

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
APRIL 3, 2006

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, April 3, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON and LOVELESS were present. The City Manager, City Counselor, City Clerk and various Department heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of March 20, 2006 were approved unanimously by voice vote on a motion by Mr. Janku and a second by Mr. Hutton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Ash noted Report F would need to be added to the Reports section of the agenda. Mayor Hindman stated the title of the report was Street Closure.

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

SPECIAL ITEMS

(A) Tony St. Romaine – Swearing in as Assistant City Manager.

Mayor Hindman introduced the new Assistant City Manager, Tony St. Romaine. The City Clerk administered the oath of office to Mr. St. Romaine.

(B) Matthew Wine, Finance Advisory Committee Chair – City's FY 2005 Comprehensive Annual Financial Report.

Matthew Wine stated the Finance Advisory Committee wanted to thank and congratulate the Finance Department for their excellent work in creating the financial reports detailing the City's financial condition. KPMG found no transactions that were significant or unusual. The one change proposed by KPMG during the audit related to the reclassification of approximately \$160,000 from an accounts receivable classification to a grants receivable classification. This change had no substantial effect on the financial statements of the City. Other adjustments that were not deemed material were also disclosed. These adjustments related to a liability for a landfill closure, a liability related to an insurance claim and the self insurance fund, and an expenditure that was posted for a check that was outstanding and had not been presented for payment in recognition of grant revenues for expenditures that had been incurred. The Committee discussed all of the adjustments in great detail with Ms. Dipple of KPMG and Ms. Fleming, the City's Finance Director, and was satisfied with the answers provided. The Committee found no substantial or material error with regard to the adjustments. Also presented and discussed was a listing of estimates prepared by

management. The audit found that the relevant estimates appeared “fairly stated.” Mr. Wine explained one of the more important on-going events in the audit process was the interaction of City management and the auditors. Ms. Dipple of KPMG noted they received full cooperation during the audit. Mr. Wine pointed out the Finance Advisory Committee accepted the audit and the audit processes as having accomplished its mission while complying with appropriate professional standards. The audit provided an unqualified and clean opinion of the Comprehensive Annual Financial Report. There were no questioned costs or findings in regard to the Single Audit Report. The PFC Audit Report, which related to the Airport, was conducted to meet FAA requirements. There were no findings related to compliance for internal controls. The Management Letter included one specific item relating to the calculation of a City retiree’s benefit. The audit found this retiree had received more money than was due from the City. The cause of this error was a data entry mistake on the front end of his specific account creation. Sixty other accounts were tested and no errors were found. KPMG determined this was a limited incident. The City was taking the necessary action to recoup the overpayment, which was not a significant amount of money, and to ensure future errors would not occur. In summary the financial statements, their processes and the overall auditing relationship was successfully completed for 2005 and was conducted in an appropriate professional and legal manner.

Mr. Janku made the motion to accept the audit report. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

R85-06 Acceptance of USTA Tennis in the Parks Grant for Fairview and Cosmo Park Tennis Court Improvements.

The resolution was read by the clerk.

The vote on R85-06 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

Mary Bushman of the USTA presented Mayor Hindman with the \$100,000 grant check for improvements to the tennis courts. Mayor Hindman, on behalf of the City, thanked Ms. Bushman.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B437-05A Voluntary annexation of property located on the east side of Howard Orchard Road, north of State Route KK; establishing permanent R-1 zoning.

The bill was read by the Clerk.

Mr. Watkins noted this involved the annexation of approximately 118 acres in south Columbia along with the designation of R-1 as permanent zoning. He pointed out the petitioner had developed a proposed agreement that attempted to address a number of the Council’s, the neighborhood’s and the County Commission’s concerns.

Mayor Hindman opened the public hearing.

Skip Walther, 700 Cherry Street, stated he represented the contractor purchasers of the property and noted the essential question was whether this annexation was appropriate for the City of Columbia. His clients wanted to develop a Thornbrook-like subdivision. He felt there were many benefits to Columbia, such as a larger property tax base, more utility customers, extension of sewer to this area, and a development compatible with the existing neighborhood. He thought there were also benefits to the Thornbrook Subdivision, such as the installation of speed tables for traffic calming, additional emergency exits from the subdivision, and a development compatible with their subdivision. He commented that the Thornbrook residents had four specific concerns and the foremost concern related to traffic and safety. He stated the development agreement attempted to deal with the issues. They agreed to limit the density of the subdivision, which would reduce traffic. In addition, they agreed to direct construction traffic to use the construction entrance into Thornbrook or Howard Orchard Road, when the attachment was made, and to provide unlimited speed tables or planter islands. Their second concern was interconnectivity within Westbrook. They agreed to do that and would amend their plat, which was currently scheduled to be heard at the next Planning and Zoning Commission meeting. They also requested an aesthetically pleasing and size relational transition and they would agree to do that. In addition, they asked for a distinct visible separation of neighborhoods. They agreed to build an appropriate entrance to the subdivision. Using the overhead, Mr. Walther showed the platting sequence for Thornbrook and the proposed platting sequence for Westbrook. He stated their subdivision was proportional in terms of sequencing and volume of development. It was a third of the size of Thornbrook and Thornbrook-like in almost all respects.

Mr. Ash understood the concept of a neighborhood improvement district included an earlier version of the development agreement had been dropped. He thought it was a good idea and asked why it was dropped. Mr. Walther replied the way the statutes were written with respect to a neighborhood improvement district, his clients would be taking a risk in that the district would be created before the lots were sold. Their intent, in agreeing to that initially, was for the agreement to bind the property owners as they bought lots in Westbrook. He did not believe they could, legally, create a restriction that would only bind future property owners and not the current property owners. He noted if there was a way to do it, they would be willing to re-enter into that type of agreement.

Gary Banks, 4500 Thornbrook Terrace, stated he disagreed with Mr. Walther in that there would not be any traffic through Thornbrook initially. He noted he was told it would be at least two years before Howard Orchard Road was improved enough to be accessed. Until the streets and sewers were put in, traffic would be traveling Thornbrook Ridge to Steeplechase. He understood there would be 10,000 lineal feet of streets constructed in the new development. He thought that meant there would be a minimum of 500 trucks of concrete adding up to over 1,000 trips. He was concerned about the residents of Thornbrook even with speed bumps. He noted dump trucks, fuel trucks, etc. would also need to access the new development. He felt there would be a great deal of construction equipment going through Thornbrook initially until Howard Orchard Road was built in a safe manner. He understood even with only 50 homes in the first phase, there would be approximately 200 additional cars moving through the neighborhood. He commented that Mr. Walther stated the

subdivision would be a “Thornbrook-like subdivision” and the powerpoint indicated lot sizes of 108 feet long and 60 feet deep. He noted his lot was 150 feet in the front and 290 feet deep and felt that was a significant difference. He urged the Council to table this annexation until Howard Orchard Road was improved and in a safe condition that would accommodate the heavy equipment.

Mayor Hindman asked what the difference would be between this development and the development that took place to the west of the people who purchased the initial lots in Thornbrook. He understood they had to use the Thornbrook exits to get to Scott Boulevard. Mr. Banks stated he lived on Thornbrook Terrace, which was the second entrance, but initially the first entrance. He noted there were several times where he had to ask the construction traffic to slow down, but shortly thereafter, Mr. Sapp put in a third entrance and specifically stated no construction traffic on the primary entrances. The construction traffic would have to enter off of KK through the back side. He noted that after the first year, they did not see much construction traffic on their street. It was a result of cooperation between the developer and contractors.

Tim Crockett, 2608 N. Stadium Boulevard, stated his office had discussed the existing streets with Public Works and all were in agreement that the streets were adequate to safely handle traffic from both the Thornbrook and Westbrook subdivisions. He clarified the 108 feet x 60 feet Mr. Banks referred to was not the size of the building envelope, not the lot size. The lots would be a minimum of 120 feet wide at either the front or rear building line and were in line with what was currently in Plat 7. He pointed out they were committed to using the third construction entrance to Thornbrook until the entrance onto Howard Orchard Road was constructed, which would further alleviate congestion.

Mayor Hindman was confused asked if the construction entrance went into Thornbrook. Mr. Crockett replied it was a third public access that went into Thornbrook and was currently accessed off of Route KK. The construction traffic from Thornbrook had been asked to utilize that entrance. This took the construction traffic away from the two primary entrances to Thornbrook Subdivision. They would direct their traffic to utilize that same entrance until a drive was connected to Howard Orchard Road.

Mayor Hindman asked if there were homes on that entrance. Mr. Crockett replied yes. He noted that entrance took a very small percentage of the domestic traffic in the neighborhood. He thought it took about 4-5 percent of the total domestic traffic.

Mr. Janku understood the plat would be amended to have interconnectivity within the development. Mr. Crockett replied that was correct. Mr. Janku asked if all of the phases would be connected at that point. Mr. Crockett replied yes. He explained the original preliminary plat indicated half the lots to the south would utilize an entrance into Thornbrook and half the lots to the north would utilize an entrance into Thornbrook. With the revised preliminary plat, they would be able to access all of the lots within the development internally without ever leaving the subdivision.

Mr. Janku understood the current construction entrance could be used to access all of the lots. Mr. Crockett replied that was correct. Mayor Hindman understood it could access all of the lots in the first phase. Mr. Crockett replied yes. The one in Thornbrook would access all of the lots in the first phase. In the second phase, they would access Howard

Orchard Road. That entrance could be used to utilize Plats 2, 3, 4 and 5 of the Westbrook development. Mayor Hindman understood, if for some reason that did not work out, they could access all of the lots through the construction entrance. Mr. Crockett replied that was correct.

Ms. Nauser asked if they had settled the issues with the County relating to the use of Howard Orchard Road. Mr. Crockett replied they had. He noted the commitments made included widening portions of Howard Orchard Road and laying the bank back at two locations due to steepness of the road. He understood there would be an agreement with the City regarding maintenance of the road. He thought the County was supportive for the most part.

Ms. Nauser asked if the County had given any indication of if or when improvements would be made Howard Orchard Road to make it a safe road. Mr. Crockett replied they were not given any indication in regard to that issue.

Don Lang, 5610 Majestic Circle, stated his home was one of the first houses built near the swimming pool, so they had seen a lot of traffic and were concerned about safety. He explained Thornbrook started about 6 years ago and 50-60 houses were built per year. Currently there were 300 occupied homes. He noted they knew, when they purchased their property, about 400 acres would be developed involving 500-600 homes. They later found out 24 more homes were added from Beacon Falls and through Thornbrook was the only possible way they could get in and out. Now, Westbrook would be adding on to the west side with another 178 homes. They would have approximately 800 homes when all of this was completed and most of the traffic would funnel out on Thornbrook Ridge. He estimated 4,000 trips per day if two-thirds used Thornbrook Ridge, a 32-foot street. They were concerned for the kids in the area. They understood there would be 500-600 homes in the subdivision, but were not aware the continual adding on would occur. They were concerned because there was more land on the other side of Howard Orchard Road that could be developed. Using the overhead, he showed land just west of Howard Orchard Road that was currently being logged, which gave the idea that this would be developed. He thought they would go across Howard Orchard Road through Westbrook to Thornbrook. He wondered when it would stop. Mr. Lang explained there were three entrances to Thornbrook. The first was the water tower entrance, the second was the club house entrance and the third was off of KK and referred to as the construction entrance. He noted it was now populated there.

Stacy Bryant Wimp, 4911 Silvercliff Drive, Vice-President of the Thornbrook Homeowner's Association, stated they had met with the developer and their attorney and engineering firm several times. She noted they had made a few changes based on the conversations. She pointed out they did not oppose the development, but did oppose the access. They only wanted to see it developed when there were adequate roads. She noted the Bethel Falls development only had access through their neighborhood and had stub streets, which went to undeveloped property. She wondered when it would end. Instead of developing roads to support new growth, she felt the City was overpopulating existing neighborhood streets and ultimately putting the safety of the community's children and residents at risk. If Council approved this annexation, they would have three entrances and exits to support over 800 homes. She felt the Council's decision would set a precedent. If

the City continued to annex property without knowing how they would pay for the roads, she felt the City was setting itself up for failure. She stated she, personally, would like the City to grow, but would like the City to be responsible and to grow within a comprehensive plan that took into account road infrastructure.

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

Mr. Janku asked how they could make discussions of the plat something they had to commit to. Mr. Boeckmann replied they could put it in the ordinance as a condition.

Ms. Nauser asked if connectivity was one of the platting requirements. Mr. Glascock replied there was something that required so many connections for so many lots. Ms. Nauser understood the Westbrook Subdivision, by regulation, would have to have connectivity from the north to the south portion. Mr. Glascock replied he thought that was correct. Mr. Teddy noted there was somewhat of a discretionary standard, but there was language that addressed connectivity and maximum street length in the ordinances. Ms. Nauser understood that was a City requirement and not something that would be given to Thornbrook as a benefit. Mr. Teddy was not sure interconnecting the north and south portions was strictly required by the subdivision regulations.

Ms. Nauser asked if the three entrances into Thornbrook were within the current regulations for a subdivision of that size. Mr. Glascock noted that once it was built out, it would have a fourth at Howard Orchard Road. Ms. Nauser asked what the lineal foot requirement was. Mr. Loveless understood it was the number of homes. He thought up to 100 homes, only one entrance was required, and after 100, two entrances were required. He asked what the requirement was after that. Mr. Teddy explained there was a regulation that no one street segment could serve more than 50 homes. The way that was interpreted was if there were alternate routes along a street segment, the 50 home limit did not apply. If one connected a long street having more than 50 homes on it at either end to a public street, it would meet the standard.

Mayor Hindman asked about the requirement for entrances and exits from a subdivision for a certain amount of homes. Mr. Teddy replied that was the 100 requirement. Mr. Hutton understood there was not a progressive step after that. In other words, over 100 required two, but there was nothing for 300 or 600. He understood it was either one or two. Mr. Teddy replied that was correct, but added if extending the streets further and further created a condition where a local class street had more than 50 homes that were absolutely dependant on that same street segment, it would cross the line. Beyond that, he could not think of anything that would require more access.

Mayor Hindman thought it was odd that they had a requirement for two entrances for 100 or more homes, but if they had 400, they could still get by with only two. Mr. Ash felt it was an issue now, but 50 years from now, there would be more streets.

Mr. Janku asked if the agreement for making a payment to go toward future maintenance and the construction of Howard Orchard Road could go towards Howard Orchard to the north of the subdivision. Mr. Boeckmann replied it was not specified, but it was not very much money so it would not do much.

Mr. Hutton asked why the ordinance did not discuss the development agreement. Mr. Boeckmann noted it was in the ordinance. He explained it was in the amended ordinance,

which added a Section 8 that authorized the development agreement. Mayor Hindman understood the development agreement was binding on this developer. Mr. Boeckmann pointed out it was binding on all property owners. It ran with the land.

Ms. Nauser stated this reminded her of the issue they had a month ago relating to property near Rice Road where they discussed whether it was proper to dump one subdivision's traffic on to another subdivision. She thought, in that instance, they passed an amendment to block off a street before they declined the annexation and zoning, so it did not become a thoroughfare. She noted Howard Orchard Road was an unimproved gravel road with steep hills and turns. She felt no one would use it and commented that it would not be on anyone's agenda to fix. She understood Scott Boulevard, in front of Thornbrook, would not be fixed until 2011-2015 and noted that was an inferior road by all standards. She felt they were continually adding more traffic onto this road. She stated Scott Boulevard, KK, Highway K, and Sinclair in the 5th Ward were all being built out and developed on inadequate County roads with no shoulders. People were not able ride their bikes and children were not able to walk to school, however, the City continued to add more and more. She wondered where it would end. Westbrook as a stand-alone subdivision was great. She had nothing against the subdivision. She was not sure how they could tell Westbrook they could develop, but still tell people across the street they could not. She felt they would be creating another Scott Boulevard with Howard Orchard Road and felt they needed to address the roads.

Mr. Ash stated he felt the diagram Mr. Walther's showed of Thornbrook developing in phases was very persuasive because he could see how this could be an extension of that. He commented that he did not feel this was exactly the same as the Rice Road situation. He saw the similarity of dumping traffic from one neighborhood to another, but they dealt with that all of the time, since they strived for interconnectivity. The negative to interconnectivity was the cut through traffic. He felt this should have come in as a planned development, but even though it did not, the development agreement helped. He stated he would support it.

Mr. Hutton noted the Rice Road development they turned down gave them an opportunity to provide a major thoroughfare and more connectivity. The developers just did not want to do that. He stated that was why he led the fight to oppose it. In regards to Ms. Bryant-Wimp's road comments, he pointed out if they had listened to those arguments when Thornbrook was originally approved, it would not be there. He agreed they developed a lot of subdivisions in areas where the infrastructure was lacking. If they only allowed development to occur where roads were in place, they would have none because they would not build roads if there was no need for them. He did not believe the taxpayers would fund it. He thought where it stopped was a legitimate question. His personal feeling was that they could say anything west of Howard Orchard would be out of the question to come through Thornbrook. He thought a boundary could be set. He also thought at some point, staff would say a connection to Scott was required. He agreed at some point they would have to stop, but he felt this was a logical extension.

Mayor Hindman noted the comments regarding drawing the line somewhere when there was inadequate road infrastructure was a very important point and one they would have to wrestle with. He pointed out Thornbrook was built with full knowledge that Scott Boulevard would have to carry Thornbrook traffic. He questioned whether it was fair to have this

subdivision utilize Thornbrook streets in order to get to Scott Boulevard. He was reasonably satisfied the bulk of the construction traffic would be on the construction road as it had been in the past. He agreed Howard Orchard Road would not carry the automobile traffic. Tacking on a subdivision at the end of another subdivision of this size, he felt, was not good. In regards to loading extra traffic on to Scott Boulevard, he agreed they needed to bring that to a halt at some point, but noted it was coming from all sorts of places. He did not see that as the real reason not to approve this because it would add that much more of a load than was already there. He thought this should have been a planned development and that all annexations should be planned developments. It would enable them to deal with issues such as this. In this particular case, he thought the development agreement got them as much as a planned development would have.

Mr. Loveless felt if they were going to change their policy regarding adding successive subdivisions, they would need to go back and change the developmental standards that required developers to stub a street into adjoining property. That was in there so the next successive subdivision would have a way out through the one that was built before. He noted it would be a rather significant philosophical shift in how they approached development.

Mayor Hindman agreed they did require them to stub out to the next subdivision, but felt the expectation was that it would lead to a major arterial or collector street from the other subdivision sooner or later. He did not think that would happen here. Mr. Loveless stated he thought, in time, they would see Howard Orchard Road develop as a major collector or to collector standards. He thought it would happen to the north and noted just north of Dr. Wilson's property, the road went up the creek and tied into Scott Boulevard, short cutting another two miles of Brushwood Lake Road, before turning back in to Scott over the creek. He noted there was another small drainage between Vawter School Road and Route KK where Howard Orchard could be brought through. He reiterated he thought that would happen in time.

Mr. Janku pointed out on Rice Road they knew what the answer was and that it could be achieved. He did not know whether there was an answer here they could work toward if they turned it down. Mr. Janku understood the streets in Thornbrook were designed for a certain amount vehicular traffic per day and asked what the trip generation was. He felt that was a rational way to make the decision. Mr. Glascock replied it would be hard to guess because there was Howard Orchard Road and two connections to it from this subdivision, which provided a total of five. They would have to take all of them into account. He agreed a lot would go out the front side to Scott. The streets were 32 feet wide with parking on both sides in that area. The City's street standards today were 28 feet, so there was actually more capacity through that area than what Westbrook would have. Mr. Janku asked if 4,000 was exceeding its capacity or close to exceeding it. Mr. Glascock replied he did not believe it would take it up to its capacity.

Ms. Nauser commented she understood the intention was to get Rice Road through in the other situation. Her point was that they were entertaining the idea, had the annexation and zoning gone through, of trying to address the cut through traffic that would have been generated into the older neighborhood. She pointed out one of the speakers indicated the construction entrance into Thornbrook was mostly built out. It was not a gravel road. It still

had residential homes. It just happened to be on a different side of the subdivision with a little less traffic since a majority of the people used the water tower entrance. Mayor Hindman agreed the construction traffic would be going by the homes, but noted it would not be mixing much with the commuter traffic going in and out.

Mr. Janku suggested an amendment regarding the connection. Mr. Boeckmann explained they could add a Section 9 reading “the annexation and zoning of the property described in Section 4 are subject to the condition that all streets constructed on this property shall be interconnected.” Mr. Ash did not think they indicated every single street would be interconnected. Mr. Hutton thought the plats would be interconnected. Mr. Boeckmann suggested language reading “the annexation and zoning of the property described in Section 4 are subject to the condition that all plats on this property shall be interconnected.” Mayor Hindman asked if that meant there would be interconnected system. Mr. Hutton understood the street work between plats would be interconnected.

Ms. Nauser asked if they required all of the plats to be interconnected, if it would need more than one interconnected street because they had a lake and some green space. Mr. Boeckmann asked if they preferred language reading “the annexation and zoning of the property described in Section 4 are subject to the condition that all plats shall be interconnected by streets.”

Mr. Walther explained there were two cul-de-sacs going toward each other to the east of the lake. They would now connect those two streets - Spicewood and Purple Plum. One would be able to reach any street from any point within Westbrook. Mr. Walther felt Mr. Boeckmann’s language was appropriate.

Mr. Boeckmann clarified the suggested language as reading “the annexation and zoning of the property described in Section 4 are subject to the condition that all plats on this property shall be interconnected by streets.” Mr. Walther stated he believed that was fair.

Mr. Hutton made the motion to amend B437-05A by adding a Section 9 reading “the annexation and zoning of the property described in Section 4 are subject to the condition that all plats on this property shall be interconnected by streets.” The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

The vote on B437-05A, as amended, was recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NAUSER. Bill declared enacted, reading as follows:

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 explained this item was tabled since Council asked for additional information regarding the concerns of one of the residents. He noted staff had provided pictures and additional comments.

Mayor Hindman opened the public hearing.

Dick Hessler, 411 Westmount Avenue, stated there was a considerable amount of damage to his driveway due to a water line breaking as part of the project. In addition, he explained there was no way he could use the cut-out that was put in for cleaning out the

section of sewer from his home to the collector. The line from his home went 15 feet along the old sewer and then went into the new line. Using the overhead, he described the location of his house, the sewer lines, the cut-off, the water line and his neighbor's house. He explained he has a back-up and the Roto Rooter guy plugged into the cut-out and was unable to get to his house from there. Mr. Hessler noted the City paid to replace the water line. The contractor that did the sewer did the digging for the water line. It came down the driveway and tore up the driveway down the middle. He noted he had to pay for the plumber to connect it to his house, which cost \$258. The driveway itself required the removal of the existing driveway, installing 6 inches of base rock and paving the driveway with 3 inches of asphalt for a total of \$4,480.20.

Mr. Hutton asked if Mr. Hessler paid that cost. Mr. Hessler replied he did. He pointed out he was not opposed to the installation of new sewer, but felt in his case, he did not receive value for what he was being charged.

Mr. Loveless understood Mr. Hessler spent about \$4,200 fixing problems that were the direct result of the line being put in. Mr. Hessler replied yes and noted he spent another \$258 for the plumbing to be connected to the home. Mr. Loveless asked what the cost of the driveway was. Mr. Hessler replied \$4,480.

Mr. Ash asked Mr. Hessler if he saw the supplemental information they received. Mr. Hessler replied he did not. Mr. Ash noted number 4 discussed two options provided when putting in the clean out structure and that he chose the one that would not allow access in order to save the oak tree. Mr. Hessler recalled being advised not to put it through the roots of the oak tree, but not the other part.

In regards to the driveway damage, Mr. Ash noted the supplemental information indicated the contractor used his driveway without direction from the City and that the City was not made aware of the damage to the driveway until it was brought up at the public hearing. Mr. Ash asked if he had told the City that he had incurred these costs. Mr. Hessler replied he had informed them of the driveway being damaged and that he needed some base rock in order to get in and out of his garage. The person he spoke with told him to deal with the people who had done the sewer. Mr. Ash asked if instead of dealing with the City, he was told to deal with the contractor. Mr. Hessler replied yes, but only in regard to the question he had with the rock. He explained he could not get the contractor to do it, so he did it himself. He noted he did not talk to the City about fixing his driveway because he did not know they were responsible. He thought the contractor was.

Mr. Ash stated they were provided before and after pictures and his driveway was not in that great of shape before, but looked really good now. It implied that perhaps the damage done was not just a result of the water line. Mr. Hessler replied that could be one way to look at it. He pointed out his driveway was exposed and open, and water had gotten underneath and had gone out toward the street causing the driveway to sink. That was why the company that put in the driveway told him the only way to get it back to where it would be worth keeping for a while was to put all new bedrock under there because it had eroded away and sunken down. The front part of the driveway, from where the water line went into the house to the garage, was completely unusable by any definition. He agreed the driveway was not in

the best of shape, but it was not unusable before this happened. It became unusable as a result.

Mr. Ash noted staff did agree the water line had been crimped by the contractor and that he complained about low pressure in the house. They replaced that, but there were still problems. The Water and Light Department checked the City's side and stated the pressure was good up to the meter. They also provided him a new copper line, but a plumber had to perform the connections on his side. Mr. Hessler agreed they did crimp the water line and thought they had found the place where it was crimped, but it was the opinion of the contractor, after they put in a temporary piece to bridge the area, the water line was crimped somewhere else because it did not work at all. At that point, the line was replaced.

Mayor Hindman wondered why Mr. Hessler had not seen the report and felt if he had seen the report, he might have been able to work things out with Public Works. He wondered if it should be tabled.

Mr. Loveless noted part of the justification on tax bills was that the homeowner derived a certain benefit. In the long term, having a new sewer was to Mr. Hessler's benefit as it was to all of his neighbors. On the other hand, getting the sewer cost him considerably more than he would have paid had it not been done. He suggested they discount his tax bill by \$2,000. The assessment was \$5,100 and he had already expended close to that in ancillary costs.

Mr. Loveless made the motion to amend B69-06 by reducing Mr. Hessler's tax assessment by \$2,000. Mr. Ash asked how he arrived at that figure. Mr. Loveless replied he split the difference. Mayor Hindman asked if Mr. Hessler was satisfied with that arrangement.

Mr. Hessler replied it was okay by him. He was not in a position to argue with a sewer project that benefited the neighborhood. He did not want to hold it up or create problems. Mr. Ash asked how he would feel about tabling it one more time, reading the report, and then coming back and voicing his opinion. Mr. Hessler stated he would rather read the report and be able to see what was said.

Mr. Watkins suggested the Council table this item, if Mr. Hessler did not mind coming back one more time, to let staff work it out. He did not feel they should be putting the Council or Mr. Hessler in a position where they needed to negotiate.

Mr. Loveless stated he would withdraw his previous motion.

Mr. Hutton made the motion to table B69-06 to the April 17, 2006 Council meeting. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B107-06 Voluntary annexation of property located approximately 500 feet northwest of the intersection of Waco Road and Brown Station Road; establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would annex approximately 122 acres of undeveloped property in north Columbia. The Planning and Zoning Commission voted 8-0 to recommend approval of the R-1 zoning. The Parks & Recreation Commission expressed some concern about increased stormwater. That would be handled during the normal development process.

Using the overhead, Mr. Teddy commented the site was expected to have access through the C-P tract, which had the same owner. He pointed out the Waco Road alignment

would be on the south side of the tract and noted they were working with the applicant to lay out a right-of-way for it.

Mayor Hindman opened the public hearing.

Chad Sayre of Allstate Consultants, 7401 N. Fall Creek Drive, stated he was available to answer questions.

Mr. Ash asked if he had any comments in response to the concerns noted by the Parks & Recreation Commission regarding the special stormwater considerations that would need to be given to the parkland nearby. Mr. Sayer replied with the planned zoning that was already adjacent to it, they intended to down-zone the M-R and M-C to a PUD and maintain the buffer. He noted the area on the overhead where Mr. Teddy was pointing to was a jurisdictional Corps stream and there would be issues there they would have to address along with quantity of stormwater. He stated they were not anticipating any issues and would work through the City process.

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

The vote on B107-06 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B108-06 Approving the Woodland Springs Lot 103B C-P Development Plan located on the west side of Woodland Springs Court, south of Clark Lane.

The bill was given second reading by the Clerk.

Mr. Watkins stated this proposal would allow for an 89 room Fairfield Inn and Suites on property in north Columbia. The Planning and Zoning Commission recommended approval of the C-P development plan.

Mayor Hindman opened the public hearing.

Neal Slattery of A Civil Group, 1010 Fay Street, stated he was available to answer any questions.

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

Mr. Janku stated he wanted to applaud them for the shared parking. Mr. Ash agreed and also commended them for the stormwater filtering.

The vote on B108-06 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B109-06 Approving the 2325 Smiley Lane O-P Development Plan located on the northwest corner of Smiley Lane and Oakland Gravel Road; allowing less stringent yard and screening requirements; granting a variance to the utility easement width requirement.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposal would allow for a 15,000 square foot office building with a possible future 1,500 square foot pharmacy. The initial proposal requested three variances. Staff received late Thursday evening an amended plan, which eliminated a variance request.

Mr. Teddy explained the changes to the revised site plan. He noted what was formally a four cornered rectangular building now had a truncated corner, which allowed for a full 10 foot easement width at the southeast corner. Initially, staff was recommending denial of a variance to reduce the easement width at that corner. The variance was no longer necessary. Another change was a detail that indicated the refuse enclosure would be brick veneer over concrete block, so it would basically be a masonry refuse enclosure. This was a Planning & Zoning Commission recommendation. Since it was now on the plan, it was not necessary to note it as a condition of approval. There was still a variance for the buffering requirement. This was an O-P zoned site adjacent to R-1. The R-1 was Lang Middle School, which was a fairly large open site with a tree line on the west side at Bear Creek that ran through part of this site. Staff was in support of the variance. The Planning and Zoning Commission also expressed support of this variance, although though the outcome was 5-3 against this plan, primarily due to the lack of compliance with the easement.

Mr. Janku noted discussion about the height of the light standards at the Planning & Zoning Commission meeting and asked if that had been changed. Mr. Teddy replied they were 25 feet according to the plans they had.

Mayor Hindman opened the public hearing.

Jay Gebhardt of A Civil Group, 1010 Fay Street, explained that after the Planning & Zoning Commission meeting, Bruce Odle, the contractor purchaser, made the decision to make the changes outlined in the staff report. He noted the changes involved the dumpster enclosure detail, getting rid of the variance so they had a full 10 foot utility easement at the corner and complying with the elevation that was submitted for the building.

Mr. Janku commented that at the Planning & Zoning Commission meeting, he had indicated they would not have a problem with lower lights. He noticed the ones at Woodland Springs were 20 foot and since there was a residential area, he asked if that would be acceptable. Mr. Gebhardt replied that would not be a problem. He noted he thought the issue at the Planning & Zoning Commission meeting was the lighting at the corner of the building, so it would not shine into the intersection. They agreed, if there was awning lighting, it would be directed on the building and would not interfere with traffic at the intersection.

Mr. Hutton commented that he felt the dumpster was impractical since it was so far away from the building and asked how someone carrying trash to the dumpster got into the dumpster since there were walls on all sides. Mr. Gebhardt replied there was actually an opening from the parking lot area that allowed one to enter into the dumpster area.

Mr. Hutton felt this might be difficult for the refuse truck drivers to get to since they would have to pull in and then back out on Oakland. Mr. Glascock replied it would be.

Mr. Ash asked why the dumpster was put there rather than somewhere closer to the building. Mr. Gebhardt replied they put the entrance on to Oakland, so the trash truck did not tear up their parking lot. He noted this was the first time anyone had indicated the location of the dumpster could be problematic. The front entrance was the circular drive and was set up for a patient drop off area at a medical office building. There were handicapped spaces on either side of the drive and when they started to look for a place for the dumpster, there was really no close place and it was the desire of the owners to get it as far away from the building as possible. He noted the buildings were professionally cleaned by paying staff. It

did not matter whether they had to walk 20 feet or 200 feet. They would be taking the trash to the dumpster because that was what they were getting paid to do.

Mr. Ash stated after listening to Mr. Hutton's point regarding accessing it off of the street, it seemed to be problematic. Mr. Gebhardt understood how they would initially think it was a problem, but noted if it was curbside pick up on Oakland, they would be stopping in the middle of the road. Here they would be stopping, backing into a driveway, and hooking onto a dumpster. They would be off the road while they were hooked up to the dumpster and would then be able to pull back into traffic. Mr. Hutton understood the truck would be completely off the road while emptying it. Mr. Gebhardt replied yes. Mr. Glascock pointed out that would be the case if the street was still configured as it was today. Mr. Hutton asked if it was improved or unimproved. Mr. Gebhardt replied it was improved and was 38 feet.

Johnnie Warneke, stated he and his wife owned a childcare center off of Oakland Gravel Road on Thornberry Drive. His was concerned with the dumpster being right across from the childcare center. He noted when one had a dumpster, there would always be trash falling out. He was concerned with trash being blown on to his property and affecting his business. He noted he was also concerned about traffic with a garbage truck stopping, backing up and pulling back out. He stated there were school buses that stopped there. He felt with the size of this, there would be a lot more traffic. He was concerned since they took walks to Oakland Gravel Park and surrounding neighborhoods. He questioned what the facility would look like as he felt the "appeal" of the neighborhood was a big part of his business.

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

Mr. Hutton asked if the dumpster would be emptied at night. Mr. Glascock replied it would be either early morning or later. Mr. Hutton understood it would be at about 4:00 a.m. Mr. Glascock replied yes. Mr. Hutton understood if residential properties were too close and they complained, it would then be later. Mr. Glascock replied yes.

Mayor Hindman asked if all sides of the building would be the same. Mr. Gebhardt replied they would all have the same general character and would be brick on all four sides.

Mayor Hindman stated the dumpster was an interesting issue, but there were many things he liked about it, such as it being up against the sidewalk and streets, having parking behind it, and being finished on all four sides.

Mr. Janku suggested amending this issue to require a 20 foot standard for the lights. Mr. Boeckmann stated they could probably replace the language in Section 4 which was not needed anymore. Mr. Loveless asked if the 20 foot standard was from the grade of the parking lot to the top of the fixture. Mr. Gebhardt replied he interpreted the height of the light being from the parking lot to the top of the pole or fixture, whichever was higher. If it had a 5 foot concrete base, it would have a 15 foot pole.

Mr. Boeckmann stated if they wanted to make an amendment, they could delete Section 4 and the language and the title referring to the variance. Mr. Ash understood that was because the building was rounded and they did not need Section 4. Mr. Boeckmann noted the motion could be to replace Section 4 with language reading "approval of the O-P development plan is subject to the condition that the height of the light standard shall not

exceed 20 feet.” He pointed out the motion should also include changing the title to delete the language regarding the variance and replacing it with “stating a condition of approval.”

Mr. Gebhardt noted they still needed the variance for screening from the school.

Mr. Loveless asked if they could have made the same lighting height change by changing the lighting notes in the plan. He commented that it talked about designed parameters as set forth in Attachment A and on sheet 1 of 3, it had lighting notes with the 25 foot height.

Mr. Boeckmann suggested Section 4 read, “approval of the O-P development plan is subject to the condition that the height of the light standards set forth in Attachment A shall be changed from 25 feet to 20 feet.”

Mr. Ash made the motion to amend B109-06 by deleting the current language in Section 4 and replacing it with “approval of the O-P development plan is subject to the condition that the height of the light standards set forth in Attachment A shall be changed from 25 feet to 20 feet”, and changing the title of the ordinance to remove the language regarding the variance and by adding language reading “stating a condition of approval.” The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Boeckmann pointed out there was one other suggested change. The date in Section 1 should be changed from February 16, 2006 to March 27, 2006.

Mr. Janku made a motion to amend B109-06 by changing the date in Section 1 from February 16, 2006 to March 27, 2006. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

The vote on B109-06, as amended, was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B110-06 Approving the Chateau on St. Charles PUD development plan located on the west side of Dorado Drive, north of the intersection of St. Charles Road and Dorado Drive; accepting a revised statement of intent.

The bill was given second reading by the Clerk.

Mr. Watkins explained the proposed PUD plan would allow the conversion of an existing residential structure to a childcare center. It also included the construction of a fenced playground area, additional parking and improvements to the existing driveway. In addition, the applicant was requesting to amend the statement of intent for the property to allow for the construction of a 2,400 square foot maintenance building north of the existing building and 30 parking spaces for the childcare center. The Planning & Zoning Commission recommended approval of the plan with conditions.

Mr. Hutton asked if the statement of intent had been changed to reflect the Planning & Zoning Commission’s recommendations. Mr. Teddy replied the three conditions were set up as conditions of site plan approval rather than as additional items to be added to the statement of intent. He clarified they were considering an amendment of the statement of intent to add the accessory structure as an additional use and approving a site plan for the daycare parking facility and the accessory building.

Mr. Hutton asked if the three conditions were part of the site plan. Mr. Teddy replied yes, but noted they had not provided the details on the type of construction for the building.

When they brought in their building plans, they would have to demonstrate it as a composite roof and would have to amend their landscape plan to provide the 50 percent opaque landscape screen on the boundary.

Mr. Hutton understood it was in such a shape that they could pass it and those three items would be included. Mr. Teddy replied yes. Because it was a recommendation, they did not direct the applicant to go ahead and make changes to comply with the recommended conditions. Mr. Hutton felt they were good recommendations and wanted to be sure they were included. Mr. Ash explained if they looked on the PUD plan under general notes, numbers 9, 10 and 11 included those three conditions.

Mayor Hindman opened the public hearing.

Steve Wendling, 2012 Chapel Ridge Road, stated he was the owner of the property and the one making the application. When the Council approved the childcare center, he thought if there were any minor alterations to be made to be licensed as a State childcare center, those would be approved as well. He explained what triggered the site development plan was the addition of the sidewalk along the rear of the structure. Since he had to go to the Planning & Zoning Commission and the City Council again, he decided to add the signage and the building. He noted he had spent several thousand dollars satisfying questions the City had in response to the property. In regards to what the Planning & Zoning Commission recommended, he was asking that it not be the proposed maintenance building be compatible with the existing building, but with the architecture of the surrounding area. He commented that the existing property had a flat roof and T-111 siding, which was not the most desirable. He planned to use vinyl siding, composite shingled roof, and residential windows with an arched or cathedral top. The view from the north would not look any different than looking at the back of another duplex. The building would be over 100 feet from the north property line and 50 feet from the west property line. The PUD-9 lot was required to put up screening and a fence. He questioned how much screening was required. He explained the building was 2,400 square feet, which was less than a typical duplex. He would put it into a quasi-earth contact area on the south side, so it did not stick up out of the ground.

Mr. Ash clarified that Mr. Wendling wanted to change his PUD plan. Mr. Wendling felt it would be smart.

Mr. Hutton asked if at some point he would be putting vinyl siding over the T-111. Mr. Wendling replied it depended upon the compatibility of the finish of the condominiums and townhouses.

Mr. Hutton asked if he could amend the PUD plan tonight, so they would not have to change the ordinance. Mr. Ash asked if he wanted to change number 9 or number 11. He noted number 11 stated “the proposed maintenance building will be landscaped with screening to achieve 50 percent opacity to the adjacent property to the north and northwest.” Mr. Wendling felt that was not a problem because there was ample screening there now. Mr. Ash noted number 9 stated “the architecture of the maintenance building will reflect that of the existing building.” He asked what he wanted that changed to. Mr. Wendling replied “compatible with the architecture of the existing area.” He felt it would be more desirable for the people who lived in the area. Mr. Ash clarified he wanted to change the word “building” to

“area.” Mr. Wendling replied yes. Mr. Hutton asked if that was okay. Mr. Boeckmann replied yes, but pointed out someone needed to make a motion allowing him to make that change.

Mr. Hutton made the motion requiring number 9 under general notes in the PUD plan be changed to read “the architecture of the maintenance building will reflect that of the existing area.” The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Dewayne Dungan, 2909 Bluff Creek Drive, stated he was the owner of two duplexes just north of this property and noted, at the Planning & Zoning Commission meeting, he commented he felt the building was too large for the area. It was a residential zoned area, not a commercial zone area. He appreciated Mr. Wendling’s willingness to make the building look like the surrounding area and more presentable because the back yards of his duplexes were facing this property and the maintenance building. If he was allowed to build this, he would appreciate it if it looked like the area around it and if it could be screened from the north as much as possible. He noted there were some trees on the west side that blocked it somewhat, but not completely. He was opposed to the size of the building, but wanted to ensure the Council made Mr. Wendling stick to his plans in regards to preserving the area and how it looked.

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

The vote on B110-06, as amended, was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B111-06 Approving the Oakland Park Estates PUD Development Plan; accepting a revised statement of intent.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposed revision to an existing PUD plan that would correct a minor construction error on the side lots and bring the development into conformance with City zoning regulations.

Mayor Hindman opened the public hearing.

David Kurtz, 111 S. Ninth Street, stated he was representing the applicant and reiterated this involved a minor construction error. The PUD ordinance, at the time this was originally approved, did not contain a minimum side yard setback requirement. The plan called for a 5 foot setback and due to a construction error, there were varying degrees of setback between each of the lots, so they were asking for the “as built” setbacks to be approved. He pointed out there was no unfair advantage gained by the developer for this error. There would be no aesthetic, drainage or any other adverse consequence to the development, if it was approved. He asked the Council to approve the amended plan and statement of intent.

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

The vote on B111-06 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B118-06 Accepting the Water and Light Renewable Energy 2006 Report.

The bill was given second reading by the Clerk.

Mr. Watkins stated, as required by City ordinance, the Water & Light Department prepared and published a Renewable Energy Report. Additionally, staff presented the report to both the Water & Light Advisory Board and the Energy & Environment Commission and had incorporated comments from both bodies into the report.

Mayor Hindman opened the public hearing.

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

The vote on B118-06 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B119-06 Authorizing construction of Wells #15 and #16 in the McBaine Bottoms; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Watkins explained Wells #15 and #16 in the McBaine bottoms were water wells. Funding was included in the last water ballot issue in 2003 and the project budget was \$350,000.

Mr. Loveless asked if the budgeted amount included connecting the wells to the existing distribution system or if this was just putting the holes in the ground. Mr. Dasho replied this included money for connecting the wells to the existing supply system in the McBaine bottoms.

Mayor Hindman opened the public hearing.

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

Mr. Loveless noted the last time they bid the wells they received such a good deal that they put four in rather than two. He suggested, if these bids came back at an exceptional price, that Mr. Dasho come back to the Council for two more wells at the same price. He knew they would need the water and already owned the sites, so he felt they should take advantage, if that happened. Mr. Dasho replied he would.

The vote on B119-06 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B121-06 Authorizing construction of improvements to park property located between The ARC and West Junior High School, and to Cliff Drive Park and Bear Creek Neighborhood Park; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a required public hearing for three projects, which staff proposed to include in the Annual Park Improvement program. The three projects had a proposed cost of \$35,000. The projects included replacing some fence at the ARC, installation of some play equipment and picnic area in Cliff Drive Park and replacement of the 20 year old wooden shelter at the Bear Creek Neighborhood Park. Projects would be bid through the Purchasing Department and would involve the use of both contract and force account labor.

Mr. Janku noted a constituent thought the walking trail leading to a shelter at Valley View Park was going to be a hard surface path for disability access. He asked if that was part of the plan or could be. Mr. Hood replied a portion of that path was hard surface, but a portion was also gravel. He thought they might want to go back to see what it would take to make the entire path hard surface. He thought the walkway leading to the playground was a concrete surface and most of the path that lead to the shelter was crushed gravel, similar to the MKT trail. That was the way it was designed and planned. There was some concern from the neighborhood, at the time, of having too much impervious surface in the park, so they put in the gravel trail. He noted it should be accessible by wheelchair, although a hard surface would be much easier. He commented that they could look at that for FY 2007. Mr. Janku stated that would be great.

Mr. Loveless asked where the fence ended on the west. Mr. Hood replied it was about 430 feet of fencing that would end 50 feet further to the west of where the Farmer's Market paved area started.

Mayor Hindman opened the public hearing.

Cavanaugh Noce, 1836 Cliff Drive, President of the East Campus Neighborhood Association, stated he was speaking in favor of the Cliff Drive Park improvements. He noted it was a very old park that consisted of an old rubber tire, a broken piece of concrete and one swing. The improvements were needed and until he spoke with Mr. Hood last year, the park was overgrown with Chinese Honeysuckle. Since it had been cleared out, many more children had been using it. He thought it would need to be done as a two phased project with new playground equipment and replacements this year and better access next year.

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

The vote on B121-06 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the north side of St. Charles Road, east of Talon Road (5301 E. St. Charles Road).

Item A was read by the Clerk.

Mr. Watkins stated this was a required public hearing for voluntary annexation of about 2.77 acres. The request was for R-1 zoning, which was equivalent to the County zoning in place. It was currently a grandfathered mobile home park and had an existing sewage lagoon, which was not functioning properly. Annexation was being requested to allow them to eliminate the lagoon and tie into City sewers.

Mayor Hindman opened the public hearing.

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

(B) Consider the replacement schedule of emergency outdoor warning sirens.

Item B was read by the Clerk.

Mr. Watkins explained this was a public hearing concerning the schedule and suggested replacement of 21 warning sirens. Funding was approved by the voters last November. The cost was approximately \$310,000. Fourteen sirens were suggested to be

replaced in their current location and seventeen would be replaced and repositioned slightly to provide additional coverage. Mr. McNabb clarified eight sirens would be relocated, not seventeen.

Mayor Hindman opened the public hearing.

Earl Smarr, 3631 North Wellington, explained they were recently annexed into the City and stated they found out from the newspaper they would have a siren put in their yard. He noted they had a neighbor to the north that had a 21 year old son that was autistic and any type of noise made him go berserk. He explained there were times his mother would not be at home to watch him. He stated he would hate to see them have to move and would appreciate any assistance in this regard.

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

Mayor Hindman understood they needed a motion. Mr. Boeckmann explained there was money appropriated and this was not something that had to go through the public improvement process, but something staff felt should have an opportunity for public comment. The motion would be to proceed as planned unless they wanted to make some modifications.

Mayor Hindman felt what they had just heard was impressive and that they should look at making an exception. Mr. Hutton noted he had inquired earlier about this and the response was that these were proposed locations and the only criteria was that they needed to be accessible for repair. It was not set in stone that it had to be at this location. He suggested they consider a policy requiring sirens being relocated or initially installed in a vacant area in the vicinity as first priority versus placing them right next to existing residential property, if suitable to the plan. Mr. Hutton made the motion that staff consider placing sirens being relocated or initially installed in vacant areas as first priority versus placing them right next to existing residential properties, if it was suitable to the plan. Mr. Loveless seconded the motion

Mr. Ash asked if they were acquiring easements for the sirens. Mr. McNabb replied they were on public right-of-way and had to be placed along existing electrical utilities. The primary concern was not to put it immediately next to someone's home. They tried to do it with every consideration possible.

Mr. Hutton understood even though they were using an address of 3631 Wellington, they were not intending to put the siren on that lot, only in that vicinity. Mr. McNabb replied that was correct. He noted that one was number 31 on the map.

Mayor Hindman felt they should work with the neighbors because it seemed like a serious situation where they were trying to provide safety in one sense, but would provide a difficult situation in another.

Mr. Hutton explained his motion was for staff to review the residential properties near the addresses provided and to try to work around them. Mr. Loveless stated they were assured by staff that this was the case. The motion, made by Mr. Hutton and seconded by Mr. Loveless, was approved unanimously by voice vote.

(C) Consider a Master Plan for Discovery Ridge, a proposed research park to be developed on the University's South Farm, located east of U.S. 63 and south of New Haven Road.

Item C was read by the Clerk.

Mr. Watkins stated this was a public hearing on the University of Missouri Master Plan for Discovery Ridge, which was a research park to be located at the University's South Farm. The University's research park, by state statute, was not subject to the City's zoning or regulatory ordinances, but the Board of Curators was required to consult with the City before approving the Master Plan and the City could make advisory recommendations to the Curators. The staff recommendation was for Council to endorse the plan with six comments to be forwarded to the Board. The comments dealt primarily with ensuring the infrastructure was built according to good City standards and that the appropriate building and life safety codes were followed.

Mayor Hindman opened the public hearing.

Craig Van Matre, 1103 E. Broadway, stated he represented ABC Laboratories, who was considering becoming a tenant in this park. It was their understanding the City was going to commit significant resources to make some of the infrastructure possible, such as roads, sewers and utility lines. He asked if a timetable had been established and if the nature of the City's commitment in that regard had definitely been established.

Mr. Watkins stated the City was in the process of acquiring easements in regards to the sewer. In terms of the road and interchange, the voters approved funds for part of the interchange at the last November election and the City was completing an agreement with Mr. Sapp for additional funds. The City had also obtained earmarks from the Congressional delegation for additional funds. He explained they were in the preliminary design process for the roadwork, recognizing that Lenoir, which was necessary to make the park accessible, might be built separately and prior to the completion of the entire interchange.

Mr. Van Matre asked if the City had committed to make the improvements to Lenoir all of the way through to the first lot in this park. Mr. Watkins stated he did not believe a public hearing had been held on the project yet. Mr. Van Matre explained that was what he was getting to. He wanted to know what the timetable would be for establishing the level of commitment. Mayor Hindman thought this should be discussed directly with staff and not at the Council meeting. Mr. Van Matre commented that he normally would, but they had an acute timetable that was causing them to make a decision on whether to sign a document saying they would go there within the next ten days. Mr. Loveless stated he thought it was fair to say the City endorsed this concept and wanted to be active partners in it. Mr. Janku pointed out they could not appropriate the money tonight to commit to it. Mr. Van Matre understood and asked if it would be reasonable to assume that within four months the City's commitments would be more or less in concrete. Mr. Watkins explained it was City staff's intent to bring to Council the agreement with Mr. Sapp on his share of the interchange as well as an appropriation ordinance for the amount the voters approved at the last ballot issue for first reading at the next meeting. He stated the agreement was not yet totally complete with Mr. Sapp, but he thought they had worked out all of the issues, pending approval by both legal counsels.

Don Stamper, 2502 Hollyhock, stated he was speaking on behalf of the Central Missouri Development Council and explained they liked to encourage Council and City staff

on projects of this type. They believed Discovery Ridge, as an organization, had tremendous potential and would be an exciting part of the extension and further development of the Life Sciences program at the University. They felt it warranted full endorsement to move ahead. He stated they understood the University was exempt from City regulation, but noted the Council received a letter from Paul Land, who expressed concerns as to the development of the site. He asked the Council to give some attention to Mr. Land's suggestions and requests.

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

Mayor Hindman understood the statute required the City be entitled to hold a public hearing for public comment, but the City had no authority. He noted there were staff recommendations with respect to meeting City standards and asked if anything else needed to be added.

Mr. Ash stated, during the Planning & Zoning Commission meeting, Mr. Wade asked how the University's plan compared to the research park zoning category and if what they were proposing was equivalent, better or worse. Mr. Teddy replied a research and development facility would be permitted in the M-R district and looking at the declaration of restrictive covenants the University made as part of the plan, he pointed out their setbacks were more restrictive than City ordinance. They had a height to setback standard where each additional floor would add five feet of setback. The City did not have anything exactly like that. The City had a 45 foot height limit above which there was an increased foot of setback for every foot of additional height. In terms of use, most of their specified uses would fit into an office district, but a research and development lab might require M-R zoning. They had a 30 percent open space requirement, which was similar to what the City required for planned district zonings in the Bonne Femme basin. He felt they compared well to the City's nearest equivalent zoning.

Mr. Ash noted Mr. Wade also brought up safety and asked if there were any safety requirements. Mr. Watkins was not sure what they meant by safety. Staff comments, which they were asking Council to consider, dealt with fire flows as well as some cooperative working on building plan review, particularly when it came to the Fire Department and life safety. He explained there was an on-going shared program with the Campus where they both split a Fire Marshall, and it was specifically to help coordinate that. This was being constructed by the University System, so they were asking that the same arrangement apply here.

Mr. Ash asked if they should discuss the e-mail from Mr. Land or forward it to staff for additional comments. Mr. Loveless thought Mr. Land brought up some good points, but noted the City did not have authority. Mr. Watkins stated staff did not receive a copy of Mr. Land's e-mail, but agreed with Mr. Loveless.

Ms. Nauser presumed since they were not subject to City zoning, they were not subject to real estate tax or development charges either. Mr. Watkins replied that was correct. Mayor Hindman noted Mr. Land was hopeful they would voluntarily agree to pay in lieu of that.

Mayor Hindman thought they could attach Mr. Land's letter as suggestions. Mr. Ash asked about the timeframe and if they needed to get back to them right away. Mr. Watkins

explained the statute provided 45 days to comment and it was very close to that time. Mr. Ash thought they should include Mr. Land's comments as part of the public record. Mr. Watkins asked if they were comments the City Council wished to endorse. Mayor Hindman noted the entire Council had not seen the comments, so they were not in a position to make that statement. Mr. Watkins stated they would indicate these were comments received at the public hearing and would pass them on for what they were worth along with the record.

Mr. Ash stated if they had more time, he would have liked staff to comment on Mr. Land's suggestions to see if they agreed strongly enough that Council should back them. Mr. Watkins noted the 45 days would be up before the next Council meeting.

Mr. Janku made the motion to send staff comments and the public record, including Mr. Land's comments, to the University. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

OLD BUSINESS

B112-06 Approving the Final Plat of Stephens College Plat 1; authorizing a performance contract; granting variances to the Subdivision Regulations.

The bill was given second reading by the Clerk.

Mr. Watkins explained the proposed plat would create five C-2 zoned lots. The zoning change was approved by Council in February to allow for some flexibility in the refurbishment of some of its structures on the site. The subject property was located in the eastern part of the downtown area. As in many older parts of the City, variance requests were common for situations such as this. Aside from the four variance requests, staff identified no problems with the proposed final plat. The Planning & Zoning Commission voted unanimously to recommend approval of the proposed final plat and the four variance requests.

Mr. Teddy pointed out they had a few photographs of Waugh Street illustrating some of the difficult conditions in widening the right-of-way and installing the sidewalk. He thought the sewer issue had been worked out, and therefore, staff was supportive of the entire request.

Dan Simon, 203 Executive Building, stated he was representing Stephens College and noted they had addressed the issues raised in a letter sent to Council. He commented that they also agreed to a declaration of self imposed restrictions when they worked out the sewer issues with Mr. Glascock and Mr. Boeckmann. The plat did refer, on its face, to that and it was required that be recorded with the plat.

Mr. Ash stated his main concern was the sidewalk. He asked if the fence had to be removed for the property to the north of Broadway on College when it was remodeled.

Doug Lang, Vice-President for Operations and Facilities, Stephens College, explained they did take that fence down. They refurbished it and reinstalled the fence along the property line in accordance with Protective Inspection.

Mr. Ash understood to put a sidewalk here, they might have to move the fence and reinstall it. He asked what the difference was between there and here. Mr. Lang replied it cost them \$85-87 a lineal foot to move and refurbish the fence. In addition, as one looked at the topography of the site in question, there were some elevation differences of as much as 3-4 feet that would require extensive retaining wall work, etc., so it could be quite problematic

to get those sidewalks. He pointed out they had talked, informally, with City staff about working together in regards to sidewalks across campus and utilizing the bridges across College and Broadway in lieu of a rigid traditional perimeter sidewalk around the lots to help move downtown pedestrian and bicycle traffic. Using the overhead, Mr. Simon described the connectivity of the existing interior and exterior sidewalks already on the pedestrian friendly campus. He reiterated there were several real physical impediments to building the sidewalks. There was a substantial topography problem and for Columbia Hall, the stairways and retaining wall, actually extended out near the existing right-of-way line. To put the sidewalks in would be problematic, would cost about \$250,000 and, in their opinion, would serve little purpose because of the existing internal sidewalk network which connected with the existing exterior sidewalk network. In addition, in the declaration of self imposed restriction, it was provided if the lots on Waugh Street or Locust Street ever came into separate ownership, other than the college, the additional right-of-way would have to be dedicated and sidewalks would have to be built unless the City decided to waive them.

Mr. Ash understood they estimated it would cost \$250,000 to run the sidewalks along Locust and Waugh. He asked what the cost of the renovations was. Mr. Simon replied he thought it was \$13 million for Wood Hall and Columbia Hall. Sidewalks were not part of that budget.

Mr. Ash asked if moving a fence would impact historic preservation tax credit eligibility. Mr. Simon replied it would not impact the tax credits, but would impact the historical appearance of the campus itself in their opinion. He explained the fence had been there for over 100 years and was set in concrete. It was a part of the historical appearance and ambiance of the campus. It would cost \$90,000 to just move the fence. He stated the College had much better uses for its money, in their opinion, than this.

Mr. Ash asked what triggered having to build a sidewalk. Mr. Boeckmann replied it was plating. Mr. Ash thought one could plat without having to build sidewalks. In a residential subdivision, he thought sidewalks were built as each person built their house. Mr. Boeckmann explained when the final plat was filed, one would have three years under the agreement to put in all of the improvements. Mr. Ash understood it was only replatting that was triggering the sidewalks having to be build. Mr. Boeckmann replied that was correct. Mr. Janku thought they did something with building permits in certain zoning areas. Mr. Boeckmann understood that was if it was on an arterial street and commercial zoning. Mr. Ash asked if C-2 was one of the zoning that would trigger that. Mr. Glascock replied the C-2 triggered the downtown standard.

Mr. Hutton made the motion to amend B112-06 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Ash commented that he was a fan of Stephens College and what they were trying to accomplish, but had questions regarding how they were trying to accomplish it. He felt the main purpose of going to C-2 was because there were no parking requirements. That meant people would not be driving because there was no parking. They would either be walking or riding a bike, which meant sidewalks would be needed. He could not see how one could argue the sidewalks were not needed when it was downtown with a church on one side and a grade school on the other side. He noted he was very supportive of the project itself. In

regards to the criteria, it did not seem expensive relative to the cost of the overall project it, it might not be easy, but was feasible, it was not a low traffic volume local street with no sidewalks and there were a lot of pedestrian generators nearby. He could not think of a spot where a sidewalk was needed more.

Mr. Loveless felt the extensive internal sidewalk circulation they had would help ease that situation. He noted a full sidewalk on the west side of Waugh and at two places on the east side one could get to the interior of the campus. He felt the function was furnished otherwise. Mr. Ash thought that was a valid point and the restrictive covenants did not make it seem like such a blatant request to forego it. He still felt the sidewalks were needed in this area.

Mr. Janku understood there were sidewalks in front of the major pedestrian generators, the school and the church. One could connect to the campus on the internal sidewalks. It reminded him of Stephens Lake Park where they allowed the alternate pathway, which was not quite on the street. He believed this was an alternate pathway as well. Mr. Hutton agreed and noted he did not have a problem with it, as proposed.

Mayor Hindman pointed out he was a stickler for sidewalks, but in this situation, where they were putting abandoned buildings in valuable use and had a College that needed to do it, he was willing to allow the variance in the name of historic preservation.

The vote on B112-06, as amended, was recorded as follows: VOTING YES: NAUSER, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: ASH. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B113-06 Vacating sanitary sewer and drainage easements located on Lot 6A within Northwoods Plat 1 Subdivision.
- B114-06 Authorizing Change Order No. 1 to contract with APAC-Missouri, Inc.; approving the Engineer's Final Report for the Oakland Gravel Road, Brown School Road and Roger I. Wilson Memorial Drive intersection project.
- B115-06 Allowing a building permit to be issued to First National Bank & Trust Co. for a structure in a utility easement located at 801 E. Broadway; approving a waiver of claim and indemnity agreement.
- B116-06 Authorizing a Right of Use Permit with Tina Y. Turner to allow the installation of a storm water drainage system within a portion of the Mary Street right-of-way.
- B117-06 Authorizing a lease with Central Missouri Aviation to allow construction of a new aircraft hangar.
- B120-06 Accepting conveyances for utility purposes.
- B122-06 Authorizing an agreement with local agencies for distribution of SEMA FY 2005 State Homeland Security Grant Program funds; appropriating funds.

- B123-06 Authorizing an agreement with the County of Boone for acceptance of the 2006 Edward Byrne Memorial Justice Assistance Grant; appropriating funds for the purchase of equipment for the police department.
- R77-06 Setting a public hearing: design, construction and operation of a renewable fuels facility at the sanitary landfill.
- R78-06 Setting a public hearing: construction of improvements to tennis courts located in Fairview Park and Columbia Cosmopolitan Recreation Area.
- R79-06 Authorizing an agreement with The Curators of the University of Missouri on behalf of the School of Nursing to provide health clinic experience for nursing students.
- R80-06 Authorizing Amendment No. 1 to the agreement with Black & Veatch Corporation for engineering services relating to a power supply options study.
- R81-06 Authorizing an agreement with Business Loop Development, LLC for construction of a sidewalk along Business Loop 70.
- R82-06 Authorizing an engineering services agreement with Allstate Consultants, P.C. for the extension of Vandiver Drive from the U. S. 63 interchange to Mexico Gravel Road.
- R83-06 Accepting equipment donated by The Missouri Coalition on Roadway Safety to be used by the Police Department.

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

NEW BUSINESS

R84-06 Authorizing a memorandum of Understanding with Suncheon, Republic of Korea to strive for a cooperative sister city relationship through an active and variable exchange of information as it relates to art and culture, education and sports.

The resolution was read by the clerk.

Mr. Watkins explained Suncheon, South Korea was one of the four existing sister cities and it had been 15 years since the proclamation was signed. They had a delegation that visited Columbia last week and proposed this memorandum of understanding to strengthen the relationship. Dr. Chase had written a letter indicating the schools did have an interest in establishing a home exchange program similar to that in Japan.

Mr. Ash asked if a non-profit entity would be set up to fund the cost associated with this. Mayor Hindman replied no and explained this was already a sister city. Mr. Ash understood there were costs and that the non-profits were set up to defray those costs. Mayor Hindman pointed out this was a requirement for any new sister city and this was set up prior to that. Mr. Ash asked if he did not think it was necessary to require it. Mayor Hindman stated he felt it would be awkward to say they would not continue with the obligations they entered into when they took on this sister city because they changed the rules. He pointed out they had always appropriated money to cover sister city costs. They were just not spending it. He felt it would be wrong to say they did not want to continue this.

Mr. Janku noted, in reality, without a separate funding source, the participation level would not be as great, so he thought they should work towards it in a voluntary way. Mr. Ash asked if he meant to not require it, but to suggest it. Mr. Janku stated he thought the group would want to do that anyway. Mayor Hindman commented that he did not know if there was a large enough group to do that or not.

The vote on R84-06 was recorded as follows: VOTING YES: NAUSER, ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- 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.
- B125-06 Rezoning property located on the northwest corner of Park Avenue and North Ninth Street (310 N. Ninth Street) from R-3 to O-P.
- 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).
- 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.
- 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.
- 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.
- 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.
- 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 the 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.**
- B140-06 Authorizing the design of a renewable fuels facility at the sanitary landfill, authorizing a request for proposals.**
- 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.**
- 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.**
- B143-06 Accepting conveyances for utility purposes.**
- B144-06 Calling for bids for construction of improvements to tennis courts located in Fairview Park and Columbia Cosmopolitan Recreation Area; appropriating funds.**
- B145-06 Authorizing an intergovernmental cooperation agreement with the Broadway-Fairview Transportation Development District and Broadway-Fairview Venture, LLC.**
- 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.**

REPORTS AND PETITIONS

(A) Use of airport parking revenues for Small Community Air Service Development Program grant application match.

Mr. Watkins explained the City received written notice, as required by their contract from Republic Parking, that they desired to exercise the 60 day cancellation clause in their contract due to the announcement of Trans States Airlines discontinuing air service in Columbia. Republic Parking planned to cease operations effective April 12, 2006. The City had been working with a number of parties to secure a small community air service development program grant from FFA and would be submitting that grant application later this month. One of the ideas staff had was to provide free parking at the Airport, which might be a slight incentive for people to use it. If one went to St. Louis, they might pay about \$10 per day to park, so by flying out of Columbia, free parking would offset some of the cost. In addition, it was determined, the lost revenue could be used as part of the match for the grant. Therefore, they were recommending to Council to allow for free parking once the Republic Parking contract was up.

Mr. Janku made the motion to proceed as recommended by staff. The motion was seconded by Mayor Hindman.

Mr. Ash stated he liked the idea of the marketing tool. He asked if this would be temporary until the City had a new airline. Mr. Watkins replied he thought helping to offset cost of flying out of Columbia by providing free parking was one of the incentives they could offer. At this point, they would not be looking to reinstall it. He noted it would not preclude bringing something back to Council in the future.

Mr. Ash asked if there was any danger in it being used as a commuter lot since the airport was between Columbia and Jefferson City. Mr. Janku felt getting to the Airport was a significant deviation off of Highway 63. In addition, one would have to cross Highway 63, which he did not think many would do.

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

(B) Intra-departmental transfer of funds.

Report accepted.

(C) Watson Place.

Mr. Watkins stated this was a report requested by the Council. Staff had worked with a number of interested parties, including the University and the Downtown Business District, and had prepared a number of options. They were recommending Option C, which would provide bulb-outs at a cost of \$73,000. Mr. Glascock noted this was a compromise between the businesses, the University and the City.

Mr. Ash stated he liked the idea, but asked if they should try to pursue getting some funding from the other parties. He thought it was advantageous to the building owner and the University. Mr. Watkins replied in the past, traffic calming had been a City expense. He noted they did that downtown by putting in some additional bulb-outs. In addition, there had been some other places the City had taken it upon themselves to do. Mr. Glascock pointed out that if they did not add the bulb-outs, they would lose some metered spaces that generated revenue. The bulb-outs protected those.

Mayor Hindman asked if there was any landscaping involved. Mr. Glascock replied no. Mayor Hindman asked if the bulb-outs would be landscaped. Mr. Glascock replied he did not think they were large enough, but noted they could look at that. Mayor Hindman stated he would recommend they look at that. He thought that might be something they could discuss with the property owner. Mr. Glascock explained one issue was they would have to be low in nature because of site distance.

Mayor Hindman made the motion to direct staff to proceed with Option C and to encourage designing the bulb-out's in such a way that it was feasible to be landscaped. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(D) Street closure.

Mr. Watkins explained this was for the Missouri Lions Eye Research Foundation. They were requesting the closure of Elm Street from Eighth Street to Ninth Street, Eighth

from Elm to Broadway, and Broadway from Eighth to a half block east past Hitt Street on Sunday, May 7, 2006 from 7:00 a.m. to 11:55 a.m. for the run portion of a triathlon.

Mr. Ash stated he did not know if it was this event, but the City closed several streets on a Sunday before and they received some angry feedback because no one knew what was going on and there were no signs posted. To address that, he understood the applicant had to coordinate with the churches, which he liked. He was concerned that if they did not do that, the City would receive the angry e-mails. He asked if they trusted the applicant to follow through. Mr. Janku felt if the applicant had an interest in doing it again, they would follow through. He noted these were very organized and well thought out events.

Mayor Hindman made the motion to proceed as recommended by staff. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(E) Unimproved streets - CDBG.

Mr. Watkins explained Council requested that Staff put together a more comprehensive list of streets in the Community Development Block Grant eligible area to consider for improvements as part of the City's CDBG applications. They put together a list of 21 streets for consideration, all of which would be eligible. They wanted feedback from Council as to which ones they might want to consider as priorities for the CDBG money. In the past, they had been splitting it into two pieces by doing the design in one year and the construction the following year. This was so they did not run into a problem of getting the money spent.

Mr. Janku asked if they should talk to the property owners to see if there was interest. He thought if they got partly down the road and they were not interested, it would be derailed. Mr. Hutton agreed. He provided an example from years ago where once the property owner saw the size of the right-of-way, they quickly backed out. He felt it was a good idea to get them involved early in the process.

Mr. Hutton stated he would like a staff prioritization based on the need. Mr. Teddy noted the list was in general rank order.

Mayor Hindman suggested they go down to number 4 on list and ask staff to check with neighbors.

Mr. Loveless noted they had worked on Wilkes, which was number 11, quite a bit in rehabilitating the railroad line and felt this might be a continuation of that project. He suggested they consider moving it up on the list to be part of the top five. Mr. Watkins understood they would be looking at Wilkes, Hunt, Highview, Heriford and Mikel. He asked if they wanted to add Sanford. Mr. Loveless thought if they did five to Mikel, that would be plenty.

Mr. Janku asked about Sanford. He thought some might fall out if the neighbors were not interested in the improvement. Mr. Hutton felt if they had a list of five, that would be plenty because they only needed one or two for this upcoming year.

Mayor Hindman commented the downside of going to the neighbors was them getting them excited with nothing happening. Mr. Hutton agreed and suggested looking at them one at a time.

Mr. Hutton made the motion to direct staff to talk to the neighbors and property owner on the streets mentioned earlier one at a time and to start with Hunt street. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(F) Street closure.

Mr. Hindman understood the Episcopal Church was requesting street closure for Palm Sunday. Mr. Hutton made the motion to approve the request as recommended by staff. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Ash noted the new Ward 6 Council Member would be voting first at the next Council Meeting, which he felt might be intimidating. He asked if by Charter they had to go next or if they could be skipped. Ms. Amin stated she did not think there was a Charter requirement. She stated the vote would start with the Mayor for that meeting since he would be next in line.

Mr. Ash suggested staff provide stronger recommendations. He felt staff was leery of trying to drive policy, so they provided a lot of information for the Council to make a decision. He preferred staff provide a recommendation and tell them why they suggested that. He felt staff was being so protective of driving policy, that it was making the Council's job more difficult. He preferred firmer staff recommendations.

Mayor Hindman congratulated Ms. Crayton on the award she received. Ms. Crayton stated the award was for activist African American Women and was the Anheuser Busch Award and Kwame Foundation Award.

Ms. Crayton noted she went to the Harlem Kids Zone in New York last week to look at some centers to see how they dealt with at risk children and families. She commented that some of their community centers were free to the children. They looked at the activities the children were doing, which were paid for by government and corporate money. She explained they worked to turn the children around academically and socially. She pointed out they also had a place for children in truancy, so they were still in an active educational environment.

Mr. Janku stated traffic tended to back up at the light at the intersection of Oakland Gravel Road and Vandiver because the traffic that was stopped at Route B and Vandiver did not move through. He did not know if an alignment change or signalization change would help. Mr. Janku made a motion for staff to evaluate the situation and provide a report. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mr. Janku stated he was told there was a traffic study done some time ago regarding traffic calming on Leslie between Texas and Providence. He understood the report had

suggestions for traffic calming, but needed some funding. Mr. Janku asked for the report to be dusted off and brought back as another report to Council.

Mr. Janku noted he was contacted by the Columbia Art League because Art in the Park would be located at Stephens Lake this year. They were interested in having a wine concession as part of their concessions. He did not know if something needed to be done in the ordinances or if it was feasible under existing policy. Mr. Janku made the motion for staff to provide a report on this issue. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mayor Hindman stated one of the things they had been running into with tax bills were people coming up with a reasonable basis as to why the City should not be tax billing them or why the City should reduce their tax bill. He felt Council meetings were not the appropriate setting to try to negotiate these things. He suggested looking into using the University as some type of mediation arrangement. He noted the Law School had a mediation center. He thought it would be better to have things handled that way. They could come with a recommendation after having gone through that.

Mr. Hutton stated he did not disagree, but noted in regards to the Hessler situation, staff was not even aware of it before the public hearing. Mayor Hindman felt if they had mediation set up, they could have worked it out. Mr. Hutton asked how he would know about mediation, if he had not even talked to staff. Mayor Hindman stated if he came to the meeting with the issue, they would direct him to go to mediation. Mr. Loveless stated he thought that was an excellent idea.

Ms. Nauser suggested when the notice regarding tax billing was sent to the property owners that they include the process needing to be followed if they disagreed. Mr. Ash stated he did not want to hide the procedure, but was not sure he wanted it as part of the tax bill because he felt there would be a flood of mediations. Mr. Hutton agreed and noted he was not sure they should refer to it as mediation. He thought they should be referred to staff first. He felt the letter should include a statement regarding if there was a problem encountered during the construction process and they did not think this tax bill was fair, they should work with staff prior to the public hearing. Mayor Hindman stated he was only asking staff to look into the procedure they might use. Mr. Hutton stated he would include the entire procedure for tax billing for other possible improvements to the tax billing process.

Mayor Hindman made a motion for staff to look into these issues to see if they could not get the appeals to the Council reduced to a minimum. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mayor Hindman felt if the Howard Orchard Lane issue had been a planned zoning, it would have been easier on the Council. He asked about the status of the report in regard to all annexations being planned and urged that the report be moved along.

Mayor Hindman congratulated Mr. Ash on his term in office and stated it had been a pleasure to work with him.

Ms. Nauser stated the Westbrook Subdivision made her think of things in a little different way since they had to go with a development agreement to get a density. She noted there were difficulties with PUDs because, for example, if someone wanted to change a sign, they had to come back to the Council. She thought that could be cumbersome for a residential area. She asked if they could subdivide the R-1 zoning into more density related categories. For instance, rather than just an open R-1, this one could have been an R-1.5 with the 1.5 being houses per. Mr. Ash asked if she was referring to some type of a hybrid between open zoning and planned zoning. Ms. Nauser stated she would like staff to look into something along that line and not just everything being PUDs because she felt that could be cumbersome. Mr. Ash noted no one had gone for the simplified zoning that had been put in place. Mayor Hindman thought that might need to be looked at again. He noted he was concerned about the inequities as well.

Ms. Nauser explained Thornbrook only had yield signs. There were no stop signs in the subdivision. Since traffic was increasing, she stated she wanted staff to review if it was feasible to add stop signs to make people stop and slow down. Mr. Glascock stated they would go out to see how many cars were going through the intersection and whether they warranted a stop sign. Mayor Hindman thought they should get the speed tables in early. Ms. Nauser commented that no one was happy with the speed tables. Ms. Nauser made a motion for staff to look into the situation and make recommendations. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Nauser explained Mr. Janku had suggested an area plan in the area they were developing. She was not sure what that entailed. Mr. Janku noted, a couple years ago, at Nifong/Grindstone by Burger King, they planned the road locations, etc. in advance. Mr. Teddy understood it was some kind of general area plan. Mr. Janku noted they put the road network in place before they brought the rezoning forward. This allowed them to figure out how they wanted it all tied together. It was implemented as they moved forward.

Ms. Nauser made the motion for area planning to be looked at here. Mr. Janku seconded the motion. He felt they could then figure out the roads and how properties would tie into Howard Orchard or Scott Boulevard in advance of each individual piece coming. The motion, made by Ms. Nauser and seconded by Mr. Janku, was approved unanimously by voice vote.

The meeting adjourned at 11:19 p.m.

Respectfully submitted,

Sheela Amin
City Clerk