 20 years. Mr. Midkiff also felt the Peabody Prairie State Energy Campus was just a dream. Peabody originally estimated generation would begin in 2010, yet contrary to what the Council had been told, most required permits had not been issued. Only the wastewater discharge permit had been issued and that was due to a settlement agreement with the American Lung Association, the Sierra Club and some other environmental and conservation groups. The essential air permit was currently under appeal. The transmission line corridor itself was being bitterly opposed by landowners in Illinois. He felt the City was set to sign a contract for electricity that might not exist. Since it would be at least 2012 before this plant began generation, the Sierra Club was suggesting Water & Light staff be directed to find and promote sources of power that were reliable, reasonably inexpensive and non-polluting. In addition, he thought they should promote efficient uses of the electricity the City currently had. He stated they were ready and willing to assist the City in finding sources of power that did not pollute and were reasonable in cost and reliability. He felt wind energy was one of those sources.

Wallace McMullin, Sierra Club Energy Chair for the State of Missouri, 2805 Walnut Drive, Jefferson City, stated he felt the Peabody representative ignored the global warming pollution this plant would put out. He thought it would put out around 16 million tons of global warming pollution per year. Everyone studying the electric industry was expecting regulation to reduce the contribution of global warming. Electric power plants in Missouri alone emitted 80 million tons of carbon dioxide, greenhouse gas and global warming pollution. The Public Utility Commission in California now required their utilities to estimate a cost of \$8-\$25 per ton of carbon dioxide for this expected regulation. He understood that a ton of CO₂ was trading for \$33 in Europe. A \$15 per ton carbon tax would increase the cost of the electricity approximately 20-30 percent. He reiterated that they did not have the transmission line or the permits needed to build roads for construction and operation of the plant or for disposal of the coal combustion waste. He noted Columbia voters were enlightened to vote for an innovative energy system appropriate for the 21st century and urged the Council to decide not to enter into a contract for 40 years for dirty coal.

Ms. Hoppe asked what Mr. McMullin's background was. Mr. McMullin replied three semesters of engineering 40 years ago, a master's degree in industrial relations, and a graduate school course in statistics. He noted he had read a lot of permits for construction and air permits as of late, which was the type of permit the coal plants needed to obtain.

David Bedan, 2001 Chapel Wood Road, commended City staff for the conference they put on in conjunction with the University of Missouri and the Missouri Department of Natural Resources called Advancing Renewables in the Midwest. He hoped they could repeat the

event in the future. One of the lessons he took away from the conference was that the field of renewable energy was changing quickly and that one needed to be cautious about projections comparing renewables to traditional fossil fuels. He believed there would be massive changes in renewables in 40 years, so he was nervous about the City locking into a 40 year contract. He noted if this discussion would have occurred a year ago, most people would have felt wind energy was not real and only in Kansas or in the high plains. A year ago, the Missouri Department of Natural Resources produced a set of high resolution wind energy maps. According to these maps, there were utility scale wind resources in Missouri, mainly on the northern and western borders. As a result, there was a project in Gentry County where the Associated Electric Cooperative would be getting 50 megawatts of power from wind turbans. He explained wind turbans could be put on-line quickly and as one needed them. Huge up-front investments were not necessary. He stated he agreed with staff in that the main problem was reliability and capacity. He wondered what would happen if instead of looking at the capacity factor for one facility, they projected what would happen in the next ten years in regards to wind energy over the entire country. He wondered what the capacity factor of a future system of wind energy facilities scattered around the high plains and the Midwest would be. He asked Council not to dismiss wind energy too quickly before making long term decisions.

Richard Parker, 215 W. Sexton Road, stated he was concerned about a 40 year commitment due to the changes in technology. He felt one of the advantages of purchasing wind power was the ability to add power as needed and not having to pay for all of the facilities at this time. One of the complaints of wind power was that it had to be transported from a long distance. Many of the participants of the coal-fired plant were transporting the energy much further than they would have to for wind powered plants. He stated he was pleased to see the City moving forward on the landfill gas project.

Roy Hartley, 1308 Bass Avenue, asked the Council not to authorize this contract for all of the reasons previously mentioned and because of the dramatic climate change caused by humans with the principal source being carbon dioxide in the atmosphere. He felt this plant was nothing more than a giant facility for converting fossil fuel into carbon dioxide. It would exacerbate the problems they were having with climate change right now. He believed the storms would get worse and the costs to the people in Columbia would increase due to weather conditions, food shortages, droughts and etc.

Mr. Janku asked if staff had a response to the transmission issue that was raised. Mr. Dasho explained part of the cost of this project included transmission to get the output of the power plant into the MISO system. Once it was in the system, there was also a piece of transmission in Missouri that had to be upgraded and was part of this project in terms of costs. He believed they would have the transmission capability available to bring the power into Columbia. He agreed it was difficult to build transmission lines and regardless of where it was, he felt one would face opposition. Mr. Hutton asked if there were transmission problems in other areas besides eastern St. Louis. Mr. Dasho replied there were transmission problems associated with every part of this country. He explained that if he tried to purchase wind energy from Kansas, he would not be able to get it through Kansas City.

He noted it appeared the transmission problems associated with Prairie State were somewhat less in comparison to other parts of the country.

Mayor Hindman understood they were talking about a contract that would purchase 50 megawatts. Mr. Dasho replied yes. Mayor Hindman asked what the present base load was. Mr. Dasho replied it was about 260 megawatts. He noted that in 2028, they would need an additional 200 megawatts of capacity. This 50 megawatts would make up about 25 percent of what they needed by 2028. He pointed out it was a small piece of what they needed. Mayor Hindman understood by 2028, Columbia would need 460 megawatts. Mr. Dasho replied that was the approximate amount. Mayor Hindman asked if that was the base load. Mr. Dasho replied that was the total capacity needed plus 15 percent reserves. Mayor Hindman asked what the base load capacity needed to be. Mr. Dasho replied about 360 megawatts by 2028.

Mayor Hindman explained he was trying to understand what part of their needs they were making a long term commitment for. He felt locking into a 40 year contract was significant and realized building a power plant of any type was a long term investment. He asked if they currently had a 260 base load. Mr. Dasho replied 260 was the peak load. Mayor Hindman asked if the base load was 200. Mr. Dasho replied it was about 200. Mayor Hindman understood if they purchased this, it would be about one-fifth of their current base load. Ms. Hoppe thought it would be one-fourth. Mayor Hindman thought they had 200 and would be adding 50, which totaled 250. Mr. Dasho pointed out they were losing 56 megawatts and they were replacing it with 50. Mayor Hindman felt that was a significant point. He understood they were not increasing, but replacing their commitment. He asked if they needed to do that immediately. Mr. Loveless thought they needed to do that within about two years.

Mr. Janku understood there would still be a gap that needed to be met in the short term to bridge the AmerenUE contract expiring in 2008 and the Peabody plant coming on-line in 2011 or 2012. Mr. Dasho replied that was correct. Mr. Janku pointed out they would have to go out on the market and purchase whatever was available at market price for those three to four years. Mr. Dasho replied that was correct.

Mr. Janku noted this was 25 percent of their anticipated needs through 2028. Another area they were looking at was self-build. He understood they were also under the mandate of 15 percent renewable with the 3 percent cap by 2028. Mr. Dasho replied that was correct. Mr. Janku pointed out this was one portion of the increase or replacement they would need. Mayor Hindman stated it was not a portion of the increase needed. Mr. Janku understood along side of that, they would be going into the market for the renewables. He noted the City would be pursuing that as part of the total strategy.

Mr. Loveless stated he thought all of the speakers made great points. He agreed there were environmental shortcomings to coal, fiscal advantages to coal, and fiscal disadvantages to coal if one included the cost of clean up. He stated they were trying to furnish electricity for Columbians now and in the future. They projected the need out 20 years, not 40 years. He understood they were talking about locking into 40 years, but felt the City would still need this 50 megawatts of power. It did not matter whether or not they could locate a wind farm in Centralia. They would still need the 50 megawatts. He stated he was

very concerned about the pollution costs of this project, but he did not see a reasonable alternative available to the City within the foreseeable future. They had to make electricity available to Columbians at a reasonable cost and in an assured manner. He noted he struggled with finding good in this, but he also could not find an alternative to meet what they needed to do. He felt it was the best of a bunch of bad choices.

Mr. Janku agreed this was not a perfect choice. He felt if they did not make this choice in the short term, about 10 years, they would be back in the open market, probably purchasing from AmerenUE at higher costs and higher pollution. They would be supporting and putting money into plants with outdated technology that were higher polluters as opposed to taking the money away from that and putting it into cleaner and better technology. He agreed it would be great if they did not have a 40 year commitment, but understood that was part of keeping costs low. He noted they had done that with other plants and it had worked to their benefit.

Mr. Loveless believed the sense of urgency the Council felt to make a decision was not shared by some of the speakers. He pointed out they had been discussing this for months, so this was not a rushed decision on their part.

Mr. Hutton commented that the issue of global warming and the pollution they were putting into the atmosphere via the power plants concerned him and he did not want to add to that. He felt it was easy to say “buy renewables.” The hard part was to actually purchase and provide it. They had paid at least two consultants thousands of dollars to look for affordable, renewable energy and it was not there to buy. He pointed out their job was to supply power to the City of Columbia and if, in the near future, they were not able to keep the lights on in Columbia, they would not be doing their job. He agreed they were at the point where they had no other choice. He noted they would continue to look for renewables and technology might catch up causing renewables to be more affordable and prevalent. As the City’s need increased, their other sources would go down. The other plants they belonged to were originally 35-40 year plants, so several of the City’s sources of energy would go away. He felt there would be plenty of opportunities for more renewable energy. He pointed out Council passed a bill earlier relating to the landfill project, which would cost between \$3-4 million to generate 1-1 ½ percent of their energy needs. He stated they had a significant problem with no significant answers.

Ms. Hoppe stated she was new to the debate and issue. She noted staff was always saying conservation was the key to saving. She was not clear on what was being done in terms of offices, businesses, reduction, waste and energy and how that would fit into the picture. Mr. Dasho noted the City had a number of programs in place and one was the peak load reduction through load management on air conditioning. They thought that program saved them approximately \$600,000 on an annual basis by putting switches on air conditioning and controlling the usage during peak times. They were extending that program as they moved into the summer heating season. They would continue on the program until they had most of the air conditioners in Columbia on it. He noted they were also doing a program with lighting because one-third of the energy requirements went to lighting. They were working on a pilot program with commercial customers to encourage them to reduce energy usage with rebates. They were constantly in touch with their industrial customers on

different ways to get their loads lower. He stated they would be looking at rebate-type programs as they moved forward to give customers an incentive to move toward more energy efficient products.

Mr. Crayton stated she looked at the cost. She felt it was easy for a company to put a switch on their air conditioning. A renter subject to a landlord who was not energy efficient did not have that option. She wanted to see some incentives for the landlords to make their properties energy efficient. The renters had to pay, not the landlords. She also felt the working poor should receive some assistance as part of this.

Ms. Nauser stated she was also concerned about the environment, but felt as an elected official, they had a duty to ensure the citizens of Columbia had the ability to turn their lights on 10-15 years from now. She pointed out this was a small portion of their energy needs and it was the technology they had today. She noted they would be investing in a cleaner coal production plant, so they would be polluting less. She did not feel she could speculate and pass up a deal where she could ensure the citizens had a guaranteed energy source for the next 40 years on technology that was just not here yet. She did not feel they had an alternative and stated she planned to support it.

Mayor Hindman stated he was very concerned about the pollution aspect, but felt it was significant that they were not adding new capacity. They were making up for a loss of capacity due to the expiration of AmerenUE contract. He felt it needed to be replaced with something equally reliable to what they had. He did not believe the options available were as reliable. He believed if they turned this down and went to the open market to replace it, they would very likely be purchasing from less efficient plants. He noted there were other contracts that would be expiring and they would also need new power, so there would be plenty of opportunity to keep up with technology and acquire less polluting energy as it became available. He stated he believed in the conservation program and it was the ultimate way to succeed. He felt they should invest heavily in that program. He did not see how they could avoid taking this step, even though he wanted to.

Ms. Hoppe asked if it was a possibility to sell their share of ownership 20 years down the line. Mayor Hindman thought they probably could sell, but if the technology had changed dramatically in 20 years, it might not have a huge amount of value. Mr. Janku noted if it was valuable, they would not want to sell. Mr. Loveless stated nothing would please him more than this being obsolete 20 years from now. He preferred getting all of their energy from a pollution-free source. In this gap, he did not see them as having much choice. Mayor Hindman agreed.

Mr. Boeckmann noted there was amendment sheet, which made changes to the contract. The Council had a red-lined version. Bond counsel required most of the changes. There was one protection limiting the City's liability to their share of the plant, which was favorable.

Mr. Loveless made the motion to amend B141-06 per the amendment sheet. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

The vote on B141-06, as amended, was recorded as follows: VOTING YES: HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: CRAYTON, HOPPE. Bill declared enacted, reading as follows:

B142-06 Authorizing Amendment No. 5 to the agreement with Jacobs Civil Inc. for engineering services relating to the expansion of the McBaine water treatment plant.

The bill was given second reading by the Clerk.

Mr. Watkins explained the Council had previously authorized an agreement with Jacob Civil to do design and planning work for the expansion of the water plant, a 36 inch transmission main from the plant to the City and a review of the northeast pressure zone hydraulic modeling. The proposed amendment was \$79,302 and was required and recommended for additional work beyond the original scope of the contract for the McBaine plant design and construction services.

The vote on B142-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B145-06 Authorizing an intergovernmental cooperation agreement with the Broadway-Fairview Transportation Development District and Broadway-Fairview Venture, LLC.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize the City's standard intergovernmental cooperation agreement with a TDD for the Broadway-Fairview Transportation Development District. It was an area of 28.74 acres bounded roughly by Fairview and Broadway. It would authorize a half-cent TDD tax. It indicated the City needed to approve all plans and specifications for roads and road related improvements on City right-of-way. He noted there was an amendment sheet related to this proposal. Mr. Boeckmann explained bond counsel requested a number of changes, with the most significant one for the City being the segregation and investment of TDD revenues. He stated the City collected the sales tax for the district and the language was worked out with the Finance Director. Other minor changes included adding payment of arbitrage rebate and replenishment of debt service reserve fund and a statement that the interest rate on the TDD notes would not exceed 10 percent. The amendment sheet would switch out the contracts.

Mr. Loveless noted the last paragraph on page 5 detailed the construction projects covered in this agreement and one referred to the realignment of Fairview. It specifically stated the jog would be taken out so the north and south intersections of Fairview with Worley were coincident. He thought they had been talking recently about leaving the offset and changing the configuration with two round-a-bouts and asked where that change sat if the agreement was approved as written. Mr. Boeckmann stated the decision on which way to do this would have to be discussed by Council after an advertised public hearing. The agreement included what was anticipated and if that did not happen, he thought whatever project was approved by the Council would govern. He did not believe there would be a problem spending funds for something other than what was described here. Mr. Loveless understood they would not be painting themselves into a corner. Mr. Boeckmann replied he did not believe they would. Mr. Janku asked if it would be covered if the agreement stated they would issue the bonds, but it was significantly different than what the bonds were issued for. Mr. Boeckmann believed as long as it was done on the same street in connection with the same thing he did not think there would be a problem.

Mr. Watkins stated the problem with the intersection was that there were three proposals being reviewed. They had one interested parties meeting with good feedback, but they were still not in a position to recommend which of the three should be pursued. He noted the first TDD they did at CenterState was exceptionally broad and now they were more and more focused to ensure certain projects were addressed. In this case, he felt the attorneys were too focused. He pointed out the intersection improvement was something committed to the Council publicly and included in the development agreement.

Mr. Loveless stated he wanted to be sure they were not being painted into a corner and since Mr. Boeckmann did not feel that was the case, he was satisfied.

Ms. Hoppe asked when it was anticipated to expire, if it was not renewed for other projects.

Mr. Hollis, attorney for Broadway-Fairview Transportation Development District, with offices at 1103 E. Broadway, replied they had a maximum of 40 years to pay off the bonds.

Ms. Hoppe asked if it would take 40 years to complete the projects listed. Mr. Boeckmann replied no. It would be 40 years to pay off the bond. Ms. Hoppe asked how many years it would be before it was completed. Mr. Watkins stated, by law, the tax could not expire until the bonds were paid off. Until the projects were done, they would not know how much in bonds they needed to fund, but the tax could not go on after the bonds were paid off unless other projects were approved.

Mr. Loveless stated he thought there was specific language in the development agreement about infrastructure type projects being completed or bonded and permitted for construction before an occupancy permit for the store was granted. Mr. Janku thought it had to be bonded or completed. Mr. Loveless noted the projects would not drag out forever.

Mr. Hollis explained the importance of approving the agreement this evening was that the bond issuance process had started and there were several balls rolling in that direction. This was one of the requirements prior to the bonds being issued. As Mr. Boeckmann stated, the bond Counsel came up with these minor changes that were unexpected.

Mayor Hindman made the motion to amend B145-06 per the amendment sheet. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Ms. Hoppe noted the general public was concerned about having an additional sales tax without being able to vote on it. Until there was a better system to pay for the roads, this was what they had to work with. Mayor Hindman pointed out State law permitted the TDD's, not the City.

The vote on B145-06, as amended, was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B129-06 Approving the Final Plat of Bradley Place, Plat No. 1 located east of Creasy Springs Road and south of Smiley Lane, extended; authorizing a performance contract.
- B130-06 Approving the Final Plat of Valley View Gardens Plat 15, a Replat of part of Lots 323A and 323B Valley View Gardens Administrative Subdivisions Replat, located between Stadium Boulevard (State Route E) and Mayflower Drive, east of Rose Drive; authorizing a performance contract.
- B131-06 Approving a Replat of Berlekamp Subdivision Plat No. 1 located on the west side of Paris Road/State Route B, north of U. S. Highway 63; authorizing a performance contract.
- B132-06 Vacating utility easements within Katy Place Heights Subdivision Plats 1 and 2.
- B134-06 Allowing a building permit to be issued to The Broadway Shops, LLC for a structure in a utility easement located at the southwest corner of Lot 1, Broadway Shops Subdivision; approving a waiver of claim and indemnity agreement; authorizing a Right of Use Permit to allow the installation of an irrigation system and retaining walls within portions of the East Broadway, Trimble Road and Brickton Road rights-of-way.
- B135-06 Authorizing a Right of Use Permit with Bristol 124, LLC to allow installation of landscaping, an irrigation system, lighting, electrical conduits and water service line within portions of the Bristol Lake Drive, Bradington Drive and Rutherford Drive rights-of-way.
- B136-06 Confirming the contract with Wilcoxson Excavating & Construction, LLC for construction of the 2005 Annual Sidewalk Project; appropriating funds.
- B137-06 Confirming the contract with Weeco, Inc. for construction of the Woodside and Nazarene storm drainage improvement project; appropriating funds.
- B138-06 Confirming the contract with J. C. Industries, Inc. for construction of the Concordia Drive and Walther Court drainage improvement project.
- B139-06 Confirming the contract with Ecton Construction, LLC for construction of the Auburn Hills Sidewalk Project – Phase II.
- B143-06 Accepting conveyances for utility purposes.
- B146-06 Authorizing a commitment to allocate Convention and Visitors Bureau Attraction Development Funds for the restoration and preservation of the J. W. “Blind” Boone Home; appropriating funds.
- R86-06 Setting a public hearing: special assessments against property specially benefited by public improvements made to Sanitary Sewer District No. 158 (Old Plank Subdivision).
- R87-06 Setting a public hearing: construction of water mains serving Bristol Lake, Plat 1.
- R88-06 Setting a public hearing: construction of water main from Bearfield Road to the Bristol Lake Subdivision.
- R89-06 Setting a public hearing: construction of the Hillsdale Pump Station and discharge main.
- R90-06 Setting a public hearing: amending the boundaries of the Columbia Special Business District.
- R91-06 Authorizing an Adopt A Spot agreement.

- R92-06 Authorizing an agreement with The Curators of the University of Missouri on behalf of the School of Medicine, Office of Medical Education to provide students educational experience in STD clinical services.**
- R93-06 Authorizing an engineering services agreement with SEGA, Inc. relating to the design of the coal handling system automation project at the Municipal Power Plant.**
- R94-06 Authorizing an agreement with the Columbia Chamber of Commerce relating to the Walton Building expansion project.**

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

NEW BUSINESS

R95-06 Selecting artists for the Percent for Art project at the Wabash Station.

The resolution was read by the Clerk.

Mr. Watkins noted the City had a policy of providing one percent of certain construction costs for capital improvements for art related to that particular project. The Standing Committee on Public Art and the Commission on Cultural Affairs was recommending two artists for the Wabash Station renovation project. Per the Percent for Art policy, Council must agree to the two artists and at a future date, specific projects would be brought back to Council.

Randy Gray, 301 Edgewood, Chair of the Standing Committee on Public Art and a member of the Commission on Cultural Affairs, stated he was here on behalf of the Commission. According to the Percent for Art policy, the Standing Committee on Public Art made the initial recommendation, which was then considered by the Commission and forwarded to the City Council for final review. The Wabash Station was designated by the City for Percent for Art some time ago and would be Columbia's seventh Percent for Art project. For each project, they selected an artist, not a specific work of art, with the intent of involving the artist in the overall design process so he/she could propose a work that was truly site and community specific and compatible with the building. Once the artist was selected, a design phase would begin and an approval process similar to this would begin. The search for artists began with the Standing Committee determining that the project should be open only to artists residing in the State of Missouri. This decision was made due to the limited budget available for the project. Twenty-three applications were received. The Standing Committee reviewed all of the submissions and chose four finalists, who were invited for an interview. After the interviews, the Committee discussed the merits and agreed on splitting the \$12,000 commission between two artists, Dan Asbee from Hartsburg and David Spear from Columbia. The idea of selecting two artists had been discussed by the Committee as a possibility early on in the process and was stated in the project prospectus. Mr. Asbee and Mr. Spear would work independently and would each receive a commission of \$6,000. Mr. Asbee was a metal worker and maintained his studio in Hartsburg. Mr. Spear was a painter, who had completed many large scale works that could be seen locally. His

studio was within walking distance of the Wabash Station. The Committee's recommendation was forwarded to the Commission on Cultural Affairs and after review the Commission unanimously accepted the Standing Committee's recommendation and voted to forward it to Council. Should Council endorse the recommendation, staff would finalize contracts so work could begin.

Using the overhead, Ms. Hunter provided examples of the artists' work.

Mr. Hutton asked if at some point they had too little money to work with. He feared, at some point, when spending such a small amount of money, they would not receive quality work. Ms. Hunter replied that was a valid concern, but with a City of this size, they would have smaller projects. She pointed out this was their smallest commission to an artist. Ms. Hunter explained that when they planned the Percent for Art budget, they set aside a maintenance fund and five percent to administer the project before they determined a commission amount. She noted the administration amount did not include staff salaries. It was just the expense of mailing out the prospectus and some publicity. She agreed if they got much smaller than this, it would be difficult.

Mr. Hutton understood when this program was established, the minimum was a million dollar project. Ms. Hunter noted the actual minimum was \$100,000 and when they went back a couple years later, they changed it to a capital improvement budget of at least \$1 million. Early on in the planning, the thought was that there might be a "pooling" of projects. In reality, that was very difficult with different funding sources. Mr. Hutton asked if they were hindering getting a real quality project when they were at the minimum budget and when they were splitting the commission between two artists. Ms. Hunter pointed out all of the artists interviewed agreed they could work with a \$6,000 budget. She noted the Wabash space was a smaller and more intimate space. She believed this would be a successful project with both artists bringing a very different work to it.

Mr. Hutton stated he liked the examples shown. He understood the process from here was that the artists would come back to Council with a presentation of what the actual work would be for approval. Ms. Hunter replied that was correct. Once they authorized contracts, they had 90 days to submit design concepts. The first step would be to have a public comment period and provide it to the Standing Committee, so when they made their recommendation, they were taking the public comment into consideration. After they made a recommendation, it would go through the same process – i.e. to the Commission on Cultural Affairs and then back to the Council.

Mr. Janku asked if any of the Share the Light money went to Percent for Art. Ms. Hunter replied it did indirectly. They had used Share the Light funds to establish some maintenance funds for their first two Percent for Art projects since those did not follow the same budget planning they did now. They also used some of those funds for the Martin Luther King, Jr. Memorial restoration. They had not used any Share the Light funds to augment a project budget. It was an option that could be looked at in the future. Mr. Janku thought it would help address Mr. Hutton's concerns. Ms. Hunter pointed out it would not be a significant amount, but it would be additional funds for the commission.

The vote on R95-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R96-06 Approving the Preliminary Plat of Tuscany Ridge located south and west of the southwest corner of Brown Station Road and Waco Road, extended.

The resolution was read by the Clerk.

Mr. Watkins explained this proposed preliminary plat would create 504 R-1 single-family lots, five of which were noted as being not to be developed for residential purposes. This was an area of about 139 acres in northeast Columbia. The plat also included the southward extension of the right-of-way off of Waco Road, extended, known as Venetian Parkway. The right-of-way would be of sufficient width to accommodate a proposed major collector street. The developer, by agreement, would grade the street, except for the drainage crossings, and the adjacent subdivision accordingly. The plat included the westward extension of a neighborhood collector off of Brown Station Road to be known as Tuscany Ridge as well. The Planning & Zoning Commission recommended approval. This property was adjacent to the fairgrounds and the Atkins property and they had reviewed the preliminary plat with the County Commission. Mr. Teddy noted there was a stream course that was tributary to Bear Creek running through the tract. The plat indicated there would be a trail easement provided along that stream course, which would serve as one of three access points for pedestrians to the future park property.

Mr. Hutton noted a couple points the Planning & Zoning Commission based their vote upon. One was that the development agreement require a traffic study and the other was the 20 foot pedestrian trail easement. He understood the second item was agreed to and he assumed it was reflected in the resolution. He asked if item one was also in the resolution or on the plat. Mr. Teddy replied item one was not in the resolution and the plat had been changed in regards to item two, which provided for the two 20 foot lots that would allow for trail access from the public streets in the subdivision to the park tract. The traffic study requirement would tell them when the Venetian Parkway would be needed. He stated this would be built in phases and they wanted the traffic study to be performed with the first phase final plat, so they would have an idea of when an actual street improvement along Venetian would have a benefit and relieve Brown Station Road. He noted Venetian Parkway had to be on this tract due to a pipeline that was on the fairgrounds tract. They had been advised by the utility company that the pipeline could not be disturbed and if it was, it would have to be relocated at a significant cost. The developer was offering a 66 foot right-of-way and to do the grading that would be appropriate for that road and the adjacent lots. They wanted a collector between future Starke and future Waco Road that would pass by the subdivision instead of going through it.

Mr. Hutton understood there were five lots designated not for development. Mr. Teddy replied yes. Mr. Hutton asked if they did something to make that more difficult to change. Mr. Teddy noted they had a pending ordinance. Council referred it to the Planning & Zoning Commission. Mr. Hutton understood if this preliminary plat was passed, the ordinance would not have an affect on this plat because it would be grandfathered. Mr. Boeckmann replied

that was incorrect. It would apply to any existing subdivisions. Mayor Hindman understood that would be only as long as it had been marked. Mr. Boeckmann explained if there was an existing plat with that restriction on it, the proposed ordinance would not allow a change unless the Council approved it. Mr. Hutton understood they also had a policy in place with staff that if someone wanted to replat this lot to take that designation off of it, staff would point that out.

Ms. Nauser asked if Starke Lane was on their roadway plans. Mr. Teddy replied the Major Roadway Plan showed the alignment of Starke. Ms. Nauser asked if it was in the foreseeable or near future. Mr. Teddy stated he could not speculate on a date.

Mr. Janku asked if the actual construction of Venetian Parkway was the responsibility of the City. Mr. Teddy replied the City would have to participate in it. The usefulness of the traffic study was that it would guide them on the threshold. Mr. Janku asked who would pay for the traffic study and what it would show. Mr. Teddy stated their original recommendation noted the traffic study should make a recommendation on cost-sharing for the roadway. They would like to tell Council the roadway would be paid for by the developer, but in looking at the benefits that roadway would have and the fact the fairgrounds had that pipeline constraint, they might be looking at a half-width of right-of-way on the dedication here relying on another tract for the other half. Due to the anticipated constraint, they recommended the developer put all of the right-of-way on this tract and they were willing to make that contribution. Staff felt it was important to have a collector roadway that would be able to interconnect Starke and Waco in the future. Mr. Teddy pointed out the north-south collector street represented by Venetian on this plat was not part of the adopted Major Roadway Plan. It was another concession from the developer.

Mr. Janku asked about an anticipated cost. Mr. Glascock replied he thought it would be between \$350-\$400 per foot because the grading was already being done. Mr. Watkins asked about the approximate length of the street. Mr. Glascock stated it was about 3,000 feet. Mr. Watkins noted that was about \$1.2 million.

Tim Crocket, Crockett Engineering Consultants, 2608 N. Stadium, explained they had spoken to the Parks & Recreation Department about the pedestrian connectivity between the fairgrounds and the City owned property to the northeast. The Parks and Recreation Department indicated they had a concern of having to come back later and to grade trail. They were committing to grade the trail at the time of initial construction, which allowed the Parks & Recreation Department to obtain the exact location of the trail they wanted and the neighbors to have the major earth construction of the trail in place. He reiterated Venetian Parkway was along the west property line and not on the Major Roadway Plan. If it were a regular subdivision, half of the right-of-way would be granted. Due to a gas main and some drainage features, they decided to pull the right-of-way on their property and grant the whole width. In regards to the items discussed at the Planning & Zoning Commission level, they agreed with the stubs to the park and a traffic study to address the need and design criteria for any turn lanes on Brown Station Road and the need for when Venetian Parkway should be constructed. After the Planning & Zoning Commission meeting, they went back to staff and asked them to revise their recommendation to also include Waco Road. They felt if it was necessary for them to pave Venetian Parkway from their south to their north property

lines and if it did not go anywhere, it served no purpose and they would have spent a lot of money on a road that did nothing. Mr. Crockett pointed out there were several developments planned for the area and they had been working with the City and County to come up with an alignment and to figure out the cost, so Waco could be built across their property within the next several years. They wanted it included in the traffic study because it would allow another entrance out if built before the other. In addition, they wanted to look at it on a large scale to be able to work with the other developers in the area to plan for it in advance.

Mr. Loveless asked about the narrow lot in the northern section labeled 310A. Mr. Crockett replied that was one of two 20 foot stem lots to be granted to the neighborhood association for park access. Mr. Hutton asked if Parks & Recreation would maintain those lots. Mr. Hood replied they intended to maintain those lots.

Ms. Nauser asked if Grand Canal Drive would stub into Waco. Mr. Crockett explained Waco was just north of this property line. Due to some drainage features, Waco would be to the north a little bit. Grand Canal would stub into Waco Road eventually. Ms. Nauser asked if eventually meant when the Waco Road improvements were made per their proposal. Mr. Crockett stated the traffic study would most likely indicate they could only have so many lots within this subdivision before having another way out. The other way out would be the extension of Waco Road. At that time, they would have a preliminary plat filed on this piece that would show the Waco Road connection as well as Grand Canal Drive and Brown Station Road.

Mr. Janku asked if they needed to add something regarding Waco. Mr. Crockett thought it could be handled by the traffic study. Mr. Janku asked if the ordinance referenced a traffic study. Mr. Teddy replied it was not in the ordinance because it was their recommendation. Mr. Boeckmann explained it was not a requirement of the subdivision regulations, so unless the property owner wanted to put it in the ordinance, they did not put it in. Mr. Janku asked if he wanted it added. Mayor Hindman stated if they followed staff's recommendation, they would put it in. Mr. Boeckmann explained staff did not have a basis for making that recommendation. It was not like it was a planned district on a zoning ordinance. This was a subdivision ordinance, which was just an administrative function of the Council. Mayor Hindman asked if they were not permitted to put that in. Mr. Boeckmann stated if the property owner fought it, they would lose because there was nothing in the subdivision ordinance that stated they had to do a traffic study. Mr. Crockett stated they were proposing not to have it in the ordinance, but added that they were committing to perform a traffic study. Mr. Boeckmann understood the applicant wanted to do the study. Mr. Crockett noted they wanted to do the traffic study for their own purposes with some limited criteria. He believed staff had brought up several good points about some distant locations. Their concern in doing a blanket traffic study was the fact there were numerous developments in the area taking place and to do a comprehensive traffic study for the whole area, they would need to include all of those developments. That would broaden the scope tremendously. He stated there were a lot of other roadways and intersections that needed to be evaluated and this was only one small piece. They were proposing to look at the impact of this development on the immediate area. They discussed that with staff and had come to an agreement for what that criteria should be, the turn lanes and the Venetian Parkway/Waco Road alignment.

Mr. Boeckmann stated if the Council preferred they could put language in there telling them what they had already agreed to do because it did not sound like they would object to that. Mayor Hindman suggested they put that in since they volunteered. He felt it was to their advantage to have it in the ordinance. Mr. Crockett stated they would not have a problem with that as long as it could be defined as presented.

Mr. Boeckmann asked when they were planning on doing this. Mr. Crockett stated they planned to have it submitted and approved prior to the initial final plat. He thought that was staff's recommendation and they would commit to that.

Mr. Boeckmann stated the language could read approval of the preliminary plat is subject to the condition that before filing of the first final plat, the property owner shall have a traffic study performed showing the need and design criteria for turn lanes on Brown Station Road and the need and timing of an extension of Waco Road and/or Venetian Parkway.

Mr. Nauser asked when they determine the need for the extension of Venetian/Waco, who would pay for it. Mr. Crockett replied he did not anticipate Venetian Parkway because it did not have a benefit to this development, but if the traffic study determined it was needed for this development, this development would be responsible for that. Mr. Nauser asked if that was the paving or just the grading. Mr. Crockett replied the paving, if the connection was actually needed itself. It would be what the traffic study determined was necessary. He noted it could be argued that the reason a major collector was needed was not for this development, but for the fairgrounds. In that instance, the fairgrounds had some obligation as well.

Mayor Hindman made the motion to amend R96-06 by adding language reading approval of the preliminary plat is subject to the condition that before the filing of the first final plat, the property owner shall have a traffic study performed showing the need and design criteria for the turn lanes on Brown Station Road and the need and timing of an extension of Waco Road and/or Venetian Parkway. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Nauser stated she knew there was nothing that could be done now since it was at the preliminary plat stage, but she wanted to point out the similarities between this issue and one from the last Council meeting in regards to the development of roads. The argument had been made that the Council always gave R-1 zoning and there was really no reason not to. When looking at 504 houses and only two ways out, she felt that would be a reason R-1 zoning was not appropriate. She felt the people of this development would benefit from Venetian Parkway, as would others. She wished they could come up with cost sharing plans for issues like this in the future. She felt they would have another road with no funds to fix or pave for 10-15 years. Ms. Nauser stated she would like them to try to come up with some other fair, equitable way to deal with road infrastructure. She stated she did not have the answer. She wanted to open community discussion to come up with an alternative. Mr. Loveless pointed out they just had that discussion for months. They had a committee of wide ranging interests that worked for months and when it came down to it, there were significant parts of it the citizens did not buy. Ms. Nauser agreed, but that did not mean they should discontinue their search to find an answer. Mr. Loveless agreed. Mayor Hindman stated he thought this was another argument for planned development.

Mr. Watkins stated in reality, he believed their biggest problem, was that they were behind on Waco Road. If Waco Road had been through, there would be a stronger argument to indicate there would be some benefit to this development. If Venetian Parkway was built right now, it would not connect on either end.

Ms. Hoppe agreed with Ms. Nauser and believed the City needed to revisit the road package program. Because that particular package was not passed, she thought it had to be looked at again with some other options.

The vote on R96-06, as amended, was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. 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.

- B-147-06 Voluntary annexation of property located on the west side of Lake of the Woods Road, south of Evergreen Acres Subdivision (2331 Lake of the Woods Road); establishing permanent R-1 zoning; imposing conditions; approving the Preliminary Plat of Forest Hills, Plat No. 1.**
- B148-06 Rezoning property located on the east side of Fay Street, approximately 400 feet south of Business Loop 70 East from O-1 to C-P; approving an exception to the standards and criteria requirements from C-P developments.**
- B149-06 Authorizing an agreement with HDR Engineering, Inc. for consulting services to update the CATSO travel demand model; appropriating funds.**
- B150-06 Approving the Final Plat of Arcadia Plat 9 located on the northwest corner of Smiley Lane and Oakland Gravel Road; authorizing a performance contract.**
- B151-06 Vacating a utility easement located within Berlekamp Subdivision Plat No. 1.**
- B152-06 Vacating a sewer easement within Stratford Chase Subdivision.**
- B153-06 Authorizing a development agreement with B & E Investment, Inc. Bristol 6789, LLC, Bristol Lake Investment Company, LLC and Bristol 124, LLC relating to the Bristol Lake Development and related road improvements; amending Ordinance No. 018043 relating to conditions of approval.**
- B154-06 Approving the Engineer's Final Report; levying special assessments for the Sewer District No. 158 (Old Plank Subdivision) project.**
- B155-06 Amending Chapter 22 of the City Code as it relates to refuse collection rates for customers within the Special Business District.**
- B156-06 Calling for bids for construction of improvements at the intersection of Old 63 and East Broadway.**
- B157-06 Calling for bids for the South Grindstone Outfall Sewer – Phase 1.**
- B158-06 Authorizing acquisition of easements for construction of the Bear Creek Outfall Sewer Extension Project.**
- B159-06 Accepting certain streets for public use and maintenance.**
- B160-06 Accepting conveyances for drainage, sewer, sidewalk, street and utility purposes.**

- B161-06 Repealing Ordinance No. 018700; authorizing construction of water mains serving Bristol Lake, Plat 1; providing for payment of differential costs.
- B162-06 Authorizing construction of water main from Bearfield Road to the Bristol Lake Subdivision; providing for payment of differential costs.
- B163-06 Authorizing acquisition of easements for construction of a 24-inch discharge main under I-70, as part of the Hillsdale Pump Station project.
- B164-06 Confirming the contract with Emery Sapp & Sons, Inc. for construction of a 36-inch water transmission main from the McBaine Water Treatment Plant to Scott Boulevard; appropriating funds.
- B165-06 Accepting conveyance; authorizing payment of differential costs for water main serving Oak Forest, Plat 10; approving the Engineer’s Final Report.
- B166-06 Accepting conveyances for utility purposes.
- B167-06 Authorizing an antenna agreement with Celco Partnership d/b/a Verizon Wireless to lease City property for installation of a cell phone antenna tower at 1160 Cinnamon Hill Lane (Shephard Water Tower).
- B168-06 Accepting a grant from the Missouri Safety Center to conduct enforcement activities to promote seat belt usage; appropriating funds.
- B169-06 Appropriating funds for the Share the Light Program.
- B170-06 Appropriating funds for street and sidewalk projects authorized at the November, 2005 election.
- B171-06 Authorizing an intergovernmental cooperation agreement with the Grindstone Plaza Transportation Development District, THF Grindstone Plaza Development, LLC and THF Red Oak Development, LLC.
- B172-06 Authorizing an intergovernmental cooperation agreement with the Conley Road Transportation Development District, Broadway Crossings, LLC, Broadway Crossing LLC, Broadway Crossings II, LLC and RHL Columbia Development, LP.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Addition to North Orange Bus Route.

Mr. Watkins explained the Council asked staff to look at extending the Orange Bus Route, which was in north Columbia to the new Moser’s Grocery Store along Smiley Lane.

Mr. Glascock stated they found they could extend the bus route to the Moser’s within the 40 minute headway at a cost of \$9,500. They also looked at some benches and shelters in the area for \$13,000. The total first year expense was \$22,500. They did not believe the Moser’s or Taco Bell would be in operation until FY 07, therefore they thought they would put it in the budget at that time.

Mr. Janku stated he believed that was appropriate and was pleased they could do it.

Mr. Glascock stated they looked at running the bus up to the middle school, but it exceeded the 40 minute headway.

Mayor Hindman asked if they needed a motion. Mr. Glascock stated he needed direction to put it in the budget. Mr. Boeckmann thought the routes were authorized by resolution.

Mr. Janku made the motion to approve inclusion of extending the route in the FY 07 budget. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(C) State Route K at Scott Boulevard Intersection Project.

Mr. Watkins explained the City entered into a cooperative agreement last year with the County to improve site distances and make a number of safety improvements along with MoDOT at the intersection of Route K and Scott Boulevard. Scott Boulevard was in the process of being extended south to Route K by a developer. At that time, Council concurred with staff's recommendation to put approximately \$270,000 into the project. The project was recently bid and the County did not include some costs to relocate utilities in their initial cost estimate, so the cost of the project had increased substantially. The County was asking for an additional \$131,000, which was the same percentage as was originally put into the project. Currently, two of the four corners of that intersection were in the City and they were actively working with a developer to bring in the third corner. Staff was recommending the City provide the additional funds. It would be taken out of the annual streets fund. If Council concurred, staff would bring back appropriate legislation.

Mr. Janku made a motion directing staff to draft the appropriate legislation. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(D) Street closure requests.

Richard King of the Blue Note stated the amendment to the original request was to close half of Ninth Street at 2:00 p.m., so they could allow for production and setup. He noted he explained that to everyone when he went around to obtain signatures. He pointed out Ms. Gardner of the CCA was also aware of this.

Mr. Janku asked if the dates were the same. Mr. King replied they were. They just needed more time to set up.

Mr. Loveless made a motion to approve the street closures as requested. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

BOARD OF ADJUSTMENT

Griffin, Rachel, 2107 Dickinson Court, Ward 2, Term to expire May 1, 2011

AIRPORT ADVISORY BOARD

Hunter, Robert J., 4310 Montpelier Place, Ward 5, Term to expire May 16, 2010

CABLE TELEVISION TASK FORCE

Hildahl, Todd J., 2116 N. Creasy Springs, Ward 2

COMMUNITY DEVELOPMENT COMMISSION

Jones, Michael, 5304 Sandstone Drive, Ward 3, Term to expire November 1, 2007

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Audrey Sable, 3800 Mint Julep Drive, handed out a letter written by her husband to Mr. Janku in regards to inspections that needed to be conducted as buildings were being constructed. It detailed their experiences and observations. She noted her husband was a Civil Engineer and had been in the construction business for over 50 years. She commented that she had worked in the construction business for over 30 years. She explained their three-story home sat on the high spot of Mint Julep and when the storm hit they ended up with holes in their home. She stated there was no vapor barrier between the siding and the pressboard used underneath, which meant if they had a tremendous storm before the house was fixed, they would have a real problem. This was just one of their concerns and the others were noted in the letter. She stated they just wanted to bring it to the Council's attention and hoped something would be done to alleviate the problems.

Ms. Nauser stated the Scott Boulevard extension was a good example of how everyone could work together to get a road built. She felt the addition of Scott would be a welcomed addition.

Ms. Nauser commented that she had the opportunity to go out to the United Methodist Church conference area off of 763 as they were installing their new rain garden and stormwater drainage. She wanted to commend them on that. She felt it was a great testament on how individual entities could help solve some of the stormwater problems. She noted the Hinkson Watershed project was ahead of schedule in building their rain gardens. They were almost at the quota required by the grant. She commented that individual participation to solve this problem was good for the community and she wanted the City to start looking at alternatives to fix the problem.

Ms. Hoppe wondered if there was something the Council could do in regards to whether they could require the traffic study. Mayor Hindman thought the problem was with the R-1 zoning ordinance. He understood a report was coming that addressed the issue of requiring everything to come in as a planned development. He noted another step would be to look at the R-1 ordinances to see if they could make adjustments to them. Mr. Janku explained one thing that was mentioned here was the fact there were two entrances. There was a requirement of so many homes for the first entrance, but after the second entrance they could include as many homes as they wanted. Mr. Janku thought they could look at that as some sort of intermediate step.

Mr. Janku asked staff to follow up on the letter from the Sable's with a report or comments. He also requested a report on subdivision access in regards to the point at which there should be more than two access points or if a collector could be a primary access point. Mr. Janku made the motion for staff to respond to the Sable letter and to provide a report on subdivision access. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mayor Hindman stated he was still concerned about the lighting situation and asked if they were still waiting for a report. Mr. Watkins replied it was scheduled for a work session in June. Mr. Hutton asked if this was a proposed ordinance that had gone through the process. Mr. Teddy replied it had not been brought to Planning & Zoning Commission yet.

Mayor Hindman referred to the Moser's project where they wanted 30 feet high lights. He commented that they had approved 20 feet in the past and the Taco Bell project approved tonight was approved with 24 feet. He did not think they should let Moser's be above 24 feet. He noted that without the lighting ordinance they were fluctuating.

Mr. Janku asked if it would be ready for them to sign off on the 24th and send it to the Planning & Zoning Commission. Mr. Watkins thought they had a very full schedule on the 24th. Mr. Janku felt if they waited until June to review it, they were looking at fall before anything could be done. Mayor Hindman asked if they could just send it to the Planning & Zoning Commission. Mr. Watkins replied that was fine. Mr. Janku stated he did not like the idea of waiting until June. Mr. Loveless stated he would not have a problem with sending it straight to the Planning & Zoning Commission without Council comment. Mr. Watkins stated they would send it to the Planning & Zoning Commission with the instructions that it should have a priority. Mayor Hindman made the motion to send the lighting issue to Planning & Zoning Commission. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman noted the issue of shared parking and interconnection between the parking lots had come up and asked if there was a report underway on that issue. Mr. Teddy stated there had been requests in the past for shared access, which he thought would include parking lot interconnects. He commented that they had some reports that had been done in the past they could produce readily. Mayor Hindman felt they should have something because the advocates for the developers always stated neither wanted to share. He did not think they could deal with it on a case by case basis without a policy. Mr. Janku stated there was shared parking and shared access. He wanted to point out they were different. Mayor Hindman stated he was trying to get both. He asked that if there were reports that had been done to provide them to Council. Mr. Teddy replied they would. Mayor Hindman stated if they found out there were not any, they would then ask for a report. Ms. Hoppe asked if walkability interconnectivity, for example between Moser's and Taco Bell, could be looked at. Mayor Hindman stated he would include it in his request.

Mr. Loveless stated he was asked about a pedestrian crosswalk light at Providence and Stewart Road. He wondered if they could put that on the countdown timer list. Mr. Glascock replied that intersection was being looked at with the non-motorized items.

Mr. Loveless thought there could be a connecting road between Howard Orchard Road and Scott Boulevard. There was a low spot on Scott Boulevard as one went south of Vawter School Road, up the hill and to a creek bottom. That creek bottom ran up to the other side of Dr. Wilson's property that was just annexed into the City. In the long term, acquiring right-of-way to bring that road through to Scott Boulevard would be cheaper than building

Howard Orchard Road all of the way to the bridge. Mr. Loveless made the motion that staff be given the charge to take this issue to CATSO or the technical committee for consideration. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Loveless asked for a re-examination of the tree ordinance. He stated the tree ordinance had been taking a pounding because of what was happening at the east end of Stadium. It was meeting the letter of the law, but not the spirit of the law. He remembered they changed the tree ordinance and the land disturbance ordinances from how they were originally drafted. Mr. Watkins asked what he wanted to achieve. Mr. Loveless stated he wanted to get away from a massive clearance of timber and vegetation to prepare a site as a flat piece of ground without any consideration other than how they could make this easily developable. Mayor Hindman felt that was a valid point, but noted one of the problems was the exception for residential development. He understood there was no tree ordinance that applied to residential development. As long as the land disturbance allowed it, they could clear all the trees. The argument had been that it was too expensive to administer such an ordinance or that the developer's valued the trees so much that they would not do that. He noted some developers made it a policy to clear the entire thing and were allowed to do that primarily because of the exemption for residential property. Mr. Glascock stated there was not an exemption. The developer had to save 25 percent somewhere on the property. He could put it where the lots were and when they came in to build houses, they could be cleared off because they were selling individual lots. As a parcel of land, they had to save 25 percent. Mayor Hindman asked what would happen if he platted all the lots and then cleared them. Mr. Glascock stated the developer could not clear it. Only the homebuilders could because it was less than an acre. Mr. Loveless pointed out the problem that had caught everyone's eye was on Grindstone Parkway where 50 acres was stripped and 25 percent of the mature forest was left on the far north. They were meeting the letter of the law, but the spirit of the law was being violated. The same thing was happening on the east end of Stadium. He felt they needed to tweak the ordinance, but was not sure how. He asked staff to provide some thoughts. Ms. Hoppe thought there was a group of concerned citizens that would like to be involved. Mr. Janku understood the Stormwater Committee had issued a report. Mr. Glascock clarified that they issued a report on the stream buffer. The stormwater manual had not been provided to them yet. Mr. Janku asked if the stream buffer issue would address some of the tree preservation issues. Mr. Loveless did not think stream buffering would alleviate the problem because the stream was low and the clearing was higher. Mr. Loveless made the motion to direct staff to review the issue and report back. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman made the motion for a report on the proposed basketball issue discussed at the pre-council meeting. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman made the motion for the City Council to go into a closed session immediately following the work session scheduled to begin at 6:00 p.m. on Monday, April 24, 2006 in the fourth floor conference room of the Daniel Boone Building to discuss pending

litigation as authorized by Section 610.021(1) of the Revised Statutes of Missouri. The motion was seconded by Mr. Janku with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, HOPPE. VOTING NO: NO ONE.

The meeting adjourned at 11:22 p.m.

Respectfully submitted,

Sheela Amin
City Clerk