

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
FEBRUARY 6, 2006

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 6, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH and HINDMAN 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 January 17, 2006, were approved unanimously by voice vote on a motion by Mr. Hutton and a second by Mr. Loveless.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Ash asked that B24-06 be removed from the Consent Agenda and placed under Old Business.

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

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B437-05 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 explained this was a requested annexation and zoning that would change a 118 acre tract located west of Thornbrook in southwest Columbia from Boone County A-2 to City R-1 effective upon annexation. The Planning & Zoning Commission recommended denial of the request by a vote of 6 to 2.

Mr. Teddy stated the subject tract at its west boundary was approximately one mile west of Scott Boulevard and had some frontage on Highway KK on south side. Howard Orchard Road was on the west. He noted two points of potential connection to Thornbrook. One was Newbury Way and the other was Steeplechase Drive. Staff recommended approval and the Planning & Zoning Commission recommended denial of the request.

Mayor Hindman asked what discussions had taken place between City staff and the County. Mr. Teddy replied that County staff was very concerned about Howard Orchard Road as a gravel road. They were concerned with the effects of continued subdivision

growth around that street and it being a possible liability for them. He also thought they had a secondary concern regarding construction traffic use of that roadway into a future subdivision.

Mayor Hindman opened the public hearing.

Skip Walther, an attorney with offices located at 700 Cherry, stated he represented the applicants, who were seeking permission to annex and zone the George Wilson tract to R-1. He noted there was a rather contentious hearing at the County to establish some type of residential zoning for the first phase of the Thornbrook development. Despite about 100 people opposing that application with concerns regarding traffic, safety and density, the County Commission approved the zoning for first phase of Thornbrook, which was about a 200 acre tract. Immediately after that, the property was annexed into the City. In 2001, the developers of Thornbrook Subdivision sought the Council's permission to annex another 190 acres into the City. He stated there was no opposition to that request and annexation went forward. The second phase of Thornbrook was west of the first phase. He felt this request was similar to the request in 2001. He noted the City anticipated development to the west because water and electrical services were sized appropriately and territorial agreements were entered into to service the area. He pointed out that despite the initial resistance to the Thornbrook Subdivision, it had grown into what he would consider to be one of the most attractive and desirable places to live in the City of Columbia. The residents who lived out there were appropriately proud of the subdivision and he felt their proposed subdivision would add to the luster that Thornbrook already had. The County expressed some concern about the use of Howard Orchard Road, but he did not believe their subdivision would have any effect on the traffic count on Howard Orchard. His experience was that people who drove to work took the shortest, most direct and easiest route and Howard Orchard was not that route. It was an unimproved, gravel road. The easiest route was through Thornbrook. They did not believe Howard Orchard Road would be adversely impacted in any significant way from this development. He noted the streets in Thornbrook were sized to handle that amount of traffic and felt Public Works would concur in that assessment. He did not think their traffic would adversely affect the Thornbrook residents any more than what was out there right now. He stated they were talking about adding about 170 houses to what was an existing 500 house subdivision. The streets in Thornbrook were built to be 32 feet wide and he felt those streets were perfectly suited for their development. They did not think there was going to be the level of concern about safety that some had suggested. He noted the neighbors were also concerned about certain aspects of the development and they had done everything they could to satisfy those concerns. They agreed and committed themselves to having interior streets that would connect with each other. They agreed to pedestrian easements, green space and having density that was no different than Thornbrook.

Tim Crockett, Crockett Engineering, 2608 N. Stadium Boulevard, explained that if this was annexed, they would grant half of the right-of-way for Howard Orchard Road. He noted after discussions with the City and County, they agreed to do a vertical alignment for the future construction of Howard Orchard Road. That would allow them to develop their subdivision while grading their lots in a manner that would allow for the future construction of Howard Orchard Road with minimal impact to the development. This would mean a minimal

cost to City or County in the future for the reconstruction of Howard Orchard Road. Along with the vertical alignment, they were willing to grant additional right-of-way above and beyond the half-width in the cut and fill sections so that those areas could be graded properly. He explained that typically, if it was only the half-width that was graded, additional right-of-way was needed and must be purchased from the lot owners. Many times trees, fences, and yard improvements would need to be obtained by the governing body before the improvements could be made. They were willing to grant that right-of-way up front. The amount would be determined with the vertical alignment. He noted some grading issues on Howard Orchard Road in that there were a couple of relatively steep embankments. They would move the embankments back and help with the immediate need of Howard Orchard Road to address those concerns. They anticipated the additional right-of-way, vertical alignment, and grading would cost \$110,000-\$125,000. In regards to the traffic issue, he stated they did a traffic analysis for some of the intersections based upon existing traffic patterns at Thornbrook as well as anticipated traffic patterns for the remaining portion of Thornbrook that had not been developed and the proposed Westbrook development. The neighbors brought to his attention that he had made a mistake in his initial numbers. He recalculated the numbers, but still found the streets within the Thornbrook Subdivision were adequate to handle the additional flow. He noted the City considered this as one neighborhood and felt it could handle the additional traffic. If Howard Orchard Road was improved today, he still felt the traffic within Westbrook would go west through Thornbrook to Scott Boulevard.

Trent Stober, 5604 Saddle Ridge Drive, stated they appreciated the opportunity to meet with the developers to resolve several platting issues. One of the concerns they had, which the developers did not share, was the overall road infrastructure in the area delivering traffic to the City as well as traffic flow through the Thornbrook street system. He commented that they were not only concerned in regards to the residential post-construction traffic, but also traffic resulting from construction of the subdivision. In addition, there was always the potential for future subdivisions to utilize this same street network to add additional traffic. He explained they had four proposed accesses. Two were through the Thornbrook street system and two were through Howard Orchard Road. Route KK, which they asked them to look at, was not viable. Thornbrook Ridge and Thornbrook Terrace were their two accesses to Scott Boulevard. He described the Thornbrook street system and stated he felt the City needed to look into what infrastructure and capitol expenditure requirements might be considered once this was accepted. He noted the Planning staff also thought there might be some issues with the local street system. He assumed the two main accesses to Scott Boulevard would be considered local residential feeders with a maximum goal of 1,500 average daily trips. Putting that into perspective, a neighborhood collector would take it from 1,500 to 3,500. These two roads essentially carried all of the Thornbrook traffic and 65% used Thornbrook Ridge. Mr. Stober explained they counted the traffic January 11-12. With an estimated 298 residences, they determined peak hourly morning and evening trips and then extrapolated that out to the 700 residences that would be within, not only Thornbrook and Westbrook, but also a subdivision to the north that was recently annexed. They derived an average daily trip count of 8.64 per residence and estimated that Thornbrook Ridge

received about ,1500 average daily trips, but after all of these subdivisions were built out, they projected it would exceed 3,500 on Thornbrook Ridge and 1,500 Thornbrook Terrace.

Stacy Bryant-Wimp, 4911 Silvercliff Drive, stated Howard Orchard Road was on the Major Roadway Plan and considered a neighborhood collector street proposed to be developed by the year 2020. She noted it was an unimproved gravel road and to consider this a viable access for this size neighborhood was a major concern. She commented that the Planning staff had recommended in their notes to the Planning & Zoning Commission that this was completely inadequate for R-1 and that there was no foreseeable improvement for this road in the future. They also stated that either the City or County would need to make some improvements for development, if it continued to grow out west. She noted the City had no mechanism to require improvements to Howard Orchard Road and it did not look like it was in the foreseeable future. She stated Boone County agreed and expressed concern over the impact of R-1 development. They felt R-1 zoning would result in density too high for this area. City staff, on some of their notes, indicated they shared the Planning and Zoning Commission's concerns and unless the applicant was able to come up with a mechanism for improving Howard Orchard Road to City neighborhood collector street standards, they could not support the proposed preliminary plat. She wanted the City to consider that these issues needed to be addressed at annexation and zoning, not at the platting stage. She noted they had serious traffic safety concerns in regards to the neighborhood, kids playing in the roads and kids on Thornbrook Ridge. Also construction traffic and routing was a concern. She stated that if the Council approved it, they wanted them to consider that fact and traffic calming. They also wanted the Council to think about infrastructure planning for handling this development because this was one neighborhood, but they were growing. She felt the Council needed to stop and look at those issues. She provided a letter including their concerns that was signed by 235 residents from Thornbrook. In addition, she asked the Thornbrook residents in the audience to stand. Approximately fifty people stood.

Tray Davis, 4807 Thornbrook Ridge, stated he lived on one of the two main entrances that would be used to access the potential subdivision and he had safety concerns. Although, he did not have any children, he moved to Thornbrook to live in a safe, family oriented subdivision. He noted there were children playing on the sidewalks, in driveways, and in yards. If another subdivision was added, more traffic would be added, to include construction traffic. He felt that would impact the streets. He also questioned the impact of that on the children and stated he wanted to raise a family in this neighborhood. He commented that when he purchased the property, he did not have the expectation that it would continue to grow like it had. He moved there because he assumed it was going to be a safe place and felt they were creating a place with potential dangers for children and families. He asked the Council to keep that in mind.

Mayor Hindman asked Mr. Davis how long he had lived in his current residence. Mr. Davis replied he had lived there for almost three years. Mayor Hindman understood there were currently two exists out of Thornbrook. Mr. Davis noted there were actually three, but the two they were speaking of were Thornbrook Ridge and Thornbrook Terrace. Mayor Hindman understood there was construction going on in Thornbrook now and asked if he had any idea how many homes had been built since he lived there and how many more were

going to be built. Mr. Davis replied that he did not know. Mayor Hindman asked if the construction traffic was using those same streets. Mr. Davis replied yes, but noted they were adding almost 200 more and felt that was the potential concern. Mayor Hindman stated he understood and was trying to get a better picture of the situation with respect to construction traffic on those same streets in the last three years to see how different it would be.

Bill Crockett, 4600 Silverbrook Court, stated that he was a resident of the subdivision as well as a principle in Crockett Engineering. He explained the Thornbrook development had been developing at a rate of about 50-60 homes per year. That development began in 1999 and they now had 400 homes with 300+ being completed. He stated he was involved in the initial phase of this subdivision and the intended primary entrance was Thornbrook Terrace, however, once they reached 100 homes, Thornbrook Ridge was determined to be the next logical location to exit the development. Thornbrook Ridge was designed with tight curvilinear layout to discourage traffic. He noted about 65% of people, including him, used Thornbrook Ridge because it was the quickest exit out of the subdivision. There was no traffic on Thornbrook Terrace. He explained the third entrance went onto Route K and a number construction people used that entrance. He commented that he had been at his residence for about six years now and concurred with everything that had been said, but he wanted to remind the Council that the City's Water & Light Department expended gross sums of funds to upgrade the system so it would be appropriate for expansion. He thought they should follow through with that planning.

Garrard Banks, 4500 Thornbrook Terrace, stated he was mainly concerned about the safety of his children. He noted most of the children played in the street and rode their bikes so they were all concerned about the heavy traffic. He pointed out he lived on one of the entrance ways, so it was of more concern to him than someone, such as Mr. Crockett, who lived on a cul-de-sac. He wanted to echo everything his neighbors had already said. The one thing he wanted to reiterate was the fact the City Council typically approved developments on inferior infrastructure. He specifically noted Scott Boulevard, between Rollins Road and Vawter School Road, where they approved dozens of subdivisions over the last 15 years. In his opinion, those infrastructures should have been widen prior to the developments being approved. He stated he was pro-development and believed the annexation between Vawter School Road and Thornbrook and behind Thornbrook was only natural, but encouraged the Council to go ahead and spend the money on Scott Boulevard, whether it was between Rollins and Vawter or Vawter and KK, prior to approving any further subdivisions so that they could adequately and safely maintain the people that lived in these subdivisions. He felt it was of growing importance and understood there was a financial constraint associated with it and stated he was willing to pay more taxes if that was what it took.

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

Mr. Janku asked if the vertical alignment was approved if it needed to be in a development agreement. Mr. Glascock replied that they had been doing that on a number of things like this when they developed next to an arterial street or something that was on the Major Roadway Plan. It was something they had been giving the City when requested. It had not been in any agreement.

Mr. Ash wondered what some of the required offsite improvements would have been if they had requested a PUD rather than R-1 zoning. Mr. Teddy replied it was their practice to negotiate offsite improvements for a PUD. He thought they would have look at Howard Orchard Road, but a request or recommendation to Council would depend on the intensity of the development and whether or not they would have a useful resource when they were done. He noted this frontage was still disconnected form the larger road system. If they just improved what was adjacent to the tract, they would not have a useful connection to Route K. It would likely be an incremental improvement, which might advance the possibilities of getting that Major Roadway Plan collector put in for further development down the line. Mr. Ash understood they would focus mainly on Howard Orchard Road as far as offsite improvements. Mr. Teddy replied yes and noted there was a paragraph on access in the PUD chapter of the ordinance. They would rely on that if they felt something was deficient. He could not comment on what they would ask because they would have to have a plan to respond to.

Ms. Nauser stated that she concurred in that one could look at both sides of the argument and see that everyone had a valid point. As a Council member, she was looking at Howard Orchard Road and the 2005 ballet proposal with the roads the City was going to be able to fix through 2015. She noted they had to take off \$25 million in funding for the roads that were in desperate need of repair and that did not even include the list they had to cut it down to from at the beginning of the year. She felt the City had a flawed system, wherein we annexed property and then tried to deal with road infrastructure at a later date. Water, light, and sewer seemed to have a normal process in annexation. She did not feel we looked beyond for the roadways in regards to how we dealt with the exterior roads. As the City came into more County property, she felt annexing and having poor quality County roads needing to be developed would be a common problem. She understood that many would argue that if one followed this philosophy, Thornbrook might not have been there. She felt that maybe Thornbrook should not have been there. Scott Boulevard was not going to be fixed until 2011 or beyond. She noted Sinclair Road was going to be another Scott Boulevard, a paved road with no shoulders, and that Route K was becoming overcrowded with traffic. She felt they did not seem to address the problems and kept piling more on while saying they would fix it in the future. She felt we needed to look at the issue now. She pointed out that if this was annexed, it opened the door for more property west and south without any mechanism to fix Howard Orchard Road. She felt it was unfair to the people in the area to continue to annex while telling them they had to wait 10-15 years to get a descent road. She thought we might want to take our time or tell them to come back at a later date with the annexation. She explained she was not opposed to this development and that she only had a problem with the infrastructure of the roads at this time.

Mr. Ash noted there had been times when things like this came up where the way to get the roads improved was through development. He understood it was usually planned development and in exchange for the development, they were willing to fix the roads along that area. He noted there was a lot of talk about the water, sewer and electric lines being set up to handle growth. He agreed the City would grow there, but felt it needed to be the right kind of growth and in his opinion planned development would make sense here. He noted

the Mayor made a proposal that all future annexations and upzonings needed to be planned. He felt this was the poster child as to why that was a good idea. He pointed out that if this were smaller or next to a road that was not in such poor condition, he did not believe the Council would have as much of a concern. This development had two strikes against it, its size and being next to a gravel road. He stated he could not support a traditional R-1 zoning because of those circumstances.

Mr. Walther stated he understood offsite improvements typically had a \$25 per foot assessment to adjacent roads. Mr. Teddy replied that had been done with PUDs. Mr. Walther stated they would be willing to make that payment for their frontage on Howard Orchard Road even though it was not a PUD development. He reiterated that because of the configuration of Howard Orchard Road, the people in his subdivision were no more likely to use it. He stated they would be willing to include that in a development agreement. Mr. Ash felt it was beyond a \$25 per linear foot contribution.

Mr. Loveless noted this was a typical dilemma and felt Ms. Nauser's point about road infrastructure following development was one that was well taken. He noted, however, it was the model that had been used in this City and in most cities throughout the nation and had worked fairly well up until the last decade or so. He felt this body could not provide roadways and road infrastructure in advance of development because they would then be accused of promoting urban sprawl. He noted the City had a task force that worked for months in trying to provide other alternatives and really did not come up with anything that was significantly better or palatable to this group or the general public. He felt electric, sewer and water were different because they generated money. Roads did not generate money, unless we built a toll road. From that perspective, he did not see this development being much different than the others and felt R-1 was appropriate for this particular piece of property. He noted he did not want to see something twice as dense. Shown here was 170 houses, which was considerably less than that allowed in R-1, and the Thornbrook road system was built and designed to handle additional housing to the west. He agreed with Mr. Walther that even if Howard Orchard Road were built to neighborhood collector specifications, the traffic that would pull off to the west would be miniscule compared to what was going to the east. He realized that did not help and wished he had an answer. He wanted to see Howard Orchard rebuilt and understood it would eventually need to be rebuilt, but to hold up this particular piece on the reasoning that Howard Orchard Road would not accommodate additional traffic was not a good argument.

Mayor Hindman understood there was a hill and construction traffic might be moving fast. He asked if they would add to the offsite improvements by providing traffic calming within the neighborhood on the main street. Mr. Walther replied they would if requested by the Thornbrook neighborhood or by the City. Mr. Hutton thought that would be part of the plat. Mr. Walther stated they were willing to do that.

Mr. Boeckmann commented that they might be willing to do whatever the Council wanted in order to pass this ordinance. Once this ordinance passed with R-1 zoning, if they came in with a plat meeting the requirements of Chapter 25, the Council would be entitled to pass it. Mayor Hindman asked if they had a way to require it. Mr. Boeckmann noted a development agreement was not needed to develop this property. Mayor Hindman thought

they were volunteering to enter into one. Mr. Walther replied they were. Mr. Boeckmann noted if it passed tonight, they would not have the incentive to do it tomorrow. Mayor Hindman thought it could be continued in order to come up with a development agreement. He asked if it could not be done because they were asking for R-1 zoning. Mr. Boeckmann replied it would be unusual. He thought they could do a development agreement as part of the annexation, but also thought the Council could require them to do a PUD development instead.

Mayor Hindman understood if they continued this item, they could propose a development agreement at the next meeting and that it would be enforceable. Mr. Boeckmann stated that was correct, but pointed out it could be an issue for Public Works because it was natural for the people administering the ordinances to not look for a development agreement when seeing R-1 zoning. If the plat was done in the next couple weeks, it might not be a problem, but if it came in ten years from now, there was not a good mechanism in place to track it.

Mr. Janku noted the City had development agreements on annexation such as the Phillips Tract and the Sapp development. There was precedent, but he was not sure how to spell it out because it usually did not accompany the actual vote on annexation.

Mayor Hindman commented that they had the potential to negotiate for the \$25 per foot, the grading, easements, and off-site traffic calming. He did not think that was too far from what they would get with a PUD. He agreed it should ideally be a PUD, but the rules right now were that one could annex under R-1. He thought it seemed like a natural expansion as would the next one. He wondered where they would stop since there was no true measure. When looking at the photograph of Howard Orchard Road and Scott Boulevard, it appeared to be a good parallel road system with the two subdivisions going out to roads providing proper exits. However, that was not true because Howard Orchard Road was not a practical, usable exit, and therefore, everything went out on this one side. He noted part of the issue was the lack of roads to go through, which was partly due to how Thornbrook was laid out with its numerous cul-de-sacs only feeding into a couple of roads. It limited what the next developer was able to do. If there were more roads going out to Scott Boulevard, this would be a no brainer because traffic would be divided up. He felt the problems to Thornbrook were a result of the design of Thornbrook. He thought the density was compatible with Thornbrook and that the construction traffic would not be substantially different than what Thornbrook experienced as it was built out. He agreed there was a point, without further road improvement, where they needed to say they had reached the limit, but he did not know whether this was the limit or not.

Mr. Ash thought the idea of R-1 with a development agreement was more appealing than without, but he was not sure it was as good as a PUD. He reiterated the problem they ran into with R-1 was that when something met the Code there was no discretion. He felt this needed to be a PUD because of the existing conditions.

Mayor Hindman stated they were getting the development agreement primarily because without the agreement it would be unlikely they would get their R-1 approved. He noted that generally, they would not have the type of leverage on R-1. Mr. Janku noted on annexations they tended to. He asked about the timeframe and notice procedures if the

Council decided they wanted a development agreement and amended the ordinance. Mr. Boeckmann replied that if they kept it as R-1, re-advertising or holding it over was not necessary. He thought they could come in with a development agreement at next meeting and vote on it that night.

Mr. Loveless asked if this was brought before them as a PUD, if they would have the authority to require the developer to make alterations to Howard Orchard Road, which he thought was a County road and would remain a County road. Mr. Boeckmann replied he assumed they would be annexing to the centerline of the road. Mr. Loveless was not sure that was the case. Mr. Crockett stated it varied and in some cases they did and in others they did not. Mr. Boeckmann noted part would still be with the County regardless, so anything done would require the County's cooperation.

Mayor Hindman felt this was an example where they needed to think about community attitudes toward what needed to be done with infrastructure in connection with new development. They needed to get community discussion going on that. By looking at the results of last election, it was hard to know, but he thought there was a feeling that they needed to find a way to have more developer input into the cost of the roads than they currently had.

Mr. Janku asked if they knew how long it would take for developers to come up with the development agreement and for staff to review it prior to providing it to Council in time for them to look at it. Mr. Watkins thought two weeks was enough time.

Mr. Janku made the motion to table B437-05 to the February 20, 2006 Council meeting with the expectation of seeing a proposed development agreement. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

B482-05 Rezoning property located on the east side of Rock Quarry Road, south of Grindstone Parkway from A-1 to PUD-6.1.

The bill was read by the Clerk.

Mr. Watkins explained this requested rezoning would change a six acre tract located between Rock Quarry Road and Rock Quarry Park from A-1 to PUD-6.1. The Planning and Zoning Commission voted 5 to 3 with one commissioner abstaining to recommend denial of the proposed rezoning. The Parks & Recreation Commission asked Council that there be provisions for adequate stormwater drainage to protect Rock Quarry Park should it be approved.

Mr. Teddy explained the tract was located on east side of Rock Quarry Road on a relatively straight section of the road that ran between the Grindstone Parkway and Nifong Boulevard. It was in an area that had been developing over a period of years and was mainly residential with varying densities of residential. Although this section of Rock Quarry was not programmed in the Rock Quarry Special Area Plan for Land Use, the Plan did designate a scenic easement along both sides of Rock Quarry Road, which meant they recommended green space of 50 feet from the roadway right-of-way. There was a single family house and some accessory buildings on the tract now. Staff recommended a fee of \$25 per lineal foot or about \$13,000 as a condition of approval. They also recommended there be a pedestrian access easement, when the development plan was presented, that would connect the

sidewalks of this development with the walking path that went around Rock Quarry Park. In addition, they recommended the statement of intent indicate that at least 70% of the site would remain in open space or pervious area. The reason for that was because a portion of the site did drain into the Bonne Femme watershed. The developer was proposing a 60% minimum amount of pervious area. Staff recommended PUD-5 as an alternative to PUD-6.1 based on the analysis of an early sketch plan for the site. They felt it would be difficult to put PUD-6.1 density on this site and also have the 70% pervious requirement.

Mr. Hutton asked about the difference between the statement of intent dated in December and received as part of the ordinance and the one received via e-mail dated February 3, 2006. Mr. Teddy stated he was unsure because he had not seen the statement of intent dated February 3, 2006.

Mr. Hutton understood there was not a requirement in the ordinance that it be 70%. Mr. Teddy replied that was correct and added it was neither in an ordinance or a policy resolution.

Mr. Janku asked where the 70% standard came from. Mr. Teddy stated he would describe it as a precedent that had been established since the 1999 Policy Resolution. An example of a PUD approval that incorporated the 70% was Bearfield Meadows, which was a PUD-5. The Phillips tract, which was a much larger development, had a similar percentage depending on the tract.

Mr. Boeckmann noted the difference between the statement of intent was that the February 3rd one added to item (f) a sentence that saying “to the extent allowed under the provisions of Rock Quarry Road Scenic Roadway Overlay District, landscaping will be added within the Overlay District” and an item (i) saying “a homeowners or condominium association shall be established to maintain to the common areas of the development. This maintenance shall include, but not be limited to lawn care, exterior building maintenance and general maintenance. The association shall have the authority to make repairs on the exterior of the structures as deemed necessary to maintain a uniform appearance.”

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney with offices at 111 S. Ninth Street, stated he was there on behalf of the applicant, Rock Quarry Properties, which was owned by Justin and Russ Starr. He noted the developer was agreeable to making the \$25 a foot payment, which was about \$13,000 and earmarked for the future improvement of Rock Quarry Road as suggested by staff as a condition of approval. The developer was also agreeable to providing pedestrian access through this development to the park line on the east. It was part of their idea for the development, not just from the interior streets. They were willing to provide a pedestrian access from the mobile home park that was just to the south of this property. He described the surrounding area and provided the Council a diagram showing the types of densities in the area, which varied from 9.83 units per acre to 5.7 units per acre. He did not believe the 6.1 proposal was out of line with what was in the neighborhood and in the general vicinity of the property. Their proposal was to build 17 two-family buildings that would allow 34 units. Each unit would contain a two-car garage and two extra parking spaces, giving them four parking spaces per unit. This was similar to what was found throughout this area. With respect to concerns discussed at the Planning & Zoning Commission meeting, he pointed out

this piece of property was in both the Bonne Femme drainage district and the Hinkson drainage district. Part of the property went into the area where the Council had traditionally required a 70% pervious area and the other part was in an area where they only needed a 15% pervious area to meet City standards. They felt a 60% pervious area requirement was more than reasonable under the circumstances and was a fair compromise which took into account the interest of the developer and the interest in protecting the Bonne Femme drainage area. Mr. Beckett pointed out that when they brought back the development plan, they also had to provide a conceptual landscape plan and stormwater management plan for approval. That would ultimately have to be followed up with final plans at the time of platting or permitting. He felt the City had adequate controls built into the ordinances for PUDs to ensure stormwater was not a problem. He noted the developer had talked with the owner of the mobile home park to the south, who would be most affected by the stormwater issues, and they had agreed to work with each other to resolve those. He stated the concern regarding this property being built and sold off unit by unit with the units not being maintained was adequately addressed by the addition to the statement of intent regarding a homeowners or condominium association. He pointed out they did not intend to do that. They owned the Wind River Circle duplex development behind Hy-Vee, which was high quality duplex area. They intended to do that here as well. In regards to concerns from the R-1 subdivision across the street that felt this might adversely impact their property due to duplexes nearby, he thought that could be addressed by putting in adequate landscaping in the scenic overlay district corridor.

Mr. Janku understood Mr. Beckett to say that they planned to comply with the overlay district and the 50 foot requirement. Mr. Beckett replied they did. They would only request, to the extent permitted by the scenic overlay district, that they be allowed to add some screening type of landscaping, so they would be screened from the neighbors across the street.

Mr. Hutton asked if he knew the percentage of property that was in the Hinkson watershed as opposed to the Bonne Femme watershed. Mr. Beckett replied he did not know. He thought staff indicated that most of it went into the Hinkson.

Jan Pritchard, 3505 Rock Quarry Road, stated her property was directly across from this property. Her concern was not so much the screening, but that the north drive of this development would exit directly in front of her house. She noted that was also the closest drive to Grindstone and questioned which drive the 100 vehicles would be accessing. She thought they would be coming out in front of her home. There was not a cross street there. It just fed onto Rock Quarry Road and she was concerned about being able to get in and out of her property. She noted that she had provided a letter to the Council and hoped they were able to read it. The neighborhood she described in the letter included single-family housing, large A-1 lots, parkland and churches. Even the development south of there, the mobile home park, if counted, was a PUD-6 with single residential houses with one car each coming out of there. She felt this development with the 34 units was three times the burden of that one, so they should be asking for a PUD-2, not a PUD-6. She noted they should also have received a letter from the Neighborhood Association President, Julie Youmans, who could not attend because she had a funeral to attend. Ms. Pritchard stated she would prefer to have

single-family residential housing and noted that was needed there. Multi-family housing was over built there. Every duplex complex down there had vacancies. The one this Council approved two years ago was starting to have vacancy issues. She reiterated that they did not need any more multi-family. Sun Court was the most dense along this road and they were about a PUD-3. She stated they could live with a PUD-3 density. They would still have three people per unit and 60-70 cars coming out, but it would not be 100. The other reason she felt the Council should consider a PUD-3 was because they had already set that precedent on this road. Two years ago, when they voted on the Herigon property, they made the decision that any more multi-family housing developments along Rock Quarry Road should be no larger than PUD-3. If that was true for the top part Rock Quarry Road, which had much less traffic, it should also be true for the south part of Rock Quarry Road, which had much more. She felt this would not end if the Council allowed the PUD-6 zoning.

Vicky Riback Wilson, 3201 Blackberry Lane, stated she was a member of the Grindstone-Rock Quarry Neighborhood Association. She commented that her neighborhood was a continuous neighborhood and she still considered it as such in spite of the fact it was bifurcated with Grindstone/AC coming into Rock Quarry. If one looked at the entire scenic road neighborhood extending along Rock Quarry, what they had was a neighborhood that had undergone significant change. She stated she had lived there since 1947 and did not believe the neighborhood should be what it was in 1947, but noted recent developments, starting with the first PUD in Columbia at the corner of the Old Nifong and Rock Quarry Road, were starting to destabilize the neighborhood. There were lots of rental property, including some of their own, and they were now seeing rentals with significant vacancies. She stated what they were lacking was the maintenance of stability. The property referred to as the mobile home park was actually a subdivision with mobile homes on it and had very stable residents. Those residents had lived there for many years as had the people in the mobile home park on the other side. There was not a lot of turnover there, but there was starting to be a lot of turnover with the changes in the neighborhood. She stated that they needed help to be sure they protected the scenic roadway and did not overwhelm a neighborhood, which had been stable, with instability. She believed the PUD 6.1 was far too large for this area given both the roadway and the quality of the neighborhood. She noted the same was found to be true by the Planning & Zoning Commission and in City staff in reports. That was why, in 2001, upon reading the recommendations of City staff for this area, they worked with the Council to voluntarily downzone their R-3 zoned land along Rock Quarry to R-1. They wanted to reinforce and maintain the single-family neighborhood, which was desperately needed to balance the large PUDs and multi-family developments that were going in various pockets. She urged the Council to protect this neighborhood and this scenic road and to maintain a balance and stability in the neighborhood by not overwhelming the single-family residences.

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

Mr. Ash noted the statement of intent included setting up a condo or homeowners association to do maintenance and understood it was being compared to the Wind River development behind Hy-Vee. He did not think that was under one ownership. Mr. Beckett stated that was correct. The Starr's, who were the principles, owned sixteen of them. Mr.

Ash understood this development was not all being platted as one lot. He noted they could be sold off. Mr. Beckett replied that was correct. That concern was what led them to offer in the statement of intent the obligation to impose covenants and restrictions that would establish a homeowners association or condo association. They would have the responsibility of doing all of the mowing and landscaping throughout the entire development and would have the authority to go ahead and maintain a unit if the unit owner was not maintaining it. He noted that would normally be done at the time of final platting, but they would be willing to do it at whatever stage the Council felt was appropriate. Mr. Ash felt the worse case scenario was that there would be different owners for different units with no uniform maintenance of the units and the best case scenario would be that they were all owned by the same people or owner occupied. He felt this was in the middle where it might have different owners, but they were trying to create some stabilization. Mr. Beckett stated that was not correct. The intention was to own them all, but to guard against a situation where some of the units sold off and were not maintained because the new owners were not responsible. Mr. Ash felt that without it being platted as a single lot, it was not guarantee that it would be one owner. Mr. Beckett replied the idea was that if it was sold off, there would be a mechanism in place that required those unit owners to keep up those units. If they did not, the homeowners association had the authority to do the maintenance and assess the owner or have a lien on the unit if they did not pay that assessment.

Mr. Ash noted staff recommended a PUD-5 to try to meet the 70% and asked if they were firm on the 6.1 number. Mr. Beckett replied that they felt it was an appropriate number and stated the 5.0 came from a conceptual drawing. One of the ideas they had was to take their Wind River Circle units and place them on this piece of ground, but they were too big for the area. The drawing that was used for discussion purposes had come back to haunt them. He stated the density they were proposing was no different than the density for the properties around them. Mr. Teddy pointed out it was not staff's intention to use the exhibit in a negative way.

Mr. Hutton stated he believed the telling factor in regards to the number of units was not what the PUD designation was, but the 60% pervious. Even if they had the 6.1 density, if they could not meet the 60% figure, they would have to reduce the impervious area. Mr. Beckett replied that was correct and stated he did not believe a 6 was compatible with a 70% pervious area. Mr. Hutton wondered if it was compatible with 60%. Mr. Beckett replied they believed it was.

Mr. Janku understood they did not have a plan in front of them, but was concerned about multiple access points on Rock Quarry Road within a certain distance of each other considering there were other tracts that might redevelop in this area that would also want access. Mr. Teddy stated since this was not a development plan review, staff did not comment on that issue. They would look at that issue when they received a development plan. He noted two access points would be desired for 30 dwelling units. If there were further requests for intersection with Rock Quarry, they would look at what the multiplication of access points would do. Mr. Glascock stated they would also look at the other side to make sure it was compatible with the west side of the street.

Mr. Ash felt this was another tough one. There were a lot of positives that would come from this being developed. If this did not get approved, it might come back as just a standard R-1 development. Generally when someone came in with a PUD, it seemed like a fair trade off to give them a higher zoning instead of what they would get with the standard zoning. If it was developed as A-1, he wondered what the PUD equivalent would be. Mr. Teddy replied they used the same minimum lot dimensions in A-1 as in R-1, but there were increased setbacks. Practically speaking, the lots would be quite a bit larger than the 7,000 square foot minimum, unless one had a really narrow dwelling.

Mr. Ash noted the Bonne Femme watershed added another wrinkle and asked if someone could show where the line was. He understood from looking at staff's notes that it was kind of small and in the southeast corner. Mr. Teddy stated the way the drainage divide was represented on most maps was right around Southland Drive. Mr. Ash thought that was a significant line and wondered how accurate it was. If that was truly where the line was, he did not feel 70% was unreasonable.

Ms. Nauser stated she shared some of Mr. Ash's feelings. Instead of turning into a residential area, Grindstone was turning into mostly duplexes and multi-family units at another entrance into the City. She felt it to be a tough call with her prior philosophy regarding traffic, but also did not know if there was a large enough significance between 5 and 6.

Mr. Janku asked about the density and lot sizes at Wind River. Mr. Beckett replied he did not know the density, but they did have bigger lots and buildings. Mr. Janku stated he had been out there and thought the debate could be single-family versus a PUD multi-family. He commented that he was personally uncomfortable with the amount of density. He thought the area would redevelop and other properties would ask for rezoning. He felt they were looking at the density, not just for this tract, but the adjoining tract. If the density reflected more of the Wind River development density, which was less dense with bigger lots, it would be a higher quality development even if it were rental. He felt that would be better for this area than the more traditional student type housing.

Mr. Ash asked if the new statement of intent needed to be amended. He understood they would have to be willing to change the statement of intent. Mr. Boeckmann replied that was correct. Mr. Ash asked if they were willing to change the statement of intent to say 70%. Mr. Beckett replied no.

Mr. Ash felt it was too dense and without it being 70%, he could not support what was being proposed. He believed if it was a slightly lower density with slightly more space, he could approve it. He understood it could come back as R-1, which could be worse overall.

Mr. Janku asked whether they should adopt the amended statement of intent before they voted.

Mr. Hutton made the motion to adopt the amended statement of intent dated February 3, 2006. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Hutton stated he thought the density was a little high, but if one looked at the area surrounding it, it was compatible. In regards to the 60% issue, he felt it was a pretty good compromise to go from 70% or 15%, the minimum required by ordinance. If the line was

50/50, then 40-45% might be an acceptable ratio and they were still saying 60%. He thought that was fairly significant and a good compromise. He questioned whether they could have 17 buildings and maintain the 60% pervious.

Mayor Hindman noted there were arguments for the density in that it was not too far from Grindstone Parkway, which was a major traffic carrier. He felt replacing this large open space with a single dwelling on it with a complete set of duplexes seemed a shock for the neighborhood and he was not ready for that. It was such a tremendous difference from the present use. He wanted to see something that was more neighborhood compatible. He also noted the mobile home park to the south was non-conforming and there was always the potential that could change.

Mr. Loveless pointed out the situation was the same for the mobile home to the north and it was zoned A-1 as well. He stated he would feel better if they had come in with a PUD of 4.5 or 5. He thought it would be difficult to maintain the single-family feel to rezone it otherwise.

The vote on B482-05, as amended, was recorded as follows: VOTING YES: CRAYTON, HUTTON. VOTING NO: JANKU, LOVELESS, NAUSER, ASH, HINDMAN. Bill declared defeated.

B15-06 Voluntary annexation of property located on the west side of Lake of the Woods Road, south of Evergreen Acres Subdivision (2331 Lake of the Woods Road).

The bill was given second reading by the Clerk.

Mr. Watkins explained this requested annexation and zoning would change an almost 34 acre tract from County R-S to City R-1. He noted the two zonings were equivalent. The Planning & Zoning Commission voted 5 to 0 with one member abstaining to recommend R-1 as permanent zoning.

Mr. Teddy noted this tract was surrounded by existing subdivisions that had comparable zoning to the R-1 being requested. Potential access would be at the terminus of Rice Road, at the stub off of Redwing Drive, which was a City street, Waterfront Drive, which was a County street just to the south, and Lake of the Woods Road. Staff was recommending approval as was the Planning & Zoning Commission.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering, 2608 N. Stadium Boulevard, felt this was a straight forward request. The property was developed on all sides and was an infill development. There were some issues in regard to the preliminary plat that would be before them later in the agenda. He felt they worked with the neighborhoods to the south and north and hopefully addressed some of their concerns.

Mr. Hutton understood the connection with Rice Road to Lake of the Woods Road would not happen in Phase 1. Mr. Crockett replied that was correct. He explained the development they were proposing was a three phase development. The initial phase, which would happen in two phases itself, would be the single-family residential portion. The third phase, which was the easterly third of the property, would remain with the current owner of the property and that portion would remain undeveloped, which meant the extension of Rice Road, all the way to the Lake of the Woods Road, would not take place initially.

Mr. Hutton stated that he had a real problem with that. He understood a deal had been worked out with the neighbors to the south, who were non-City residents, in that they were guaranteeing that no traffic would enter into their property. The same deal was not made with the neighbors to the north, who were in the City. It seemed as though they were entering into an agreement that was good for people outside of the City, but not so good for people inside the City. Mr. Crockett stated the deal he was referring to was not a deal the City entered into. It was a situation where the County Commission allowed that road to be gated. As far as the developer was concerned, they had no concern. The County residents to the south proposed it and they supported it. If the neighbors to the north requested the same for Redwing Drive, they would be more than happy to support their request.

Mr. Hutton stated the big problem was that Rice Road was the neighborhood collector of the entire area. So long as it was not completed all the way to Lake of the Woods Road, they did not have neighborhood collector funneling traffic from what was developed into a large neighborhood. All they were doing was funneling the traffic onto residential streets and they would exacerbate that problem by doing this without extending Rice Road. Mr. Crockett stated he agreed to some degree. Currently, Kelsey Drive to the north was acting as the neighborhood collector to Shamrock and Rice Road.

Mr. Hutton asked if Phase 1 included going to Redwing. Mr. Crockett replied it did not and added that it stopped short. The second phase of development would take it beyond Redwing. He noted Rice Road was built in phases to get to the point that it was at now. They understood Redwing might incur additional traffic and that was why they were willing to support any type of traffic calming or gate the City wanted. He noted this development would get it all the more closer to its termination point, which was Lake of the Woods Road. Mr. Crockett pointed out traffic from this development would likely go down Rice Road and take that exit. Mr. Hutton noted they would not have any other choice. Mr. Crockett felt the additional traffic they were concerned about was not traffic from this development, but traffic from this area and the traffic patterns those vehicles were going to take. He stated he did not mean to be unsympathetic toward the residents of Redwing, but commented that in the grand scheme of thing, these 82 lots were very few in number compared to everything else out there. Mr. Hutton agreed. His concern was the traffic pattern in general. This was a good thing when Rice Road went all of the way through. It was not a good thing when Rice Road connected to Redwing and did not go through. Mr. Crockett stated he understood, but felt they needed to do this in phases and reiterated that they were willing to protect the neighbors. Mr. Hutton felt putting a gate at the southern end was not a good idea. His reason for saying that was that none of the residents would go that way. He noted it was a winding, long road and people would wind up going up Redwing. Waterfront Drive was not going to be used by anyone. He felt Rice Road had to go through in order to approve this subdivision. He commented that he would vote against the rezoning and annexation unless Rice Road went through in Phase 1 and he would urge his colleagues to take his lead. Mr. Crockett stated he wanted to know how the other Council members felt. If that was the decision of Council, they might have to request to table the issue because the existing property owner only desired to sell about two-thirds of his property. It might be a situation where Rice Road would not be extended for a period of time.

Bob Cowles, 5704 Redwing Drive, stated the residents of Evergreen Acres had some serious concerns in regards to this development, if Rice Road was not extended through to Lake of the Woods. He noted Rice Road clearly needed to be a connector between Ballinger Road and Lake of the Woods in order to alleviate traffic flow in the area. They were happy to hear about the decision made to gate the Lake community to the south, but from a Council point of view that might not have been a very good solution. He was speaking on behalf of a number of residents from Evergreen Acres Subdivision and noted he had a petition asking the Council to not approve this development unless Rice Road was approved to extend through to Lake of the Woods. If that was not possible, they would ask that a gate be installed at Redwing Drive to alleviate what would clearly be a heavy influx of additional traffic through the Evergreen Acres development. He noted Kelsey Road already had quite a bit of traffic that fed off of Rice Road.

Orville Wiechert, 5800 Redwing Drive, stated he was the developer Evergreen Acres Plat 1, Plat 2 and Plat 3 and noted they had no objection to the development to the south side of Evergreen. He understood the reason for the phases and had no objection to that as long as a gate was placed on Redwing Drive. He indicated he did not build Redwing Drive to the standards of a collector street. He pointed out there was the possibility of as many as 82 families using Redwing Drive as the access to the east. He provided the subject tract with a collector width street that connected to the Meadowland Subdivision. Evergreen Acres 3 started out at that point and continued into this particular property. He asked that Rice Road be continued from its present westerly terminus to Lake of the Woods Road or that the south terminus of Redwing Drive be gated until such time that Rice Road connected to Lake of the Woods Road.

Doug Geppert, 5803 Redwing Drive, understood Rice Road would be put through to Lake of the Woods and that was the main objection at this time. He was in agreement that growth was good, but thought it needed to be managed growth. He stated Rice Road needed to be done first and then the development should be done.

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

Mr. Ash understood some people were in favor of the gate, but that meant everyone would be forced to come through Kelsey. Mr. Hutton replied that was correct. It was a bad situation because the Kelsey people were already receiving the brunt of the traffic. He noted there was a dividing line, east to west. It depended on which way one was ultimately going, but somewhere in there was a dividing line. If one lived on the west side of that line, they probably went out Rice Road or the Clark Lane. If one lived on the east side, it was quicker because of the traffic backed up on Clark Lane and Highway 63 to go to Lake of the Woods, so everyone went east to go west. He explained this would put all of the traffic on Redwing as opposed to Kelsey once Rice Road connected with Redwing. Mr. Ash asked if Kelsey was a bigger road. Mr. Hutton replied that he thought they were about the same size and added that neither was intended to handle the neighborhood collector type traffic that was and would be on them.

Mr. Janku asked if the distance remaining was 575 feet. Mr. Crockett replied he did not know, but thought that was accurate. Mr. Janku noted, based on the plat, Rice Road did not directly affect the property owner's house. Mr. Crockett replied that was correct. He

stated it was not a factor of not being able to be built it in regards to the house. It was that the existing property owner did not want to have that built across his property at this time. Mr. Ash noted Rice Road would run through the middle of his remaining chunk. Mr. Crockett replied that was correct. It was anticipated to be a single-family development in the future, but at this time he did not know how it would develop. Mr. Crockett noted a similar situation with the Prairie View Subdivision. There was a concern from the neighbors that if the Vanderveen development connected to the subdivision prior to Blue Ridge being extended to Creasy Springs, cut through traffic would go through the existing Prairie View Subdivision. Mr. Crockett thought this could be a situation where they designed, bonded, and did everything possible, except the small connection from Redwing to Rice Road until Rice Road was extended. That would allow the preliminary plat and development to proceed. He understood the concern was that the residents on Redwing did not wish to be burdened with all of the additional traffic. Mr. Hutton pointed out there were actually two parts to the equation. The Redwing connection and it becoming the main outlet was number one. Issue two was that there was no guarantee the rest of Rice Road would ever be built. The people who were selling the property indicated they did not want to sell the eastern third right now. They might never get around to selling it and Rice Road would never get built. Mr. Crockett noted, with approval of the plat, it would be two-thirds of the way to being completed.

Mr. Janku thought it would be good to know that Rice Road would be completed at a certain time and have some degree of certainty of its completion. He was not sure of the exact mechanism. He suggested they table this, so alternatives could be looked at. He noted the lot could sit there for 10-20 years. The City would then have to come through, buy the land and build it, which would cause turmoil.

Mayor Hindman felt there was enough doubt and thought it would be a good idea to table this issue. Mr. Crockett agreed.

Mr. Hutton made the motion to table B15-06 to the February 20, 2006 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B16-06 Approving the C-P Development Plan of Exchange Bank; determining elevation plans are consistent with that presented when the development plan of Village Square was approved.

The bill was given second reading by the Clerk.

Mr. Watkins explained Village Square was on the north side of Nifong, west of Forum. They were requesting plan approval to substitute the site plan for a one-story 5,000 square foot bank in place of a plan for a two-story 10,800 square foot building that had been previously approved by Council.

Mr. Teddy noted it was basically an amendment of a previously approved C-P development plan. The owner of the property was scaling down the building that had been planned and was changing its type from a mixed use commercial and residential building to a bank. There was a condition in the original C-P ordinance, passed in 1999, that required architectural review of the building elevations by Council. Those were provided. Staff and the Planning & Zoning Commission both recommended approval.

Mr. Janku asked if there was only one sign. Mr. Teddy replied there was a sign at the driveway access as well as a sign on the building. Mr. Janku asked if it was a monument sign. Mr. Teddy replied it was a freestanding sign that conformed with C-3 standards.

Ms. Nauser stated she had met with the Country Club of Missouri about stormwater issues a couple days ago. She felt this was going to create more impervious surface upstream and asked if the stormwater plan would adequately address runoff towards that area. Mr. Glascock replied the Public Works staff had reviewed it and it was conceptually okay at this time. He believed this particular development needed detention for each lot and they would have to address that.

Mr. Ash thought the utility box was in a bad spot and asked if that were to be moved, if it would be the developer's responsibility. Mr. Glascock asked if he was referring to the utility box in photo 1 and 2. Mr. Ash replied yes. Mr. Glascock stated if it was a site distance problem, it would have to be moved. He thought Mr. Dasho could address responsibility. Mr. Dasho noted that staff looked at this issue and asked for Public Works to determine if there was a site problem. It was determined there was not. If someone wanted the box moved, they would need to request removal and the cost would be their responsibility. Mr. Ash asked who would determine if a site distance problem existed and if there were standards for those decisions. Mr. Glascock replied Public Works would make that determination by looking at the speed of the road and the distance that people were able to see from one side to the other. If it did not create an obstruction, it was not a site distance problem.

Mayor Hindman opened the public hearing.

Ron Shy, 5600 S. Highway KK, stated he was representing the owner, Exchange Bank, who was planning to build a single-story bank instead of the two-story structure that was previously approved. In regards to detention, he explained this whole site had underground detention and the building was planned to have detention as well. He felt that issue should be laid to rest. Regarding the site distance, he read the staff report summary of the issue and agreed with the determination. He noted the hill towards the right-of-way would be cut down 3-4 feet. He thought that would help traffic turning on to Sedona to see further to the east.

Mr. Ash asked if by cutting down the hill, he meant they would draw a straight line of 3-4 feet or if they would they try to shave off more where it was pinching against the utility box. Mr. Shy replied they could not do anything about the utility box. It was sitting very close to the right-of-way and the finished grade at the utility box was very close to the back of the curb. There would not be any change in the existing grade at that point. Next to the utility box was a slope that went up to the building pad. They would have a slope that would extend toward the parking lot and the little area where the pipe ran across the corner of the lot for drainage could be cut down about four feet.

Mr. Janku asked if the freestanding sign was a monument sign. Mr. Shy stated he believed there was a wall sign and a sign at the entrance. Mayor Hindman asked if it would be a monument sign.

Mr. Shy replied yes, but noted he was not aware of the details of that sign. Mr. Teddy noted there was an elevation and referred to it as a decorative freestanding sign. Mr. Shy stated he would call it a monument sign. Mayor Hindman asked what he meant by decorative

freestanding. Mr. Teddy replied it was part of the landscaping. Mr. Ash noted a description was located on page three. Mr. Shy stated it would not be a tall pylon sign.

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

The vote on B16-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B26-06 Authorizing construction of improvements to Flat Branch Park Phase II; calling for bids; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins stated this ordinance would do three things. It was a formal public hearing on the project. If Council liked what they saw in terms of the proposal, they would ask for authorization to call for bids and appropriate money for the project. The total project budget was approximately \$898,000 and consisted of a land and water conservation fund grant, private donations, park sales tax and a prior year appropriation. Specific park improvements would include the restoration of Flat Branch Creek to the standards established at Flat Branch Park Phase 1, construction of all the hardscaping features, a 19 space parking lot, an interactive water plaza, and the routing of the MKT trail underneath both Locust and Elm Streets.

Mr. Hood noted that if the project was approved, they would hope to begin work immediately after the environmental clean up of the site, which was currently ongoing. He stated there was a large hole in the ground right now where they had been removing the contaminated soil. The project should be completed, weather permitting, by late February or early March and they would like to move forward with park development at that time.

Mayor Hindman opened the public hearing.

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

Mr. Janku asked if the parking lot was an existing parking lot. Mr. Hood replied the 19 space lot was not actually existing at this point. The entire site had been a parking lot at one time. All of the existing parking spaces had been removed as part of the environmental clean-up. They would be rebuilding this 19 space parking lot after the clean-up. Mr. Janku recalled a discussion when this plan was developed regarding the existing parking lot and whether it should be able to remain because it served the Chamber building or whether it should be removed. The compromise was that the City gave up its parking lot and the north part was turned into Flat Branch Park while allowing this area to remain in parking.

Mayor Hindman commented that he was delighted to see this. He noted the City had begun construction on the underneath of Stewart and Providence Road and it looked really nice. He also pointed out this was a good partnership with a lot of private contributions.

The vote on B26-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B27-06 Authorizing construction of improvements to the Garth Nature Area; calling for bids; authorizing an agreement with the State of Missouri; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins noted Parks & Recreation recently received notice of final approval of a Recreation Trails Program grant they had submitted. The grant was in the amount of \$42,000 and was for the restoration and improvement of the City's Garth Nature Area located near Garth Avenue, adjacent to Bear Creek Trail. Proposed improvements would include site grading, trail construction, wetland construction, bench installation, signage, and landscaping using native plants. Park sales tax money in the amount of \$28,000 would be used to fund the City's matching share of the project. This ordinance following the public hearing would accept the grant, appropriate the funds and authorize staff to proceed with the improvements.

Mr. Hood stated the Garth Nature Area was one of the four designated City sites that was a leash free area. A question had been raised as to how these improvements would impact the leash free area and staff was developing several options. This grant did not include any improvements to the leash free area, but they would like to look into doing these types of improvements as part of their park annual improvements program. They would bring a recommendation to the Council sometime within the next 2-3 months. They would like to work with the neighborhood and users of the leash free area to confirm what would be the best option. He noted they did need to proceed with the acceptance of this grant so they could return the grant agreement to the funding authority.

Mr. Janku stated he thought they should put this item on the calendar as a possible work session topic after receiving input.

Mayor Hindman opened the public hearing.

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

Mr. Janku stated the area was currently well used and was used by people with dogs on leashes and off leashes and people without dogs. He felt it would be a great addition to the area.

The vote on B27-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the east side of Rustic Road, approximately 375 feet south of East Broadway/State Route WW (720 Rustic Road).

Mr. Watkins explained this request was for voluntary annexation of land lying east of the present city limits in the southeast part of the City. The applicant was requesting R-1 zoning. At present, the property was zoned Boone County RS, which was equivalent to City R-1 zoning. The Planning & Zoning Commission recommended approval.

Mayor Hindman opened the public hearing.

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

OLD BUSINESS

B436-05 Amending Chapter 10 of the City Code as it relates to franchise regulations.

The bill was read by the Clerk.

Mr. Watkins noted there was an amended sheet related to this bill.

Mr. Loveless made the motion to amend B436-05 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman noted staff requested this item to be table to March 6, 2006. Mr. Boeckmann explained this came up and was introduced in November, 2005 and was tabled so the issues could be worked out. Everything had not been not worked out. He thought that although the cable companies did not like a lot of the stuff in the ordinance, they had it down to basically four major issues, which were outlined in the report. They would be meeting to try and resolve those issues.

Randy Hollis, 901 N. College, a Mediacom representative, stated they had been meeting quite a bit as mentioned. Mediacom agreed with the staff's recommendation to table this until the March 6th meeting. They had made significant progress since this matter was last before the Council and were scheduled to meet with staff and Ms. Buske to resolve the remaining issues.

Mr. Ash asked if he agreed that they were down to four issues. Mr. Hollis replied there were four major issues and some minor issues as well, but agreed it was basically down to the four major issues.

Mr. Hutton made the motion to table B436-05, as amended, to the March 6, 2006 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B7-06 Authorizing acquisition of easements for construction of a 161 Kv transmission line from the intersection of Rolling Hills Road and Sugar Grove Road to the Grindstone Substation located on Grindstone Parkway.

The bill was read by the Clerk.

Mr. Watkins explained this would authorize an acquisition of easements for a new 161kv transmission line. It was brought to the Council at the previous meeting and was tabled pending further discussions with Lenoir. They had reached a general agreement with Lenoir, however, in moving the line, some other things across Highway 63 had not been worked out, although he felt they would. They were, therefore, requesting the Council table this issue to February 20, 2006.

Mr. Ash asked what they had come up with. Mr. Watkins replied they had come up with a slightly different crossing location, which was a little further south on 63 Highway. It would be at more of an angle and there would still be one pole located at Lenoir Woods.

Mr. Hutton asked if the new poles would be in addition to the poles that were already there. Mr. Dasho replied they would be replacing what was already there. Mr. Hutton asked if the new and old lines would be on one set of poles. Mr. Dasho replied yes and added it was going to be at the exact location where the existing poles were crossing 63 Highway.

Mr. Loveless made the motion to table B7-06 to the February 20, 2006 Council meeting. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

B17-06 Approving the Final Plat of The Cascades, Plat No. 4; authorizing a performance contract.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposed final plat that would create 59 R-1 zoned lots, five of which would be common areas. The plat met all City subdivision regulations requirements and was in conformance with the approved preliminary plat. Planning & Zoning Commission review of the plat was not required.

Mr. Teddy noted one of those five common lots labeled Lot 457 was a common lot that extended from a public street to a planned City park site that was included as part of Cascades Plat 5. That park extended to the corner of Sinclair Road and Route K. It was staff's desire to secure that common lot as an access easement so that persons living in the neighborhood could have a convenient walking route to the park without going out onto Route K.

Mr. Loveless noticed in the staff report it was not acceptable to the neighborhood association. Mr. Teddy explained, at this point, it was the developer that had some control over the association. The comment they received was that perhaps the neighborhood association could decide the matter when the park improvements were installed. The City did not know when that would be.

Tim Crockett, Crockett Engineering, 2608 N. Stadium Boulevard, stated it was the intent of this plat to dedicate that lot to the homeowners association, so all of the residents of the neighborhood could have access to the park via that lot. There was a lot of development on the south on Route K and their concern was that if they granted a public easement, it would be very convenient for them to go across Route K and park on the street to access the park instead of going to the parking lot, which would burden those homes. However, after speaking with Mr. Hood, he did not think they had a problem. They were willing to grant a green space trail easement over the top of that lot.

Mr. Loveless noted they were public streets and were not just for the people who lived in the Cascades. Mr. Crockett agreed, but stated they felt a park access should have ample parking. He was sure the City's design would have such. He pointed out they did not want a lot of on-street parking at that point.

In regards to lots 456 and 455, Mr. Ash noted a leg of it was all that was running parallel to Route K and asked if sidewalks would have to be built. Mr. Crockett replied the sidewalks had already been constructed on that common strip. The reason for that common strip was to add a buffer to Route K as well as to provide a corridor for some leeway as far as the location of the sidewalk.

Ms. Nauser asked if the owners of lots 440 and 441 and some of the other people around that area would know what lot 457 was. Mr. Crockett replied they would know because it would be noted on the plat as a green space trail easement and would be recorded with the plat.

Mr. Loveless asked if they would be building a sidewalk to the park property. Mr. Crockett thought that would be the responsibility of the Parks and Recreation Department, unless the neighborhood association decided to build it ahead of time. He did not want to state whether they would or not.

Mr. Ash asked if they needed an amendment in order to ensure the green space easement was on the plat. Mr. Boeckmann asked if it was their intent to modify the plat to include that on there. Mr. Crockett replied yes and explained they intended to add a note to

the plat stating lot 457 was to be dedicated as a green space trail easement. Mr. Boeckmann thought that was sufficient. Mr. Ash understood they would just take their word. Mr. Crockett promised he would have it done by 8:30 a.m. tomorrow morning.

The vote on B17-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B19-06 Approving the Final Plat of Konstantin Subdivision; authorizing a performance contract.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was the final plat of a property located west of Highway 63 and south of I-70, adjacent to the Columbia Country Club. It would create three C-P zoned lots. The Planning & Zoning Commission voted 4 to 2 to recommend approval of the proposed final plat.

Mr. Teddy stated the location was on a dead-end road that intersected with Conley Road. The City's Major Roadway Plan indicated an interconnection with East Boulevard. He noted there was a TDD that would undertake that task. He stated the City had tentative plans to run the Hinkson Creek Trail in this general vicinity. It was staff's preference to route the trail in the future, so it ran between the Columbia Country Club, Conley Road and this road extending to the Konstantin Subdivision. The only issue in processing the plat was whether or not to include a green space trail easement as part of the final plat. Staff, at this time, would recommend the trail easement be provided on the west and north sides of this three lot plat, if for no other reason, but to give the City some option to route the trail in the future.

Mayor Hindman asked where they were without knowing where the trail easement was located. Mr. Hood replied that he thought there was a tremendous amount of discussion currently going on for this area as to how the potential TDD might work, where possible relocation of the holes for the Columbia Country Club might be placed, and whether or not that they might even be placed on this property at some point in time. With that, it was very difficult to know exactly where to recommend the trail easements because they would not want the trail crossing the golf course or the holes of the Country Club. Their proposal was to bring the trail northward from Stephens Park, across the west boundary line of the property that was Sams and Wal-Mart, then moving up to the MoDOT property, which he understood might be changing hands in the future, and then getting out to Conley Road. With all of the discussions, the Parks staff was not sure what the best routing for the trail would be. Based on the previous conceptual route, they had shown it along the west and north boundaries of the property and noted that when the review came through. He suspected the entire scenario out there was changing quite rapidly. They wanted some assurance that whoever the ultimate property owners were would work with them to grant a routing for the trail, but to recommend specifically where was very difficult.

Dan Simon, 2001 Corona Road, Suite 303, stated he was the attorney representing the property owner in regard to the final plat of a minor subdivision, which met all of the Code requirements. He noted he had spoken to Mr. Boeckmann, who agreed there was no legal reason this should not be approved. Based on that, they were asking Council to approve the

plat. In regards to the trail issues, he noted this was C-P ground and they could not do anything until they got their C-P plan approved. He did not believe this was the time, especially given the fact that there was no way to know how this property would be used in the trail plan, to hold them up. He did not feel there was a legal right to do that and thought with C-P, there would be a lot more opportunity to hold their feet to the fire.

Mr. Ash asked if the City would have to pay for the easement if they acquired them now or later or if acquiring now meant it was being donated. Mr. Boeckmann replied there was no distinction between getting it now or getting it as part of the C-P plan. It was a question of whether they were going to try to exact it as part of the process or whether they would acquire it. He did not believe, under either process, anyone was contemplating paying for it. If buying it, it could be bought at any time.

Mr. Ash asked what the negative was to waiting for the C-P plan to come forward, if it was going to get donated either way. Mr. Janku noted that we did not know when the C-P plan would come forward.

Mr. Ash did not know how they could ask for an easement when they did not know where it would go. He thought it was a mute point.

Mayor Hindman noted if we received an easement now, without knowing what the final C-P plan would be like, we would be in a position to negotiate an appropriate place when the people knew how it was going to be done. If we did not get a trail easement now, he felt we would not have any idea when or what would happen to this land. In addition, it would put us in a weaker negotiating position.

Mr. Hutton thought it was pretty critical to have that in place and let some things play out. Mayor Hindman agreed and thought they should ask for a trail easement located anywhere, subject to being negotiated when the C-P plan came in, if it ever did. Mr. Hutton agreed. Mr. Boeckmann noted that whatever they were willing to give would be nice, but the legal requirement stated that if one was going to exact it as part of the subdivision process, there had to be a rational relationship between what they were proposing to do in the exaction and the easement they were trying to get. He pointed out that was true in every dedication received as part of a subdivision. It was typically not a problem with sewer lines, roads, streets or sidewalks. When getting into this type of thing, they needed to determine what the balance was and what they were proposing to do to justify the City making them give an easement. He felt the fact the City had a plan to run a trail across property they owned was not enough to force them to give an easement.

Mayor Hindman noted we were able to do so with sidewalks and streets. Mr. Boeckmann stated that although there had been some problems with sidewalks in the past where there was not a real need for it in relation to the cost, typically, that was not a problem. When doing a subdivision, they usually provided all of the utility easements because that was rationally related to what they were doing. Based upon Mr. Boeckmann's statement, Mayor Hindman thought they would have to move forward with this issue.

The vote on B19-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B30-06 Opting out of the state sales tax holiday.

The bill was given second reading by the Clerk.

Mr. Watkins stated the Missouri Legislature made the August sales tax holiday permanent, but was allowing local governments to opt out of the holiday. Staff recommended the Council pass an ordinance opting out of the sales tax holiday. He noted Boone County had already opted out as had 32 other cities and 14 counties. Cities and counties would have until June 15, 2006 to make a decision, so there would probably be other cities and counties opting out as well.

Mr. Ash stated he argued against this the first time and wished to make his case one more time. He felt the information provided by Finance was slightly inaccurate because it was assuming the City would waive the entire amount of sales tax and he understood it only applied to things like computers, clothes and a few back to school type of items. He felt that not only would they not lose money on the deal, but they would make money. He believed people assumed they would get taxes removed on a lot of items that they were not going to. He pointed out the difference between this time and last time was that once we said no, we would be out forever. He thought they should give it a shot and if it turned out he was wrong and made a horrible mistake, they could then opt out forever. He felt the Council was being too quick to judge this as a bad idea. He believed it would be very warmly received if they did this to help people out with back to school items.

Ms. Crayton stated this was one time a year and a lot of working families needed that little break. One time a year versus 11 months, she felt was nothing. She thought families would travel because they could shop at other places that had not opted out.

Mayor Hindman asked if this was a final decision that could not be changed. Mr. Boeckmann replied the City could opt back in, but there were some limitations and they had to give proper notice to the State.

Mr. Ash felt this was not going to come back up because it was written in such a way that if they did it once, they were done with it.

The vote on B30-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HINDMAN. VOTING NO: CRAYTON, ASH. Bill declared enacted, reading as follows:

B31-06 Amending the FY 2006 Pay Plan and the Classification Plan by adding classifications, changing job titles, adding positions, transferring positions and making changes in classified position status; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins noted there was an amendment sheet which clarified what positions would remain in Water & Light after Channel 13 was moved to the Communications Office. This proposal would create four positions and do some reorganization in order to enhance the City communication and planning capability. Approval of this as well as the following bill would implement these proposals. In addition, if this was approved, there were some other organizational changes that did not require Council action, which he planned to implement in the next few weeks.

Mr. Hutton made a motion to amend B31-06 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on B31-06, as amended, was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B32-06 Amending Chapter 19 of the City Code as it relates to the definition of “unclassified service.”

The bill was given second reading by the Clerk.

Mr. Watkins stated this bill made a technical correction to Chapter 19 having to do with the Office of Community Services moving to the Health Department.

The vote on B32-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B24-06 Amending Chapter 22 of the City Code as it relates to notice to property owners of impending special assessments for public improvements.

The bill was given second reading by the Clerk.

Mr. Watkins stated this bill was requested by the Council and would require recording a notice of potential special assessments after a public hearing.

Mr. Janku thought this was intended to apply to future tax bill projects. He asked about the ones that already had public hearings and were in various stages of implementation, but we had not proceeded with the tax bill yet. He noted there might be a lot of people out there that might not be aware because they recently bought property and moved in. Mr. Ash asked if he was wondering if this was retroactive. Mr. Janku replied yes. He was wondering if it was retroactive and if it was not, if they should we make it retroactive. He noted they might want to talk about this in a work session. Mr. Ash thought it might be awkward to go back. Mr. Boeckmann stated with the way it was written, he did not believe it would apply retroactively.

Mr. Janku thought they might want to come up with a list of pending projects and asked if the City tracked them. Mr. Glascock stated Public Works tracked them.

Mayor Hindman asked if they meant projects that would be approved from here on out. Mr. Boeckmann stated it would be projects approved after this date.

Mayor Hindman suggested they pass this and then figure out what to do with the previous ones.

Mr. Ash asked Ms. Nauser for her opinion since she was in the title business. Ms. Nauser thought it would be a good fix. She explained title companies searched property by name and legal descriptions. She thought this would end any upcoming surprises.

Mr. Janku stated he would like to know what was out there and what projects were still to be started. He felt getting some degree of notice to people early would be helpful. Mr. Watkins stated staff could prepare a report and then the Council could decide if it was something they wanted to proceed with.

The vote on B24-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B18-06 Approving the Final Plat of Mill Creek Manor, Plat No. 3; authorizing a performance contract.
- B20-06 Approving the Final Plat of Belmont Park, Plat No. 4; authorizing a performance contract.
- B21-06 Vacating sanitary sewer easements within Copper Beech, Plat No. 1.
- B22-06 Calling for bids for the Concordia Drive and Walther Court drainage improvement project.
- B23-06 Appropriating funds for Bristol Lake improvements.
- B25-06 Accepting a conveyance for utility purposes.
- B28-06 Accepting and appropriating federal forfeiture funds for the purchase of equipment for the Police Department.
- B29-06 Authorizing an agreement with the Missouri Department of Health and Senior Services for HIV prevention activities; appropriating funds.
- R18-06 Setting a public hearing: voluntary annexation of property located on the west side of Wellington Drive, approximately 850 feet north of Mexico Gravel Road (3551 and 3631 Wellington Drive).
- R19-06 Authorizing an agreement with the Missouri Department of Health and Senior Services for the issuance of birth and death certificates.
- R20-06 Authorizing a service agreement with Boone Hospital Center for implementing activities associated with the Missouri Foundation for Health - Healthy and Active Communities Grant.
- R21-06 Authorizing a service agreement with Columbia Public Schools for implementing activities associated with the Missouri Foundation for Health - Healthy and Active Communities Grant.
- R22-06 Authorizing a service agreement with Adventure Club for implementing activities associated with the Missouri Foundation for Health - Healthy and Active Communities Grant.
- R23-06 Appointing Shirley C. Carden as Acting City Clerk.
- R24-06 Authorizing an agreement with Associated Electric Cooperative, Inc. for lease of a transformer to be used at the Grindstone substation.
- R25-06 Authorizing an agreement with ILINC Engineering Incorporated (DBA Intuition & Logic) for assistance in writing a Stormwater Management Design Manual.
- R26-06 Officially recognizing the Vanderveen Crossing Neighborhood Association.

R27-06 Authorizing Cingular Wireless to install three exterior antennas and cables on the support structure disguised as a flag pole located at Fire Station No. 6 on Chapel Hill Road.

R28-06 Authorizing the Water and Light Department and Public Works Department to jointly operate a renewable fuels project using landfill gas.

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

NEW BUSINESS

R29-06 Authorizing the City Manager to write off certain uncollectible CDBG and HOME housing loans.

The resolution was read by the Clerk.

Mr. Watkins stated that since 1975, the City had been providing loans to low and moderate income home buyers using federal CDBG and HOME funding for housing rehab and repairs and to assist in the purchase of newly constructed homes. Over this 31 year period, some loans became uncollectible, primarily due to foreclosures. Staff identified a number of loans that were in default, but might be collectable and were working on re-establishing the City's security in these loans. After reviewing the portfolio with the Loan & Grant Advisory Board, there was a recommendation that the Council write off \$370,097 out of a total aggregate of over \$7.5 million in loans. This would allow the City to clean up our bookkeeping and portfolio. He noted this was 4.9% of all the loans made over the last 31 years, which he felt this to be a reasonable amount.

Mr. Janku asked if we ever attempted to purchase property in foreclosure that we had a loan on. He thought that if we did or one of the entities we worked with that was involved in trying to promote home ownership did, it would more likely be with an owner as opposed to being a rental property. Mr. Watkins explained normally the City was not the one that foreclosed on a property. Usually, there would be another loan on the property.

The vote on R29-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R30-06 Approving revisions to the Nifong Park Master Plan.

The resolution was read by the Clerk.

Mr. Watkins explained the Parks & Recreation Department and the Boone County Historical Society were seeking authorization to update the Nifong Park Master Plan to include a historic village concept.

Mr. Hood stated the concept of the historical village was a collection of structures that would be located immediately south of the existing museum. Types of structures that might eventually be located in the historical village would include a country store, church, one room school, blacksmith shop, and etc. They had been working with the Historical Society to develop this plan for some time. Parks staff thought this represented the best location of the

village in terms of park use, visibility and security. He noted the draft plan had been reviewed and endorsed by the Society's Board of Directors and was consistent with the Society's long range master plan. The proposed plan was presented to the Parks & Recreation Commission and they voted unanimously to approve and recommend the proposed revisions in the plan to the City Council. One reason they were seeking approval of this Master Plan at this time was that the Society was in the position to seek grants for some of these structures. He noted the Easley Store had been salvaged by the Historical Society and they wanted to make that one of the first structures restored in the Park. They were in the process of submitting some grants and it would be helpful to the grant application if they were able to indicate the Parks Master Plan did include the historical village concept.

David Sapp, 1025 Hickory Hill Drive, who was representing the Historical Society, stated they had been working with staff for some time and were very anxious to proceed. He noted this was really precipitated by actions the Council took a couple of years ago when authorizing staff to put the Gordon Cabin out there. That triggered their imagination on a plan that had been floating around in limbo for some time. If they could get approval and a little luck on the grant applications, they would be looking forward to putting up the first of these buildings this summer.

The vote on R30-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R31-06 Approving the Preliminary Plat of Forest Hills, Plat No. 1 located on the west side of Lake of the Woods Road, south of Evergreen Acres Subdivision (2331 Lake of the Woods Road).

The resolution was read by the Clerk.

Mr. Hutton made the motion to table R31-06 to the February 20, 2006 Council meeting. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

INTRODUCTION AND FIRST READING

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

- B33-06 Voluntary annexation of property located on the east side of Rustic Road, approximately 375 feet south of East Broadway/State Route WW (720 Rustic Road); establishing permanent R-1 zoning.**
- B34-06 Rezoning property located 225 feet north of the intersection of Orr Street and East Walnut Street (104 Orr Street) from M-1 to C-2.**
- B35-06 Rezoning four tracts of land located along College Avenue, on the north and south sides of Broadway from R-3 to C-2.**
- B36-06 Changing the street name for a portion of West Ash Street, between Fairview Road and Park DeVille Drive to "Orleans Drive".**
- B37-06 Authorizing revisions to the Stratford Chase PUD plan located on the west side of Audubon Drive, approximately 600 feet north of the intersection of Stadium Boulevard/State Route 740 and Audubon Drive.**

- B38-06 Authorizing an annexation agreement with I-70, L.L.C. for property located on the south side of I-70 Drive Southeast, east of Sunrise Estates Subdivision.
- B39-06 Approving the Final Plat of Quail Creek West Plat 1 located at the western terminus of Rainbow Trout Drive; authorizing a performance contract.
- B40-06 Approving the Final Plat of Quail Creek West Plat 2 located at the intersection of Whitefish Drive and Louisville Drive; authorizing a performance contract.
- B41-06 Approving the Final Plat of Quail Creek West Plat 3 located along Dolly Varden Drive, west of Louisville Drive; authorizing a performance contract.
- B42-06 Approving the Final Plat of Quail Creek West Plat 4 located along both sides of Louisville Drive, north of the city limits; authorizing a performance contract.
- B43-06 Approving the Final Plat of Quail Creek West Plat 5 located on the southwest corner of the intersection of Louisville Drive and Smith Drive; authorizing a performance contract.
- B44-06 Approving the Final Plat of Spring Creek Plat 3 located on the north side of Vawter School Road, east of Scott's Boulevard; authorizing a performance contract.
- B45-06 Approving the Final Plat of Farley's Plat 3 located on the southwest side of West Sexton Road, northwest of Mikel Street; authorizing a performance contract.
- B46-06 Approving the Final Plat of Forest Park South Plat 1 located on the east side of Rock Quarry Road, south of Nifong Boulevard; authorizing a performance contract.
- B47-06 Approving the Final Plat of Springdale Estates Plat No. 9 located on the northeast corner of Thornberry Drive and Oakland Gravel Road.
- B48-06 Calling for bids for the Woodside/Nazarene Drainage Improvement Project.
- B49-06 Calling for bids for sidewalk construction on portions of Edenton Boulevard, Derby Ridge Drive and Interstate Drive within Auburn Hills Subdivision.
- B50-06 Calling for bids for construction of sidewalks along portions of Bluff Creek Drive, Catalpa Court, Snowberry Circle, Campusview Drive, UMC Drive and Norman Drive.
- B51-06 Appropriating FTA grant funds for the Wabash Station refurbishment project.
- B52-06 Authorizing a Right of Use Permit with Garry and Brenda Lewis to allow the installation of landscaping, an irrigation system, lighting, electrical conduits and water service lines within a portion of the Corporate Plaza Drive right-of-way.
- B53-06 Accepting conveyances for drainage, sewer, access rights, street and utility purposes.
- B54-06 Accepting conveyance; authorizing payment of differential costs for water main serving CenterState, Plat 4; approving the Engineer's Final Report.
- B55-06 Accepting conveyance; authorizing payment of differential costs for water main serving CenterState, Plat 7; approving the Engineer's Final Report.
- B56-06 Accepting conveyance; authorizing payment of differential costs for water main serving CenterState, Plat 8; approving the Engineer's Final Report.
- B57-06 Accepting conveyances for utility purposes.

- B58-06** Authorizing an intergovernmental cooperation agreement with the Conley Road Transportation Development District.
- B59-06** Appropriating grant funds for the purchase of emergency radio equipment for the Fire Department.
- B60-06** Authorizing an agreement with Columbia Public Schools to provide a crosswalk guard at Grant Elementary School; appropriating funds.
- B61-06** Amending Chapter 16 of the City Code as it relates to policies for enforcing marijuana ordinances.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Street closure request – Earth Day 2006.

Mr. Janku made the motion the streets be closed as requested. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

(C) The District Village – Proposed Office/Residential Retail Concept Plan.

Mr. Ash stated he wanted to reiterate the concern he raised when they were first talking about this. He had no problem with the appraisal, however, he was not sure that they should be negotiating exclusively with Dr. Miller. He believed it would be more fair to put out to bid and let the appraisal set a minimum for what they would accept. He felt they would be selling themselves short if they did not see what they could receive if they put it out to bid. He noted the lot that was east of there made sense because he sold that to us while we built the parking garage. He realized it was right next to his building and looked best for his building, but if they were going to sell City parking lots, he thought there were a lot of people who would like to have a crack at them.

Mr. Hutton thought parking would be provided underneath. Mr. Watkins stated that was correct. Mr. Hutton asked if it would be available to the City. Mr. Watkins thought there were several options. They could look at some kind of a long term lease with a guarantee of parking. They could look at some kind of a sale, if what we really needed was cash rather than parking spaces. He felt this project would go a long way to doing the kinds of projects the Council indicated they wanted in downtown. He was not sure the project could go forward without a combination of both Dr. Miller's property and the City's property. If the City sold it to another interested party, and he agreed there might be other parties, he was not sure they would get the kind of development the Council was looking for in the downtown area. He thought that was what made this case a little unique.

Mr. Ash thought Mr. Watkins had a valid point.

Mr. Watkins stated if it was simply about getting the best price, then yes, they should put it out there to see what would happen, but he felt that there were some overriding concerns. He believed the object was to get a good price, which he thought could be done with an appraisal and negotiations. They still had the capability of getting the type of development the Council wanted or did not want. It might turn out that after an appraisal, it

would not be financially feasible for Dr. Miller. This would just take the next step. They would bring back to Council a couple options to make sure they wanted to go forward financially with Dr. Miller.

Mr. Ash asked when they normally put things out for bid, if they submitted sealed bids. Mr. Watkins replied yes.

Mr. Ash stated he did not believe Dr. Miller might not submit the best bid to make sure he acquired the property and he was not trying to put the screws to Dr. Miller. He felt it was prime downtown real estate that a lot of people would like to have a crack at. He agreed with everything that Mr. Watkins stated, but was struggling with the issue of it being fair for everyone else.

Mr. Janku noted they had adopted a policy a number of years ago due to the Indian Hills situation where they gave first opportunity to the adjoining property owner. He thought this would then be consistent with that. It was not a new policy just to aid Dr. Miller. It had been around for a long time. He stated he also believed it had a benefit for land assembly for people to do good development. Since this was consistent with previous policy, Mr. Janku noted he was willing to go along with it at this point.

Mr. Ash asked if it was considered next to when an alley separated it. Mayor Hindman replied he believed that property was usually considered adjoining the property across the street. Streets were not owned in fee by the City. They were not exactly easements, but streets rights-of-way. Therefore, the underlying ground was that of the adjoining property owners. They had very little right to the surface and probably had no right to drill down either. Ultimately, if the City did give up a street, the burden of the street right-of-way disappeared and the ownership was still there.

Ms. Nauser pointed out they were not liquidating property. They were just putting it out there on the market to bid. She believed they would receive something comparable to what they already had. It was not like they were getting rid of the property. They would sell it and still have a good possibility of being able to maintain the same parking, while benefiting downtown.

Mr. Hutton pointed out all they were asking here was to acquire appraisals and prepare lease and sale options. At that point, they could debate it again.

Mayor Hindman made the motion that they move forward to acquire appraisals and prepare lease and sale options. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

(D) Annual Alarm Report.

Mr. Watkins explained this was something that was given to Council every year. This report was for the 2005 fiscal year. The bottom line was that they continued to see a reduction in the numbers of false alarms over the last couple of years.

Mr. Janku pointed out they did this because some people did not want them to impose penalties for false alarms. We were showing the ordinance was working in that fire trucks were not going out as frequently because people were getting penalized for false alarms.

(E) Employee Survey.

Mr. Watkins explained they were requesting Council authorization to obtain RFPs and ultimately sign a contract for a survey to be conducted by a third party. Funds were available in the Human Resources budget. The goal was to obtain feedback from employees for items such as satisfaction and their opinions in terms of compensation, benefits, and etc. It would also provide an opportunity to give ideas they might have for improving their work place or work environment. He believed it would be helpful in terms of improving communication with the City employees.

Mr. Hutton made the motion that they move forward with the third party survey as noted in the staff report. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(F) Council work session Community Development Project priorities for the 2007 Action Plan.

Mayor Hindman made the motion to set a work session for the Community Development Project for February 20, 2006. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(G) Proposed County House Trail Routing: Twin Lakes Recreation Area to Cowan Drive.

Mr. Watkins noted at a previous Council meeting, they discussed the Southwest Outfall sewer expansion and how it might impact the options for trails in the area. This proposal would construct a trail, essentially from Twin Lakes to Again Street Park and the ARC.

Mr. Hood stated Council asked staff to look at possible options for routing the County House Trail in relations to the Southwest Outfall Relief sewer. Staff reviewed it and felt there were options that would allow them to connect Twin Lakes Recreation to Cowan Drive, pretty much following the drainage of the County House branch. However, from Cowan Drive north, they felt any routing the trail would need to follow existing street rights-of-way because the development was such that there was no opportunity to follow the drainage. Beginning at Twin Lakes to Chapel Hill Road, they would use existing parkland to bring the trail out to Chapel Hill. From Chapel Hill to the Lutheran Church property, the sewer line did not include this part of the trail, so it would require them to acquire trail easements over three private properties. At that point at the Lutheran Church property, they would be able to follow the sewer easement over much of that property, but there would be some separate trail easements required from the Lutheran Church property to Ridgemont Road. From Ridgemont Road to Stadium, staff was suggesting using the road right-of-way and the existing sidewalk up to a small piece of property the City owned just south of Stadium. That property would allow access to the existing box culvert. The existing box culvert under Stadium was adequate to allow for an underpass, but they would need MoDOT approval. Once they crossed Stadium with that underpass, there was a route that could be followed across some undeveloped, wooded private property to some existing dedicated road right-of-way at St. Andrew Road. That would take them to the north to a point where they would need to cross two additional private properties for a road right-of-way for Cowan Drive and they would then be able to follow that road right-of-way up to the current terminus of Cowan

Drive. They felt it was feasible from a topography terrain standpoint to route the trail as he described. He pointed out it would involve the acquisition of a number of easements over existing private property. He noted, at this point, they were simply evaluating the possible routing of the trail. They had not prepared any type of cost estimate on the easement acquisitions or trail construction. Currently, there was no funding in their five year CIP for the County House Trail, nor was it one of the specific trail projects that was included in the November ballot issue. There was some general trail money in the ballot issue that could possibly be applied to this, if the Council wished staff to pursue this as a priority. If the Council concurred with the routing outlined, staff should be directed to further develop cost estimates and recommendations for funding sources before any decision was made to proceed with actual acquisition.

Mr. Janku asked if they considered going through College Park through the Kiwanis Park since they were using existing street rights-of-way. Mr. Hood replied they did note there were two additional options besides the route that was outlined. They could simply connect to College Park and a sidewalk that ran north along College Park to Kiwanis Park and Russell Boulevard School. There was also the option to connect eastward along the right-of-way of Stadium Boulevard to the west terminus of West Winds Drive and connect into that neighborhood as well.

Mr. Janku realized the focus was on the ARC and recreation, but nearby was Shelter Insurance and if they were talking about commuter issues, it could be tied into this.

Mayor Hindman stated he was very familiar with the area because he lived nearby. He felt in the long run, it would be good if they could put this trail in and if they could run up the sidewalk to the school. In other words, the goal eventually was to have as much interconnection as possible. He liked this because it brought in an enormous number of neighborhoods.

Mayor Hindman asked if they had talked to the Lutheran Church. Mr. Hood replied they had been working with Public Works and they were discussing the sewer line and possible trail easements on the Lutheran Church property.

Mayor Hindman thought this should be looked at to find out what the possibilities were.

Mr. Ash agreed they should look at it. He noted the red and the green lines were not overlapping very much and wondered if we were really get much advantage out of the sewer project in trying to follow that easement. Mayor Hindman stated he was sure there were logical reasons and noted sewer lines went through some pretty heavily developed areas. Although this did not lie on top of the sewer at all places, he felt it did enough and thought the two constructions might be fairly parallel.

Mr. Ash wondered if they could find money to do it. Mayor Hindman noted staff was going to look into the matter further and give the Council some estimates.

Mr. Loveless made the motion for staff to look into the matter further and provide the Council estimates of costs involved with the project as indicated in the staff report. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

(H) Missouri Tax Relief Credit and Federal Earned Income Tax Credit Program.

Mr. Watkins noted this was a report Council requested. In addition to the information provided by Mr. Ross, they were outlining seven different channels they would be using to get information on these programs out.

Ms. Crayton felt this was a very good program if they could get the word out to enough people by letting them know it was available.

Mr. Watkins pointed out it did require filing additional forms. If requested, it could provide a substantial amount of income tax back.

(I) Howard Building Murals.

Ms. Hunter explained if one had not been to court lately, there were murals that were painted in the 1930's by Kenneth Hudson, who was a professor of Art at the University of Missouri. In the 1970's, there was some restoration work done to them, but since that time no maintenance had occurred. In conjunction with the restoration of the building, they thought this was a good time to address the murals. They had a conservator come in and assess them. He found them to be in relatively good shape for having no maintenance since 1978. They wanted to do some cleaning and she noted there were a couple areas in need of repair. Staff was suggesting that Council move forward before the building was occupied again.

Mr. Loveless made the motion to direct staff to pursue a contract to repair and clean the murals. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(J) Acceptance of the Renewal Energy Report.

Mr. Dasho explained this was the report the ordinance required them to prepare regarding their efforts in 2005 on renewables as well as looking into the future. He noted they would be discussing this during the work session scheduled for February 8, 2006.

Mr. Watkins understood with the acceptance of this report, it would be forwarded on to the Environment & Energy Commission and the Water & Light Advisory Board. Mr. Dasho replied that was correct. The Environment & Energy Commission and the Water & Light Advisory Board needed to make recommendations on this report back to the Council.

Mr. Janku made the motion to accept the report and refer it to the appropriate Boards and Commissions as indicated in the report. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ms. Nauser announced a public meeting was scheduled for February 23, 2006 at the Rockbridge Christian Church at 8:00 p.m. to discuss Fire Station #7. She stated she was looking forward to seeing as many constituents as would like to come and learn a little bit more about the building of that Station.

Mr. Ash noted there was a street on the plat related to B46-06, Forest Park South, named Azeal and in his neighborhood there was a similar street named Azalea. He asked staff to determine whether those names were too similar or not, so there would not be confusion with Joint Communications. Mr. Ash also commented that the copy of the plat was not provided with B47-06, Springdale Estates.

Mr. Ash stated Mr. Boeckmann drafted some changes he requested regarding changing the sidewalk variance criteria from eight to three and he wanted that to be introduced before his Council term was over.

Ms. Crayton noted Job Point had received \$700,000 for the YouthBuild Program. She was very proud of the program and glad to see it take off with young men getting into the home building program. She felt they needed to see that the low income people who received those homes got help transitioning into them. They were beautiful homes and she would hate to see them go to waste.

Mr. Watkins understood Ms. Crayton mentioned a street light earlier. Ms. Crayton stated it was on Jean Rae and she wanted staff to look into it. Mr. Watkins thought they were requesting a new street light for Jean Rae.

Mr. Janku stated he had received a call from a constituent about a problem with traffic and speeding on West Worley between Fairview and Silvey. He asked for a staff report since there were schools in the area and also wanted to know what could be done in regard to traffic calming. Mr. Janku made the motion that a staff report be provided in regards to traffic calming in the area of West Worley between Fairview and Silvey. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mayor Hindman noted they had received a report in regard to adding insulation and etc. He commented that he wanted to see a program where they would reward places that had good insulation and low utilities. He noticed that when one purchased appliances, they referred to energy efficiency. He thought they might be able to come up with some kind of positive program where if one had a rental property or house that passed an energy audit and received a certain number of points, they got a gold energy efficient star or something similar. He wanted the Water & Light Department to take a look at what could be done along that line. He thought a financial contribution could be associated with the thought that if we did not have to purchase all that energy to put into those homes, we would come out ahead because we would not have to make such big investments to cover those peak periods.

Mr. Ash thought the problem they were having was that these were more lower income properties where people were not going to go out of their way to publicize they did not have that gold star. He also did not think people would be diligent enough to find out which ones did and which ones did not. He suggested a sliding scale to obtain a rental permit.

Mayor Hindman made the motion to further explore these ideas. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mayor Hindman stated he was getting a lot of complaints about the lighting at Kohl's. He wanted to know if their lighting was in violation of any type of commitment that was made.

Mr. Janku asked what the zoning was. Mr. Watkins replied it was open zoning and they had looked through the Planning & Zoning Commission meeting and Council meeting minutes and did not see any commitment in terms of lighting.

Mr. Hutton thought there was an issue in regard to a berm and asked if that was looked at. Mr. Ash thought the berm involved the Wal-Mart site. Mr. Watkins stated it was the Wal-Mart site. Mr. Teddy stated he was not aware of the berm issue, but noted the lighting at the Kohl's site was C-1. It was done on a permit and they checked the minutes when the final plat went through to see if there were any exchanges of information in regard to lighting and found none.

Mr. Loveless thought they were told the contour with the big berm would be such that the lights would actually sit low in regards to the Grindstone development. He understood the berm had been graded out now. Mayor Hindman requested the records be checked on the berm to find out what was represented. Mr. Teddy thought there was representation that the berm was going to obscure some of the lights. Mr. Hutton thought it depended on which plan they were looking at due to the Corps of Engineers requiring changes. Mayor Hindman felt if they made a representation, they should know about it and the current situation. Mr. Loveless stated he was concerned that the bright lights at Wal-Mart would be a distraction to drivers on Grindstone Parkway. Mayor Hindman understood Wal-Mart made some representations with respect to the lighting, but Kohl's evidently did not.

The meeting adjourned at 11:35 p.m.

Respectfully submitted,

Sheela Amin

City Clerk