

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

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, March 6, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON (arrived at approximately 7:10 p.m.) and JANKU 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 February 20, 2006, were approved unanimously by voice vote on a motion by Mr. Loveless and a second by Mr. Ash.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

(A) Historic Pedestrian Project – Robert Tucker and Mike Keevins.

Robert Tucker, 716 W. Broadway, stated he and Mr. Keevins were representing the neighbors of Historic West Broadway from Garth to West Boulevard. Over the past ten years, they had dealt with numerous issues involving public infrastructure to include sidewalks, sewers and pedways. He explained that they were proposing a proactive approach by presenting their vision of Historic West Broadway and provided the Council a handout. Their plan included an eight foot pedway on the north side of Broadway, decorative retaining walls, as required, due to grade, historic lamp posts to illuminate the pedway and roadway, landscaping appropriate to the neighborhood, replacing curbs, gutters and driveway approaches and painting bicycle lanes. They had a petition of more than 24 of the 30 neighbors in the three block area. They felt timing was critical and understood a need for replacing the water line. Mr. Tucker noted federal funding for the Pedestrian Pilot project was now in place. He pointed out their proposed plan accommodated and enhanced the Broadway Corridor plan and Pednet's vision of what West Broadway, as the backbone of the Columbia Pednet Network, should look like. They asked for Council consideration to proceed to the next step in making their vision a reality.

Michael Keevins, 610 W. Broadway, stated he believed this had the opportunity to jump start the Pednet and Pedway process. He noted there was not a better street in

Columbia, as far as usability and impact, for citizens to try and change the concept of transportation and access throughout the community. They were excited about the project and willing to help the City by talking to the neighbors.

(B) Winchester - Proposed Mills Drive vacation and traffic calming - Donald Spiers.

Donald Spiers, 1605 Limerick Lane, stated he was representing the Chapel Woods Subdivision and noted many of those neighbors were present. He explained the neighbors present had concerns and asked them to stand. Approximately 27 people stood. Their first concern was the closure of Mills Drive between Tremont Court and Hatton Drive and the second was the diagonal diverter at Hatton Drive and Limerick Lane. Using the overhead, he described the area. He stated the neighborhood believed the closure of Mills Drive would increase traffic through the remaining neighborhood, reduce connectivity and limit exits at the expense of the residents. He also felt closing an existing street to develop additional property sent a bad message to taxpaying residents and would set a precedent for future developers in Columbia. It was his understanding the City believed the intersection of Mills Drive and Hatton Drive was dangerous. He noted it was very difficult to find any evidence for comparison with other intersections and the verbal communication received indicated the actual incidents were very small. He suggested they shift Mills Drive slightly west opposite West Boulevard Court to create a four way intersection with stop signs. They felt that could slow down traffic in the area. In regards to the diagonal diverter at Hatton Drive and Limerick Lane, the City was proposing to direct traffic around streets that were not designed for this purpose to reduce cut through traffic. The perception was that the new subdivision would receive a peaceful dead end street to increase property value while routing new and existing traffic through a previously peaceful neighborhood. The outcome to the current neighborhood would be an unsightly divider, which would be a nuisance for the residents, send a negative message for neighborhood visitors, reduce property value and potentially delay emergency response. They also felt the increased volume of traffic rushing around the loop to make up for lost time presented a scenario for accidents. He noted the loop was almost a continuous blind curve. He pointed out the survey by the City found that 18 were opposed to the diverter at Limerick Lane and Hatton Drive, so they felt they had support from the larger portion of the neighborhood. They asked the Council to travel this route, talk with residents and adopt a wait and see approach before jumping into a drastic and expensive conclusion. He noted a handout was provided that contained the signatures of more than 25 neighborhood households.

PUBLIC HEARINGS

B490-05A 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 read by the Clerk.

Mr. Watkins explained this bill was tabled at the February 20th Council meeting with Council requesting additional information concerning people impacted by the retaining wall.

He noted there were seven properties involved and the total reduction amount, if Council decided to go ahead with the reduction, was about \$3,100.

Mr. Janku asked if they had adopted the amendment on intervening purchasers. Mr. Watkins replied yes.

Mr. Ash thought two of the seven were intervening ones and asked if the reduction amount would be smaller since those had already been waived. Mr. Glascock replied that was correct and clarified that there were only five. Mr. Watkins stated it would then be slightly less than the \$3,100.

Mayor Hindman opened the public hearing.

Mike Martin, 206 S. Glenwood, stated he understood the Council was considering a tax waiver on behalf of the intervening property owners and asked the Council to reconsider a waiver of those same taxes for the people on North Sixth Street who presented identical arguments, which included tardy tax bills and lack of recording. He explained his title company considered those before deciding to pay the bills he owed on Sixth Street as an intervening property owner. He stated when purchased the home, the seller did not disclose the pending assessment. He provided the Council a handout containing quotes from various Council meetings and newspapers and referred to them. He noted there was discussion regarding double taxation for those property owners who bought property after the improvements were made and explained he paid more for the properties he bought because the street was finished. There were four individuals on North Sixth Street who bought in the intervening period and asked the Council to waive the tax for those individuals in addition to anything else they might be considering that would be parallel.

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

Mr. Janku suggested asking for a report regarding Sixth Street, which would include who the four people were and what the cost would be. He also thought it should include the procedure since they were essentially going back in time.

Mr. Ash understood Mr. Martin was one of the four intervening property owners on Sixth Street and that his tax bill was paid for by the title company due to the mix up. Mr. Martin replied yes, but stated he felt it was not fair to waive it for other intervening property owners. He noted if they waived the tax on his property, he would not receive the money because it would go back to the title company.

Mayor Hindman felt they should first deal with the current issue and then with the Sixth Street issue.

Mr. Janku agreed and made the motion to amend B490-05A by reducing the tax bill amount by 50% for the five properties affected by the retaining wall, as outlined. The motion was seconded by Mr. Hutton.

Mr. Janku noted these properties had retaining walls built in their front yard which reduced the use of their property because of the nature of the wall. The tax bill was an attempt for the City to recover costs for the benefit that was given to the property from the improvement. He felt their benefit was reduced somewhat, but not entirely, by these retaining walls.

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

The vote on B490-05A, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

Mr. Janku made the motion for staff to provide a report on the Sixth Street project related to the intervening purchasers as discussed earlier. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B62-06 Voluntary annexation of property located on the west side of Wellington Drive, approximately 850 feet north of Mexico Gravel Road (3551 and 3631 Wellington Drive); establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this legislation would annex approximately four acres in northeast Columbia. It included two existing lots and they were requesting R-1 zoning, which was equivalent to what they had now. The Planning & Zoning Commission voted 7-0 to recommend approval.

Mr. Teddy noted there were some R-1 tracts directly west of the subject property on the location map. He pointed out that they approved a rezoning for that to a PUD-2.5 within the last two to three months.

Mayor Hindman opened the public hearing.

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

The vote on B62-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B63-06 Rezoning property located at 1504 Bass Avenue from R-4 to O-P.

The bill was given second reading by the Clerk.

Mr. Watkins noted this proposed rezoning would allow for construction of an additional parking lot for the Boone Hospital Center. The site presently contained older multi-family residential structures between two existing Boone Hospital Center parking lots. The Planning & Zoning Commissions voted 7-0 to recommend approval. In addition, the Parks & Recreation Commission advised that there would be no adverse problems with this rezoning.

Mayor Hindman opened the public hearing.

Tom Schneider, an attorney with offices at 11 N. Seventh Street, stated he was representing the Board of Trustees of Boone County Hospital, the contract purchaser. As mentioned, there were medical parking lots on three sides of the subject property, which was located across the street and southwest of the Hospital. The initial intended use was to raze the unoccupied six-plex and install an employee parking lot or an overflow patient and visitor parking lot. He noted in the future, many years from now, there might be an additional hospital or medical office use at that location and that was why there were seeking O-P rezoning. He reiterated the six-plex was unoccupied and in poor physical shape, and therefore, they would not be removing good housing stock.

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

The vote on B63-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

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

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a 50-50 private, common collector sewer project that would rebuild about 750 feet of sewer. The public hearing for this project was held August 20, 2001. The resolution estimate for the sewer district was \$109,000 and the total cost after completion was about \$104,000.

Mayor Hindman opened the public hearing.

Dick Hessler, 411 Westmount, noted he was part of the sewer district. When he bought his house in 1971, he assumed he was on a City sewer project and for 34 years he paid taxes to what he thought was a City sewer, but learned it was not a City sewer. He stated he was not opposed, at the time, to be hooked up to a new sewer, but with the way the project worked out, facing he urged the Council to rethink the \$5,000 fee. He explained ten were put on the project and not everyone on the private sewer was put on to it. In the process of putting the sewer in his yard, they broke the water main, dug up another portion of his yard and destroyed a quarter of his driveway. He noted he had to pay for the plumber to connect it inside his house and to repave the driveway, which came to about \$5,000. In addition, they put a cut out in the backyard that was unusable. The sewer from his house to the new sewer clogged up and they could not use that cut out to come into the house. He appealed to the Council to rethink this issue. He also pointed out that two of his neighbors had water problems they did not have before. In addition, he had standing water in his yard that he did not have before either.

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

Mayor Hindman felt they needed more information before going forward.

Mr. Loveless made a motion to table B69-06 to the April 3, 2006 Council meeting and directed the Public Works staff to contact Mr. Hessler and his neighbors and report back to Council in regards to how the project worked out and the specifics of Mr. Hessler's problems. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

B70-06 Approving the Engineer's Final Report; levying special assessments for the Sewer District No. 157 (Rollins Road and Burnam Avenue) project.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was also a 50-50 private common collector project. Fifty percent would be paid by the property owner and the remaining 50 percent came from bond issue funds approved by the voters in the last sewer ballot issue. This impacted properties in the Rollins Road and Burnam Avenue area. The total cost of the project was \$42,000.

Mr. Janku asked if this was the project that was scheduled around the school year because they wanted to avoid the students. Mr. Glascock replied they generally tried to do that around the schools.

Mayor Hindman opened the public hearing.

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

The vote on B70-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B71-06 Authorizing Change Order No. 1 to contract with Emery Sapp and Sons, Inc.; approving the Engineer's Final Report; levying special assessments for the Rollins Road and Altai Drive improvement project.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a street project with a total cost of about \$800,000. The public hearing for the project was held February 19, 2001. The total tax bills on the project, should Council decide to levy them all, was about \$31,300. In addition, the City was using County rebate money, which was money the County rebated back to the City for road projects, in the amount of \$618,000. The remaining \$141,000 came from the capitol improvement sales tax.

Mayor Hindman opened the public hearing.

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

Mr. Loveless felt this was the way the City should build streets and commented that Public Works did a great job working with the neighbors and building this street. Mayor Hindman agreed.

The vote on B71-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B79-06 Authorizing construction of water main serving Mill Creek Manor, Plat 3; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was the standard City differential cost of constructing an 8-inch over a 6-inch water main. The estimated differential cost was \$6,761.30 and would be paid for out of water utility funds.

Mayor Hindman opened the public hearing.

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

The vote on B79-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B81-06 Calling for bids for improvements to the Smith-Manhasset Neighborhood Park located at the western terminus of Manhasset Drive and adjacent to the east side of the proposed Louisville Road extension.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a public hearing on the design and potential construction of a neighborhood park which would serve the Hamlet, Stoneridge and Quail Creek neighborhoods. It was a 9.4 acre park and was projected to include the typical neighborhood park amenities. The expected budget would be \$142,000, including some FY 2005 funding in

the amount of \$77,000 from the 1999 quarter-cent sales tax. This project was in that ballot issue. There was \$25,000 in force account, which meant it came out of the current Parks budget, and about \$40,000 from the 2006 parks sales tax. If approved, construction was expected to begin this summer.

Mr. Janku understood Louisville Drive was not built and asked whether the sidewalk abutting it was going to be built before Louisville Drive was built or if they would wait until it was built. He wanted to be sure it would match the width of the sidewalk on Louisville. Mr. Hood replied they intended to do the rough grading for Louisville to establish the proper grade for the walkways and the proper relationship for the park features to the street. He thought they would need to know the width of the sidewalk along the other section of Louisville before they built the actual sidewalk.

Mr. Loveless asked if there had been any progress on lot 88 for the turn around. Mr. Hood replied there had been and noted the next bill requested authorization to purchase that lot. He stated they had contacted the property owner and he indicated a willingness to sell at a negotiated value. He pointed out they had not reached a negotiated value. He thought that was the best solution to the turn around situation and they were recommending that staff be authorized to proceed with that acquisition as well.

Mayor Hindman opened the public hearing.

Ed Harris, 606 Medford Drive, stated he was the President of the Hamlet Subdivision and noted they were in favor of the proposed park. Before the final plan was developed, the one thing they wanted to change was the basketball court. They wanted to lengthen it from half court to full court. He thought that would be beneficial to the children in the neighborhood. He noted they currently had a half court in Hamlet Park.

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

Mayor Hindman asked if the basketball court was something staff could look into. Mr. Hood replied they seriously considered a full court basketball court. He thought it was feasible to build a full court there and believed there were adequate funds within the budget to make the change. He stated staff would be supportive of that, if the Council concurred.

Mr. Loveless made the motion to amend B81-06 to change the proposed basketball court from a half court to a full court. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

The vote on B81-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B82-06 Authorizing acquisition of property at the western terminus of Manhasset Drive for park purposes.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a companion piece of legislation to the Manhasset Park legislation Council just approved and would authorize staff to acquire the one lot needed for the turn around.

Mayor Hindman opened the public hearing.

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

The vote on B82-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B83-06 Calling for bids for improvements to park roads, parking lots and outdoor basketball courts at various City parks.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a public hearing for authorization to proceed with annual improvements to park roads, parking lots, and outdoor basketball courts and included expansion to the ARC parking lot and a small parking lot at the Dr. Martin Luther King Memorial.

Mr. Janku understood Oakland Park was scheduled for work and asked if staff looked at a gap in the sidewalk, just to the north of the lot. Mr. Hood understood that was on the east side of the park and noted they did look at it. He thought there was a problem, but could not recall specifics. He believed it was on school property and thought they probably just needed to work with them to see if they could put it in.

Mayor Hindman opened the public hearing.

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

The vote on B83-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

OLD BUSINESS

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

The bill was read by the Clerk.

Mr. Watkins explained staff, the cable consultant and representatives of Mediacom had met and agreed upon some further amendments to the ordinance. He noted an amendment sheet was prepared.

Mr. Boeckmann stated the major changes included the requirement that the cable system have 860 MHZ to one that was capable of delivering 143 channels and the number of PEG channels. Currently there were three PEG channels. The ordinance was going to mandate four, but it was now changed to three and would leave the four as an item that could be negotiated as part of the franchise agreement. He noted there were some minor changes in regards to insurance requirements and customer service standards.

Mr. Ash understood in the previous iteration, they struck the penalty provisions section and asked for an explanation. He recalled a problem with doing nothing or having a death penalty. Mr. Boeckmann replied they eliminated the penalty provisions, but there was a provision for liquidated damages. Under this ordinance, the franchise agreement had to provide for liquidated damages, which was something less than the death penalty.

Ms. Crayton asked what kept the cable companies that changed hands from meeting agreement requirements if the penalties were removed penalties. Mr. Boeckmann explained

if another company came in, they would have to take over the franchise and would be subject to this ordinance and the franchise agreement.

Mayor Hindman asked whether they lost leverage by getting rid of any penalty provision. Mr. Boeckmann replied he did not believe so, as long as they had the liquidated damages. It was his thought that this would be the mechanism used rather than prosecution.

Mr. Loveless understood this was the framework in which a franchise agreement was negotiated and these were minimum qualifications. The Council could negotiate a franchise agreement that exceeded this, but could not go less than this in its specifications. Mr. Boeckmann replied, for the most part, that was correct. He noted language in the ordinance stating “unless otherwise provided in the franchise agreement,” which could cause an exception. He explained, for the most part, this was a general baseline that any cable company wanting a franchise would have to follow. Mr. Loveless understood they were in negotiations for franchise agreements as well. Mr. Boeckmann replied yes.

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

The vote on B436-05A, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. 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 read by the Clerk.

Mr. Watkins stated this was an acquisition of easements and noted staff was requesting Council table this request to the March 20th meeting.

Mr. Loveless made a motion that B7-06 be tabled to the March 20, 2006 Council meeting. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

PR48-06 Establishing a policy on requests for variances to subdivision regulation requirements for construction of sidewalks along unimproved streets.

The policy resolution was given second reading by the Clerk.

Mr. Watkins explained this was a policy resolution that would replace the eight current factors for consideration regarding variances for sidewalks on unimproved streets with three factors. These factors were suggested by Councilmen Ash.

Mr. Ash noted the Bicycle/Pedestrian Commission asked they table this for one meeting so they could consider this.

Mr. Ash made a motion to table PR48-06 to the March 20, 2006 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B64-06 Approving the PUD development plan of Winchester Villas located north of Chapel Hill Road and southeast of Mills Drive.

The bill was given second reading by the Clerk.

Mr. Watkins explained the proposed PUD would allow for eight two-unit residential structures on property which had been rezoned from A-1 to PUD-6 last December. The plan

met all zoning ordinance requirements. The Planning & Zoning Commission voted 6-1 to recommend approval of the proposed PUD development plan.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was representing the applicant, Solitude Development, for approval of the PUD plan. He reiterated this was rezoned in December to PUD-6 and the plan complied with the ordinance. He noted remarks at the Planning & Zoning Commission meeting referred to them bringing forward a duplex development masquerading as a PUD plan. He stated this was not a duplex development. This was a development identical to several that were previously approved including Country Club Villas 1, 2 and 3, Sedona Villas and the Villas at Vintage Falls. Using the overhead, he explained they would have two units attached to each other in eight buildings for a total of sixteen units. Each unit was intended for conveyance for a separate unit owner. The land would be separately defined for separate ownership of the land. The difference between this and a single-family development was that one did not have a side yard and an association was formed to maintain and repair the street, lawns and landscaping.

Mr. Ash stated he agreed with Mr. Simon in regards to the controversy of this being a duplex development. He noted there were a lot of positives, to include using less land and being affordable housing. He was glad it was a PUD and planned. He thought they should be encouraging that and not being critical because someone was not creative enough.

The vote on B64-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B65-06 Approving the Final Plat of Missouri Manor, Plat No. 1 located on the west side of Ashland Road, approximately 1,300 feet north of the intersection of Ashland Road and Stadium Boulevard (State Route 740); authorizing a performance contract; granting a variance relating to sidewalk construction.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was the final plat of a minor subdivision located on the west side of Ashland Road, about 1,300 feet north of the intersection of Ashland Road and Stadium Boulevard. There was a request for a variance related to the construction of a sidewalk adjacent to the subject tract. The Planning & Zoning Commission voted 6-0 to recommend approval of both the final plat and the variance to the sidewalks.

Mr. Teddy commented that the decisive factor in the Planning & Zoning Commission's recommendation to not require a sidewalk had to do with conditions of Ashland Gravel Road, both north and south of the subject property. There were severe topographic conditions on the unimproved section of Ashland Gravel Road that linked with Stadium. In addition, there were some heavy retaining walls on the Missouri Manor side, but closer to the roadway on property going north to College. There was some sidewalk established on the east side, the MU tract, and also between Southpark and College. The comparison of the scope of the project to the cost of the sidewalk was also taken into consideration. He understood this was a remodeling of an existing building, not a major development.

Bill Crockett, an engineer with offices at 2608 N. Stadium Boulevard, stated he was there on behalf of John Peters, the owner of Missouri Manor. Mr. Crockett noted the

sidewalk did not appear to be an issue when Ashland Gravel was improved to the current paved road. The sidewalk on the east side of Ashland Gravel was about 7 feet in width and was built by the University of Missouri. They did not believe, when one factored in economics, the sidewalk could be build to the adjacent tract to the north. Mr. Crockett provided photographs of the area for the Council to view. He explained the old wall that appeared in the pictures was part of the old rock wall along the frontage of the old Fellows Estate.

Mayor Hindman understood the compelling arguments made in respect to the waiver, but he was concerned about the sidewalks situation on Ashland Gravel Road. It served Tara Apartments and other student housing nearby. He felt they needed to provide a route to get to the University. He did not have an answer to the problem. Mr. Crockett stated he did not disagree and noted he thought the University attempted to do that when they constructed the extra width on the sidewalk. He noted it stopped at the southern most entrance of the parking lot and thought that was a critical area that needed to be addressed. He did not believe the short amount of sidewalk on the west side was appropriate when the majority of the sidewalk would be on the east side.

Mr. Loveless stated it would be a difficult sidewalk to build on that side of the street, not just on this particular property, but all the way westward. There was not much room on that side without taking out several trees and putting in filler. He thought they should see what they could do regarding extending the sidewalk on the other side down to Stadium.

Mayor Hindman asked if this involved a payment in lieu of. Mr. Boeckmann replied he did not believe so. Mr. Janku noted they were not waiving their right to come back later and tax bill.

Mr. Ash used his three criteria. He thought it was physically feasible to build the sidewalk and thought it was relatively simple. It was developed, but was also a busy street. He did not think it was a good idea to walk on it. He did not think the cost of the sidewalk was relative to the cost of the overall project because it was not a major redevelopment. It was only a replat.

The vote on B65-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B86-06 Appropriating funds for certain public safety projects authorized at the November, 2005 election.

The bill was given second reading by the Clerk.

Mr. Watkins explained this bill would appropriate about \$4 million of the \$15 million approved by the voters last November for public safety. Specifically, it would provide funding for the replacement of three fire trucks, two of which were in the bid process. It would also include funds for the replacement of Fire Station No. 7, the warning siren replacements and the police training facility.

Mr. Janku asked if the second fire station site, which was authorized in the ballot issue, should be listed as part of this bill. Mr. Watkins replied funds were available from the previous ballot issue for fire station site acquisition. The current balance was about \$175,000

and they would supplement that through the sale of the existing site of Fire Station No. 7. Mr. Janku asked if they would be able to act if something became available relatively soon. Mr. Watkins replied yes.

The vote on B86-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B87-06 Approving the Final Plat of Fairview Marketplace located on the north side of West Broadway, between Park De Ville Drive and Fairview Road; authorizing a performance contract; authorizing a development agreement; granting a variance from the Subdivision Regulations.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was approval of the final plat of Fairview Marketplace, which was the Wal-Mart store to be located on West Broadway. There were several changes proposed for the development agreement to include the TDD acquisition of the school parking lot, clarification that a Starbuck's drive-thru was not a fast food restaurant and some additional technical language regarding old West Ash Street not being vacated unless some other easements were transferred to the City.

Mr. Teddy explained three things had changed on the plat since it was submitted to Council. One was that several dwelling footprints on Park De Ville Drive that were required to be detailed on the plat had been removed since the houses themselves had been demolished. Secondly, related to that area of the plat were some public utilities from the old Park De Ville Subdivision. They directed them to keep on those on the plat for the time being. A request to vacate those easements was being introduced. Third, they represented existing West Ash out to Park De Ville Drive from Orleans Court as existing right-of-way to remain, but the development agreement addressed the removal of that street. Since they had not obtained a public utility easement, keeping it a public right-of-way would be as good as, if not better than, an easement. He stated they would need some right-of-use to install landscaping. Some of the parking spaces in that school lot would be within that right-of-way and the public sidewalk would remain in place.

Mr. Janku asked if they could explain the situation with the proposed round-a-bouts. Mr. Glascock replied they were requesting that Council provide direction regarding this. They left it at the C-P as where Fairview would line up across from each other. It was felt by staff that if they placed a round-a-bout at each intersection, it might provide some type of traffic calming in that area and the residents might feel more amenable to this design. The developer had not submitted any detail plans on the round-a-bouts, but had submitted a concept drawing.

Mr. Loveless clarified that rather than shifting either or both legs of Fairview so they would line up straight across from each other on Worley, they would make a round-a-bout at both of their current intersections as a traffic calming device. Mr. Glascock replied that was correct.

Mr. Janku asked if they studied them in terms of traffic functionality and had determined they worked. Mr. Glascock replied they did. Mr. Janku understood staff wanted Council input in terms of design. Mr. Glascock replied that was correct. He noted they had

talked about lining them up originally, so he wanted to ensure Council was okay with the round-a-bouts.

Mayor Hindman understood this item was the final plat approval and it did not include round-a-bouts.

Mr. Ash stated he had never heard of the round-a-bout issue before and asked when this was discussed. Mayor Hindman thought information regarding it was sent out. Mr. Ash asked how the neighborhood felt about them. Mr. Janku replied this was relatively new and he was not sure how aware they were. He thought if they were done right, they did serve as a traffic calming device because they tended to slow traffic. He felt the dual round-a-bout would serve as traffic calming on Worley and if landscaped well, it would also be an entryway into that area.

Mr. Ash asked if there should be some kind of public hearing regarding this. Mr. Hutton stated he had some questions because he had not seen information regarding the round-a-bouts. Mayor Hindman asked if it was part of this. Mr. Watkins replied the round-a-bout issue was not part of the plat. Mr. Hutton understood that. He was only stating that he had not seen anything regarding this previously and wanted to see how it would work before signing off on it. He felt Fairview, in this location, was a main drag and he wondered whether they needed traffic calming on a road they intended to move a lot of traffic on. It was not a residential area where the round-a-bout would be located. Mayor Hindman clarified that round-a-bouts not only slowed traffic, but they also allowed traffic to go through without stopping. Mr. Hutton stated that was the type of thing he wanted to hear discussed.

Mr. Janku stated as part of the original approval, they indicated improvements would be made to the Fairview/Worley intersections to deal with traffic. He thought there were also conditions in the C-P plan approval. He did not think they need to approve it as part of this document. At some point, after direction was given, he understood there would be hearing as with any public improvement. Mr. Glascock pointed out that when they looked at this to line it up, there was a major drainage ditch, major power line and ramps coming in on Fairview from the north end of this per the I-70 study. With that was discussion of a flyover at Worley and by putting in the two round-a-bouts, they would not need to worry about interrupting service. He noted he would bring a report back, but wanted to bring it to their attention since the development agreement discussed traffic circles. This was what they were talking about.

Mr. Loveless stated one of his major concerns was how the two traffic circles would function with increased traffic on Fairview coming from I-70 to Broadway or vice versa. He understood he thought these would function well in that setting. Mr. Glascock replied yes because they moved more traffic than a signal. In addition, it would keep truck traffic out of the neighborhood.

Mr. Loveless recalled the neighbors being concerned about an increase in traffic on West Worley proceeding westward and southward on Park DeVille. If these features would ease that situation, he thought it would then be a positive step.

Mr. Ash pointed out he was not opposed to the idea. He just did not want to spring it up on the people.

Mr. Loveless asked if they would have to bring this back for an appropriation hearing. Mr. Ash noted this was a TDD. Mr. Glascock commented that they would want to have public input. Mr. Janku thought they could find a way to get public input and comment.

Mr. Ash stated he felt they were being asked to provide approval and he wanted the neighborhood to have an opportunity to express their views before providing approval.

Mayor Hindman thought they should ask for a report at the end of the meeting because he did not believe those issues were involved with this decision. Mr. Janku noted page six of the development agreement discussed traffic circles. Mr. Glascock clarified that he only wanted to make sure Council gave them direction before proceeding because he did not want the developer spending a lot of money on studies if the Council would not entertain it. Mayor Hindman understood they could bring that up at the end of the meeting. Mr. Glascock replied yes.

Mr. Janku understood the issues regarding outdoor sales were on pages 7-8 of the agreement and he thought it addressed the issues they talked about when approving the plan.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, stated he represented the developer and the TDD. He explained they needed the final plat approved because they planned to start building vertically on Monday. With respect to the round-a-bouts, he thought they were a good idea. He explained the idea was proposed to them by the Public Works staff. They had their traffic engineers study it after it was suggested and their preliminary report was provided to City staff. He noted they would be glad to supplement that. He also thought they should schedule a hearing so they could show what it would look like. Generally, traffic proceeding north on Fairway from Broadway would have a dedicated right turn lane going east on Worley Street. Similarly, traffic coming south on Fairway from the I-70 area would have a dedicated right turn lane on Fairview turning on to Worley. Traffic coming south or north would hit these two dumbbells that would be offset from each other. They would proceed to the next traffic circle to go either east or south from that direction. He noted 90% of the traffic would only have to negotiate one traffic circle and as a result, the traffic engineers were enthusiastic about the design. One of the major attractions was the great difficulty they had obtaining Corps of Engineer permits around streams. He pointed out there was a stream that would have to be crossed several times if they had a different design. He noted they would like to have the design finalized, so the TDD could undertake that as a part of all of its other tasks in connection with infrastructure construction.

Mr. Janku asked if they had a public hearing soon, if it could be constructed in time for the opening of the stores. Mr. Van Matre replied yes. The initial infrastructure needed to be completed by July 1st. If they did not encounter difficulty in obtaining the necessary easements, he thought they could easily have it done by the end of October, which was when the store was supposed to open.

Mr. Loveless clarified the store would open in October of 2006. Mr. Van Matre replied that was the projection.

Mr. Loveless noted page 11 of the agreement talked about a raised sidewalk and determining whether it would be acceptable or not no later than June 15, 2007. This meant there was less than one school year to determine whether it was effective. He wondered if

they should extend the period. In addition, in discussing old West Ash and tearing up Orleans Court, he noted it read “may” be torn up. He wondered if that language should state “shall” be torn up to be certain it was done. Also, he thought the discussion regarding fast food was in regards to additional traffic generation. He wondered if a drive-thru for Starbuck’s was the same thing.

Mr. Ash stated he thought there was a difference between a fast food drive-thru and a Starbuck’s drive-thru. He did not think the neighborhood would not be as opposed to a Starbuck’s drive-thru as a fast food drive-thru.

Mr. Van Matre noted they specifically mentioned wanting to have drive-thru windows for laundries, banks and non-fast food restaurants, such as Starbuck’s. He pointed out Starbuck’s was used in the Planning & Zoning Commission presentation as something they did want to have.

Mr. Loveless stated he did not recall Starbuck’s being mentioned in this forum. Mr. Van Matre explained he thought it would be located in the interior of the Center, so it would be subject to all of the traffic calming related to the roadway design. It would not be a direct right-in/right-out on to the street.

Mr. Janku stated he spoke to someone whose preference was for there to be no drive-thru’s, but they recalled a reference to Starbuck’s. He noted he did not recall it, but this person thought Starbuck’s might have been within that.

Mr. Loveless referred to Section 10, paragraph (b) on page 12 of the development agreement where it read that portion of old West Ash “may” be torn up and stated he preferred the language to read “shall” be torn up. Mr. Van Matre stated he had no objection to that change.

Mr. Loveless made the motion to amend Section 10, paragraph (b) on page 12 of the new development agreement to read “shall” be torn up instead of “may” be torn up. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Loveless understood they were not vacating the street right-of-way for old West Ash and that it was being retained for possible future use. He wondered what we would do with that small piece of street right-of-way there. Mr. Van Matre replied that was being left in place because of staff concern regarding a section of land immediately north of there being land locked. They wanted make sure the options were open and if someone wanted to develop that piece of land, they could not argue the only access for that parcel was off of Fairview Road. In addition, once that right-of-way was abandoned, the utility easements would also be abandoned and would then need to be re-obtained.

Bill Easley, 705 Cook, questioned putting in round-a-bouts. He suggested widening Fairview and Worley because he felt there would be more traffic when Wal-Mart opened. He thought it needed to be a straight street instead of having streets with angles and round-a-bouts.

Mr. Hutton made the motion to amend B87-06 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on B87-06, as amended, was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. 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.

- B66-06** Approving the Replat of Creek Pointe Subdivision, Plat No. 3 located on the east side of Glenstone Drive, south of I-70 Drive Southeast; authorizing a performance contract.
- B67-06** Amending Ordinance No. 18873, which approved the Final Plat of Mill Creek Manor, Plat No. 3 located at the intersection of Funderburg Mill Drive, extended, and Ballard Mill Drive, extended, east of State Route KK, to correct the date of the plat.
- B68-06** Vacating a utility easement located on Lots 103A and 103B within Woodland Springs Plat 3.
- B72-06** Authorizing Change Order No. 1 to contract with C.L. Richardson Construction Company, Inc.; approving the Engineer's Final Report relating to the B-20 Trunk Sewer, an 80-acre point sewer serving Settlers Ridge Subdivision.
- B73-06** Calling for bids for construction of the F-1 Relief Sewer Phase 2 - (UMC South Campus Relief Sewer) and Maryland Avenue and Richmond Avenue Drainage Project - Phase 2.
- B74-06** Calling for bids for construction of the EP-3 trunk sewer, an 80-acre point sewer serving the Hatton Farm property.
- B75-06** Calling for bids for reconstruction of State Route PP (Ballenger Lane) from approximately 430 feet north of Aztec Boulevard to 280 feet south of Aztec Boulevard.
- B76-06** Calling for bids for reconstruction of two culverts on Rock Quarry Road, between Nifong Boulevard and Gans Road.
- B77-06** Appropriating funds for the installation of fiber optics at the parking garage located at Eighth Street and Cherry Street.
- B78-06** Accepting conveyances for drainage, sewer, street and utility purposes.
- B80-06** Accepting conveyances for utility purposes.
- B84-06** Amending Chapter 6 of the City Code as it relates to canopies in downtown Columbia.
- B85-06** Amending Chapter 16 of the City Code as it relates to noise.
- R49-06** Setting a public hearing: voluntary annexation of property located approximately 500 feet northwest of the intersection of Waco Road and Brown Station Road.
- R50-06** Setting a public hearing: construction of water main serving Bradley Place, Plat 1.
- R51-06** Setting a public hearing: rehabilitation of Deep Well No. 8.
- R52-06** Setting a public hearing: approving the FY 2005 Consolidated Annual Performance Report.

- R53-06 Setting a public hearing: consider project suggestions for the City of Columbia's 2006 application to the Missouri Department of Transportation for Surface Transportation Enhancement funds.
- R54-06 Authorizing an agreement with Sustainable Farms & Communities, Inc. for the lease of city-owned property located on the west side of Clinkscales Road for the operation of a farmers' market.
- R55-06 Authorizing an agreement with the Mid-Missouri Solid Waste Management District for maintenance of a mobile storage trailer to be used in the City's household hazardous waste program and other activities.
- R56-06 Authorizing an agreement with the Memorial Day Weekend - Salute to Veterans Corporation for an air show to be held at Columbia Regional Airport May 24 - 30, 2006.
- R57-06 Accepting an emergency management performance grant from the State of Missouri Emergency Management Agency.
- R58-06 Accepting the FY 2005 Missouri State Homeland Security Grant Program.
- R59-06 Accepting overtime reimbursement from Boone County for JCIC communications personnel assisting in the Sheriff's Office traffic enforcement grant.

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

NEW BUSINESS

- R60-06 Authorizing a Partial Deed of Release to Boys Town of Missouri, Inc. on properties located at 401 and 403 Dysart.**

The resolution was read by the Clerk.

Mr. Watkins explained this was at the request of Boys & Girls Town of Missouri and would transfer a loan from the Dysart property to Pathways Community Behavioral Health in the amount of \$11,490.65. Pathways intended to use the property, which was currently owned by Boys & Girls Town, for a residential substance abuse counseling center for adolescents and was willing to sign a new deed of trust and promissory note.

The vote on R60-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

- R61-06 Authorizing an agreement with the Missouri Department of Conservation to add the A. Perry Philips Park Lake to the Community Assistance Program.**

The resolution was read by the Clerk.

Mr. Watkins explained this agreement between the City and Missouri Department of Conservation would add the A. Perry Philips Lake, which was in Bristol Lake Development, to the Community Assistance Program. The City, currently, had a number of lakes under this program, such as Cosmo, Bethel, Twin and Stephens Lakes. In addition to allowing the Conservation Commission to regulate fishing, they were proposing a cost share program in the amount of \$157,500, which would pay 75 percent of an accessible fishing dock, boat

ramp, boat dock, parking lot and a restroom. They felt all of this would make the Lake area much more user friendly and attractive.

The vote on R61-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R62-06 Approving amendments to the FY 2006 Action Plan.

The resolution was read by the Clerk.

Mr. Watkins explained this legislation reduced the CDBG and HOME funds in the 2006 Action Fund to accommodate the federal cuts in these programs. They were proposing to reprogram some unused CDBG money on projects that had been closed out. The amended HOME budget would include some reduced funding for rental housing production. This update to the plan would reflect actual funding amounts. He emphasized there were no cuts or eliminations to outside commitments with this proposals.

Mr. Janku understood one of the areas they were taking money from was the Sixth Street project and asked if they made an adjustment, if that would cause a problem. Mr. Watkins thought if they made an adjustment, it would add money back to the CDBG program. Mr. Hutton stated he thought it would take more money from CDBG to pay for any tax bill. Mayor Hindman asked if CDBG would pay in that case. Mr. Teddy understood the CDBG funds that went into the Sixth Street project were for 50 percent of the tax bills for all owners and 100% for those who qualified according to income guidelines. Mr. Watkins clarified that to reduce the tax bill, they would reduce the amount of CDBG money involved.

The vote on R62-06 was recorded as follows: VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- B88-06 Authorizing foreclosure on loans in default in accordance with deeds of trust established under CDBG and HOME funded housing and community development programs; authorizing the purchase of property sold at foreclosure and tax sales.**
- B89-06 Approving the Final Plat of First Tier Plat 1 located on the east side of Monterey Drive, north of Nifong Boulevard; authorizing a performance contract.**
- B90-06 Approving a Replat of Lot 4 of Vintage Falls Plat 1-A located on the southwest side of Ivanhoe Boulevard.**
- B91-06 Vacating utility easements located within Park De Ville Subdivision - Plat 1.**
- B92-06 Calling for bids for sidewalk construction on the north side of Business Loop 70 from Creasy Springs Road to Garth Avenue.**
- B93-06 Calling for bids for construction of Sanitary Sewer District No. 149 (Edgewood Avenue).**

- B94-06 Authorizing acquisition of easements for construction of the C-3 Trunk Sewer Extension, an 80-acre point sewer serving the UMC South Farm Property.
- B95-06 Authorizing acquisition of easements for construction of Sanitary Sewer District No. 148 (South Garth Avenue).
- B96-06 Confirming the contract with Kevin Rackers Excavating, LLC for construction of the EP-1 Trunk Sewer, an 80-acre point sanitary sewer serving the Opal Smith Property.
- B97-06 Authorizing a cooperative agreement with Boone County relating to 2006 revenue sharing funds for the Chapel Hill Road improvement project; appropriating funds.
- B98-06 Allowing a building permit to be issued to Shelter Mutual Insurance Co. for a structure in a utility easement in Shelter Insurance Subdivision Plat 2; approving a waiver of claim and indemnity agreement.
- B99-06 Authorizing a Right of Use Permit with Mill Creek Manor, Inc. to allow the installation of a subdivision sign within a portion of the Barksdale Mill Drive right-of-way.
- B100-06 Authorizing a Right of Use Permit with Rabbit Ears, LLC to allow the installation of landscaping, an irrigation system, lighting, electrical conduits and water service lines within a portion of the Yeoman Way right-of-way.
- B101-06 Authorizing construction of water main serving Bradley Place, Plat 1; providing for payment of differential costs.
- B102-06 Calling for bids for rehabilitation of Deep Well No. 8.
- B103-06 Authorizing Amendment No. 4 to the agreement with Jacobs Civil Inc. for engineering services relating to the expansion of the McBaine water treatment plant.
- B104-06 Accepting conveyances for utility purposes.
- B105-06 Amending Chapter 14 of the City Code to prohibit the possession of official traffic control devices and railroad signs.
- B106-06 Authorizing a chapter grant agreement with the March of Dimes Birth Defects Foundation for the Latino Home Visiting Expansion Project; appropriating funds.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Street closure requests.

Mr. Loveless made the motion to approve the requests as indicated in the staff report. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

(C) William Street crosswalk.

Mr. Watkins explained this was in response to an earlier Council request concerning a crosswalk near Boone Hospital Center across Williams Street.

Mayor Hindman asked if the contribution by the Hospital was followed up on. Mr. Glascock replied they had not heard anything to date. Mayor Hindman asked if they moved

to proceed without reaching a negotiated settlement, if they reduced their bargaining position. Mr. Loveless suggested they make a motion to direct staff to contact the Hospital to work toward an agreement. Mr. Watkins stated that was what they anticipated.

Mayor Hindman made the motion to direct staff to work with the Hospital toward an agreement regarding the Williams Street crosswalk. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

(D) Outdoor basketball courts.

Mr. Watkins noted at the January 17 Council meeting, there was a request for status report on all of the outdoor basketball courts within the City's park system.

Mr. Hood explained there were outdoor basketball courts in 13 of the 58 parks. In addition, they had four parks located adjacent to Columbia Public School property where there were basketball courts adjacent to the park. He noted 11 of the 13 were in neighborhood parks, and in accordance with the neighborhood parks development policy, they did not light athletic facilities because they did not want to encourage late night play or loud noise in the residential neighborhoods late at night. There were two lighted courts at Douglas Park and one unlit, full-sized, outdoor court at Oakland Park. He noted a number of projects were planned for the upcoming CIP for outdoor basketball improvements. He pointed out Council approved the resurfacing of 8 courts earlier in the evening, which would be a significant upgrade for those courts. They were building new courts in Paquin and High Point Parks. Due to the small size of those parks, those would be half courts. He noted they would be building a full size court at Smith-Manhasset. He also anticipated the Longview Park, which they would have a public hearing on later this spring, would have a full size court. The November ballot issue included funding for the rebuilding of the Douglas Park basketball courts and a new outdoor court in Rock Quarry Park. He noted the cost estimate for lighting a full size basketball court was \$30,000-\$35,000. If Council wanted them to look into lighting additional courts, he felt the Rock Quarry Park would be an excellent choice and would ask that they be requested to look at that as they prepared plans for that facility. He pointed out it was 2-3 years down the road. Another option for lighting would be the court at Oakland Park and if Council was interested in pursuing that, he asked that staff be instructed to develop plans, finalize a cost estimate and identify a funding source for the project.

Mr. Janku asked if placing a lighted basketball court at Cosmo Park was considered. Mr. Hood explained they had basketball courts in Cosmo Park for many years, but they received very minimal play. Therefore, when they rebuilt the parking lots serving the Rainbow Softball Center, those courts were phased out. He noted, at this point, there was very little open space where they could build a court. If a new regional park was built in the future and the football fields or something were shifted from Cosmo to the new park, he thought the opportunity to build something in Cosmo Park would exist then. Mr. Hood felt part of the problem was due to the removal of courts in and around the University campus. That was where the heaviest demand was and the City did not own any land near or in the University campus area that was suitable.

Mr. Janku commented that the courts at Oakland Park were on the eastern end and were near a residential area. In addition, new homes were being built to the south, so it was

not as isolated as it once was. Mr. Hood pointed out those courts had been there for 20-30 years and they had not had any requests for lighting those courts.

Mr. Loveless agreed this issue involved the University removing their courts. He wondered about Paquin Park and asked if it was on Waugh Street. Mr. Hood replied it was on Waugh Street, but noted it was a very small park. He stated they were putting a half court in because the residents of Paquin Towers were interested in that. He did not think there was no room for a full court.

Mr. Loveless asked if they could light a half court. Mr. Hood replied that was a possibility, but noted there was residential housing backing up to the park. Mr. Loveless thought that housing stock was primarily students. Mr. Hood stated they could take a look at that and possibly put a recommendation in the 2007 budget.

Mr. Ash stated he agreed with Mr. Hood and Mr. Loveless in that the niche the speaker who brought up the basketball court issue was wanting filled was due to the courts being removed on College. He felt that since the university took those courts away, they should replace them. He wondered if outdoor courts at the ARC would help, although he understood it could cause a problem. Mr. Loveless stated he thought there was a court there at the adjacent school.

Mr. Ash stated he did not believe Paquin would fill the niche and he felt the residents by that park that might not appreciate it. Mr. Loveless suggested setting timers, so the lights would shut off at a certain hour. Mr. Ash felt that would alleviate some of his concerns.

Mr. Loveless understood Mr. Hood was going to come back with a proposal in the 2007 budget for lighting another court. Mr. Hood stated that was correct.

Mr. Janku asked about the one at Rock Quarry Park because he understood it was in the 2007 budget. Mr. Hood replied that was currently scheduled for the fiscal year 2009 budget. He thought they should look at lighting for that, but they would have to determine whether there was adequate funding. He believed they budgeted about \$100,000 for that basketball court, which should be adequate to include lighting, but due to inflation, they would need to look at that as they began the detailed planning for that project.

Mayor Hindman made the motion that staff come provide proposals in the 2007 budget. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(E) “Not for Development” restrictions on plats.

Mr. Watkins explained staff was suggesting the Subdivision Code be amended to prevent developers from eliminating “not for development” restrictions on plats when doing so was considered detrimental to other property.

Mr. Loveless made the motion to forward this to the Planning & Zoning Commission for their review and recommendation. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

(F) Mid-Missouri Regional Planning Commission (MMRPC) – Board of Directors.

Mr. Watkins noted the Mid-Missouri Regional Planning Commission, in which the City was a member, had changed its bylaws to add a seat on their board for Columbia and

Jefferson City. We were asked if we would like to fill the seat. Staff was seeking direction as to whether to fill the seat, and if so, how Council wished to fill the seat.

Mr. Hutton made the motion directing the City Manager or his designate to fill the seat. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(G) Proposed extension of SBD boundaries.

Mr. Watkins explained the Special Business District sent a request for the extension of their boundaries. The request was accompanied by a petition signed by owners of the property within the areas to be added to the District. They also had a formal approval by the Board to expand the District. If Council was in agreement, a motion to proceed was needed.

Mr. Loveless made the motion accepting the report and directing staff to proceed as appropriate. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mayor Hindman made the motion for the City Council to go into a closed session immediately following the work session beginning at 6:00 p.m., March 13, 2006 in the fourth floor conference room in the Daniel Boone Building to discuss litigation and contract negotiations as authorized by Section 610.021(1) and (12) of the Revised Statutes of Missouri. The motion was seconded by Mr. Hutton with the vote recorded as follows:
VOTING YES: HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON, JANKU.
VOTING NO: NO ONE.

Mr. Hutton stated he received an e-mail from Mr. Crockett of Crockett Engineering requesting the Council reconsider the subdivision south of Evergreen, which included the extension of Rice Road. They reconsidered their position and would extend Rice Road to St. Charles. He noted it was an annexation and rezoning issue. Mr. Hutton made the motion to reconsider the issue to the extent they could and if they could not reconsider it, he was directing staff to notify the petitioners that they had to start the process over. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Janku asked about the plat. Mr. Boeckmann stated they did not vote on the plat because it was not in the City limits. Mr. Janku noted they did withdraw it and asked if it automatically came back. Mr. Hutton pointed out that was part of the issue.

Mr. Loveless noted they dealt with Water & Light differential payments so frequently and wondered if it was time to examine whether or not they needed rewrite their specifications so they started out larger. He did not understand why they specified a 6 inch or 8 inch was needed. Mr. Dasho stated he would come back with a report of suggestions on how they could go through that process to make it more significant. Mr. Loveless made the motion for a report from the Water & Light Department as suggested. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Loveless commented that a constituent in the 4th Ward brought to his attention that there was an eight foot wooden privacy fence south of the Dairy Queen at the intersection of Forum and Stadium that we built and the southern two sections had fallen down. He stated he would like staff to repair the fence if it was ours to repair. Mr. Glascock asked if that was on Stadium or Forum. Mr. Loveless stated it was on Stadium, but that it might be set back far enough to be closer to Mills. Mr. Loveless made the motion directing staff to examine it to see if it could be corrected. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Crayton asked staff to check into the dentistry at the Health Department for indigent patients. She stated she was contacted by a constituent who had to purchase his own antibiotics and his tooth was never removed since he was homeless and did not have the co-pay. She wanted to know what they did about indigent people who did not have the co-pay, but were in pain.

Mr. Janku noted they had a meeting with the School Board and they listed sidewalk priorities they wanted to see constructed. He made the motion for a staff report on how they could respond. He thought they should focus on the top priorities of the School Board's list and wondered if those could be funded out of the annual sidewalk project. Mr. Watkins stated they were going to look at this as part of their Master Plan discussions at the next work session. Mr. Janku commented that if it was going to be part of that discussion, it would be great.

Mr. Janku understood the bid call for the sidewalk project on Business Loop 70 would be discussed at the next meeting. He noted there was going to be some undergrounding through there. In addition, a while back the Parks & Recreation staff did a report on landscaping the island or peninsula. He asked for an update on that because he was hopeful they could do that all together.

Mr. Janku noted a couple properties adjacent to Watson Place, which he believed was a City public alley. He understood there were no parking meters in that area and was a popular place to park. He made a motion for a staff report to determine if it would be appropriate to have parking meters on Watson Place. The motion was seconded by Mr. Hutton and unanimously approved by voice vote.

Mr. Janku thought the Parks & Recreation staff indicated they would be including the development of Auburn Hills Park in the 2007 budget and wondered if they should start meeting with that neighborhood in terms of park planning for the budget. He pointed out they did not have a neighborhood association, but did have a homeowners association. He stated he would forward the name of the contact person to staff.

Mayor Hindman felt the round-a-bout was an exciting idea and stated he was convinced they were a successful way of dealing with traffic for safety, people's satisfaction and moving the traffic through. Mayor Hindman made the motion to express an interest in the round-a-bouts and ask staff to go forward. Mr. Janku asked that the motion include

contacting the neighborhood association to provide input before the public hearing. Mr. Loveless thought the organization, Community First, if they were still in operation, should be notified as well. Mayor Hindman clarified his motion included Council expressing interest in the round-a-bouts and directing staff go forward in looking at the round-a-bout and contacting neighborhood associations, Community First and such other organizations that seemed appropriate in regards to what was happening and requesting input. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman stated he felt it was great that the people of Broadway were interested in the Historic Broadway Pedestrian project. He understood they were talking about West Boulevard and Garth all the way up and down. He wanted them to go forward with as much of it as they could. He made the motion for staff to work with the Historic Broadway Pedestrian project leaders and the neighborhood and to report back to Council. Mr. Loveless thought the report should include cost figures. Mayor Hindman agreed. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mayor Hindman asked if the Council requested a report on Stewart and Providence. Mr. Janku thought they did. Mayor Hindman noted a ramp was built for construction purposes and they almost built around down from the driveway of the Taco Bell to the trail. He understood they built it for the machinery, but thought with a little additional work, that could end up providing access. Mr. Glascock stated he would not say it could not be done, but sometimes they had to take them out under Corps permits. Mayor Hindman understood there could be a lot of complications, but wanted the staff to look at it. Mayor Hindman made a motion for a report studying Stewart and Providence for various means of access to the trails. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

The meeting adjourned at 9:37 p.m.

Respectfully submitted,

Sheela Amin
City Clerk