

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

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Tuesday, January 17, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER and ASH were present. Council Member JANKU was absent. 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 3, 2006, were approved unanimously by voice vote on a motion by Mr. Loveless and a second by Ms. Crayton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

Mayor Hindman welcomed 5th graders from Grant Elementary and noted they were observing the meeting in connection to the government session they were studying in class.

B10-06 Accepting donations from United Health Care and Boone Hospital Center for city employees participating in the Show-Me Shape Up program; appropriating funds.

The bill was given second reading by the Clerk.

Ms. Buckler described the need to reduce the health care costs in ways other than raising premiums. Since 2002, the City had been conducting health screens with the same risk factors being found – cardiovascular risks, obesity, cholesterol problems, inactivity and nutrition. The Employee Benefits Committee felt being pro-active and getting employees to change their lifestyles so that they might have fewer health risks might help. They were challenging employees to participate in Show-Me Shape Up, a five month program where one participated in weight loss and/or increased activities. The City had 128 people and 15 teams signed up, which was very encouraging. Although, it might take a while to see results, Ms. Buckler felt lifestyle changes could be made. When they began, they thought some incentives, such as gym bags, were needed and solicited donations. Boone Hospital Center gave \$500.00 toward the purchase of gym bags and United Health Care provided pedometers. She thanked them and explained a representative of Boone Hospital Center was in attendance, but United Health Care did not have anyone available to come this evening.

Mary Beck of the Boone Hospital Center came forward and presented the \$500.00 check to Mayor Hindman for the health and fitness of City employees. Mayor Hindman thanked Ms. Beck and gave her a gym bag in honor of the donation.

The vote on B10-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER and ASH. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

SCHEDULED PUBLIC COMMENT

Ryan Smith – Lack of public outdoor basketball courts in Columbia parks.

Ryan Smith, 1207 Paquin Street, stated he appreciated Columbia parks and felt the Council did a great job in supporting parks. Mr. Smith, however, did not believe there were enough good, centralized, well lit, free and public basketball courts in Columbia as compared to other sports facilities in the area. He stated he preferred playing basketball after work, but there were no places with lit courts for him to play. He felt this problem began when the University tore down courts on College to build a new dorm as well as the courts at Stankowski Field. Mr. Smith commented that when the previously mentioned courts were available, he felt a real sense of community due to pick up games and shooting hoops with regulars in the area, since these were people he would not normally come in contact with during his day to day activities. He felt outdoor basketball had been forgotten or ignored, even though it was one of the most popular sports in the country. The City's website noted there were 16 basketball courts, 18 volleyball courts, 23 softball/baseball fields, 25 tennis courts and 18 horse shoe courts. During his investigation of the 16 basketball courts listed, he found that most of the courts were poorly maintained. At Bear Creek Park, which was off of Rangeline, the baskets were rusted and not well maintained. Oakland Park had giant cracks all over the court making it dangerous. Many of the courts were on the edges of town or near school grounds and had very limited access. He tried to go to the hoops at Field Elementary at 8:00 p.m. and the gate was already locked even though the posting stated the park was open until 11:00 p.m. The only two courts he found with lighting were Douglas School, where he had bad experiences in the past, and Bethel Park, which was on the edge of town and had dim lighting. He stated he was disappointed to find that Cosmo Park had no basketball courts.

Mr. Smith understood there were many gyms with basketball courts located inside, however, he felt there was something to playing outdoors and for free without worrying about membership, lockers and showers. He believed if there was a well maintained, well lit court in a decent neighborhood, people would come.

PUBLIC HEARINGS

B9-06 Amending Chapter 22 of the City Code as it relates to interest rates on special assessments.

The bill was given second reading by the Clerk.

Mr. Watkins explained the proposed ordinance was a result of City Council discussion and would change the current special assessment interest rate from a fixed 9% rate to a rate that would float with the Wall Street Journal's Prime Interest Rate. The maximum rate would

be set at the time of the hearing on the project, so those involved in the project would know what their maximum payments would be. If the prime rate went down between the time the hearing was held and the project was finalized, the interest rate charged on the special assessment would go down as well. If the interest rate went up, however, the maximum rate was the rate set at the time of the hearing and that would be the maximum amount to be paid. Mr. Watkins noted the City did not want to be a banker and for that reason the City was still trying to get a market rate of interest on the special assessment and would refer people to financial institutions rather than having the City involved in the financing.

Mayor Hindman noted a list of other indexes that might be looked at by the City. Mr. Watkins stated the memo addressed many possibilities, but staff was recommending the Wall Street Journal Prime Interest Rate.

Mayor Hindman opened the public hearing.

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

Mayor Hindman suggested going with a lower interest rate. He understood the City did not want to be a banker, but felt going to a lending institution was expensive and prohibitive in many cases. Mayor Hindman thought, if we were to do this, the City could provide the convenience and incentive of the lower rates.

Mr. Ash understood, for the people who would be burdened by this, there were many programs available where often times the City would reduce, cap, or waive tax bills in certain areas. Mr. Ash thought one of the reasons staff was reluctant to encourage this was because there was the cost to the City for handling these internally as opposed to a bank handling them. Because there were opportunities available for people who might have trouble paying, he felt this was a better rule for all of those who would not have trouble paying it. He was afraid if the interest rate was too low, individuals would defer to this instead of going to a bank.

Mayor Hindman noted there were a lot people with poor credit who would not be able to get anything but very high interest rates. He thought this could be a significant hardship.

Mr. Ash stated he felt this to be an intermediate step between the high and low.

Mr. Watkins reminded the Council that from time to time the City also tax billed streets for developers, not just homeowners.

Ms. Nauser stated she felt prime was a good deal for people in a difficult situation because they would be charged a high interest rate. She originally thought prime would be too low as an incentive for people to pay off their loans sooner. She felt prime was established and more accepted across the country and did not see why it should be any different for the City.

Mr. Hutton noted this money was coming from the designated loan fund and wondered what the City would be making off of that money if we weren't loaning it out for tax bills. Ms. Fleming stated it was around 6% on average, but had actually been a little lower than that in the last couple years. Mr. Hutton commented that he would hate to loan it out at a lesser interest rate than they would be making off of it, if they were not loaning it out.

Mr. Ash noted the quicker it was repaid, the quicker the City could put money into another project.

The vote on B9-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER and ASH. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

B420-05 Authorizing Change Order No. One; approving the Engineer’s Final Report; levying special assessments for the Sixth Street improvement project; appropriating funds.

The bill was read by the Clerk.

Mr. Watkins noted this ordinance was tabled at the December 19, 2005 meeting because Council wanted to consider the possibility of lowering interest rates. Since that had now been acted upon by Council, he thought they were ready to move on to a decision on the final project. Mr. Watkins asked Mr. Boeckmann if we needed to make an amendment to lower the interest rate. Mr. Boeckmann replied the interest rate applicable, according to the Finance department, was 7%, and therefore, the last line in Section 6 reading nine percent should be amended to read seven percent.

Mr. Ash made a motion to amend B420-05 per Mr. Boeckmann’s recommendation. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

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

The vote on B420-05, as amended, was recorded as follows: VOTING YES: HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER and ASH. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

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

Item A was read by the Clerk.

Mr. Teddy explained this tract was just slightly under 34 acres and noted the City’s boundaries were currently along the east and west sides of the tract. There was a request for permanent R-1 zoning, which would appear before the Council as a public hearing at the next meeting. A preliminary plat of subdivision had also been submitted on this tract. He noted an opportunity for the extension of Rice Road, which terminated near the west boundary of this piece, in the planning and development of this site. For all these reasons, staff was recommending approval of the annexation.

Mayor Hindman opened the public hearing.

Tim Crocket of Crocket Engineering Consultants, 2608 North Stadium Boulevard, felt this was a fairly straight forward request and reminded the Council that they had a preliminary plat and the rezoning request on file with the City. Mr. Crocket noted they had been in contact with all of the neighbors in working with them to resolve their concerns.

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

(B) Street construction on Chapel Hill Road, from Scott Boulevard to Gillespie Bridge Road.

Item B was read by the Clerk.

Mr. Glascock explained this project was approximately 4,700 feet in length. The roadway consisted of two portions. The western portion was internal to developing property and the eastern portion was adjacent to the Daniel Boone Little League property. The western portion extended approximately 3,000 feet eastward from Gillespie Bridge Road. The portion of the roadway internal to the developing subdivision was covered under Chapter 22. At the developer's request, the City was participating in the construction of a major roadway. Under the agreement, in accordance with City ordinance, the developers were paying the local street portion with the City picking up any additional thickness or width. The typical section for Chapel Hill Road was a 42 foot pavement with 5 foot sidewalks on both sides. The section being recommended at this time was a 42 foot pavement width with a 5 foot sidewalk on the south side and an 8 foot pedway on the north side. The eastern portion extended from Flat Rock Place eastward to Scott Boulevard, approximately 1,700 feet. The portion would include a signal at Scott Boulevard with Chapel Hill as well as some major drainage structures. The majority of the right-of-way for the portion had been dedicated by Daniel Boone when they platted the property for the new ball fields. This portion would include a detention basin on the Meredith Branch. At the public hearing for the Meredith Branch in November, 2004, it was determined this project should be included with the Chapel Hill Road project. The upper basin was designed to be conjunction with the lower basin to reduce the frequency of downstream flooding. Proposed pedestrian facilities for Chapel Hill Road had been coordinated with the Parks & Recreation Department staff to supply connectivity with future trails along Scott Branch and Perche Creek. The cost of the intersection at Scott Boulevard, the culvert replacement and the signals were estimated at \$252,000. This cost was not anticipated when they put together the CIP and thought Scott Boulevard would constructed first. He noted they thought they could move some funds from the Scott Boulevard project to cover this. Total cost for construction combined with the Scott Boulevard intersection, the pedway on the north side, the sidewalk on the south side, the eastern portion and the pedway was \$2,646,000. This was covered by approximately \$1.7 million from the County road tax and about \$1 million from the City development charge funds. In addition, \$179,000 was to be paid by developers of the adjacent subdivision on the western portion in accordance with the development agreement. The eastern portion, as allowed by City ordinance, would create tax bills in an amount not to exceed \$15.00 per abutting foot, which would be levied against the Daniel Boone Little League and the two lots in the Southwest Manor Subdivision, which fronted Arlene Drive. The ordinance indicated the maximum tax bill length was 500 feet per parcel or tract. This would generate approximately \$19,000 toward the project. Due to the time required for environmental permitting, stream crossing and right-a-way acquisitions, they expected to build the project sometime this year. Mr. Glascock also pointed out that there were islands between each street entrance, which made it look more like a parkway.

Mayor Hindman opened the public hearing.

Lori Hartman, 4700 Cedar Route Court, commented that she was concerned with all of the foot traffic of children that would be in the area of this street. With all of the ballparks from Daniel Boone Little League as well as the children that lived in the subdivision, there was a lot of traffic currently between the ball fields. The Chapel Hill extension would go right

between the ball fields. Ms. Hartman stated she did not have a problem with that and agreed it was great for access, but felt the pedestrian traffic issue should also be considered. There was some discussion of a crossing under the bridge, which she felt would be far enough away that the children would choose not to use it and try to cross the street. Ms. Hartman wondered if there was any consideration for a pedestrian stop light in that area. The other issue she was concerned with was the speed limit along Chapel Hill. She noted the current speed limit was 30 mph, but very rarely were people driving at that speed limit. She felt that would continue in this area and was concerned for the kids.

Bob Walters, 2704 Vail Drive, commented that he was in favor of the project and felt it would benefit many parties. Mr. Walters stated he was one of the developers that had contributed to the construction of the right-of-way in the western portion along with Fred Overton and Christian Fellowship Church. Mr. Walters pointed out that in addition to the \$179,000 to be paid for by the developers, they had already spent a great deal of money getting to this point in designing the street, grading the right-of-way, seeding and strawing the right-of-way, and putting in a sidewalk on his portion. He noted there had been a substantial monetary contribution.

Kenneth Kroll, 2004 Swindon Avenue in Stonecrest, commented that he was also in favor of this project. He noted he fought traffic on Scott Boulevard every time he tried to get out, particularly in the mornings and evenings. He stated he was also an extensive user of the MKT trail for hiking and biking. Mr. Kroll felt Gillespie Bridge Road was very dangerous for anyone who wanted to bike or walk to get to the Cherry Hill development or the trail system. He noted it was intimidating to him as an experienced adult bike rider, so he felt it was extremely dangerous for children. He thought this was a pedestrian access issue as well as a general safety issue from a traffic standpoint.

Mary Lynch, 4909 Craydon Drive, commented that she was also in favor of the project. She noted she had also been concerned speeds and was glad to see intersections at the roadways, so it would not be a straight shot through and would, hopefully, slow down traffic. She frequently noticed vehicles at speeds of 40-50 mph, which made it very dangerous for the children, pedestrians and bikers. She also wanted to let the Council know how much she appreciated all of the effort put into this project.

Mayor Hindman asked if the speeds of 40 mph were in reference to Chapel Hill. Ms. Lynch replied yes and noted it was in regards to the east side of Scott Boulevard. Mayor Hindman understood she was hoping that after this project was finished the speeds would not be as great. Ms. Lynch replied yes and added that she was in favor of round-a-bouts and etc. because that would help alleviate speed and traffic issues.

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

Mayor Hindman understood the plans were done, but stated he hoped they would take a careful look at them to be sure consideration for the issues raised were being taken into account. He noted the underpass seemed to be a good idea, but if it was not located in an area where the children would use it, they would be crossing the street. He also hoped the issue of speed would be considered.

Mr. Glascock noted they did work with the Daniel Boone Little League and had offset their driveway, so it did not look like a straight shot across for the children. Daniel Boone

Little League representatives told the City they would work to put up barriers to keep them from crossing where the driveways were located. Mr. Glascock noted City staff had also looked into other options for the future, if necessary.

Mr. Loveless asked whether or not they had planned stop signs for pedestrian crossings at the corners along this stretch of Chapel Hill between Scott Boulevard and Gillespie Bridge Road. Mr. Glascock replied yes.

Mr. Loveless made the motion to direct staff to proceed with plans and specifications. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

OLD BUSINESS

B1-06 Approving the Final Plat of Grindstone Plaza Subdivision; authorizing a performance contract; authorizing a development agreement.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a proposed final plat to create three lots. Two of the lots were zoned C-P and would be used for the proposed Wal-Mart Supercenter and park.

Mr. Teddy explained the overall site size was 58.7 acres and was located north of Grindstone Parkway/State Route AC from Green Meadows Road to Rock Quarry Road. The plat consisted of three lots. The 10 acre lot, north of Gray Oak Drive was zoned A-1 with the remaining property zoned C-P. The plat met all of the subdivision regulation requirements and was in conformance and consistent with the approved C-P development plan. The ordinance that approved that plan required a development agreement, which was included as an additional exhibit. Most of the conditions that were specified in the ordinance were satisfied in that development agreement. Included was the conveyance of a conservation park easement to the City of 2.11 acres at the east end of lot three where Grindstone Parkway met Rock Quarry Road. This area would be maintained by the developer and available for use by the general public as a park. He noted the amendment sheet pertained to this item. Mr. Teddy also noted an approximate 3 acre tree preservation area in the northwest section of the A-1 zoned lot would remain. Grey Oak Drive would be extended as a public street from Green Meadows to a new street called Grindstone Plaza. He pointed out a gap in the right-of-way, but noted there was a street easement at that location, so it was a public street all of the way through. The reason for the street easement was due to some high retaining walls, which, by agreement, would be maintained by the developer. He noted there had been some changes to the park conservation easement and the landscape plan originally reviewed and recommended by staff in order to make the park more naturalistic. New language was put in the development agreement indicating there would be revisions to the landscape plan in collaboration with the developer and the Grindstone/Rock Quarry Neighborhood Association.

Mr. Boeckmann explained there was a new amendment sheet that would replace the first sheet with what was handed out before the meeting. He noted the exhibit attached to the packet was still good. In addition, proposed revisions to the development agreement pertaining to the park were attached to the amendment sheet handed out tonight. The concept was now more of a natural area rather than a park. He explained that Mr. Van Matre and representatives of the Neighborhood Association had been in contact with him and they

had developed language which was acceptable to both parties. A section would be added to the ordinance stating that an amendment to the landscape master plan, which was part of the approved C-P development plan that showed changes to the park area at the intersection of Grindstone and Rock Quarry to conform with the provisions of the development agreement, would be considered a minor revision to the C-P development plan. As a result, this would not have to go back through the Planning and Zoning Commission and the Council. The amendment to the agreement would provide for the City's arborist to be involved in designing the plan in regards to what type of trees would be planted to include size, location, and etc.

Mr. Ash made the motion to amend B1-06 per the amendment sheet provided this evening. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Craig Van Matre, 1103 E. Broadway, stated he represented the developer of this tract. He provided handouts showing the park design that had been originally conceived for this area and noted they were willing for the City to tell them how to redesign the park to make it better and consistent with the budget originally planned. He noted the sign and explained there were plans for a walking path around the perimeter. He reiterated he had relayed to the City and the Neighborhood Association that if there was some aspect of the plan they did not like and wanted to improve upon, consistent with the money that was going to be spent, they would be willing to spend it differently. He explained that was the reason for the need for an amendment to plan.

Mayor Hindman noted one of the statements made at the time of rezoning was that the buildings that were to be abandoned, i.e. the Wal-Mart building, would be rented to a high end grocery store. He understood that was no longer the case and asked for clarification.

Otto Maly, 1015 E. Broadway, stated they were currently working with a large retailer to take over the existing Wal-Mart space. Although the deal was not signed yet, he anticipated, if all negotiations continued in the manner in which they were going, the contracts would be signed within approximately 60 days. He noted permitting would be involved in the contingencies of the lease and they would have to be able to get a CO. Before any construction could start, Wal-Mart would also have to relinquish their space, which they would not do until they had a new store opened up the street. In regards to the existing Nowells that went bankrupt, they had not been able to find anyone for that space as of yet. He explained they were in negotiations with a hardware user, but that went away. He anticipated the addition of the new Wal-Mart, the Kohl's, and the new retailer/grocer would stimulate interest. He also anticipated that the building would probably be divided into smaller spaces, possibly shops facing Nifong/Grindstone. He stated if they could not find one user to replace the Nowells unit, they would divide it.

Mayor Hindman asked if they had been active since the time of rezoning in trying to lease these spaces. Mr. Maly replied they had been very active. He noted they had not had income on that space since Nowells left and they had to pay the maintenance, heating, taxes and insurance on the building. It was in their best interest to lease that space. He felt the market controlled the placement of a tenant and that they would find one. The timing, however, was out of his control. He stated he could not guarantee being able to bring in a tenant of 50,000 feet or greater.

Mayor Hindman noted receipt of a great deal of constituent comment regarding empty store buildings. He understood the old Nowells was vacated for other reasons, however, the Wal-Mart space would be vacated due to the new Wal-Mart. Examples of other vacant spaces around town, where there appeared to be relatively little maintenance or attention to the buildings due to the idea that remodeling would take place with the new tenant, had been pointed out to him. He stated the idea that the space would be occupied when Wal-Mart moved out was a factor in his decision to favor the rezoning, and therefore, he was seeking assurance that it would not sit there and look like an abandoned shopping center without maintenance in the event it took a while to get the Wal-Mart space occupied. Mr. Maly stated he drove by that location everyday going home. He noted they also had obligations to other tenants in the center to maintain it. He pointed out, if they did get the deal signed for the replacement of the Wal-Mart space, they would remodel the remainder of the center. He noted this would not include the old Nowells space because that was remodeled approximately 18 months before they closed. They would put a new face on the remaining leg, which was north of Goodwill and included all the shops facing south to Nifong. The existing Wal-Mart building, as was currently planned, would be leveled and replaced with a new building in that location. It would include a new fascia, parking lot, landscaping and etc.

Mr. Ash stated he was not as concerned with the vacant building issue as he was with the concept of making a statement to obtain rezoning and then not being able to follow through later. He was concerned about setting a precedent and commented that he would feel more comfortable if something was in the development agreement, rather than striking the entire statement.

Mr. Maly explained it was not in his best interest to have a vacant building because they had no income and only money going out. The estimated income lost for a 50,000 square foot building was \$500,000 per year. He noted it was not an economic issue. It had to do with the market and what a retailer deemed could be done in a town.

Mr. Ash stated the issue, for him, was not whether it was easy to achieve or not. It was that a promise was made. He felt it was setting a bad precedent to promise something and then later say that it could not be controlled and should not have been promised in the first place. He was concerned with the big picture concept in that if one said they were going to do something, they should have to do it or do something that at least met the spirit of what was said.

Mr. Maly noted the Wal-Mart building was currently a 50,000 foot building and they would be replacing it with an 80,000 foot building, which would create more jobs and a bigger tax base. He pointed out that when the Nowells store closed, they talked to Wal-Mart about taking them to a Supercenter in their existing space. There was no way to re-engineer the entire center to allow for the size of building and parking spaces wanted. At that time, they began working on another tenant. He noted that when Kohl's came, they tried to place them in the Nowells building, but that again did not work. He reiterated that these things took time due to factors out of their control.

Mr. Ash stated he did not believe they did this disingenuously. He just felt it was a bad precedent to let someone make a statement to get a rezoning and later say it was too difficult, expensive, market driven or etc.

Mr. Van Matre stated there was no reason to put something in a contract unless there was an enforcement mechanism. He noted they had promised they would build this center with an on-site detention facility, but when the City came to them stating a smarter way to handle this would be to not only provide stormwater drainage for the 57 acres, but also for another 250 acres they did not own or control, they agreed because it made that an intelligent area. They did not come back and say the economics had changed, so they wanted something changed in their favor. They decided to incur that cost and move forward. He also noted a ditch that was created when Grindstone Parkway was built, which the Corps of Engineers stated was a stream that had to be preserved. As a result, they had to build retaining walls at a cost of a million dollars. He pointed out they did not come back arguing the economics had changed. He noted this promise had not been breached yet because they had not had a reasonable period of time to rent those vacant stores. He did not think it was fair to say they were breaking their promise when they had every intention of fulfilling it.

Mr. Ash agreed, but thought something could still be in the development agreement with enough wiggle room. He felt that was better than it not being in there at all. Mr. Van Matre stated it would then be meaningless. If no tenant agreed to go there, he asked what the remedy would be. Mr. Ash stated he did not believe it was meaningless. He felt a clause should be in the development agreement reflecting every promise made. Mr. Van Matre asked what he would put in the agreement.

Mr. Boeckmann stated he was not suggesting that anything be put in the agreement, but if they did, they could state they would exert their best efforts.

Ms. Nauser wondered why they were discussing something that was not even enforceable. She felt it was unfair to say they could not occupy their new building until they rented their old building, if it was not enforceable. She questioned why they would ask them to put this in the development agreement knowing it would not be enforceable.

Mr. Ash felt the reason was to set a standard that if one promised something to get rezoning, they had to follow through. He thought there were a lot of other instances where someone could come back later and say they could not do something they stated they would.

Ms. Nauser felt, from business prospective, one could not hold everything in a box and expect things not to change. As things came in, the Council would have to look at them on a case by case basis. She noted they had a similar item at the last Council meeting and received a stormwater detention in return. She did not foresee people purposely doing this and did not feel this would set a precedent in that everyone would come back to the Council in the future with changes. She felt this had to be weighed on its own merit. She did not see why they should force these people to say they would not occupy their new building until they had a tenant in the old building because, economically, it was not feasible for them to continue to have them empty.

Mayor Hindman suggested they put in a recitation noting they would use their best efforts to lease the space or to have it occupied as soon as reasonably possible. He felt that would get away from the concern that there was going to be abandonment. They would be representing that they would continue to use this as a useful piece of property and would put forth their best efforts to make it a viable piece of property with tenants.

Mr. Van Matre understood the two centers that had caused consternation with the public in Columbia were the Biscayne Mall and the Osco Center. He explained his client had just acquired title to the last half of the Osco shopping center last month, and therefore his ability to do something with that center was only about 45 days old. The Biscayne Mall could not be developed due to existing leases, primarily the Michaels lease, which prevented any kind of reconstruction of that center until Michaels agreed to move across the street. While it would have been his client's idea to redevelop that center much earlier, it was not legally possible without forcing someone out of a lease they had a contractual right to stay in. He stated they were willing to include the recitation discussed, but added that he wanted to try and dispel the idea that his client did not intend to honor all of his promises because he did.

Mayor Hindman stated he was not suggesting that his client had not honored his promises because, in his opinion, he had done everything agreed to on this one and the Broadway one. He noted he was only suggesting the recitation as a way to solve the issue. Mr. Van Matre stated if it satisfied everyone, they were for that.

Mr. Ash clarified that he was not demanding that they rent one store before occupying another. He just felt something needed to be in the development agreement corresponding to the slide provided at rezoning and if a recitation accomplished that, he was fine with it. He asked how the recitation was put together. Mr. Boeckmann noted the Council could pass the ordinance tonight, while allowing him and Mr. Van Matre to work out the recitation language.

Mr. Loveless referred to Exhibit D, the conservation park easement dated November 9, 2005, and asked if they were still considering this as it stood. Mr. Boeckmann noted there were a few things in there, in terms of what they could do, that would be inconsistent with development agreement and the amended landscaping plan, but explained that was generally not a problem. Mr. Loveless commented that Section 2 referred to access to the property or development and gave the grantor the right to grade and construct features. He noted it also stated "install utility lines over" and he felt a major utility line over the park was probably not in keeping with what any of them envisioned. He clarified the language stated "the grantor has the right to grade, install utility lines over, construct commemorative features" during the course of construction of the development and asked if he was imagining something that was not a problem. Mr. Van Matre replied "over," in the legal sense, meant they were granting surface rights, but not subsurface rights. He stated any utility line would have to be buried except for overhead electric lines, which he did not think were planned for the area.

Mayor Hindman asked if it was necessary to further amend the ordinance in order to allow the recitation. Mr. Boeckmann replied it was not and added the recitation could be added before the agreement was executed.

The vote on B1-06, as amended, was recorded as follows: VOTING YES: HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER and ASH. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

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 given second reading by the Clerk.

Mr. Dasho explained they had been developing a plan to make a connection to the Grindstone Substation with a 161kv line that actually came up Rolling Meadows. Using the overhead, he described the location of the existing line in comparison to the Grindstone Substation. He noted timing was critical in terms of getting this line in place by June, 2006. There had been a number of iterations on how this line was going to be built and the route it would actually take. The majority of this line involved property owned by the University of Missouri and they had agreed to give the City the right-of-way easements to build the transmission line along the path. He explained they originally considered building it on New Haven Road to the north and coming directly over to the Grindstone Substation. However, MoDOT stated they could not cross at that location. They had to cross at the south, before the interchange access lanes began. That required them to move the line to the south for MoDOT approval to cross Highway 63. He explained there was an existing 69kv transmission line that they would incorporate into the new line, while abandoning the existing right-of-way of that transmission line.

Mr. Dasho noted they had been in discussion with representatives of Lenior, who were very concerned about a transmission line in the front of their property. They had been working with them on a number of possibilities to minimize the impact of this new transmission line. They looked at coming farther to the north along the tree line, but Lenior did not want impact to the nature area they owned. One of the major concerns Lenior had was in regards to how the frontage would look because it was their entrance way/front visual and they wanted it to look good. He noted they had discussed a number of options, but had not come to any agreement yet. He pointed out the Water and Light Department was willing to work very closely with them to come up with a satisfactory or livable route. It would not be one that would make everyone happy, but he was hopeful it would be livable. Mr. Dasho explained he discussed avoiding Lenior completely by using an easement within the Heritage Park, which was a City park. The park was given to the City by federal grant and the grant did not allow overhead lines. He stated that even if they were to be able to build this line underground, it would more than double the cost of the already \$4 million project. In addition, they would have to go through the Department of Interior to obtain the easements for the line, which could take another year. He pointed out they had to have this in place by June in order to avoid additional charges associated with not having this line in place.

Mayor Hindman asked what kind of penalty there was if the line was not in place by June. Mr. Dasho replied they would have to run the in town power plant more, if the line was not in place by June. This meant it would cost between \$2-3 million this summer, depending upon the price of electricity, to run the power plant. The problem they were having with the Grindstone Substation would be corrected by this transmission line. There was no other real alternative, other than beefing up the existing generation in town and running it more often.

Mayor Hindman asked how much undergrounding would be needed. Mr. Dasho replied they would look at undergrounding through the park. He did not know the feasibility, considering what they were doing, but noted it would be very expensive and would likely double the cost of the project.

Mayor Hindman asked about undergrounding in front of Lenoir. Mr. Dasho stated it would still be very expensive and would probably add \$2 million to the project. Building

transmission lines underground would involve extensive work. It was not like building a distribution line underground.

Mayor Hindman asked what the line would look like. Mr. Dasho replied it would be a large double circuit structure, which meant it would have wires on both sides as well as a circuit underneath. It would be a 115 foot tall, steel pole line coming across there. It would look similar to the structures that were over by East Broadway, near the Super Wal-Mart, and the junction of Broadway and Highway 63.

Mr. Loveless asked what the height of the lines was above ground. He was wondering if the lines would sag down in front of the Lenior building. Mr. Dasho replied the lowest part of the lines were approximately 30 feet above ground. Mr. Loveless felt that was quite a bit a sag and asked how many poles would be in front of Lenior. Mr. Dasho replied one or two poles.

Mr. Ash asked if they still ran into the problems running along the edge of the park versus crossing through the park. Mr. Dasho replied the difficulty was that Ponderosa Road would be widened to five lanes and since the road could not be widened by taking parkland, they would be using all of the easement they had available for road width, which left no room for them to build in that area without going into park land. Mr. Ash asked if the federal government would get just as upset if they ran something on the edge of the park versus the center of the park. Mr. Hood explained the park was acquired with a Federal Land and Water Conservation grant in 1970 and it protected the entire boundary of the park. The agreement that was entered into indicated the land could not be used for any purposes other than outdoor recreation. It specifically prohibited the construction of overhead electric lines through or on the property and the taking of any of the property for additional roadway. There was a provision called the 4F Conversion where one could go through a review process with both the State and the Federal Department of Interior to convert some of the parkland. That meant the City would have to file a proposal, which proposed additional parkland being purchased somewhere else to replace the land being taken and would have to be approved at both the state and federal level. Past experience was that it took at least a year. If it was controversial, it could take longer for approval. Technically, if the line was run on right-of-way outside of the land that was purchased for the park, none of the federal restrictions would apply. It would be more of a matter of concern about the esthetics and the impact on the park much like Lenior's concerns about the impact on their property.

Mr. Ash understood it did not matter if it was on the edge or right through the middle because they would have to jump through the same hoops. Mr. Hood replied yes, as long as it was anywhere on the park property. He clarified any taking of parkland for any purposes other than outdoor recreation would require approval. He noted precedents had been set all across the Country that the taking of any of the parkland for roadway purposes would definitely be considered a land conversion.

Mr. Hutton asked what had changed or what conditions had caused this to be such an emergency. Mr. Dasho stated that when the City became part the Midwest Independent System Operator (MISO), they came up with a set of standards that everyone had to meet that operated the transmission system. They took out every major line and tested the system to see how it responded. If there were overloads when a line was taken out, it had to be

corrected. In other words, the City had to be able to withstand a single line contingency in order to maintain a reliable electric system. If the City took out the connection to the west of Columbia and into Columbia, it would overload the transmission system in the southeast as power tried to flow into the City this way. This was not acceptable, so the City was required to have a fix in place or operate the system, in particular the Hinkson Substation, which was a very heavily loaded substation in central Columbia, on a radial. In other words, the City would have to disconnect it from its second feed and let it hang out there on a radial. If anything happened to that line, the City would lose the entire Hinkson Substation, which included approximately 8,000 customers and the University. He stated they were very uncomfortable with that. They would do it for extremely short periods of time, but could not do it for the entire summer. He noted they were required by MISO to either operate that way if they did not have a fix in place or run generation to back it up and that was where the cost of running the generation came in.

Mr. Hutton understood they were very willing to work with Lenior to come to a reasonable resolution, but also understood undergrounding or moving on the west side were not resolutions. He asked what the options were. Mr. Dasho replied they were looking at the placement of the poles in an area that would make the least impact.

Mr. Hutton asked whether it would be possible to come west on New Haven Road and then come south and across. Mr. Dasho stated they had looked at that option, but the University did not want them to come down New Haven Road because they had plans for the farm and bringing a transmission line down that road would interfere with those plans. That was why they wanted them to move down to Sugar Bush Road.

Mr. Ash wondered if they made the diagonal line come just south of Lenior's second driveway and then made the diagonal line across, if they would have enough room once the road was expanded to keep the same design, but move it south about 500 feet. Mr. Dasho noted that was one of the proposals that were looking at currently. The difficulty there was that this was Lenior's frontage area, which they wanted to remain open.

Carl Rousch, President of Lutheran Senior Services, the owners of Lenior Woods since April of last year, explained they had some exciting plans for Lenoir and some \$35 million that they would like to eventually invest in the facility. They felt it was the premier retirement community in the Columbia area and wanted to make improvements so it stayed that way. The average age of the residents was 82 and their mission was for older adults living life to the fullest. They had concerns about how this high voltage transmission line would affect the older adults and understood transmission lines of this high voltage could affect pacemakers. Whether proven or not, the perception could be reality with them having the potential of losing millions of dollars if they were unable to attract older adults to the area.

Mr. Rousch explained they had worked diligently with the Water & Light Department, who were also trying to work with them. He understood the need, but felt saying it would have no affect on them if they went across Highway 63 at the Roosevelt intersection was not really true. Water and Light was asking for additional servitude, additional space for the additional high voltage lines because of the power and swing. As a result, they were getting closer to some of the homes they currently had. The service road along Highway 63 was their front entrance and they wanted their new front entrance to be where the historic building

was located. The drawing showed it going past the old front entrance and over the current front entrance. Currently, they had a pole along Highway 63, but they wanted to go beyond that pole with a transmission line that was 2.5 times more powerful than what they currently had. He stated he did not think it was fair for the City or anybody else to ask them to not only use one side of their property, but also another, over 700 feet, on the rest of their property. One of the things they discussed was going across Highway 63 and using the parkland. They spoke with the Highway Department and were told they were not saying where it had to be, they were only saying where it could not be. He noted there might be a proposal for a four lane of that road, but that was not guaranteed. He did not think it was fair for them to bear all of the brunt of the impact of this high transmission line. He stated he understood where they were coming from, but requested more time. Mr. Rousch explained that they did not learn until last week that this was going to be the second hearing on this potential purchase and eminent domain. He thought they should have had the chance to discuss and bring it before the Council before tonight. He noted they had been working with the Water and Light department since December, 2005. He understood there was a deadline, but asked that the Council provide more time to work things out. He thought there had to be a solution, other than making Lenior suffer by putting this line at this location. He stated he understood time was of essence, but asked that this not be forced on them.

Mayor Hindman asked how they would feel if it were underground and not visible. Mr. Rousch replied that would be fine. Mayor Hindman asked if they would be willing to participate in the cost of undergrounding, which was approximately \$2 million. Mr. Rousch replied that they had already been asked to give some property on the south side. They were now asking for a greater servitude or greater land there for which they would get reasonable compensation. That would be something they could talk about. He did not know where they would come up with anything close to \$2 million.

Stan Elmore, 4401 Old Mill Creek, noted that even with undergrounding, there would still need to be an area and the pole would still exist. He provided a drawing and showed the location of the community center, where meetings and weddings were held, the three story apartment buildings, the skilled nursing homes, and the cottages. He also showed an area along the edge that was the only open area, except for the woods, which management felt should remain as woods. They planned to have cottages for 10-12 residents in a family environment. He noted the pole shown in red was the planned location and the pole that was an inch south was the existing pole today. The power line that came across the highway was a steel pole transmission line of 69kv. This new one would be bigger and taller and would have larger insulators and more wires. The location shown was in front of the administration building and one of their plans showed a divided entryway so they would have a nicer entrance. He stated the 8 acre area was a valuable piece of land to Lenior Woods because it had the potential to provide the space for the planned skilled beds without disturbing more than a few homes. He commented that he felt if the managers of this facility and the people from the Water and Light Department who had the authority to make decisions could get together, this could be worked out. He stated they did not like this line because it would cause some damages, but they understood this was the direction for the line to go. If there was some way to eliminate the lines in front, it would cause a lot less damage to the facility

and to the perception of a new prospect that might be coming here and spending the rest of their life here.

Mr. Rousch stated he understood that if this was passed, they would have no grounds to do anything because this was a condemnation proposal. They were concerned that this would leave them with no grounds to negotiate.

Ms. Nauser asked Mr. Rousch whether they owned the piece of property that appeared to be open farmland. Mr. Rousch replied they did, but that it had been leased to the University for about 50 years.

Ms. Nauser asked if he would be willing for the line to go up the back of the property and around that area without disturbing the nature area. Mr. Rousch stated that going through the middle of the property would cause a lot consternation for the existing residents. There was a network of trails and wildlife with turkey and deer there. He noted this was precious to the existing residents. To put a high transmission line in a 60 foot right-of-way in those woods would be devastating. Mr. Ash stated he thought Ms. Nauser was referring to the top edge of the woods, near the soybean field. Mr. Rousch thought that was one of the options discussed with the Highway Department. Mr. Dasho replied no, but indicated it was discussed with Lenior representatives and that did not seem to be an acceptable alternative. Mr. Rousch stated that might be something they could look at again.

Mr. Ash noted there were some valid points made by the Lenior representatives and thought they should take some time to look into it. He understood no one wanted the line near them and felt there needed to be some sort of compromise and/or contribution. The Lenior people would have to come to the conclusion that the line would be going their and they needed to choose the area that would be the least disruptive.

Mr. Hutton asked if by passing the ordinance, the City would have the power of eminent domain, which would result in them losing any negotiating power. He thought they could direct Water and Light to work with them and not condemn without further Council approval. Mr. Boeckmann stated this would be authorization and would not mandate condemnation, but he thought it would be better for negotiations to table it.

Mr. Dasho noted condemnation would not do them any good because that process would take quite a while. They were not interested in condemnation. They were interested in a solution. He stated he thought they were fairly close and just needed to sit down as a group to come up with the right approach that could satisfy everyone. If they had to go to condemnation, the whole thing was off in terms of getting this done in a timely manner.

Mayor Hindman made the motion to table B7-06 to the February 6, 2006 Council meeting and to direct staff to provide a report detailing the negotiations. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

B12-06 Amending Chapter 2 of the City Code as it relates to the Office of Community Services.

The bill was given second reading by the Clerk.

Mr. Watkins explained approval of this ordinance would transfer the oversight of the Office of Community Services from an Assistant City Manager to the Director of Health. They were suggesting this be done primarily due to the retirement of the current Director as he

moved over to the Housing Authority and the retirement of his long time assistant. They felt the transfer would provide support and back up to a two position office. It would also provide better coordination of the City's social services and health services. He noted both, the Health Department and the Office of Community Services, were joint City/County operations. He discussed this with all three Commissioners and they agreed this was a reasonable thing to do. Pending approval from Council, they expected to physically move the Office of Community Services on January 20th to the Health Department offices on Worley Street.

The vote on B12-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER and ASH. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

B14-06 Authorizing the issuance of Special Obligation Revenue Refunding an Improvement bonds, Series 2006.

The bill was given second reading by the Clerk.

Mr. Watkins noted bids were taken earlier today for approximately \$20 million in refunding bonds. The City received a good interest rate, which reaffirmed our excellent credit rating.

Ms. Fleming stated that Piper Jaffray had the winning bid at a true interest cost of approximately 4.12%. The City received ten bids, which was two more than received on the Water & Light issue in late 2005. In regards to the refunding portion, the City should save over \$1.4 million with a net present value of \$877,000 or 12% of the outstanding bonds. The new money in this issue would be for sanitary sewer work and the landfill project.

Mr. Watkins pointed out this was not new money. All of these bonds were approved with ballot initiatives in 1998 and 2003. We were now just issuing them and refunding some earlier bonds.

Mayor Hindman asked about the amendment sheet. Mr. Boeckmann noted there was always an amendment sheet with the bond issues because they needed to fill in the blanks and change the tables to reflect the bids. He stated the amendment sheet with this one reflected those numbers.

Mr. Hutton made the motion to amend B14-06 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on B14-06, as amended, was recorded as follows: VOTING YES: HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER and ASH. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

B2-06 Approving the Final Plat of Bethel Falls Plat 1; authorizing a performance contract.

B3-06 Authorizing an agreement with Olsson Associates Consulting Engineers, Inc. for an engineering study for Creasy Springs Road, between Bear Creek and Obermiller Road; appropriating funds.

- B4-06** Authorizing an agreement with Boone County relating to public education and implementation of the EPA Clean Water Act Phase II Storm Water Regulations; appropriating funds.

- B5-06** Calling for bids for construction of the EP-1 trunk sewer, an 80-acre point sewer serving the Opal Smith property.

- B6-06** Authorizing a Right of Use Permit with LPBW Development Company, LLC to allow the installation of landscaping, an irrigation system and lighting within a portion of the Cascades Drive, Marietta Falls Lane and Vancouver Circle rights-of-way.

- B8-06** Accepting conveyances for utility purposes.

- B11-06** Accepting a donation from the Wal-Mart Foundation for the purchase of digital cameras and equipment for the Police Department; appropriating funds.

- B13-06** Calling a municipal election to elect Council Members for Wards 2 and 6.

- R10-06** Setting a public hearing : 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).

- R11-06** Setting a public hearing: construction of improvements to Flat Branch Park Phase II.

- R12-06** Setting a public hearing: construction of improvements to the Garth Nature Area.

- R13-06** Authorizing an agreement with Boone County National Bank for the subordination of a CDBG loan for property located at 2101 Vandiver Drive.

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

NEW BUSINESS

- R14-06** Approving the Preliminary Plat of Winchester Subdivision; granting variances to the Subdivision Regulations.

The resolution was read by the Clerk.

Mr. Watkins stated the Planning & Zoning Commission voted unanimously to recommend approval of the proposed preliminary plat and two variance requests.

Mr. Teddy explained the property was located on Chapel Hill Road, south of Mills Drive, and contained approximately 18.25 acres. This was a plat submittal that included two variance requests from the Subdivision Regulations. One was the name of the subdivision, Winchester, which duplicated a street name. The other would allow one of the planned streets to exceed the horizontal curvature standards on a local non-residential street. If approved, this preliminary plat would authorize the creation of 28 lots in a mix of R-1, PUD-6 and O-P zoning districts. It would also approve, in concept, the vacation of a one block length of Mills Drive where Mills made a bend to the south to Tremont Court. That portion of the street, which was an existing but unimproved street, would be removed. The vacation of the street introduced some new elements into the area of the street system. By the

applicant's proposal as well as in staff's recommendation, the vacation of the street would be done at a later date in conjunction with a final plat and as a condition, it would involve the installation of certain traffic calming devices to address an existing situation where a number of vehicles moved through this neighborhood from Chapel Hill Road to Forum Boulevard during peak traffic periods. Installation of several traffic calming devices would serve to reduce that cut through traffic very significantly. Rather than offering an unqualified recommendation for the vacation of that street, the recommendation was to make it contingent on the installation of the traffic calming devices. Using a map on the overhead, Mr. Teddy noted that with removing that segment of Mills Drive, continuity of the street from Limerick to Mills would remain. There would also be a short segment of Mills that would feed into Tremont Court and then indirectly into Limerick. To the west of this neighborhood was the County House Branch Creek, which served as a natural division between neighborhoods and created some interruption in the street system. The Planning and Zoning Commission recommended approval of the proposed preliminary plat including the variances. He noted there would be sidewalks on both sides of all the new interior streets as well as a pedestrian easement for a walkway to be built to Mills Drive, where there would be a sidewalk along one side of the street along the frontage. Currently Mills was not a fully improved street.

Mayor Hindman recalled they were talking about a traffic calming device that involved a loop. He asked where that would be and if it needed to be shown on the preliminary plat. Mr. Teddy explained it was in the ordinance as the device called a diagonal diverter and would be at Limerick and Hatton. It would be a diagonal barrier that would literally divert the traffic around this loop, so it would allow continuity of the street, but not the direct movement from Limerick onto Mills. Mayor Hindman stated he remembered being shown that, but did not see it on the diagram. Mr. Teddy explained it was offsite, so it was not on the preliminary plat.

Mr. Ash wondered if there were people that had a problem with this and asked if the neighborhood was aware that this would be a voted on tonight. Mr. Loveless stated this particular project had been discussed thoroughly by the neighborhood. Mr. Magruder invited him for discussions on this issue over a year ago because he had been working with the neighbors on this traffic movement problem through their neighborhood, both going down through Limerick and Hatton as well as Mills Drive. Dealing with the cut through traffic with this development came together. He felt there were very few, if any, neighbors that were not aware of this tonight. Although this was not a solution that pleased everyone, it was the one that appeared to be the most acceptable to all the neighbors. Although it was an inconvenience for the neighbors to go to Hatton west bound and then loop around to go south on Limerick or the opposite direction, it did add enough travel time to discourage cut through traffic.

The vote on R14-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER and ASH. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

R15-06 Approving a Preliminary Plat of Bradbury Estates; granting a variance to the Subdivision Regulations.

The resolution was read by the Clerk.

Mr. Watkins noted the Planning and Zoning Commission voted unanimously to recommend approval of the proposed preliminary plat and the variance request regarding all lots having public street frontage. This plat would create 25 single-family residential lots. The Commission's recommendation was subject to the condition that the occupancy permit for lot 3 not be granted until a 20 foot wide driveway was constructed between Falling Wood Court and the structure on the lot.

Mr. Teddy stated the site was located north and generally at the west end of the existing Thornbrook subdivision. The variance was requested because that lot did not possess frontage directly on a street. The applicant indicated that if the City was not interested in taking over ownership and maintenance of that property, the final plat would simply extend the lot lines over that common lot because this would not be a buildable lot.

Ms. Nauser noted the comment in the packet that the land to the east would need to be closely monitored to ensure connection to Scott Boulevard. She asked what mechanism was in place to ensure the streets in the Thornbrook Subdivision would not be overloaded. Mr. Teddy stated they were aware of the concerns about continuing to build houses that would rely on Beacon Falls. There was a standard that stated no local street segment shall be designed such that it served as the sole means of access of more than 50 homes. In other words, if an additional subdivision occurred around this piece, they would not recommend more than 25 units be added to the Bradbury Street system because that would put a traffic load on Beacon Falls that would exceed 500 average daily trips. It would also lengthen what was a terminal street system, so emergency services would also have some comments.

Mr. Ash noted they did not exceed the maximum length of a cul-de-sac because of Stonington Drive, but it did not connect to anything. He asked if the ordinances allowed that. Mr. Teddy stated they did discuss the interpretation of the term "terminal street" due to the standard in the ordinance stating 750 feet was the limit without a variance. It was his understanding after talking with staff that the interpretation was that if a street was generally designed as a cul-de-sac but it did provide a stub street and there was some reasonable prospect through future land planning to interconnect the street system, it would not necessarily be considered a violation of the 750 foot rule.

Gene Basinger, 300 St. James Street, noted lot 25 was not a residential lot, but a long narrow strip of land with sewer lines and a sanitary sewer lift station. If the City had interest in ownership of the tract, the owners would be willing to deed it to the City. He noted it would have drainage and utility easement on it and the west edge of the subject lot was along a creek. If the City took ownership, they could use it as a trail system in the future. If the City was not interested, they would just extend the lot lines and eliminate the tract.

Mayor Hindman asked what creek it was. Mr. Basinger replied he did not know if it was named. Mr. Hood stated a trail along this drainage was not identified in the Trails Master Plan, but they could take a further look at it. Mayor Hindman asked Mr. Basinger if they would be willing to let the City look into it. Mr. Basinger replied yes.

The vote on R15-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER and ASH. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

R16-06 Rejecting all bids for the construction of a 36-inch water transmission main from the McBaine Water Treatment Plant to Scott Boulevard and ordering re-advertisement for bids.

The resolution was read by the Clerk.

Mr. Watkins noted two bids were received for the project, which was included in the last ballot issue approved by the voters. The resolution estimate for the project was about \$3.8 million. The apparent low bid was approximately \$7 million. Staff was recommending the bids be rejected. They would make modifications, primarily in the time frame they wanted to see the project done, to see if they could get some better bids.

Mr. Dasho stated there was a concern regarding the time frame for the completion of the project, which meant other bidders had been thinking about it, but did not want to do the project under their time frame. They were hoping to get more bidders with a better price.

Mr. Ash stated he liked to compare the bids received to the resolution estimate. This report stated the resolution estimate was not accurate. He asked if they would recreate a resolution estimate based on new data or if there would be some sort of internal process, so they would be able to compare the data when it came back before the Council. Mr. Dasho stated they were in the process of getting an estimate on everything that had been proposed, based on everything learned, and that they were hopeful the estimate would be much closer to the bids received than last time.

The vote on R16-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER and ASH. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

R17-06 Authorizing an agreement with e3-Group, Inc. to establish and operate a wireless high fidelity (Wi-Fi) network for the Columbia Regional Airport passenger terminal.

The resolution was read by the Clerk.

Mr. Watkins stated Council had asked that they look at the possibility of providing Wi-Fi at the Airport. Staff developed an RFP and received a proposal from the e3-Group. He noted there were a number of technical difficulties that had to be overcome, but they now felt this proposal was technically possible. The wireless service would be free to the public and the City would not put money into it, outside of authorizing a banner stating it was available and providing space for an antenna.

The vote on R17-06 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER and ASH. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

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

- B15-06 Voluntary annexation of property located on the west side of the Lake of the Woods Road, south of Evergreen Acres Subdivision (2331 lake of the Woods Road); establishing permanent R-1 zoning.
- B16-06 Approving the C-P Development Plan of Exchange Bank; determining elevation plans are consistent with that present when the development plan of Village Square was approved.
- B17-06 Approving the Final Plat of The Cascades, Plat No. 4; authorizing a performance contract.
- B18-06 Approving the Final Plat of Mill Creek Manor, Plat No. 3; authorizing a performance contract.
- B19-06 Approving the Final Plat of Konstantin Subdivision; 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.
- B24-06 Amending Chapter 22 of the City Code as it relates to notice to property owners of impending special assessments for public improvements.
- B25-06 Accepting a conveyance for utility purposes.
- B26-06 Authorizing construction of improvements to Flat Branch Park Phase II; calling for bids; appropriating funds.
- B27-06 Authorizing construction of improvements to the Garth Nature Area; calling for bids; authorizing an agreement with the State of Missouri; appropriating funds.
- 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.
- B30-06 Opting out of the state sales tax holiday.
- 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.
- B32-06 Amending Chapter 19 of the City Code as it relates to the definition of “unclassified service.”

REPORTS AND PETITIONS

(A) City Manager’s Direct Line

Mr. Watkins noted they had established a telephone number, 874-7788, for people who had a need or an interest in providing a comment or idea or bring to their attention a problem. Individuals calling that number would not need to provide their name, address or

telephone number unless they wanted a response back. This was one more opportunity for people to communicate with City administration.

(B) Nifong Park Master Plan Update: Historical Village.

Mr. Hood noted this report was being submitted by the Boone County Historical Society and the Parks and Recreation Department. The Parks and Recreation staff had been working closely with the Historical Society for several months regarding the need to update the Master Plan for Nifong Park. In particular, the Historical Society was interested in developing a historical village concept as part of the park. They developed a draft update to the existing Master Plan, which was being presented to the Council in this report. They were recommending the draft amendment be referred to the Parks and Recreation Commission for their review and recommendation. The historical village would include the addition of several outdoor structures, such as a one room school house, general store, church or other structures that reflected the history of Boone County through the last couple hundred years. He noted they had moved the Pop Collins Cabin to Nifong Park, which would also function as part of this historical village.

Mayor Hindman asked if the cabin was fully restored and opened to the public. Mr. Hood replied the cabin was fully restored on the exterior and the Historical Society was working on the interior of the cabin at this point. It was opened for special events, such as the Heritage Festival, but was not yet open to the public on a regular basis.

Mr. Hutton made the motion to refer the proposed master plan revision to the Parks and Recreation Commission for their review. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(C) Issues related to low income energy assistance and conservation.

Mr. Dasho noted the Council had asked them to look at ways they could help mitigate the impact of energy costs increases for the citizens of Columbia. A group involving Finance, Health, Public Works, Water and Light and Columbia Community Resources came up with some ideas and suggestions that might help. They were looking at incentives and conservation measures in situations where a low income person was renting property. Since they were paying the bill, the landlord did not have much incentive to do something about it. He explained they looked at both long and short range ideas. They came up with ideas regarding low income housing stock in that they wanted to identify how they could get funds to do energy conservation measures. The idea was to talk with the landlord group about potential long range solutions in improving the housing stock because the end result was how to improve the efficiency of that housing stock, so whoever rented would not be faced with costs above what it should be if it was properly weatherized. They also looked at what could be done now. Both the CASH and HELP programs provided funding to low income people to help pay bills right now. The Health Department had spent the CASH funds down and had a need for dollars associated with February. They were looking for \$7,000 to get them through until the next installment came in from donations. There was a Water and Light Indigent Fund, which was funded in the amount of about \$3,000 annually. The Health Department had tapped into that fund rarely as an emergency. If the City increased funding there from

\$3,000 to \$10,000, it would give them the additional funds to cover February. They recommended that as a short term solution. Additionally, they thought there could be ways of doing weatherization programs. The group needed to meet again to come up with a long term proposal to benefit the City, so they were not just handing money out.

Ms. Crayton asked if the City would qualify for any of the money the Governor signed off on last week. Mr. Watkins stated he understood that the money went to the community, but not the City. It went through some other groups in the community for assistance.

Mr. Ash stated he thought the short term fixes were great ideas, but thought the Council was more interested in the long term solution that Mr. Dasho hit upon in regards to landlords not having any financial incentive to make their rentals energy efficient. In addition to low interest loans, he thought charging more for annual rental permits based upon the energy efficiency of the unit with the extra money going into a fund for people having trouble paying there bills might help.

Mr. Hutton noted that one of the long term options was to work with the landlords to provide incentives and meeting with them to talk about what incentives would be most acceptable or promising. He thought this could be added to that goal. Ms. Nauser agreed. Mr. Ash felt the discussion with the landlords should not only include the positive reinforcements, but also negative reinforcements.

Mayor Hindman made a motion to implement the short term and long term options mentioned in the report and adding that they look at penalty type incentives as well, when meeting with the landlords. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Watkins clarified that one of the short term solutions was to make up the gap in February, which they thought would be \$7,000. He wanted to be certain the Council was approving the proposed transfer of funding from Water and Light to this account. Mayor Hindman thought that had been explained. Mr. Watkins replied it had. Mr. Ash stated that sounded good.

BOARDS AND COMMISSIONS

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

Finance Advisory and Audit Committee

Swoboda, Dale P., 910 W. Broadway, Ward 1 – term to expire 12/31/2008.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Loveless stated he had discussed the sidewalks being built around the Cascades and across the street with Mr. Glascock and asked if they were in the City and if they were 4 or 5 foot sidewalks. Mr. Glascock replied they were five foot sidewalks.

Mr. Loveless noted the Board of Adjustment dealt with the filling station at the southwest quadrant of Ash and Stadium by giving them a variance contingent upon the lights of the canopy being flush as opposed to being extended down. He asked for a copy of the minutes because if that was the case, he would like it pursued.

Mr. Loveless stated he would like to know what opportunities they had for lighting basketball courts and made the motion that staff report back on the needs and costs of lighting basketball courts. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Nauser noted a lot of people were making U-turns at Green Meadows near the new extension. She explained people coming off of Buttonwood would go into the left turn lane and make a U-turn rather than continuing on the Green Meadows extension. She felt it was an accident waiting to happen as development continued on the road. Ms. Nauser made the motion that staff report back on ways to deter that type of activity. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Ms. Crayton wanted to make sure the senior citizens and disabled people were aware of the rent rebate program since it was now tax season. She noted they needed to let their tax preparer know they might qualify.

Mayor Hindman stated he was a believer in the red light cameras that caught people running red lights. There was a period of time under Missouri law where one could not use the red light cameras. It appeared now that this could be used provided the camera only took pictures of the license plates. He understood Arnold and St. Peters had just adopted the system. He wanted a report on the possibility of installing red light cameras in various intersections here. He noted there were various plans available, including plans in which people brought the camera system in at their own expense and put it up. They would handle the administrative work, but not the decision work on whether or not to issue the tickets. They then took a percentage of the fines. He pointed out another option was to purchase it. Mayor Hindman made a motion for a staff report regarding the use of red light cameras. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mayor Hindman noted the Police Department, the Police Officers Association and Kevin Crane had been working with Dan Veits and a compromise was reached in regards to amendments to the marijuana ordinance which was adopted by a vote of the people. They presented it to him and he was asking that the compromise amendment be introduced at the next meeting. He stated Mr. Boeckmann was working up a draft of that ordinance.

The meeting adjourned at 10:03 p.m.

Respectfully submitted,

Sheela Amin
City Clerk