

**MINUTES**  
**CITY COUNCIL MEETING - COLUMBIA, MISSOURI**  
**JANUARY 3, 2006**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Tuesday, January 3, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS and NAUSER 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 December 19, 2005 were approved unanimously by voice vote on a motion by Ms. Crayton and a second by Mr. Hutton.

**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. Ash.

**SPECIAL ITEMS**

**(A) Resolution of Appreciation - Raymond A. Beck**

Mayor Hindman noted Mr. Beck had served the City of Columbia for 46 years, with the last 20 years as City Manager, and presented him with a framed resolution of appreciation, which was signed by the full Council. He assured Mr. Beck that the resolution was done with heartfelt appreciation for all he had done for them as well as for the City of Columbia.

Mr. Beck noted he had attended more than 1,050 Council meetings since 1960. He introduced his wife, Dee, and thanked her for her support, help, patience and understanding over the years. He stated he was leaving the City in good hands. He felt Mr. Watkins was very capable and well qualified. He also noted the City was lucky to have such a great Mayor and dedicated City Council. He stated it had been an honor and his privilege to serve the City of Columbia.

Mayor Hindman remarked it was amazing what had happened to the City during the period that Mr. Beck had been City Manager. He noted he had planned and executed many projects for the City of Columbia, which had changed the face of the community and made it what it was today – one of the best places one could possibly live in the whole country.

**(B) Resolution of Appreciation - Sherry Walker**

Mayor Hindman explained that Sherry had worked for the City for over 20 years. He presented Ms. Walker with a framed resolution of appreciation, personally signed by each Council member, and a beautiful bouquet of flowers. He thanked her for her service to the City.

Ms. Walker thanked the Mayor and Council.

**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.

Mayor Hindman pointed out that a request to further table this issue had been received.

Mr. Beck described this as an approximate 118 acres of undeveloped ground located in south central Columbia. It was designated as a neighborhood district. One concern was that this subdivision would be connected to an unimproved street. Another was the potential of opening a stub street of Thornbrook and a cul-de-sac that would provide more traffic through that particular area. He explained, for that reason, the Commission voted 6 to 2 against the request.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman continued the public hearing to the February 6, 2006 meeting.

Ms. Nauser made the motion that B437-05 be tabled to the February 6, 2006 meeting. The motion was seconded by Mr. Janku 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 given second reading by the Clerk.

Mr. Beck noted that a request to table had been received in regards to this request.

Mr. Teddy described the property as slightly over 6 acres with a couple of detached single family houses. It was designated as a neighborhood district with access off of Rock Quarry Road, an unimproved major collector street. A special Area Plan designated it as a scenic roadway. Staff recommended approval of the request, but asked that it be limited to PUD-5 rather than PUD 6.1 because the City had restricted the maximum impervious surface to not greater than 30% on developments within the Little Bonne Femme Creek Watershed. Additional staff recommendations were a payment of \$25 per lineal foot to help support future improvements along Rock Quarry Road, that any future planning and development plan would have a pedestrian access easement to Rock Quarry Park and that the Statement of Intent would be amended per his comments on the Little Bonne Femme Watershed policy. The Commission recommended denial of the rezoning.

Mr. Loveless made the motion that B482-05 be tabled to the February 6, 2006 Council meeting. The motion was seconded by Mr. Janku.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman continued the public hearing to the February 6, 2006 Council meeting.

The motion to table B482-05 to the February 6, 2006 Council meeting, made by Mr. Loveless and seconded by Mr. Janku, was approved unanimously by voice vote.

**B483-05 Rezoning property located on the north side of Mexico Gravel Road, along both sides of Wellington Drive from R-1 to PUD-2.5.**

The bill was given second reading by the Clerk.

Mr. Teddy described the tract as 23.17 acres annexed, in part, and rezoned R-1 last year. At this time, the applicant was requesting rezoning of this portion to PUD-2.5. He noted this was on the low side, even for R-1 development. The Metro 2020 Plan designated this as a neighborhood district. Access was off of Mexico Gravel Road, an unimproved major arterial street, and off of Wellington Drive, an unimproved County maintained local residential street, which served the Wellington Estates Subdivision. Staff recommended approval of the rezoning subject to the condition that the Statement of Intent be adjusted, which he thought had already been done. He pointed out they, originally, calculated it at 58 dwelling units, but

the 2.5 designation would allow 57. He noted the \$25 per foot condition for approval would yield \$16,250 to support the future improvement of Mexico Gravel Road. The Commission found the PUD-2.5 to be a good land use and consistent with the area in terms of density. They felt it would introduce a different product to the area and that it was a good way to deal with an irregularly shaped tract.

Mayor Hindman opened the public hearing.

Jay Gebhardt, A Civil Group, 1010 Fay, explained this development would consist of villas with zero lot lines where one family would buy one-half and another family would buy the other half. This was similar to what Jack Daugherty had built near the Country Club and in Vintage Falls. He noted the contract purchaser, John Jordan, was interested in building these and would not be selling lots to other builders. He provided a drawing and pointed out it would not have any access off of Mexico Gravel. He stated a couple of water features would be built to be used as stormwater measures. In addition, they would bring one road in and stub it to the vacant property to the north and then cluster the villas together.

Mr. Janku asked for an explanation of the difference between a villa style development and other types of duplex developments. Mr. Gebhardt noted zero lot lines could only be done in a PUD and they physically platted a line down the center wall of the units. The owner would typically have an area outside the building, maybe five to ten feet wide, where they were actually purchasing the ground the unit sat on. They would give back a mow easement to the Association and the rest of the property was a common unit for that community. He noted everything would be mowed and maintained, so everything was uniform. In addition, the way it was landscaped from the beginning was pretty much the way it would be landscaped throughout. Mr. Janku thought another difference was that most villas were single story. Mr. Gebhardt stated they were designed for one level living with a bedroom on the main floor. If they had a basement or an upstairs, it was usually secondary bedrooms for visiting children or other family. He stated they were predominantly one story, but noted some might have basements because of the terrain.

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

Mr. Ash noted three differences between this request and the previous one, which was tabled. One was the lower density, another was the villa concept making them more owner occupied, which would make it less likely they would become rental units and the common maintenance of the area. He thought this would be very attractive and planned on supporting it.

Mr. Gebhardt pointed out that when they had done the original calculations, they came up with a different area. He noted they needed 58 units, but only had permission for 57. He planned to address the issue when he submitted the plan by doing a complete rezoning for a 2.6 instead of a 2.5, which would give him 58 units. He asked the Council to take that into consideration.

Mr. Janku felt it was important that the Statement of Intent tie down the fact this would be a villa development as opposed to a traditional duplex-type development. He was concerned about the height because he felt a 39 foot two-story duplex could be put in, which would attract an entirely different market. Mr. Gebhardt stated if the Council wanted them to lower the height a little, that would be fine. He noted the contract purchaser had promised Mr. Smarr that he would build every unit with the intent being that each building would be further subdivided in that they would be owner occupied halves. If someone wanted to buy an entire building and rent the other half, that was not something Mr. Jordan would entertain, especially in the very beginning. He had 58 buildings to sell, so he would not want rental or investment type of property since that would hurt him severely in marketing the remainder of the property. Mr. Gebhardt stated, for the record, that these would be individual ownerships with the intent to sell them to individuals for their occupancy. Mr. Janku felt it would be helpful to figure out a way to specify villas versus something else. He stated zero lot line and other factors that were unique to villas would be good to incorporate in the Statement of

Intent.

Mr. Hutton thought that might already be addressed in the Statement of Intent because it stated they were attached villas. He noted the zero lot line issue was also in the Statement of Intent. Mr. Boeckmann pointed out it was also in the ordinance. Mr. Hutton felt that was what they would be required to build. Mr. Boeckmann stated that was correct.

Mr. Ash asked if they would have to start over when requesting the change from 2.6 to 2.5. Mr. Gebhardt replied they would because of the plan.

B483-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B484-05     Approving the Spring Creek C-P Development Plan.**

The bill was given second reading by the Clerk.

Mr. Teddy described this development as being located on the north side of Vawter School Road, east of Scott's Boulevard, and consisting of approximately 7.16 acres. Proposed was a C-P development plan on two of the three lots that would be created. The development would consist of a convenience store, just over 3,000 square feet, with gas pumps. The Statement of Intent indicated up to 4,000 square feet for the convenience store building, which would be on the west side of the tract. On the east side, they were proposing a bank with a drive-thru. Future development would take place on the north, which was the third parcel. The third lot was the largest and contained a significant amount of floodplain. The Hinkson Creek formed the north boundary of the C-P tract. Access to this development would be off of Vawter School Road, a City maintained arterial street. Staff recommended approval of the C-P development plan. The Planning and Zoning Commission also recommended approval with several conditions. The first being to limit the hours of operation for the convenience store from 5:00 a.m. to midnight daily. Second was that a similar or the same architectural theme presented at the December 9, 2005 hearing be used throughout the development. Third was a proposed right turn lane and left turn lane, which were not shown on the plans, be installed by the applicant prior to an occupancy permit. Fourth was that all on-site lighting be directional lighting with full cut-off fixtures.

Mr. Janku asked when the requirement for bicycle spaces kicked in. Mr. Teddy replied when 50 or more parking spaces were required.

Mayor Hindman asked how many parking spaces there were between the bank and filling station. Mr. Teddy replied 49, which included 28 for the convenience store/gas station combination and 21 for the Bank.

Mr. Hutton noted the original motion in the Commission meeting minutes included the requirement of a left turn lane on Vawter School to serve as a deceleration lane. The left turn lane was not a deceleration. The right turn lane was the deceleration lane. Later someone added a right hand deceleration lane. It seemed to him they were really voting for a fourth point. Mr. Teddy stated they were recommending a left turn lane. Mr. Hutton understood they were, but noted it was not in the ordinance. Mr. Boeckmann stated it was not in the ordinance because when the Law Department was drafting it, the Planning Department told them it was not acceptable to the developer. He explained the practice was that if the developer accepted the conditions, it was put in the ordinance with the theory being the developer should have whatever he was proposing before the City Council. If the Council wished to add it and if it was acceptable to the developer, that would be fine. If it not acceptable to the Council without it, Mr. Boeckmann noted they could vote no on the rezoning. Mr. Teddy pointed out there was some concern on the developer's part that any left turn improvement ought to be coordinated with the future development to the south because there was about 16 acres zoned C-P directly south of this site. From the applicant's point of view, they were anticipating that might need a left turn lane, which he felt was a

reasonable assumption.

Mr. Hutton assumed sufficient right-of-way had been dedicated for all of the lanes they were anticipating needing. Mr. Glascock replied, yes.

Mayor Hindman opened the public hearing.

Jay Gebhardt, A Civil Group, 1010 Fay, noted this had been zoned planned commercial in 1990's. The convenience store would serve the neighborhood like a corner grocery store. The applicant had no problems with any of the conditions except for the left turn lane. He stated the C-P plan was for a convenience store and drive-thru bank and noted he was currently final platting a lot just for the convenience store. He suggested, as a compromise, the Council put in a condition that the left turn lane would be required at the time of the final plat for the bank. He noted the City's Traffic Engineer felt there was no need for a left turn lane until the back/third lot was developed, but they were offering it at the time the second lot was platted. Mr. Gebhardt noted he was also working on the property to the south of this, the McClatchey tract, which contained 22 acres of commercial. It had been pretty well established they might have a right-in and right-out between here and Scott, but their full access would be across from this drive. While working through those plans, they would be looking at widening Vawter School Road for a left turn, both to the south and to the north, into this development.

Mayor Hindman asked for a description of the canopy lighting.

Tom Darrough, 1600 Whitburn, the contract purchaser for the convenience store/gas station, confessed to not being a lighting expert, but stated he had employed experts to tell him which lights to use. The spillover light was shown to be zero at the road as well as at the property line. They had a prismatic lens directed at the pumps so it would not look like Stadium and Ash. Mayor Hindman asked if they would be cut-off fixtures. Mr. Gebhardt stated they would in the canopy and they would have prismatic lenses that focused the light directly down. They would not have a shield. The edge of the canopy would hang down a bit from the light and would act more as a shield in that fashion. He noted the height of the pumps and canopy was about five or six feet lower than the road. When driving by, it would be difficult to look up into the light source.

Mr. Loveless asked if the lights were recessed as opposed to those that extended below the canopy. Mr. Darrough replied he thought part was in the canopy and part extended below. Mr. Loveless suggested the lights be recessed within the canopy. Mr. Darrough stated it was not their desire to light up the neighborhood. Mr. Loveless noted a restriction of hours of operation, which he felt to be very appropriate. Once closed, he asked if the lights would be turned down. Mr. Darrough replied the lights would go to the minimum for security at that point.

Mayor Hindman asked if the subdivision to the east was built out. He was wondering about connecting to it. Mr. Gebhardt stated it was platted and there were homes all along this east boundary. Mayor Hindman understood there was no way to connect to it except by using the sidewalk on Vawter School Road. Mr. Gebhardt replied that was correct. Mayor Hindman felt there needed to be a convenient walkway from the Vawter School Road sidewalk. Mr. Gebhardt stated a sidewalk was planned all of the way back into lot three along the driveway in. Mayor Hindman noted they had become very interested in making sure there was a non-motorized interconnected system. One thing he felt important to that end was to have bicycle racks. Mr. Darrough stated he would not have a problem putting a rack out if one would fit within the scheme of things. He did not want to commit to something he thought could look bad, but noted if they could come up with a way to do an aesthetically pleasing bicycle rack, they would have one. Mayor Hindman was sure he was capable of doing that. Mr. Darrough agreed.

Mr. Loveless asked if he understood everyone was fine with a deceleration lane on the north side of Vawter School, so it was a westbound lane. Mr. Gebhardt stated they would build that with the convenience store. When the final plat for the bank site came in, they

would bring in plans for the left turn lane. Mr. Loveless noted that was not specified anywhere. Mr. Boeckmann thought the right turn lane was in the plans. Mr. Gebhardt replied it was. Mr. Boeckmann stated they would only need to deal with the left turn lane in the ordinance.

John Cole, 3904 Deerfoot Way, spoke of behalf of the Spring Creek Phase III Homeowners Association and noted they had brought up the question of the left turn lane at the Commission hearing because they felt strongly that it was needed. The turn into this property was fairly close to the intersection of Scott Boulevard and Vawter School. They felt it important to have the left turn lane into the development now, due to the amount of traffic that would be turning into the convenience store. It was their understanding that condition was to be included and the developer was in favor of it. They were surprised to see that it was not included in the ordinance now. Other than that, he stated they were happy with the proposed changes.

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

Mayor Hindman felt the left turn lane was fairly close to Scott Boulevard. Mr. Glascock agreed it was close and stated one would be needed in the future. He thought Mr. Gebhardt was correct in that if he was developing the south side, the City would want it directly across from this one. There was a shoulder there that could alleviate some of the pressure while waiting for the bank to be built and the left turn lane being put in. Although it would be close, they felt it would function. Mayor Hindman asked if he meant it would function even if it was some time before the bank was built. Mr. Glascock replied, yes because people could use the shoulder to get around.

Mr. Loveless felt it made sense to coordinate the widening of that end of Vawter School Road and the reconfiguring of the lanes as they worked on the commercial properties on each side. Working on it as one unit, he felt, was more practical.

Mr. Ash agreed it made sense to wait because he thought there would probably be a second left coming from the opposite direction.

Mr. Glascock pointed out if they did it now it would look piecemeal. Mr. Janku asked if Mr. Glascock meant with the construction of the convenience store versus waiting until the bank was platted. Mr. Glascock stated that was correct and added that hopefully they would know something on the south side when the bank came in.

Mr. Boeckmann pointed out if the issue was not addressed as part of this development and they just left it to the next development, the next developer would be the person who would be responsible for it as opposed to sharing the responsibility.

Mr. Janku was willing to accept the developer's offer of doing it at the time they final platted the bank. He asked Mr. Boeckmann if he had language prepared.

Mr. Boeckmann suggested adding a condition to Section 2 stating an eastbound left turn lane shall be installed by developer on Vawter School Road before a building permit is granted for any building on the eastern half of the property.

Mayor Hindman asked what would happen if people were ready to go on the south side, but the bank was not ready to go for some time.

Mr. Gebhardt explained that when they met with staff, they felt the left turn was not necessary for the convenience store, so he did not make any consideration for it. Because he was working on the north and south sides, he thought they could occur independently of each other, but noted he would know when he platted the bank that he would have to construct a left turn lane. For that reason, he would accommodate that on anything he did on the south side. He stated he would be surprised if this corner was not under development within the next two to three years on both sides. He pointed out the south side contained 22 acres and felt, at the most, there would be two right-in and right-outs and one full access to the commercial property. That full access would be at the subject location. He noted he was comfortable with Mr. Boeckmann's suggestion. He was agreeable to the building permit or final plat, whatever the Council was comfortable with.

Mr. Ash suggested the motion read at the time of the final plat because it happened before the building permit. Mr. Loveless agreed. Mr. Hutton stated it could read at the time of final platting for lot 2. Mr. Boeckmann noted he had that it shall be installed because he did not think they meant it had to be constructed by then. Mr. Hutton asked if he was saying it should be installed before the building permit was issued. Mr. Boeckmann replied, yes. Mr. Gebhardt stated they could submit the street plans for the improvements with the plat of the bank lot and then they could have them installed prior to an occupancy or building permit. Mr. Ash suggested doing both, having them designed by the final plat and installed prior to an occupancy permit for the eastern half.

Mr. Boeckmann suggested wording for condition 4 in Section 2 include street plans for the final plat of the eastern portion of the property shall include an eastbound left turn lane on Vawter School Road. The left turn lane shall be installed before occupancy is granted on the eastern part of the property.

Mr. Janku made the motion that B484-05 be amended to include a condition 4 in Section 2 stating "Street plans for the final plat of the eastern half of the property shall include an eastbound left turn lane on Vawter School Road. The left turn lane shall be constructed before an occupancy permit is granted for any building on the eastern half of the property" per Mr. Boeckmann's restated language. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B484-05, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER.  
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B485-05      Approving the St. Charles Landing Townhouses PUD Development Plan.**

The bill was given second reading by the Clerk.

Mr. Teddy described the location as just northwest of the intersection of St. Charles and Kipling Way. This irregular shaped property had a small amount of frontage on St. Charles and consisted of 4.13 acres. The existing zoning was PUD-10 and being proposed was a combination of nine four-family and two three-family structures making a total of 42 dwelling units. St. Charles was an unimproved major collector street and that was where the development would have its access. He noted a dedicated left turn lane into the development and some striped medians on the plan. A freestanding monument sign was also noted on the plan. Sidewalks would be required along the St. Charles street frontage. He pointed out that was shown on the plan along with walkways shown in front of the proposed structures. In addition to plan approval, Mr. Teddy noted the applicant was requesting approval of a revision to the original Statement of Intent that accompanied the original request for rezoning. The original Statement of Intent provided for two-car garages for each unit, whereas the amended Statement of Intent would provide for only one-car garages for each unit. The rest would be surface parking. Staff recommendation to the Commission was to deny the request to amend the Statement of Intent, but after much discussion the Commission recommended approval of both the Statement of Intent and the PUD plan by a vote of 7 to 2.

Mayor Hindman opened the public hearing.

Jay Gebhardt, A Civil Group, 1010 Fay, introduced the owner and developer, Brandon Pace and explained, originally, he had done a conceptual drawing with some of the units having basements. They felt basements would be necessary to get down the steep hillside. When they were in front of the Planning and Zoning Commission, the issue of the left turn lane came up and they volunteered to do it rather than pay the \$25 per foot. Mr. Pace felt, in order to do the project well, they needed the left turn lane, so they decided to do it before it was a requirement. Mr. Overton, the owner of the neighboring mobile home park, expressed concern about a 12-inch pipe he had draining through there and wanted to make sure what

was being done would not cause him any stormwater problems that he did not already have. Mr. Gebhardt stated they felt it was necessary to build detention even though it was not being required. He pointed out Mr. Pace was trying to build the units for \$100,000 because they felt there was a need for affordable new housing. He commented that they could give up the left turn lane and get two-car garages and remain within their budget or they could keep the left turn lane and get rid of the detention and would probably be able to stay within their budget or they could drop the two-car garages and have just one car garages per unit. Getting rid of the detention would hurt their neighbor and not providing a left turn in would not only be a disservice to their tenants, but also to the people that traveled St. Charles Road. Having two-car units for \$100,000 would be much more marketable for them, but they felt, if they had to give up something, it should be something that would not affect anyone else but themselves. Mr. Gebhardt asked that the Council consider this as a brand new rezoning with the plan instead of just a rezoning without the plan, if they were bothered about changing the Statement of Intent. He pointed out that Mr. Pace had no intention of selling these units to an investor. They were for families. They planned to condominium survey each unit and sell them to individuals.

Mr. Janku asked how the detention facility would affect the economics of the development. Mr. Gebhardt replied the detention pond would cost around \$20,000 to build and the structure itself would probably be another \$10,000. He noted there would be continual maintenance costs as well. Mr. Janku asked what kind of pond it would be. Mr. Gebhardt replied it would be a dry pond. Mr. Janku asked if they had looked at storage underneath the parking areas. Mr. Gebhardt explained all of those things were easy to do when the units were high dollar, but hard to do when trying to do low income. Mr. Hindman asked if they did not build the detention pond and did build with the two-car garages, if the garages would be in the basement of the buildings. Mr. Gebhardt replied they would not. Originally, they were going to be in the basement, but today they would be two-car detached. He noted the Statement of Intent did not address attached as opposed to detached. He stated the basement did not work out because of the cost, which kicked them out of the affordable range for this type of project. Mayor Hindman asked what the affect would be if they built the units without the detention pond. Mr. Gebhardt replied they would have an angry neighbor and he did not think that was an option. If it was built without the detention, Mayor Hindman understood they would still be meeting City stormwater requirements. Mr. Gebhardt replied that was correct. He explained Mr. Overton had not gone through the City with regards to his existing drainage problem. If he had, staff would have asked him to address it and to show this project would not have any impact on it. He felt detention would have been required then.

Mr. Ash understood they could still build two-car garages, detached, without it appearing the Statement of Intent had been changed. Mr. Gebhardt stated they could not keep within the \$100,000 range if they did that. The second bay in a garage costs around \$10,000, which would make them \$110,000 rather than \$100,000. Mr. Ash asked if there were any other solutions that would work for everyone, while still doing all the things they promised in the original Statement of Intent. Mr. Gebhardt did not believe so. Mr. Ash explained they had a similar situation coming at the next meeting where someone made a promise at the time of rezoning and was later claiming a hardship. He was concerned about setting a precedent. Mr. Gebhardt felt a \$10,000 additional cost would put it over the top of the market for which they were aiming. Mr. Ash explained it was not a debate on the garage, but on the precedent of coming back and saying the cost was more than anticipated so they could not do all of the things they said they would do when their zoning was granted. Mr. Gebhardt pointed out that part of the reason for rezoning without a plan was not to go into all of the costs of dirt work and engineering time. Until they had the assurance of the zoning, they did not spend the money on engineering and etc.

Mr. Janku asked how there would be maintenance of the detention facility. Mr.

Gebhardt replied these would be done as zero lot lines, so someone would actually be buying a piece of ground underneath it with the remainder being a zero lot line. They would bring back a one lot replat that would be little lots for each one of the units. He stated they could put conditions on the plat about common areas and maintenance of those common areas. There would be a Homeowner's Association that would own and maintain the common areas.

Mr. Ash asked if they had considered starting over so it would not appear as if they were changing the rules mid-stream. Mr. Gebhardt replied that was essentially what they had done by filing a new plan and a new Statement of Intent. He pointed out it was advertised as a change in the Statement of Intent. He did not understand the precedent setting issue. If someone had a good reason for changing something, he saw no problem with it. He thought those changes should stand on their own and felt it was dangerous to have an umbrella saying they were never going to do something because of setting a precedent.

Ms. Nauser agreed with Mr. Gebhardt. She did not feel a Statement of Intent was something that was written in concrete. She did not see how anyone could have the foresight to know every possible issue that could come up in the future. She felt they were getting something in return in this instance and stated she would rather see the stormwater detention problem solved. She stated she planned to support the changes.

Mayor Hindman understood this planned unit development was shown as one lot. Mr. Gebhardt replied that was correct. In order to sell these as a zero lot line, Mayor Hindman asked what they had to do. Mr. Gebhardt explained that he had to plat it as one lot in order for the developer to get a building permit to build any of the units because it did not meet the definition of a lot today. The developer would then pull 42 building permits and build the townhomes in a fashion as to have correct fire walls so he could subdivide a lot line down the middle of them in the future. To create the little lots, he had to know where the buildings were built. He would then refile a replat creating the 42 small lots surrounded by a common area. Mayor Hindman asked if he would build all of them without selling any of them. Mr. Gebhardt replied it would be done in phases. Mr. Hutton pointed out that typically those replats on condominiums were on the Consent Agenda, like the Daugherty's villas. They had been replatting those for years and this was the same thing.

Mr. Janku asked Mr. Boeckmann if he was comfortable with the method of enforcement for the common areas. Mr. Boeckmann replied he was as comfortable with this as he had been with any other development. He understood that was, typically, how it was done. Although, there were no guarantees, he thought this was a reasonable way to do it.

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

Mr. Hutton stated when he first saw this, he had been concerned about the change in the Statement of Intent, but not because of precedent setting. He stated he could argue that essentially everything they did was precedent setting. He thought the legitimate point was that every request that came before them could have valid reasons for requesting a change. He felt they had to judge each of them on their own merit. Mr. Hutton commented that he would like to see two-car garages, but thought it had been shown that would not work in this case. He thought it was a good thing to try to build \$100,000 homes because there were none.

Mr. Janku stated there had been times when a two-car garage was crucial to him supporting something. In this case, he felt they were attempting to serve a market that needed to be served, so he intended to support the request.

Mr. Ash stated he was still struggling with the precedent issue and wanted to see the process started over. He agreed stormwater was probably more important than two-car garage, but was uncomfortable with being put in the awkward position of changing the Statement of Intent.

Mr. Hutton pointed out this was essentially the same as starting over because he had gone through the public hearing process. There was nothing different, other than it was only advertised as the change in the Statement of Intent and approval of the plan. The process

would not look any different as far as starting over was concerned. He felt the PUD-10 could be judged on its own merits and was appropriate. They thought it was appropriate in June with two-car garages probably being icing on the cake. He pointed out it bordered a mobile home park and asked what else would be built there. He guessed they had approved higher densities than this for properties in similar locations without any garages. He felt it could be looked at independently.

Mayor Hindman asked if a new advertisement had been done. Mr. Teddy replied yes and added the ad made reference to amending the Statement of Intent as well as approval of a development plan. All of the required notices and postings had been taken care of. He felt it could be treated as a new application. Mr. Teddy pointed out the PUD-10 on the south side of St. Charles only had one car garages.

B485-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: ASH. Bill declared enacted, reading as follows:

**B486-05 Amending Chapter 25 of the City Code as it relates to the definition of “lot” and as it relates to services and permits.**

The bill was given second reading by the Clerk.

Mr. Teddy explained there had always been a definition of a “lot” since the City had Subdivision Regulations, but in 2003 a significant amendment had been made. Council requested a review of the definition due to issues involving City owned property. A work team consisting of the Planning and Zoning Commission and staff prepared a five part definition. Item (1) remained the same. Paragraph (a) of item (2) added the phrase “or any combination thereof.” This would grandfather those lots that might not be part of a recorded plat approved by the City because of their age. The date October 5, 1964 was used because that was when the City adopted subdivision regulations. Paragraph (b) under item (2) took the phrase “or other written description” out of paragraph a and restates the same criteria. This recognized the same principal in that some properties did take on their present configuration prior to the adoption of the Subdivision Regulations or annexation. Paragraph (c) was similar to the existing paragraph b, but opened it up to property in any district being one acre or less and developed versus only allowing this in the R-3 district. Item (3) added the R-2 district or any combination thereof. Item (4) would remain the same as in the existing ordinance. He noted he and Mr. Glascock had conferred and were asking that the Council consider keeping the last sentence of the existing item (5) in the ordinance reading “and the director, after having consulted with the director of public works and all applicable utility providers, has certified that no additional easements or right-of-way dedications relating to the property are needed.” They felt it was important language to have in the ordinance. It did not mean that the process of getting a building permit would be unduly delayed, but it would require a consultation before declaring it a lot legal.

Mr. Loveless asked about the significance of the October 5, 1964 date mentioned throughout the bill. Mr. Beck replied it was a time when they annexed quite a bit of property.

Mr. Janku made the motion to amend B486-05 by leaving in the language in item (5) reading “and the director, after having consulted with the director of public works and all applicable utility providers, has certified that no additional easements or right-of-way dedications relating to the property are needed” as suggested by Mr. Teddy. He noted that language was in the current ordinance definition. The motion was seconded by Mr. Hutton.

Mr. Ash asked if they were striking the wording before that, which read “is described by recorded survey.” Mr. Boeckmann replied, yes.

The motion to amend B486-05, made by Mr. Janku and seconded by Mr. Hutton, was approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

Jay Gebhardt, A Civil Group, 1010 Fay, stated he was not involved in this from the beginning and therefore felt he did not have a right to mess with it much, but noted at the Planning and Zoning meeting he had given the example of D & H Drug Store where they were doing a remodel and basically adding a drive-thru window. It was requiring a plat, which would need all kinds of variances because they physically could not dedicate the right-of-way for Broadway and West Boulevard because it would fall in their parking lot. At the time of the hearing, Mr. Bondra had mentioned something about alterations and suggested something could be added to alleviate that hardship.

Mr. Ash asked if he was suggesting an additional change on top of the changes proposed. Mr. Gebhardt stated he would let Mr. Teddy explain it because it had to do with another portion of the ordinance.

Mr. Teddy explained this ordinance was also proposing amending a different section altogether, Section 25-17 entitled Services and Permits. The existing language in (a) stated that no building, electrical, plumbing, occupancy or other permit or license shall be issued by any department of the city or by any officer or employee for the construction of any building or improvement on land which does not meet the definition of "lot" in section 25-3. They proposed adding wording that read "this requirement shall not apply to alterations of existing buildings and systems" to Section 25-17. He stated if the improvement was within the existing shell of a building because it was not really a development as such, it would not trigger the requirement for platting in and of itself.

Mr. Ash asked if that would address Mr. Gebhardt's concern. If it were to be included, Mr. Gebhardt replied it would. Mr. Ash explained it was already included in the ordinance.

Rick Kaufman, an engineer and land surveyor in training with A Civil Group, spoke to the language about the right-of-way and easement acquisition. It went through Planning and Zoning as being eliminated and now they were talking about putting it back in. He was currently working on a project where additional right-of-way would be required if it was being put back in. He felt it had been taken out for a good reason because it was being required in piecemeal. He was happy to see it was being taken out and was hopeful the Council would reconsider leaving it out of the definition.

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

Mayor Hindman asked Mr. Teddy to respond to Mr. Kaufman's concern. Mr. Teddy explained that oftentimes permits would be withheld because of a request for additional right-of-way because the street was not as wide as City standards. He understood this happened often in the downtown area where the rights-of-way were platted long ago and were much narrower than any of the published street standards. He did not think staff wanted to throw the opportunity to request additional right-of-way completely out. They did recognize that, in those cases where the right-of-way was constrained by the existing built environment, there was really no sense in insisting on additional right-of-way because a variance request would be forthcoming.

Mr. Janku noted it would not necessarily have to be a street right-of-way. It could be for an underground utility easement or a cable line as well.

Mayor Hindman asked if Mr. Teddy believed Mr. Kaufman's concern to be unjustified. Mr. Teddy replied he would have to hear Mr. Kaufman's example. Mr. Kaufman explained with the legal lot definition, they had often found themselves questioning whether it was a legal lot or not, so they would send it through Planning and Protective Inspection for a written opinion. In this particular case, he had met the definition of a legal lot for being surveyed prior to 1965. After they indicated everything was fine, staff came back and stated it was not a legal lot because they needed additional right-of-way. He explained they needed an easement for four feet for a sewer on his property that had been in the street right-of-way for quite some time.

Mr. Loveless understood Mr. Kaufman was addressing the reinsertion of the sentence about consulting with the director of public works about the need for additional right-of-way.

Mr. Kauffman replied that was correct.

Mr. Boeckmann pointed out that if it turned out some sort of utility easement or additional right-of-way was needed and they dedicated it separately from the platting process, they would not have to plat. They would meet the criteria, assuming they met everything else. Mr. Beck noted that would be a lot faster. Mr. Boeckmann agreed and added it would also be cheaper.

Mr. Ash was uncomfortable making a change after it had been through a certain point in the process. He asked if they should refer it back to Planning and Zoning. He thought the reasons for changing it were valid, but was uneasy with the process. Mr. Janku stated they could hold it over until the next meeting in order to give time for further comment, but did not think they should refer it back to the Commission again. Mr. Ash indicated he would feel more comfortable if they were to table it for two weeks.

Mr. Ash made the motion to table B486-05 to the January 17, 2006 Council meeting. The motion was seconded by Mr. Janku.

Mr. Loveless understood if the Director of Public Works or the Planning Director found additional right-of-way or easements were needed on this piece of ground, dedication could be done without having to plat a piece of property. The owner could dedicate it and then it would meet the definition they were addressing here. He noted there was more than one way to address the issue. He saw it as a safety valve and saw no need to hold the issue over.

Mr. Janku felt the language was important and stated one of the motivations of the ordinance was to help facilitate the redevelopment of the older parts of the community. Getting modern utilities into those areas was also important.

Mr. Hutton asked how long it had been part of the existing ordinance. Mr. Teddy replied about two and one-half years and at that time he believed the entire item 5 was added.

The vote on the motion to table, made by Mr. Ash and seconded by Mr. Janku, failed by voice vote with only Mr. Ash and Mr. Janku voting in favor of it.

B486-05, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER.  
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B487-05      Amending Chapter 29 of the City Code as it relates to the definition of "lot".**

The bill was given second reading by the Clerk.

Mr. Teddy explained this to be the same language as that in the zoning ordinance. He stated there was a separate hearing on this because they realized the zoning definition of "lot" needed to be amended to be consistent.

Mayor Hindman understood they should make the same amendment to this as they did to the last bill.

Mr. Janku made the motion to amend B487-05 to reflect the amendment made to B486-05 by leaving in language in item (5) that read "and the director, after having consulted with the director of public works and all applicable utility providers, has certified that no additional easements or right-of-way dedications relating to the property are needed" as suggested. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

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

B487-05, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER.  
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B490-05 Authorizing Change Order No. Two; approving the Engineer's Final Report; levying special assessments for the Sunflower Street improvement project; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Beck explained they had discussed tabling this at the pre-Council meeting until the ordinance establishing the new interest rate on tax bills was enacted.

Mr. Glascock explained the improvements to Sunflower were done between Stadium and Mayberry. The public hearing for this project was held on August 3, 1998 with the resolution estimate being \$676,000. The project was awarded to Emery Sapp and Sons in the amount of \$747,558.50. The final street construction cost, including engineering, right-of-way, utility relocation, work order no. 1 and change orders 1 and 2, totaled \$1,065,412.49. The maximum tax bill rate for curbs and gutters was established at \$12.00 per abutting foot. Mr. Glascock explained the actual rate charged was based on average construction bids for all asphalted concrete streets built in 2002 and was proposed to be \$10.50 per foot. If the Council determined the properties fronting and abutting the street had realized one or more of the following special benefits as a result of the construction including, but not limited to increased property values, increased marketability, increased potential for future use, improved stormwater drainage, improved access and parking, the ordinance should be approved.

Mayor Hindman opened the public hearing.

Mayor Hindman noted the Council had discussed adjusting the interest rate charged on tax bills in a situation like this. If this was passed tonight, they would have to charge 9%, which was the current rate. By tabling it to the time where they might change and lower the interest rate, these tax bills, if approved, could be assessed at the lower interest rate. He felt it was fair to say the issue would be tabled, but noted the public hearing was open and anyone involved could speak.

Tony Lupo, 2312 Sunflower, was in support of tabling the issue until more resident input could be accomplished. He noted that some of them arrived after the initial hearings had taken place and the initial upgrades were voted on and the letters were a bolt out of the blue. He questioned why this was happening five years after the construction was done. He also asked that the Council consider a longer penalty free grace period for those who could not make the payment up front.

Jean Pfeifer Nicklas, 2112 Sunflower, explained they purchased their home in 1998 when the decision to do this project had already been made, but noted they were not aware of that until after they had moved in. She found no one living on the street was in favor of the project nor did anyone know why it was necessary for their small street, which basically went from nowhere to nowhere. She stated an entire row of 50 year old trees had been taken out across the street from her home which shaded her yard and their street. Several ornamental trees in her yard were taken out and never replaced. They now have direct sunlight all afternoon because there was no shade at all to the west of their house. They lowered the house in front of her house between five and six feet, which required their driveway to be replaced and was done at a great slope to get down to that level. She noted her driveway was replaced with the exception of a four foot section at the top. She was told it could not be replaced because it would be a waste of taxpayer money. The rest of the driveway was done on two different days, so the colors did not match. She stated it was a slick and dangerous area where her kids could not play. When they graded the yard, they put in a two and one-half foot high gray concrete retaining wall the length of their house and the length of their neighbor's house on either side. She noted there was no barrier to it and there was concrete underneath it, so her three small children could not play in the yard for fear of them falling off onto the concrete. She felt all of these detriments far outweighed any benefit they might have

received from the sidewalks and curbs.

Lillis Gardner, 2307 Sunflower, asked about time limits on assessments and why it took so long for them to be assessed. Mr. Boeckmann stated there were no time limits on assessments, but as far as why it had not been tax billed or come to the Council sooner, he was not sure. Ms. Gardner pointed out they had a time limit in which it had to be paid. Mr. Beck stated they could consider the fact they had a free new street up until this point. Ms. Gardner replied they did not want it. She asked how often it happened that it went this long. Mr. Beck stated, unfortunately, they had two in the recent past. Ms. Gardner noted with the wider street they had a lot of speeders and asked if there was a remedy for that. Mr. Janku replied that a traffic study could be done for purposes of traffic calming. If it was warranted, calming devices could be put in.

Jim Baldwin, 2010 Ivy Way, explained he purchased a house on Sunflower two years ago and as far as he could tell there was no public record of any obligation against that property. He stated it was a nice street, but whatever improvement it produced was apparently there when he purchased the property. He felt when one purchased a property there should be a record of any lien.

Mayor Hindman explained the Council was aware of that problem and noted they had been working on finding a way to have a recorded notice. It was true in this case, there was not because there was no requirement. He noted some resistance to the suggestion by people who worked with titles, but they were trying to correct that problem.

Mr. Beck noted that hundreds and hundreds of tax bills had been issued the same way these were, except they were issued more timely.

Mr. Boeckmann pointed out that when the Council tax billed, they had to make a determination that the property was specially benefitted. That was one thing the Council had to consider, so if someone felt their property was not specially benefitted for one reason or another, the Council would be interested in knowing that before they made their determination. The Council would also need to consider the issue of the fairness in the situation where someone purchased the property with a street already in front of it. Presumably, the purchase price they paid was based on there being a street which was there now and they were basically paying for the street twice.

Isaac Priet0, 2108 Sunflower, explained that he lived on the south side of the woman who felt she could not let her kids play outside. The reason this street was built, was because Valley View Subdivision did not have an adequate storm drainage system. Most of the rainwater ran into Sunflower Street and that was why it had to be reconstructed. He was fearful that someone on a mower or someone pushing a mower could go over the wall and be hurt. He did not consider that a benefit or an improvement.

Mr. Janku made the motion that B490-05 be tabled to the January 17, 2006 meeting. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Regarding the issue of speed, Mr. Janku made the motion that staff be directed to do the typical traffic studies in analyzing speeds and determine which traffic calming devices might be appropriate.

Mr. Ash questioned that happening within two weeks. Mr. Janku was not concerned about that happening within two weeks, but thought if it was a long term problem, they could be addressing it.

Mr. Beck suggested also asking for a report on how the right-of-way was acquired and whether trees were acquired and that sort of thing. That way they would have the total picture when they reviewed the cost-benefit information. Mr. Janku felt that was separate from the traffic issue.

The motion made by Mr. Janku was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Janku commented that if staff wanted to prepare one report on all of the related issues, that would be fine with him. He noted the tree issue concerned him in part because

he knew as part of the street project, there were supposed to be plantings of trees along the corridor. Over the years, he heard they were not surviving and were not being properly maintained. He thought they had been replanted, but did not survive. He asked staff to evaluate whether or not the trees that were supposed to be part of the project survived and, if not, what could be done to replace them in such a way they would grow.

Ms. Nicklas reported there were some new trees planted, but they were planted up on the curve in one space in the shade of the one large tree they left standing. They were in no one's yard so there was no way for them to be watered or taken care of. She believed they all died and then some were replaced and all but one of those had since died. Had they been planted along the street, they would have been more than happy to water a tree and keep it alive.

Mr. Prieto pointed out that in improving their front yard, a gas line was run across the front yards on the street. He noted they had blasts daily from the Quarry and he was concerned about the danger created by the blasts and the gas line.

Mr. Ash commented that he had heard several points brought up, such as the trees, the elevation of the yards and the gas line. When this came back, he stated he was expecting a supplemental report from staff addressing each point and agreeing or disagreeing with each.

Mr. Hutton suggested adding a few more things to the list. One was to know the people that had purchased property since the first public hearing on the property declaring it a project. He felt those people would essentially be paying for the street twice. The other was the amount of money some people derived through right-of-way acquisition. These were the same issues they were dealing with on Sixth Street. He stated the money might have been paid to a previous owner.

Mr. Ash asked Mr. Glascock if he would have enough time to pull all of the information together. Mr. Glascock thought he could get the numbers pulled together, but was not sure he could get all of the names that quickly. Mayor Hindman suggested tabling the issue to a later date. Mr. Glascock felt a month would be better. Mr. Boeckmann suggested tabling the issue to second meeting in February so it would be the first item under Public Hearings.

Mr. Hutton reiterated they had the same issue on Sixth Street.

Mayor Hindman commented he would also like to see excerpts from the minutes when this issue was discussed originally. He recalled there being a tremendous demand for the improvements at that time.

Mr. Beck explained the City acted as an agency for getting the property owners together to improve a street. Because this was a collector/arterial street, he noted the taxpayers were paying the largest part of the total.

Mayor Hindman stated they were going to have to find a way to get these things recorded. Mr. Hutton felt looking at this issue almost six years after it was done was a major problem. Mayor Hindman felt if people had the recorded notice, it might help solve the problem. In that case, Mr. Hutton stated they could legitimately tell people they had benefitted from a road they had for six years and did not have to pay for up until this point. He noted he was a huge believer in the tax bill process because he paid for the street in front of his house and he thought it was unfair for other people that went from an unimproved street to an improved street not to have to pay for it.

Mr. Janku made the motion that they amend the date of their earlier motion and table B490-05 to the February 20, 2006 Council meeting. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mayor Hindman noted the public hearing would be continued to the February 20, 2006 Council meeting.

The bill was given second reading by the Clerk.

Mr. Hood explained these improvements were included in the 2006 budget. He described the planned improvements as replacing the front entry doors with an automated ADA approved entry system, modifying the heating, ventilation and air conditioning system and installing a closed circuit security system to help staff monitor the building. The work would be bid through the City's Purchasing Division and would be completed with a combination of contract and force account labor. The total estimated project cost was \$50,000 and would be paid from the parks sales tax.

Mr. Loveless asked if the security system would have recording capabilities. Mr. Hood replied, yes.

Mayor Hindman opened the public hearing.

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

B497-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**(A) Construction of the Southwest Outfall Relief Sewer Project.**

Item A was read by the Clerk.

Mr. Beck explained this line was being planned for the lower portion of the County House Branch drainage basin.

Mr. Glascock displayed the project on the overhead and stated the estimated project cost was \$1.5 million and would be financed through the revolving loan fund by the Department of Natural Resources. The purpose was to provide additional sanitary sewer capacity because the existing sewer became overloaded during wet weather events and occasionally resulted in wastewater overflowing from a manhole along Cowan Drive. Mr. Glascock anticipated construction beginning in the summer of 2007. He noted they had worked with the Parks Department on trail easements and they had a consensus on a portion from the southern tip of the project up to Stadium Boulevard. North of Stadium, they were waiting for Council direction because it was not on anyone's plan at this point as far as trail easements. They were wondering if they should go up the County House Branch or if they should be looking at alternate routes up to the school.

Mayor Hindman opened the public hearing.

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

Mayor Hindman suggested they look at the possibility of trail easements from the end of Cowan Drive to Stadium. That would give trail access to numerous neighborhoods and if it connected with the trail, it would go south of Stadium clear down to the Twin Lakes area and would be quite a connected system. Part of that, he thought, was on street right-of-way. He noted several platted streets that had not actually been built so some right-of-way would already be available. In some cases it would require going through private property where there was no right-of-way. He wanted staff to look into the possibilities.

Mayor Hindman made the motion that staff be directed to proceed per his above suggestion. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

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

**OLD BUSINESS**

**R286-05 Adopting a list of recommended priorities for Missouri Department of Transportation roadway improvement projects in the Columbia area.**

The resolution was read by the Clerk.

Mr. Beck noted the projects on the City's last priority list sent to MoDOT had all been completed with the exception of 763. This issue was tabled because the projects had not been prioritized and MoDOT had asked that we do that. He pointed out the items under Priority 1 included 763, which was a carryover from last year. He read the priority list per the worksheet provided with the ordinance.

Mr. Hutton made the motion that Route PP be moved from Priority 3 to Priority 2 and that the boundaries of the project be changed so it would include from Creekwood Parkway to Wyatt Lane. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Janku asked where the US 63/WW eastward project began. Mr. Beck replied it began at 63 because they were concerned about the traffic situation at Keene Street, starting at the Keene Street intersection. Mr. Glascock noted they were talking about where it narrowed down across the bridge. Mr. Janku commented that he went through there this evening and felt it needed to start at the Interchange. He explained the traffic coming out of the Keene Street office area and the hospital complex wanted to make a southbound movement on 63, which blocked the westbound through lane. People coming up the exit ramp making a left from the inside lane were blocked. He felt it needed to start earlier. Mr. Janku thought the traffic engineers should figure it out, but stated he would start with the actual interchange itself.

Mr. Hutton asked which bridges they were talking about. Mr. Glascock replied the first was Hominy and the one farther out was the north fork of the Grindstone.

Mr. Janku made the motion that it be amended to read from the US 63 Interchange. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Regarding the LeMone Boulevard issue, Mr. Ash was aware it was needed because it was a problem area, but felt it was also a controversial because of the price tag. He noted they had discussed trying to provide some incentive for a partnership and suggested swapping it with the US 63/AC Interchange under Priority 2. He clarified he was talking about switching the last Priority 1 with the first Priority 2 because he felt the LeMone issue was a little more controversial.

Mayor Hindman agreed LeMone was controversial and stated there was considerable concern that there should be much more developer input.

Arguing why the other one should move up, Mr. Ash stated it had gotten to the place where traffic was backing all of the way out onto 63. There were times where all of the traffic could not get out off of 63 to take the AC exit.

Mayor Hindman stated they were talking about money other than City money and about what the City would like to have MoDOT do. There was some argument that if we would get LeMone through to Stadium, that in and of itself would be a big relief on AC. By asking MoDOT to evaluate this as a high priority, he noted they could say no, but on the other hand, he thought they might agree this would be a major way of relieving AC and it would be MoDOT doing it. When it came to our doing it, the controversy about too much benefit for too few people would loom great, but if MoDOT felt it made good sense from a traffic control standpoint, there was an argument for asking MoDOT to look at it.

Mr. Hutton understood when talking about the LeMone Boulevard connection to 740, they were talking about the entire length including the bridge. Mr. Beck replied that was correct.

Mr. Janku agreed the Interchange currently was an immediate need at AC and added the LeMone issue was still somewhat off. He did not think LeMone would help with the delay for people making a right, westbound movement in the evening. He noted that was traffic going north. Mr. Hutton wondered if the majority of the 1,300 cars trying to get out at 5:00 p.m. would be removed off the intersection by allowing them to go north and if that would make a much larger impact on the workability of the intersection than it would if they were to

add 8 lanes. Mr. Ash guessed it depended on whether they were going north or south.

Mayor Hindman asked about moving US 63/AC Interchange up to Priority 1. Mr. Beck felt it was where it should be right now.

Mr. Hutton made the motion that R286-05 be amended by substituting the amended priority list for items 1 through 11 on the ordinance. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on R286-05, as amended, was recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**B488-05 Approving the Final Plat of St. Charles Landing Plat 1; authorizing a performance contract.**

The bill was given second reading by the Clerk.

Mr. Beck explained this would create one PUD-10 zoned lot on a 4.3 acre tract. This did not require Planning and Zoning review under City policy. Staff recommended approval of the request.

Mr. Teddy pointed out this was the companion to the site plan approved earlier this evening and it was consistent with that plan.

B488-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B491-05 Amending Chapter 14 of the City Code to remove parking from a section of Fifth Street.**

The bill was given second reading by the Clerk.

Mr. Beck explained the University requested removal of ten parking meters along the street next to the Power Plant. The meters had been down and the University owed the City's Parking Utility some funds for the period of time they were down. They agreed to pay was \$6,135. They were requesting the meters be removed permanently for security reasons. Staff felt the request to be reasonable.

B491-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B493-05 Authorizing a PCS tower agreement with Alamosa Missouri Properties, L.L.C. to lease City property for installation of a cell phone antenna tower at 1808 Parkside Drive.**

The bill was given second reading by the Clerk.

Mr. Beck explained this had been the City's outside storage area for many years. Being proposed was a 195 foot tower for PCS purposes. The rent would be \$15,000 annually and they would have a five-year lease and two five-year options to extend it. He noted they had provision for co-locating other antennas on this tower.

Mr. Loveless noted this was an open lattice tower and asked why it could not be a flag pole, monopole type tower. Mr. Watkins stated one of the things they tried to do in the ordinances was to try to get people to co-locate. On a monopole, one could not co-locate multiple cells, but with the open lattice, one could get three to four additional co-locations, which eliminated other towers in the area. Per our lease, it would also provide an additional \$15,000 per co-locate. From a financial perspective, from an overall planning perspective and because it would eliminate the need for other towers, he felt they made sense.

Mr. Janku reported being contacted by a constituent and looking into the issue. He noted this was actually west of the Quarry and quite a distance from the residences that were

on Creasy Springs. It was not on the property immediately west of Creasy Springs.

B493-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B502-05 Extending the term of the cable television franchise held by MCC Missouri, LLC (Mediacom).**

The bill was given second reading by the Clerk.

Mr. Beck explained there were two bills relating to this cable issue on the agenda. The bills would extend the franchises until January 17, 2007 unless they were renewed in the meantime.

Mayor Hindman asked if approval was recommended by the cable consultant. Mr. Boeckmann replied, yes.

B502-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B503-05 Extending the term of the cable television franchise held by Falcon Telecable, a California limited partnership (Charter Communications).**

The bill was given second reading by the Clerk.

Mr. Beck pointed out this was a companion bill to the previous one.

B503-05 was given third reading with the vote recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. 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.

- B489-05 Changing the street name for a portion of "Button Buck Circle" to "Spike Buck Drive".**
- B492-05 Confirming the contract with Joshua Excavating, LLC for construction of the H-21 Relief Sewer, Hominy Branch Relief Sewer.**
- B494-05 Authorizing an agreement with the Federal Aviation Administration for lease of space in the North Terminal Building at Columbia Regional Airport.**
- B495-05 Authorizing a pipeline license agreement with the Missouri Department of Natural Resources to allow the construction of a water main across the Katy Trail State Park in the McBaine bottoms.**
- B496-05 Accepting conveyances for utility purposes.**
- B498-05 Accepting a donation for the purchase of track uniforms for the Community Recreation Blue Thunder Track Program.**
- B499-05 Authorizing an agreement with Boone County for JCIC clerical services.**
- B500-05 Amending Chapter 2 relating to the Cultural Affairs Commission.**
- B501-05 Accepting a grant from the Missouri Department of Transportation - Highway Safety Division for traffic enforcement in construction work zones; appropriating funds.**

**R1-06 Setting a public hearing: 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).**

**R2-06 Setting a public hearing: street construction on Chapel Hill Road, from Scott Boulevard to Gillespie Bridge Road.**

**R3-06 Declaring intent to reimburse certain project costs with proceeds of bonds.**

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

## **NEW BUSINESS**

**R4-06 Authorizing a service agreement with the PedNet Coalition for implementing activities associated with the Missouri Foundation for Health - Healthy and Active Communities Grant.**

The resolution was read by the Clerk.

Ms. Browning explained this was one of several service agreements that would come through over the next few meetings affiliated with the Missouri Foundation for Health - Healthy and Active Living Grant. She further explained it was a two year project for which the City would receive \$273,000. The goal was to prevent obesity in children. The partners they would be working with were Boone Hospital Center, PedNet, Columbia Public Schools Nutrition Services, MU Adventure Club for the After School Programs and Columbia Parks and Recreation. She pointed out that Columbia Parks and Recreation would be doing the training for MU Adventure staff. The idea was increasing physical activity and improving nutrition. She felt the impact would be tremendous. The PedNet agreement involved the Walking School Bus and expanding the current program that was already proving to be fairly successful and popular.

The vote on R4-06 was recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R5-06 Authorizing the sale of Special Obligation Revenue Refunding and Improvement Bonds, Series 2006; authorizing other preliminary actions in connection therewith.**

The resolution was read by the Clerk.

Ms. Fleming explained this would provide the notice of sale for a bond sale that would occur two weeks from now. The majority of it was for new money that would be used for sanitary sewer purposes, a \$2 million landfill project which was in the CIP and the rest would be refunding. The City would save over \$1 million, which had a net present value of about \$660,000. She noted an amendment sheet had been prepared changing the sale date to January 17, 2006.

Mr. Loveless made the motion that R5-06 be tabled per the amendment sheet. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

The vote on R5-06, as amended, was recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R6-06 Authorizing an agreement with Boone County to define the responsibilities associated with an engineering study proposed for Creasy Springs Road, between Bear Creek and Obermiller Road.**

The resolution was read by the Clerk.

Mr. Beck noted a lot of discussions had taken place regarding a major curve in the road where substantial development was occurring northwest of Columbia. The City was working on a Blue Ridge Road connection and the County Commission felt there should be a study done in the area. The City felt the same and although it was outside the City, staff was suggesting the City split the cost of hiring a consultant to do a concept review on how the road might be realigned.

Mr. Janku noted it would be designed to meet the City's arterial street standards and assumed that meant sidewalks also. Mr. Glascock replied that was correct. Mr. Janku pointed out it would connect to the Bear Creek Trail at the bottom of the hill.

The vote on R6-06 was recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R7-06 Appointing H. William Watkins to the Mid-Missouri Solid Waste Management District Executive Board and District Council.**

The resolution was read by the Clerk.

Mr. Beck noted this would allow Mr. Watkins or his designee to serve on the Executive Board and the District Council.

The vote on R7-06 was recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R8-06 Appointing H. William Watkins to serve on the Board of Directors of Regional Economic Development, Inc. (REDI).**

The resolution was read by the Clerk.

Mr. Beck pointed out that Mr. Watkins had been the first person hired to operate the Board because he had experience both with the Chamber and in City government. This would appoint Mr. Watkins or his designee to the position.

The vote on R8-06 was recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

**R9-06 Authorizing a memorial street name for a portion of Nifong Boulevard to be known as "Officer Molly Bowden Memorial Boulevard."**

The resolution was read by the Clerk.

Chief Boehm explained that shortly after Officer Bowden's death, they formed a committee which was charged with looking at long term memorials for Officer Bowden. The committee came up with several ideas, one of which was this idea of having a memorial name for that portion of Nifong Boulevard. He noted it would not technically change the name, but would be similar to the historical roadways the City had in the community. In addition, they were asking that the white cross currently marking the spot where the assault occurred remain. It was put there in a self-initiated fashion by a citizen and they felt it was reasonable for the cross to stay. They were also asking that a more permanent marker be allowed describing the incidents that occurred. He stated it would be placed next to the cross on the side of the roadway. The marker would come from Officer Down funds from the Columbia Police Foundation. Assuming the Council adopted this resolution, Chief Boehm noted they anticipated having a dedication of the roadway on February 10, 2006, the anniversary of her death.

Mayor Hindman thought they all felt this would be very appropriate and something in which the community could participate.

The vote on R9-06 was recorded as follows: VOTING YES: ASH, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

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

- B1-06**      Approving the Final Plat of Grindstone Plaza Subdivision; authorizing a performance contract; authorizing a development agreement (Case No. 81-SD-05).
- B2-06**      Approving the Final Plat of Bethel Falls Plat 1; authorizing a performance contract (Case No. 101-SD-05).
- 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.
- 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.
- B8-06**      Accepting conveyances for utility purposes.
- B9-06**      Amending Chapter 22 of the City Code as it relates to interest rates on special assessments.
- 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.
- B11-06**     Accepting a donation from the Wal-Mart Foundation for the purchase of digital cameras and equipment for the Police Department; appropriating funds.
- B12-06**     Amending Chapter 2 of the City Code as it relates to the Office of Community Services.
- B13-06**     Calling a municipal election to elect Council Members for Wards 2 and 6.
- B14-06**     Authorizing the issuance of Special Obligation Revenue Refunding and Improvement Bonds, Series 2006.

#### REPORTS AND PETITIONS

- (A)**      Intra-departmental transfer of funds.

Report accepted.

- (B)**      Zoning Code Violations and Penalties.

Mr. Beck explained being proposed was a bill that would change our local ordinance to conform with the state enabling statutes. It would actually increase the fine for violations of the zoning ordinance, particularly the fine that would be issued for several violations.

Mr. Janku made the motion that the issue be referred to the Planning and Zoning Commission for a public hearing and a recommendation to the Council. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

**(C) City of Columbia Volunteer Hours.**

Mr. Beck noted that the number of volunteer hours had gone up a substantial percentage.

Ms. Nutter noted their hours had increased over the last year by nearly 8% to a little over 43,000 hours. That was because the City had lots of citizens that wanted to be involved as volunteers and also lots of staff interested in using volunteers in what they did. As our City grew, we had more opportunities for folks to volunteer and they had seen an increase over the last few years in activities related to Homeland Security. Ms. Nutter stated they saw those things growing in the coming year and hopefully next year, the hours would have increased once again.

Mayor Hindman thanked Ms. Nutter and noted her office served a very valuable purpose.

**BOARDS AND COMMISSIONS**

None.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mr. Hutton asked if the Council had made a formal request for a staff report on the issue regarding the tax billing and the recording of liens. Mayor Hindman thought they had. Mr. Boeckmann agreed that they had.

Mr. Janku commented it had been a great pleasure to work with Mr. Beck over the almost 15 years he had been on the Council.

Mayor Hindman thanked Mr. Beck for all he had done for Columbia and stated he had gained a lot from working with him and thought the entire Council would say the same.

Mr. Beck commented that he would miss City government and stated the staff and Council could feel good about what had been accomplished over the years.

Mayor Hindman congratulated Ms. Walker on her retirement and commented that the Council had enjoyed working with her. Mr. Beck also thanked her.

The meeting adjourned at 11:29 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk