

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
OCTOBER 2, 2006

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, October 2, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON and JANKU were present. Council Member HUTTON was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meetings of September 5, 2006 and September 18, 2006 were approved unanimously by voice vote on a motion by Ms. Crayton and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

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

SPECIAL ITEMS

Presentation to Animal Control – “Agency of the Year” Award

Mayor Hindman explained the Columbia/Boone County Animal Control Division was named the 2006 Outstanding Animal Control Agency of the Year by the Missouri Animal Control Association, which recognized a Missouri animal control agency that improved life for companion animals and excelled in meeting industry standards. He presented the award to the Molly Aust, Barbara Ball, Debbie Christoff and Jean Easley, who were representing the Animal Control Division. He noted there were six animal control officers who provided services from 7:00 a.m. to 9:00 p.m. seven days a week and on call 365 days per year.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B360-06 Amending Chapters 13 and 22 of the City Code relating to sanitary sewer utility rates.

The bill was read by the Clerk.

Mr. Watkins stated this bill had been included with the budget items the Council approved at the last meeting, but needed to be held over in order to be in compliance with State law. He explained the bill would increase the sewer rate by three percent and sewer connection fees from \$400 to \$500 on new homes. The \$100 increase was part of the

financing plan proposed for the new Sewer Master Plan. If the Council approved this, it would increase the residential sewer bill by approximately 34 cents per month. Both changes would become effective immediately.

Mayor Hindman opened the public hearing

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

The vote on B360-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B386-06 Amending Chapter 27 of the City Code as it relates to electric connection fees.

Mayor Hindman stated there had been a request by staff to table this issue.

Mr. Loveless made the motion to table B386-06 to the October 16, 2006 Council meeting. The motion was seconded by Mr. Janku and was approved unanimously by voice vote.

B387-06 Voluntary annexation of property located on the south side of Starke Avenue, east of U.S. Highway 63; establishing permanent O-P zoning; setting forth a condition of approval.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was the voluntary annexation of about 21 acres located just south of the Fairgrounds in northern Columbia. The City surrounded the property and current Boone County zoning was R-S, which was equivalent to the City's R-1 zoning. The Planning & Zoning Commission recommended approval of O-P as permanent zoning, subject to a traffic impact study being required as part of any O-P plan submittal.

Ms. Hoppe understood the Planning & Zoning Commission indicated that with the traffic study that the developer should be responsible for improvements that needed to be made and asked if the ordinance reflected that. Mr. Teddy replied it was in the ordinance and the applicant stated they did not have an objection to that condition. Mr. Watkins thought that could be a condition of Council approval of the O-P plan.

Mr. Janku understood this involved all O-1 uses and asked if it could include duplexes. Mr. Teddy replied residential was an authorized use in an office district. Mr. Janku noted there was nothing in the documents that indicated what type of development would occur and asked if they could specify the quality and standard they wanted in a residential development when the plan came forward. Mr. Boeckmann replied they could review the plan when it came forward. Mr. Janku asked if they had controls on the features, such as the type of garages, if it was not what they wanted. Mr. Boeckmann replied he thought they did.

Mayor Hindman opened the public hearing.

Ron Shy, 5600 South Highway KK, stated he represented the owners and did not know what it might be in the future.

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

Mr. Janku explained in the past they had concerns about the quality of duplex developments and as a result, they tried to ensure newer developments had certain quality

features. He understood they had certain controls through the plan if it was a duplex development.

The vote on B387-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B388-06 Rezoning property located generally south of Rollins Road and east of Scott Boulevard, on the east side of existing West Lawn Subdivision, from A-1 to R-1.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposed rezoning of about 28 acres in west Columbia. It would be Phase II of the West Lawn Subdivision. He noted the Planning & Zoning Commission recommended approval and that this was part of the old Russell Farm.

Mayor Hindman opened the public hearing

Brent Brown, an engineer with A Civil Group, 1123 Wilkes Blvd., Suite 450, stated he was available to answer questions.

Dan Terrell, 105 Rothwell Drive, stated he, as a resident of Rothwell Heights, was concerned about this development affecting the quality of life of the existing neighborhood. He thought this would increase traffic Rothwell Drive, which had no sidewalks or speed bumps. He noted Rollins Road had both. He explained the morning commute included cars, school buses, construction equipment and pedestrians without separation of sidewalks. It was not unusual to see 40 mph along the three block stretch of Rothwell from West Broadway to Rollins Road. He thought traffic patrol cars could slow traffic down. He noted this would also add to traffic on Scott Boulevard, which had no center median. Left turns to enter or exit Christian Fellowship, a local school, from Scott Boulevard were hazardous. He thought a stop sign on Scott at its intersection with Christian Fellowship would be an improvement. He also asked if the City development fees were adequate for the City to provide streets, utilities, sewers and services. He noted the development would add to the water and electrical demand as well as the crowding at schools.

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

Ms. Hoppe asked for an estimate of development fees that would be paid by the City and for a response to the traffic concerns noted by the speaker. Mr. Glascock stated that he did not know about the development fees. He explained on the Public Works side, they tried to recoup their inspection costs. They developer installed all of the streets and storm water at their expense. In regard to traffic, the development would increase traffic. He noted the City improved Rollins Road for another connection to the east and that would alleviate some of the need on Scott. Mr. Teddy pointed out there would be a second connecting street indirectly tying the subdivision to Rollins, which would better distribute traffic. Ms. Hoppe asked about the suggested stop sign. Mr. Glascock replied he was hesitant in regard to putting a stop sign on a four lane arterial. If something was needed, it would be a signal. He thought there were future plans to put a signal at Rollins and Chapel Hill. Mr. Dasho stated the developers were required to put in the water facilities and pay a water connection fee for each meter attached to the system to recover the City's cost. In regard to electric, the Water & Light Department paid for putting in the electrical infrastructure at this time.

Mr. Janku understood they were going to request connections to Russell Park and asked if having an adjoining residential area connect to a public point was required by the subdivision regulations. Mr. Teddy replied it was to some degree, but in this case, it was voluntary on the developer's part. There were two pedestrian easements on the preliminary plat that allowed pedestrian connections to the east directly from this subdivision, so when the park was programmed in the future and the trail was extended along Scott's Branch, there would be access from within the new neighborhood. He explained there was a provision in the subdivision regulations that indicated stub end streets were required at regular intervals and the longer the property became without a stub end street, the more authority the City had to require a pedestrian easement in lieu of streets. Mr. Janku understood there was nothing that would directly require a pedestrian easement. Mr. Teddy replied that was correct. He explained that if there was a sensitive feature, such as a creek, and they felt a street extension would not be wise, but wanted a pedestrian connection and if there was more than 1,000 feet between the last east/west street, they could require a pedestrian easement. Mr. Janku understood it was dependant upon the street issue and not independent of that. Mr. Teddy replied that was correct and added that there was not unlimited authority for the City to impose those connections.

Mr. Loveless stated this appeared to be a reasonable request and an appropriate use of this particular property. It was surrounded by nearly 100 acres of parkland, which would provide amenities to the people nearby and lessened the density of this major residential area. He noted they all understood that when one developed property and built houses, traffic increased. He thought this was a low impact type of development.

Ms. Hoppe stated she agreed it was a low impact development and hoped the neighbors would be able to provide input on the particular areas in which they had concerns, such as traffic, and that City staff would, reasonably, try to address those to avoid future problems. She noted the Council was also looking at an electrical hook-up fee, which was tabled tonight and would not apply to this development. She was hopeful some version of it would pass, so the cost to the City would be less.

The vote on B388-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B389-06 Amending Ordinance No. 016915 and Ordinance No. 016916; approving the Grove Park O-P Development Plan; setting forth conditions of approval.

The bill was given second reading by the Clerk.

Mr. Watkins explained this plan involved about 23.5 acres in south Columbia and would consist of multi-family, two-family and single-family dwellings for a total of 160 dwelling units. Amenities would include open spaces and a swimming pool. This proposal would supersede the existing O-P development plan for Lutheran Senior Services approved by Council in 2001. He pointed out this area was in the Little Bonne Femme Watershed and noted the Council's informal policy was to require the impervious surface area to be limited to not more than 30 percent of the site. With some proposed conservation easements the

applicant was bringing to the table, they would meet that requirement. The Planning & Zoning Commission recommended approval.

Mayor Hindman asked for an explanation regarding the amendment sheet associated with this item. Mr. Teddy replied there was an exhibit to the proposed ordinance, which originally had language about 4, 5 and 6 bedroom units in a particular building on the site plan and that had been amended to delete the references to the 5 and 6 bedrooms.

Mayor Hindman made a motion to amend B389-06 per the amendment sheet. The motion was seconded by Mr. Janku.

Mayor Hindman opened the public hearing

Craig Van Matre, an attorney with offices at 1103 E. Broadway, stated he was representing the applicant and passed out copies of their presentation. He explained this was a request for approval of an O-P development plan to replace a plan for what was to be a retirement center. He noted the obligation to purchase this property was contingent upon obtaining Council approval of the O-P plan. The property was originally owned by the National Benevolent Association and was sold with the idea it would become a nursing home site, but when Lutheran purchased the Lenoir property, they no longer needed this site and agreed to sell it to Capstone. He stated he believed they had satisfied the initial objections from staff and the neighbors. He noted they would pay an additional assessment fee for the frontage on Nifong, but pointed out he thought that money needed to be spent on Bearfield Road as opposed to Nifong. In addition, they had obtained a conservation easement in order to meet the density requirement. He provided an affidavit and certification from the engineer stating the conservation easement area was within the same watershed as the subject tract.

John Vawter, Executive Vice President of Capstone Development, stated the product they were presenting tonight was a new step in student housing, which represented a departure of what had been done in the past. He noted they had developed just over \$1.4 billion in student housing over the last 16 years throughout the Country and managed 30,000 beds of housing on and off of university campuses.

Mr. Janku asked for the total count of bedrooms. Mr. Vawter thought it was just over 500. Mr. Teddy replied the plan noted it was 479 bedrooms with 571 parking spaces.

Mr. Janku asked if they would object to using the funds on the Bearfield/Nifong intersection. Mr. Van Matre replied they would not. He showed the concept of the development on the overhead and noted they would all be condominiums.

Ms. Hoppe asked for an illustration of the 12 unit lodge. Mr. Vawter showed that photo on the overhead and noted that on the first floor were 3 bedroom/3 bath flat units and on the top two levels were 2 bedroom/2 bath townhouse units. The entrance to the building was on the second floor with an interior stairway going up to the bedrooms in that particular unit. It was a three story unit. He pointed out the quality of these units was unlike most student housing. They had hardwood floors, granite countertops, stainless steel appliances, and nine foot ceilings. It was a top of the line unit.

Mayor Hindman understood these were condominiums. Mr. Vawter replied that was correct. Mayor Hindman asked if they would be sold. Mr. Vawter replied they could be sold. Mr. Janku understood a parent could buy one for their kids. Mayor Hindman noted investors could buy them and rent them out. Mr. Vawter replied that was correct and added that it

would be operated as a student apartment community. He explained they had a development similar to this in Auburn, Alabama where the majority of the units had been sold. The lesser number of the purchasers were investors. A majority of the purchasers were parents of students. Ms. Hoppe understood the parents were who they were marketing this to. Mr. Vawter replied that was correct.

Chris Sander, Crockett Engineering, 2608 N. Stadium Boulevard, explained in developing the site plan for the project, they had incorporated some features to try to manage the storm water quality. The three general areas they were looking at were to bypass storm water that passed through the site, implement non-structural best management practices (BMP's) and implement structural BMP's. Bypassing runoff coming onto their site from upstream areas would allow them to preserve the quality of water in its current state and pass it through. It would also increase the efficiency of the BMP's by reducing the amount of water and limiting it to only the water that needed to be cleaned. The non-structural BMP's included minimizing the directly connected services by using vegetated areas to separate paved areas, by not having downspouts and gutters, except in minimal locations, and by incorporating rock areas in the landscaping to protect the ground from erosion. He noted there were places in the parking lot where they would open the curb into segments to allow the water to run into swales instead of collecting it all in one area for a storm sewer. They would also control the use of lawn chemicals to prevent putting pollutants in the water. Structural BMP's included a wet basin, which was a detention basin structure that would have a permanent pool and would incorporate areas where the runoff would drain into the basin providing a place for the sediment to collect and be cleaned without disturbing the wetland part of the basin. The permanent pool would support wetland aquatic life as well as wetland vegetation to improve the efficiency of the uptake of pollutants. They would also include vegetated swales and infiltration trenches to filter the water through the area. He noted the final design would incorporate measures to reduce the flow and the detention basin would be designed to discharge over a 48 hour period to allow as much infiltration as possible. He showed the area on the overhead and stated with the development of this site, they found the need for more conservation area than what Lutheran Services had originally reserved. They identified a site located in the upper reaches of the watershed that would give them maximum use of the conservation easement to preserve the water quality upstream and keep it clean through the system rather than waiting until the end where it was more difficult to deal with.

Ms. Hoppe asked for information regarding the conservation easement. Mr. Van Matre explained the signed conservation easement agreement had been delivered to the Planning Department, which indicated the property owner was obligated to grant the easement to the City upon payment of the purchase price. With the agreement in place, the conservation easement would be granted contingent upon the Council granting the approval of the O-P plan. He stated he thought the City Counselor had reviewed the agreement and the conservation easement for legal effect and form. He noted the ordinance specifically contemplated that before any building permit or land clearance permit could be issued, the conservation easement and annexation agreement had to be in place.

Mayor Hindman asked for a description of the conservation easement. Mr. Van Matre replied it was an undeveloped 10 acres and was in the same watershed. It also obligated the

property owner and the property owner's successors in perpetuity to keep the land undeveloped and unimproved, so it would always be in a vegetated state. The only entity that could destroy or modify the conservation easement was the City of Columbia, acting through the City Council.

Mr. Loveless asked if the easement would be recorded with the County Recorder of Deeds. Mr. Van Matre replied it was set up to be notarized and recorded.

Janet Wheeler, 4105 Meadow View Drive, stated she resided in the Bearfield Meadows Subdivision and was there as a neighbor to this development. She noted the density of this development was unprecedented in the number of people that would reside in the location in relation to the other communities around it. The conservation easement language would allow this or a future City Council to negate the easement. If that happened, it would give them nothing for what they were hoping would be a 30 percent impervious surface restriction on that land. She commented that it did not appear the Council had done due diligence in regard to inspecting the property to see what currently existed as far as impervious surface on the Sapp property being dedicated for this easement and felt that was an oversight. She did not understand how the developer could get around the definition of a hotel, which was defined as "a building occupied or used as a temporary abiding place of individuals or groups of individuals who are lodgers, with or without meals, and in which there are more than twelve sleeping rooms." She stated the lodge units were clearly buildings with more than 12 units being marketed to students, who were lodgers. She provided the Council a copy of the hotel definition. She noted that Capstone had addressed their concerns in regard to lighting, but suggested that due to the lighting ordinance currently being considered, the Council place a condition on the development asking them to include in their plans what would be adopted. The plan currently showed a 22 foot shoebox light as the maximum height. She thought that light was probably a little higher than would be appropriate in a residential type neighborhood and would prefer to see it lower. She understood they had promoted a swimming pool, volleyball courts and tennis courts on this site and pointed out the lights would stay on at very late hours and would create a lot of light wash. She also felt this development would create some enforcement concerns regarding the number of people residing in each particular unit based on City ordinances. She reiterated she was concerned with the overall density. As stated earlier, there would be 479 bedrooms and 571 parking spaces. If every parking space was filled and two people arrived in each car, there would be over 1,000 individuals on a 23.5 acre site at any given time. She thought that was greater than anticipated for a residential neighborhood.

Ms. Hoppe asked for clarification regarding her concern with the lodge and its relationship to a hotel. Ms. Wheeler replied the concern was that it was a single building that could potentially be used as rental property through an investment group and would fulfill the definition of hotel because that single building held more than 12 sleeping units. Therefore, a hotel would be on this property and a hotel was not an anticipated use under the O-P zoning provision. She commended Capstone for revising their plans that originally included six bedroom units and modifying that to a lower number.

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

Ms. Hoppe understood pesticides would be allowed, but would only be applied by someone with a license. Mr. Sander replied that was correct and added that they were restricting it to a licensed professional, who would apply the chemicals in a proper amount to reduce the excess introduced into the water that ran off the site. Ms. Hoppe noted there was a local company that used something that was non-pesticide and asked if they considered that. Mr. Vawter replied Capstone had not gone out and identified who the lawn maintenance company would be, but would be happy to interview that company.

Ms. Hoppe explained she had met with the developer and neighbors several times and commended them for working with the neighbors in advance. She noted she liked the variety of structural and non-structural BMP's they planned to use on the property. She was concerned about the conservation easement since it indicated the easement could be voided by the City or if the land was sold where the conservation easement and deed were merged, the conservation easement would be erased. She thought the purpose was to make sure there was land dedicated for impervious surface and noted she was concerned a future Council could change that. Mr. Boeckmann explained by operation of law, if one purchased property with an easement, it was automatically merged. If the easement was in favor of the City of Columbia, the City would have control regardless of what the easement said. Ms. Hoppe stated she was familiar with land trust in regard to non-profit organizations and if they dissolved, they had to find another non-profit that could take the easement. She asked if there was anything the City could do to ensure nothing was built on the land. Mr. Loveless understood she was concerned with a future Council negating what this Council had done in terms of trying to assure there was undeveloped property in perpetuity to offset this development. Ms. Hoppe explained she was concerned it would be lost in the shuffle. Mr. Loveless agreed and stated that was why he asked if this would be recorded with the County. He wanted to be sure that every time this piece of property popped up, whether it came to this or a future Council, it would say there was a conservation easement on the property. He was not sure there was a more secure way to do it. Mr. Boeckmann agreed and added he could not think of any way to improve it. He noted that although it was recorded, it did not mean that anyone would remember it or that a future Council would not alter it. Mr. Van Matre pointed out the easement itself contained an enforcement provision that required anyone who violated that easement to pay the cost of rectifying that violation. Therefore, anyone who tried to buy and develop that land would know, based on the easement, that the City could tell them to take something off at anytime. That person would not only have to pay for removing the impervious surface, but would also have to reimburse the City for attorney fees incurred to enforce the easement. He did not believe the easement was something to trifle with or be ignored. The only way was if a future Council eliminated the easement. He noted they did not know what tomorrow would bring and felt there always had to be a mechanism for changing because who knew what the right and proper thing would be to do with any property 200 years from now. Ms. Hoppe asked if Item C in the conservation easement could be bolded when it was filed. Mr. Van Matre replied they could do that.

Mr. Loveless stated he had questions regarding the storm water management infrastructure and the timing of when it would be put in place. He understood Section 5 of the amended and restated exhibits A and B read "at the time of approval of the final site plan" in

regard to the storm water management infrastructure being approved by the City. He commented that he preferred it being set up so there could not be any land disturbance prior to the time that the storm water infrastructure was in place. He stated they were seeing land disturbance happen without adequate safeguards and wanted to be certain they did not see a lot of uncaptured runoff from major land disturbance. Mr. Boeckmann asked if he was reading from the original exhibits or from the exhibits that were part of the amendment sheet. He noted Section 5 of the exhibits with the amendment sheet read “at the time of approval of any land disturbance or building permit....” Mr. Janku asked if that included storm water management during the time of construction as well as post construction. Mr. Glascock replied they would have a land disturbance permit before anything could be moved. Mr. Janku understood when they prepared the plan, it would address what was going on during construction as well as post construction. Mr. Glascock replied that was correct and added that Section 6 covered it well. Mr. Loveless stated that eased his mind.

Mayor Hindman noted the speaker brought up lighting and asked if this was passed tonight, if they had further control over lighting or if this was it. Mr. Boeckmann replied this was it unless they had some general lighting changes that would apply. Mayor Hindman thought the neighbors had a reasonable concern regarding the lighting. Mr. Vawter stated he would be happy to comply with an ordinance that was passed for lighting, if that ordinance was passed prior to their need to begin construction. Mr. Loveless asked if the applicant’s lighting plan, as submitted, conformed substantially with the new standards that the Planning & Zoning Commission was planning to advance to the Council. Mr. Teddy replied he thought it did conform. He noted they were using two types of lights. The tallest was 23 feet and the acorn top lights were lower at 13 feet. They also indicated they would use 100 watt bulbs in the lower lights and 150 watt bulbs in the taller lights. The taller lights would also have a full cut off design, so he did not believe they would be as intense as a commercial parking lot installation. Mr. Boeckmann noted that if the Council approved this, they would be grandfathered in, so it did not matter what they passed in any other ordinance. Ms. Hoppe pointed out the applicant indicated he would agree to the new ordinance, if it was passed prior to putting in the lights. Mayor Hindman understood they could amend this to say they would conform to the new ordinance if it was passed at the time. Mr. Janku commented that they did not know what would be in the new ordinance and he did not think the ordinance would even address acorn lights. He thought their lights could be more attractive than what would be included in the lighting ordinance. Mr. Loveless stated he was reassured by Mr. Teddy’s comment that their plan was substantially in compliance with what was working its way through the system in terms of height. Mayor Hindman noted he was satisfied as well.

Ms. Hoppe asked whether the lodging unit was a hotel and whether it conformed to zoning. Mr. Teddy replied the lodge buildings indicated they would be 2-3 bedroom units, so they regarded those as a multi-family apartment buildings. They did not think of them as having the characteristics of a hotel. Mr. Vawter explained the lodge building was a name applied to the building. It was three separate building structures with each building containing 12 individual units and those units were 3 bedroom/3 bath units and 2 bedroom/2 bath units. They would be operated as apartments or sold as condominiums. It would not be operated as a hotel. Mr. Boeckmann pointed out the hotel definition referred to temporary abiding

place. It was dependent upon what temporary meant, but in terms of a hotel, temporary was usually very short. Even though one could argue students were temporary residents, he did not believe that was the intent of the definition. Ms. Hoppe asked if the hotel definition needed to be clarified. Mr. Boeckmann replied it had not been a problem in the past and if they read it to make this building a hotel, they had all kinds of hotels in town that were not recognized as such.

Ms. Nauser commented that she was concerned with the impervious surface requirement of 30 percent being an informal policy and stated she wanted to see that become a formal policy, if they wanted to enact it in the area. She noted that when she first reviewed this, she had been concerned with the density, but after looking at the plans and seeing the storm water management facilities proposed, she was pleased with what was being done. She wished more people could see the extent the developer had gone to on a voluntary basis with the detention basins and the impervious surface being separated by the grassy area to allow the water to penetrate into the ground rather than into the creeks and ravines. She hoped more people would follow this practice.

Ms. Hoppe stated this was an intensive student area next to a neighborhood that was diverse and family oriented and wanted to know what measures were in place to ensure there was not partying until 3:00 a.m. every morning. Mr. Vawter replied that having been in this business for over 20 years, the large majority of students lived within the limits everyone expected of a society. It was a smaller number that did not. He stated Capstone was very sincere and strict on their policies, rules and regulations. They would identify those individuals and if they could not adhere to the rules and regulations, they would have to find a different place to live.

Ms. Nauser asked if they would have 24 hour on-site management. Mr. Vawter replied yes.

Ms. Hoppe commented that she was disappointed they did not fine tune the development more towards what existed in Columbia in terms of the promoting biking and etc. and noted the bus connection was just down the road. Mr. Vawter replied they would be happy to work with Public Works to attempt to bring the transit system closer to their development because it would benefit the residents and the development. He stated they liked to encourage pedestrian and bicycle traffic back and forth to campus and would work to try to supply bicycle storage on site. He noted one of the challenges was to have outdoor storage for the bicycles because typically the students took them inside. Ms. Hoppe stated she was hoping that would lead to a reduction in parking spaces.

Mayor Hindman stated there were many good features about this development and the density did not bother him because he felt density was a good thing. He was nervous about the density being this far from campus due to the students going back and forth because it would generate a lot of trips in the area.

The motion to amend B389-06 per the amendment sheet, made by Mayor Hindman and seconded by Mr. Janku, was approved unanimously by voice vote.

The vote on B389-06, as amended, was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B399-06 Authorizing construction of water main serving Wellington Villas, Plat 1; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Watkins stated this would authorize payment for differential costs of about \$12,000 for approximately 1,700 feet of water line.

Mayor Hindman opened the public hearing

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

The vote on B399-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B400-06 Authorizing construction of water main serving Wellington Villas, Plat 2; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Watkins stated this would approve differential cost for about 640 feet of water line. The cost was approximately \$4,500.

Mr. Loveless asked if these two pieces were part of the same development and why there was a cost difference of 11 cents. Mr. Dasho replied differential cost included the pipe size and the trenching.

Mayor Hindman opened the public hearing

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

The vote on B400-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, JANKU. VOTING NO: NO ONE. ABSENT: HUTTON, CRAYTON. (Ms. Crayton stepped out during the discussion for B400-06 and did not return until after the official vote was taken.) Bill declared enacted, reading as follows:

R214-06 Approving amendments to the 2005-2009 Consolidated Housing and Community Development Plan relating to vacant dilapidated commercial properties, ADA improvements to community facilities and HUD required performance measures.

The resolution was read by the Clerk.

Mr. Watkins explained there were three proposed amendments to the Consolidated Housing Community Development Plan, which was required by HUD to participate in the CDBG and HOME programs. The first would add a priority to address vacant and substandard commercial properties that affected the Neighborhood Response Team (NRT) area. It would allow the City to use CDBG funds for vacant and substandard commercial properties, if they wanted. The second amendment included adding ADA standards to public buildings owned by non-profits. This would allow the Missouri Theatre's elevator to be eligible for CDBG funds. The third amendment was required by HUD and added some performance measures to each of the objectives listed in the Consolidated Plan. It was a new HUD standard the City had to comply with by the end of the year. He pointed out that just because they made these items eligible, they had not approved CDBG or HOME funds for commercial properties. Unless the Council amended budget, there was no money in the budget for that activity this year.

Mr. Teddy pointed out staff had not put forward in its draft of this amendment any kind of specific program. They were not changing any existing property maintenance codes. This only gave the City flexibility to include commercial properties in the property maintenance surveys in the Central City area.

Mayor Hindman opened the public hearing

Lawrence Gibb, 2000 College Park Drive, asked for an explanation regarding the first amendment. Mr. Watkins stated there was a provision in the current plan that addressed dilapidated residential properties and allowed them to use CDBG money for demolition of those structures. The amendment before the Council was to expand the use to commercial properties. This was a recommendation by the Community Development Commission. If the Council accepted this recommendation and included it in the plan, it would make those activities eligible. He pointed out, however, the budget approved for the upcoming year did not include any money for this particular activity. Mr. Gibb asked if the City was acquiring these properties. Mr. Watkins replied no and added there was no acquisition. Mr. Janku stated the language in what they were adopting read “continue stepped-up enforcement CDBG funded code enforcement personnel ... provide additional resources to initiate code enforcement actions targeted at commercial properties that affect older neighborhoods in the CDBG eligibility area.” He stated that meant going out to properties not being kept up and issuing a notice for violations, so they had to pay a fine or fix it up. They were not talking about tearing down buildings because they did not have money in the budget for that. This was to ensure residential and commercial property owners maintained their property and if they did not, the City would initiate enforcement actions. Mr. Gibb asked if the City paid for taking the property down. Mr. Janku noted they were not necessarily going to take them down. He thought when the City condemned a property, they tax billed the property and put a lien on the property so it could not be sold until the City was reimbursed for expenses.

Lana Jacobs, 901 Rangeline, understood CDBG money was designed to work in low income housing areas to create jobs and housing to address homeless issues. She stated she had lived in Columbia for 37 years and felt CDBG was a joke because it went towards basic things such as streets. The people got very little of it. She noted the Consolidated Plan for the City this year was \$1.4 million and one of the priorities was to provide home ownership for low income people. She stated they saw very little of that because the programs were inaccessible for poor people. She noted the amendments opened up this money to people who did not need it. She commented that there were people in her neighborhood that needed ramps on their houses more than the Missouri Theatre needed an elevator. There were people that needed help to be able to own their housing and she did not think commercial real estate people, who had a lot of money, should be eligible to receive federal tax money. She stated she was opposed to this because it was another opportunity to take the money out of the hands of poor people. When looking at the Consolidated Plan for this year, there was a lot of money allocated to things that were never seen in their neighborhoods. She did not think the people in Columbia understood this federal money was supposed to go into their neighborhoods because it was going to agencies. She stated she would look at how these amendments would allow the money to go into the hands of rich people without poor people ever seeing the money. In regard to the NRT, she noted they

went to the neighborhoods telling people what might be wrong with their property and as a result, some of the people would end up selling their property to people who owned a lot of rental property.

Ms. Hoppe asked if she had addressed the Community Development Commission regarding her concerns. Ms. Jacobs replied she had not because she did not have time and noted this was the public forum she could come to. Ms. Hoppe asked if she had applied or was interested in applying. Ms. Jacobs replied no and added that she would never take a dime from the City. Ms. Hoppe clarified she was asking if she was interested in or had previously applied to be on the Community Development Commission. Ms. Jacobs replied no and stated she felt people like her were not allowed to be on those Commissions.

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

Mr. Janku stated this was not directed or intended to give money to commercial property owners. It was intended to make sure they kept their properties up to the same standards as every one else did. He noted it was requested by people living in the lower income areas of the City, such as Garth and Sexton, who wanted to make sure those properties were kept up so their property values were maintained. He commented that although the CDBG program was not perfect, it had accomplished quite a bit. They had allocated money over the years for ramps for homes. In terms of home ownership, the records showed they had funded over 400 home ownership purchases with the grant program that made it possible to take out mortgages in the Central City. They also funded numerous home ownership rehabilitation loans and emergency assistance loans for people with problems with their roof or other similar issues. He pointed out they had all kinds of programs in place that had helped the Center City over the years. He agreed there was still a lot to be done and noted tonight they were adopting an amendment at the request of the residents to help maintain some of the properties they felt were causing problems.

Ms. Crayton stated when the NRT went out to the neighborhood, they sent letters that appeared to be threatening and were disheartening to a 70-80 year old person on a fixed income, so they took that language out. She stated if there was a way to help, she wanted the money to go to help them maintain their homes. She felt unstable neighborhoods caused some of the crime and noted people that had lived in the neighborhood for 20-30 years were moving out because they were afraid to stay, which was causing more rental property in the area. She also thought they needed to help people who had reached their peak in public housing with home ownership. She asked how they could get people, who had reached their peak in public housing and were paying more than 30 percent in rent, into home ownership. She noted there were two Youth Build houses that were empty and had been for quite some time. She asked who was heading up the home ownership program now. She stated that when she was provided assistance, there were 3-4 groups helping with the home ownership program. She did not know who was doing it now and she had people calling and asking about it on a regular basis. She reiterated she wanted some money to assist seniors in staying in their homes because it helped the neighborhood. She noted there were dilapidated houses near commercial property that was not being kept up and thought they needed to do something about that because the areas looked run down.

Mr. Watkins explained the NRT procedure for when a person owned their house was that senior citizens were given priority for the rehab money to keep them in their homes. He noted a substantial amount of the CDBG and HOME sponsored housing rehab was forgiven if one stayed in the home for five years, so there were a lot of people that had the opportunity to maintain their houses. There was also a program where no payments were required until the home was sold. He pointed they had never foreclosed on someone who could not pay a CBDG loan. Ms. Crayton commented that she would like to see these programs become more accessible, so people knew where to go. She noted she was always being asked how to go through the process and who to contact. She asked if it was available on the internet. Mr. Watkins stated he believed it was on the City's website. He also explained the City had a program where they would help with the down payment for a first time homebuyer, but they still needed to be able to make the bank payment and meet the qualifications of the bank.

Ms. Crayton asked what they could do in regard to houses that had been built, but were empty. She noted two houses on Pendleton sat for a long time without being rented. She felt that if they were building houses, they also needed to be working with people to buy the houses instead of letting them sit empty. She listed a couple in the Central City area that were empty and stated these were things they needed to look into.

Ms. Hoppe noted the Community Development Commission minutes indicated the commercial application needed to go beyond the NRT area and understood the Tribune had covered some properties on the other side of Broadway, such as Osco. She asked whether this would apply to areas outside, as recommended by the Commission, if they ever had any money. Mr. Teddy replied that in response to the Commission's suggestion, they prepared a map of an impact area that would develop the NRT area. The thought was that property maintenance code enforcement would occur within the NRT and outside of it because the Commissioners felt the points of entry into a neighborhood said something about the quality of the neighborhood and had an impact on the property values within the neighborhood, so they were including the perimeter area. Ms. Hoppe asked about West Broadway and the area west of Providence. Mr. Teddy stated they included from 63 to Stadium and I-70 to Broadway to show a suggested area of commercial impact on the neighborhoods. He pointed out they had not put in an application for a program to carry out any kind of aggressive commercial enforcement. Ms. Hoppe asked if it was contemplated that it would cover both the north and south side of Broadway. Mr. Teddy replied yes and noted it was a flexible boundary to the extent there might be properties that were ill maintained and not just vacant that would have a negative effect on property values.

Mayor Hindman did not think they were authorizing this outside the eligible area. Mr. Loveless understood this was a program within very strict federally defined areas and they could not expend CDBG funds outside the designated CDBG area. Neither the Osco Drug Store nor the Sutton Barbecue buildings were within the CDBG eligible area, so they could not expend these funds within those areas. He noted the NRT areas were designated by the City and were primarily concentrated within the CDBG eligible area, but did not necessarily have to be. The CDBG funds, however, could only be used within the federally defined area set by the federal government. The City did not set those boundaries. Mayor Hindman felt this was a communications issue because they were not going to spend CDBG funds on

businesses outside the area. He noted they were not proposing to spend CDBG funds at all. They were only authorizing the possibility, but not outside the federal area. Mr. Janku reiterated that they were only talking about code enforcement at this time. No money was being budgeted for property acquisition or other similar things.

The vote on R214-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: HUTTON. Resolution declared adopted, reading as follows:

(A) Route of the proposed County House Branch Trail.

Item A was read by the Clerk.

Mr. Watkins stated this was a public hearing to discuss the potential routing of a proposed new trail to link Twin Lakes to Cowen Drive.

Mr. Hood explained the proposed trail would connect the Twin Lakes Recreation Area in the south to the Rollins Road/Cowan Drive area by generally following the drainage of the County House Branch. The overall plan also showed the potential to eventually connect the trail with an urban trail, like a sidewalk or pedway, to the ARC and Again Street Park. The project from Twin Lakes to Cowan Drive broke into sections with one being south of Stadium and the other being north of Stadium. With respect to the south portion, the trail would come out of Twin Lakes and cross Chapel Hill Road. They were tentatively suggesting an on-grade crossing. The culvert was not tall enough to get under the road, so they would either need to rebuild the culvert and portions of the road, build an overpass or go with an on-grade crossing. Initially, they suggested using the sidewalk along the south side of Chapel Hill to cross the creek and Chapel Hill to the north, but the land owner felt it would be better to move the crossings to the east side of the bridge, which gave better sight distances. He noted they would have to build another small bridge across the County House Branch, but believed there were some potential trade-offs in negotiating the right-of-way that might offset the cost of bridge, so staff felt this option should be considered. They would then continue north across three additional private properties to Ridgemont Drive. From there they would follow the sidewalk to a lot owned by the City and cross beneath Stadium Boulevard using a box culvert that was owned by MoDOT. He pointed out they would need to negotiate an agreement with them to use that crossing at Stadium. He stated they had met with the private property owners and came away with the feeling of it being feasible to negotiate a right-of-way through this section. In regard to the second phase, which was north of Stadium Boulevard, Mr. Hood noted staff proposed the route shown in green on the overhead. It would connect to Cowan Drive/Rollins Road, cross five different private properties and use some undeveloped street right-of-way. In visiting with those five property owners, three expressed strong opposition to the trail. Staff felt acquisition in this area would be more difficult and might require the use of eminent domain or condemnation. The property owners suggested two alternative options, which were shown on the overhead in yellow. One was to cross under Stadium, connect with the sidewalk along College Park, continue north to Kiwanis Park and going through the Park to Maplewood or north along the Russell Boulevard Elementary School property line to Rollins Road. This would require right-of-way or permission from the School District, but no other right-of-way would be required. The other option was to cross under Stadium

Boulevard, go east along Stadium to the undeveloped right-of-way for St. Michaels Street and go north to connect back to the original route suggested by staff. This option would require a substantial bridge where there was a deep ravine and would only avoid one of the three properties where the property owners were opposed. Staff was not recommending this as an option for consideration.

Ms. Hoppe asked which properties were opposed. Mr. Hood pointed out the properties on the overhead.

Mr. Janku asked if the box culvert under Stadium was of a size that would permit the trail to go under it. Mr. Hood replied it was a single box culvert, but was of the size and height where they could route the trail through it. In previous negotiations with MoDOT, they had always negotiated on multiple box culverts. This would be the first time they would be seeking permission to route through a single box. He noted there was room if they could negotiate it with MoDOT.

Mr. Janku asked if they were putting this trail in the Trails Master Plan tonight. Mr. Hood replied the trail was already in the Master Plan and when Council approved the most recent update of the Trails Master Plan, it was identified as a primary priority. Mr. Janku asked if they identified one route in the Master Plan. Mr. Hood replied the Master Plan included a general route, which, more or less, followed the County House Branch and was similar to staff's original proposal.

Mayor Hindman opened the public hearing

Mike Onofrio, 1507 Radcliffe Drive, stated he lived within the second phase and noted that up to about two years ago the trail was tertiary and was not supposed to occur within 20-25 years. The plan was revised within the last few years and it was now a primary trail. He pointed out this took him off guard. He stated he was a life long resident of the neighborhood affected by the trail and was speaking only in regard to the Phase 2 area. He recommended the alternate route from College Park through Kiwanis Park. He explained the differential in cost to go through the properties where the landowners opposed was probably over \$500,000. The alternate route would also serve the Southwest Swim Club, which was on College Park to the left and had about 1,000 members. He noted the grade was not bad going up College Park and that Kiwanis Park was an under utilized park, so the trail could be routed through the Park. It provided nice access with the Russell School and would come out on Rollins Road, which had a 20 mile marker. He commented that it had nice access with high visibility. With the route involving Cowan, Rollins Road went down a huge incline where cars would speed, so it was dangerous to come off of Cowan Drive. Another problem he saw with the City using their property was erosion into the creek because there were a lot of different grades and it was close to the creek. He thought with the steep bank, there was also a safety and liability issue. He noted the neighbors he had spoken with would not sell and would go to condemnation with the exception of one who only had a lot in the neighborhood where a house could not be built. He stated there was a duplex development that was going down hill and not filling up well, so crime had been increasing in that area. The trail would shoot an alleyway through the Sunset Hills Subdivision giving people access to an isolated area where crime would be hard to police, so that was a concern of his. In

addition, he did not want a trail to cut through his backyard where people would be riding by while he was out barbecuing.

Dan Terrell, 105 Rothwell Drive, stated he recently walked through Kiwanis Park, down Maplewood and the other route and believed it would be nicer to go through Kiwanis Park. He noted he did not see a single person while he was there and thought it would make a nice route. He commented that as a homeowner, he was opposed to using eminent domain unless they were really going to add something to the community. He reiterated that he thought going through the existing park was the better way.

Rex Waid, 2304 Ridgefield Road, stated he was the Secretary/Treasurer of the Ridgefield Park Association and that Ridgefield Park was a 7.43 acre, private park proposed to be in Phase 1. He explained Mr. Hood met with four members of the Park Association in the early summer and the Association subsequently discussed the matter, but had not come to any conclusions. He believed they could be friendly toward the City to work something out. He noted some of the houses would be exposed, so they would expect some tree or vegetative buffers. He thought it was something that might enhance the neighborhood and be an improvement to the City's Park & Trails Plan. He pointed out that although he did not speak officially for the Park Association, he felt they could work something out with the City.

Johannes Schul, 1012, Cowan Drive, stated he lived on the last house on Cowan Drive, which was where the trail would cross the County House Branch, and believed Cowan Drive was unsuitable for an urban trail because it was very narrow and did not have access for turning cars around. If the City took more of his driveway, he did not know how he would get his car or boat back on his property. He was also concerned about the crossing at County House Branch because during a storm where there were a couple inches of rain within one hour, the creek rose 4-5 inches within minutes. He noted their second property, which was adjacent to the bridge, was completely covered by several feet of water at times. He commented that there was a major drainage issue on Cowan Drive, which he did not think the City was aware of. During a heavy rain there was 6-8 inches of water on Cowan Drive because the water coming from Rollins was not being picked up by the storm sewers. He noted there was severe erosion beside Cowan Drive. He explained there was a steep hill at the bottom close to the bridge and any disturbance of the vegetation for construction concerned him because he did not want the hill to move toward him. He did not believe a gravel road, as indicated on the plan, would remain for long due to the storms. Also, the bridge would not be able to infringe the water flow, so it would have to be substantial and bigger than the bridge where the County House crossed Rollins. He noted that bridge blocked the water. He was concerned a bridge would cause flooding onto his property and house, where it was currently not a problem. He understood the trails would cross peoples backyards and if it had to be his, that was fine. His concern was that this was a major item that would cause erosion problems. He felt going through Kiwanis Park was more sensible.

Lawrence Gibb, 2000 College Park Drive, stated he liked the idea of this trail, but wished they had done it 20 years ago because they could have provided the City a better trail when they owned most of the land it would be sitting on. In regard to beauty, he thought the green route would be the best. However, he did not believe the green route would work because it was too steep. It would be hard to walk and bike up it. In addition, the cuts they

would need to make it a good trail would ruin what they wanted it for in the first place. He thought the yellow route, which went through the Park was the best option.

Margaret Andreassen, 116 County Road 6050, West Plains, Missouri, stated she was the owner of the 10 acre plot the trail would impact the most. It was the Gibb property that she had inherited from her parents and wanted to keep intact. She noted it was a very steep piece of property and thought taking the trail through Kiwanis Park, which was not used much, was a good idea. She felt to put a trail through her property would require destroying a lot of the property and she wanted to keep it a green place without traffic at this time.

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

Mr. Janku understood the acquisition of right-of-way was estimated at \$242,000. Mr. Hood replied that was the estimate. He explained when they did the original cost estimates, they had a \$120,000-\$300,000 range and the actual cost depended on what the property would sell for per acre. The \$242,000 was in the middle of the range. Mr. Janku asked if that was for the green route. Mr. Hood replied it was based on the green route and would involve the acquisition of 5-8 acres depending on the width of the right-of-way in certain areas. Mr. Janku asked how much was in the budget for trails. Mr. Hood replied, effective today, they had \$380,000 in the Trail/Green Belt account plus they would add \$100,000-\$150,000 each year for the next four years.

Mayor Hindman understood Phase 1 included Stadium to Chapel Hill to connect to the Twin Lakes area and thought since it had a decent opportunity, it was something they should look at. It had the potential of creating an access and a significant amount of connectivity. In regard to the north, he felt the green route was the best route. He suggested they talk about Phase 1 now and Phase 2 at a later time. Once Phase 1 was in, they would want to connect to it from various neighborhoods and they could look at how that could best be done. He understood they had a situation with Phase 1 where the landowners involved favored the trail, so he felt it was a good time to move ahead. In regard to Cowan Drive, he understood some right-of-way would have to be acquired, but noted a significant part would follow street right-of-way the City already owned. In regard to the technical erosion problems, he felt they dealt with that all of the time. He understood where Mr. Onofrio was coming from, but commented the closest the trail would come to his house would be 200 feet and it would be on the other side of the creek. He stated his experience was that once trails were in, people liked them. He understood people paid premiums to live by trails once they were in. He noted this was in an area that had the potential to connect a lot of neighborhoods together, which was a good thing. At this time, however, he suggested they take on Phase 1 and let the Pilot Project Committee review Phase 2.

Mayor Hindman made the motion directing staff to prepare an ordinance authorizing the acquisition of right-of-way for Phase 1 of the trail with the route proposed. The motion was seconded by Mr. Loveless.

Mr. Janku thought Phase 1 was fine and that it would be an excellent opportunity to extend the pedway along Stadium Boulevard that would lead to the campus area. He did not believe Phase 1 would use up a lot of money, but felt they should prioritize projects like they had done in the past if they were going to start moving forward on certain projects because he felt a connecting a trail to the proposed new library was a good project as well.

Ms. Hoppe agreed they should go forward with Phase 1 and noted the Pilot Program Committee might decide the cheapest and the best way for Phase 2 was the alternate yellow route. She felt getting the most for their money was important and she was in favor of deferring Phase 2 until later. She noted that strong neighborhood opposition in existing neighborhoods should also be taken into consideration. She did not think every nature area needed a trail through it.

The motion directing staff to prepare an ordinance authorizing the acquisition of the right-of-way for the proposed route for Phase 1 of the trail, made by Mayor Hindman and seconded by Mr. Loveless, was approved unanimously by voice vote.

OLD BUSINESS

B372-06 Authorizing acquisition of property to install and operate a refuse compactor in a portion of an alley located between Ninth Street and Tenth Street.

The bill was read by the Clerk.

Mr. Watkins explained this would authorize a trash compactor in a private alley. It was tabled at the last meeting and they had received another request from SBD to table it to the October 16, 2006 Council meeting, so the SBD Board could review it on October 10, 2006.

Mr. Loveless made a motion to table B372-06 to the October 16, 2006 Council meeting. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

B398-06 Authorizing an agreement with E L M Building Partnership for the purchase of land along the east side of Tenth Street between Locust Street and Elm Street.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was an agreement to sell a piece of City owned surface lot ground to E L M Building Partnership for the construction of a mixed use downtown building that would include residential, office and retail. The property was appraised at \$285,000 and that was recommended sales price.

Mr. Boeckmann explained the City purchased a parking lot from the E L M Partnership in 1995. It was sold back to him for the appraised value last year with the stipulation that a multi-story downtown-type building be built at that location within five years. He noted this contract had the same stipulation. In addition, the City would need that lot until the Wabash project was finished, so closing would not be until September 2007.

Mr. Janku thought this was good for downtown and asked if the City could use or rent the lot for parking even after it was sold, but before the building construction started. Mr. Watkins replied the City had delayed this for one year due to the Wabash Station and would continue to use it for parking during that year. They hoped E L M Partnership would be well on their way toward a plan and construction during that year.

Lynn Miller stated he was a 50 percent owner of E L M Building Partnership with his wife owning the other 50 percent. He noted Mr. Watkins was correct in that as soon as they closed on September 4, 2007, they anticipated being ready to begin excavation and construction. If, however, there was a delay of any nature and no need for access to the property for parking, he would be willing to allow the City to continue to use that parking lot during that period of time.

Mr. Janku commented that they had seen the schematics of the building and noted it was a positive addition to downtown.

The vote on B398-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B402-06 Authorizing Change Order No. One to the agreement with SEGA Inc. for design-build services for construction of a 161 Kv electric transmission line.

The bill was given second reading by the Clerk.

Mr. Watkins stated this would authorize Change Order #1 in this project for the new 161 Kv line and was in the amount of \$911,000.

Mr. Dasho, using the overhead, pointed out the blue line, which was what they originally planned on building. He explained they ended up with the route identified with a red line and noted it changed dramatically for a number of reasons. After they had got the design going, the University asked them to move to the south, which would move the transmission line away from the entrance areas of the Missouri Farm. When they worked with MoDOT, they were told they could not cross Highway 63 at New Haven and that they had to get off of the interchanges because they did not want crossings at the interchanges, so they came farther south on 63. In working with the Lenoir properties, they came up had come up with three different alternatives to accommodate the right-of-way across their property. Also, the property owner at the corner of Ponderosa and 63 wanted the City to move the line from New Haven to Ponderosa after crossing Highway 63. This involved changing the route and the structures that were designed. Since the land owner was adamant, the City made all of the design changes. He noted each structure had to be designed to accommodate the transmission line. After the changes were made, the landowner decided that was not what he wanted and asked them to go to the original right-of-way. At that point, they could not do that without substantial delays and costs, so it was determined they would stay on the right-of-way that everyone had agreed to at one point in time and the City was in the process of condemnation on that one piece of property. The initial change cost \$269,000, the change at Lenoir was \$200,000 and the final change involving Ponderosa was \$316,000. He pointed out that even with the increases in prices, they were still lower than the second lowest bid received on the project.

The vote on B402-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B405-06 Amending Chapter 14 of the City Code as it relates to parking tickets.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would modify the provisions of the City Code pertaining to towing vehicles for unpaid parking tickets. The proposed ordinance would provide for notice and opportunity for hearing before a vehicle was towed and would increase the minimum fine for parking tickets paid more than 15 days after issuance from \$10 to \$15. He pointed out there was no proposed change for parking tickets paid in a timely manner.

Mayor Hindman understood there were changes to towing and putting a boot on the car and asked for clarification. Mr. Boeckmann explained the current ordinance did not afford the right to a hearing either before or after a vehicle was towed. This would provide that opportunity. Under the current ordinance, once one received five summonses, the vehicle was eligible to be towed. Under this proposed ordinance, once one received four tickets, a notice would be placed on the vehicle, which stated they were eligible to be towed and if they disagreed, they had a right to a hearing. There was also a provision to have a hearing after the vehicle was towed if one was disputing the reason the vehicle was towed. He did not anticipate many hearings because it was cut and dry for the most part.

Mr. Janku asked if the boot fell under the same standards as impounding a vehicle. Mr. Boeckmann replied yes. Mr. Janku understood a notice had to be on the car for 24 hours and wondered how it would stay on the car. Mr. Boeckmann explained it was not anticipated that they would put a notice on the car and tow it the next day. They anticipated it would be moved before that happened, so it would be the fifth ticket where it would be towed. He noted there was a provision for boots, but the City did not have a boot that was operational and had not done that for years.

Mayor Hindman understood with the fourth ticket, a person received a notice on the car indicating they would be towed if they received another ticket. He asked if that was a hearing notice. Mr. Boeckmann replied the fourth ticket stated the car could be towed and if they disagreed, they were entitled to a hearing and should contact the Municipal Court Clerk. Mayor Hindman asked what happened if no hearing was held and the fifth ticket was placed on the car. Mr. Boeckmann replied when they put the fifth ticket on the car, they called the tow truck. Once it was towed, the owner would receive a notice that the car had been towed with the location of where it was towed. Mayor Hindman asked what happened if they had four tickets, but paid all or a few of them. He wondered if the cycle would start all over. Mr. Boeckmann replied it would. Mayor Hindman understood there was a bump in the cost of the ticket if one went more than 15 days. Mr. Boeckmann replied that was correct and added that if someone had a large number of tickets, they would be notified that if the tickets were not paid by such a date, charges would be filed in Municipal Court and they would have to deal with Court costs as well. He felt that once people received the notice, they would start to pay.

Ms. Nauser commented that for the downtown worker, there seemed to be fewer and fewer long-term parking space needs and it seemed as though they were penalizing people who they wanted to attract to come downtown to do business, shop and etc. She stated she was not in favor of the \$15 penalty for not paying on time. She thought they should leave it at the \$10 penalty. She understood they were stepping up enforcement by towing, which she felt was a good incentive for people to pay on time, so she did not believe they also needed to increase the penalty for paying late. She explained a lot of people she spoke with that worked downtown were complaining because the parking garages were filled and one could not come downtown to spend half the afternoon because there were very few parking spaces available. She did not think they should try to make money off of parking tickets.

Mr. Janku noted they were getting ready to build a new garage. He understood the system was created to encourage people, particularly college students, from parking

downtown and taking up spaces intended for business people and customers. He thought they needed to create a stiff penalty for them because the idea was to create turnover. Ms. Nauser stated she understood, but noted with a two hour time limit, it would be hard to eat lunch and shop within those two hours.

Mayor Hindman understood in the past, merchants were complaining about employees taking up parking spaces, so one of the goals was to have a disincentive for students and employees to park all day. Mr. Janku pointed out this did not change the fee if the ticket was paid on time. Ms. Nauser understood, but noted some of the people she knew that worked downtown had to park on the street because there was not available parking close to their office. She agreed it was not an excuse to not pay the ticket on time, but stated some people had the habit of forgetting about the tickets while they accumulated. She noted if going to the mall and other places, they did not have to pay for parking. She felt the issue was where they drew the line and pointed out it would be years before the parking garages were done. With growth, she felt the situation was only going to get worse.

The vote on B405-06 was recorded as follows: VOTING YES: VOTING YES: LOVELESS, HOPPE, HINDMAN, JANKU. VOTING NO: NAUSER, CRAYTON. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B407-06 Amending Chapter 11 of the City Code as it relates to smoking in public places.

The bill was given second reading by the Clerk.

Mayor Hindman explained this was on the agenda with a recommended action to read and hold because they were going to have the public hearing on Monday, October 9, 2006 at 7:00 p.m. in the City Council Chamber. He noted they were not acting on this item tonight.

CONSENT AGENDA

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

B390-06 Authorizing an annexation agreement with Eric H. and Susan Lidholm.

B391-06 Approving the Final Plat of Old Hawthorne, Plat No. 2; authorizing a performance contract.

B392-06 Approving the Final Plat of Timber Creek, Plat No. 5, a Replat of Lots 3, 4, and 8 of Timber Creek, Plat No. 1.

B393-06 Vacating various easements in conjunction with the proposed Southampton Drive extension project.

B394-06 Vacating an unbuilt portion of street right-of-way for Iowa Avenue; granting a variance to the Subdivision Regulations relating to construction of a cul-de-sac bulb at the northern terminus of Illinois Avenue.

B395-06 Confirming the contract with Emery Sapp & Sons, Inc. for construction of Southampton Drive from State Route 163 (Providence Road) to Nifong Boulevard, south of Grindstone Parkway.

B396-06 Confirming the contract with Apex, Inc. for construction of portions of sidewalk on the north side of Business Loop 70 between Creasy Springs Road and Garth Avenue.

- B397-06 Allowing a building permit to be issued to Rabbit Ears, LLC for structures in utility easements along the north, east and west sides of Lot 301, Brookside Square Plat 3; approving a waiver of claim and indemnity agreement.
- B401-06 Authorizing a Side Track Use Agreement with Midwest Block and Brick, Inc. for use of Columbia Terminal (COLT) Railroad’s spur track and adjacent right-of-way.
- B403-06 Accepting conveyance; authorizing payment of differential costs for water main serving Forest Park South, Plat 1; approving the Engineer’s Final Report.
- B404-06 Accepting a donation from the FM Global Foundation for the purchase of two digital cameras and accessory equipment for the Fire Department; appropriating funds.
- B406-06 Amending Chapter 14 of the City Code as it relates to reimbursement of costs for DWI traffic offenses.
- R206-06 Setting a public hearing: FY 2007 Annual Action Plan for CDBG and HOME funds.
- R207-06 Authorizing Amendment No. 4 to the agreement with the Missouri Department of Health and Senior Services for the Local Public Health Agency Consolidated Contract.
- R208-06 Authorizing an agreement with the Missouri Department of Health and Senior Services for the regional public health emergency planning and preparedness program.
- R209-06 Authorizing an agreement with The Curators of the University of Missouri to allow the use of University property for the annual Halloween event.
- R210-06 Authorizing Weathercraft, Inc. to temporarily close an alley between Sixth Street and Seventh Street immediately south of Broadway to allow for construction of a new roof on the CenturyTel Building located at 625 Cherry Street.
- R211-06 Authorizing an airline airport agreement with Air Midwest, Inc. for commercial air service at Columbia Regional Airport.

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

NEW BUSINESS

R212-06 Approving the Preliminary Plat of Monterey Hills, Plat No. 2 located on the south side of Stadium Boulevard (State Route E), west of Sunflower Street.

The resolution was read by the Clerk.

Mr. Watkins explained this plat would include about 102 R-1 zoned lots on approximately 80 acres. Earlier the Council had indicated an interest in obtaining a green space easement that could be used for future a Perche Creek Trail and he thought this preliminary plat had addressed that issue. The Planning & Zoning Commission recommended approval.

The vote on R212-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: HUTTON.
Resolution declared adopted, reading as follows:

R213-06 Approving the Preliminary Plat of West Lawn Phase II located on the west side of Scott Boulevard (State Route TT), south of Rollins Road; granting a variance to the Subdivision Regulations relating to maximum cul-de-sac length.

The resolution was read by the Clerk.

Mr. Watkins explained earlier this evening, the Council rezoned this part of the Russell property and this was the preliminary plat associated with it. It would create 68 R-1 zoned lots, 2 common lots and a 5.5 acre lot to be conveyed to the Audubon Society.

Mr. Teddy noted the street for which the variance was required was a cul-de-sac that exceeded the standard of 750 feet. Staff and the Planning & Zoning Commission felt the variance was reasonable. An alternative would be to connect that street to Scott Boulevard and they were not enthusiastic about creating another intersection at Scott, since it was an arterial road.

Mr. Janku commented that he was pleased to see they included the pedestrian easements.

The vote on R213-06 was recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: HUTTON.
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.

- B408-06 Rezoning property located on the east side of Hitt Street, south of Rollins Street (812 Hitt Street) from R-3 to C-P; approving the Baptist Student Union C-P development plan; approving less stringent screening requirements.**
- B409-06 Approving the PUD development plan of Arbor Falls located on the north side of State Route WW, east of Cedar Grove Boulevard; approving a reduction in the number of required parking spaces.**
- B410-06 Approving the Final Plat of Rocky Creek Estates Plat 2 located on the east side of Forum Boulevard, approximately 225 feet north of the intersection of Forum Boulevard and Old Plank Road; authorizing a performance contract; granting a variance to the Subdivision Regulations regarding direct driveway access on Forum Boulevard.**
- B411-06 Approving the Final Plat of Broadway Farms, Plat No. 16A located on the south side of Rollins Road near the intersection of Rollins Road and Altai Drive; authorizing a performance contract.**
- B412-06 Allowing a building permit to be issued to First National Bank & Trust Co. for placing fiber optic communications cables in a utility easement located at 801 E. Broadway and 16-18 N. Eighth Street; approving a waiver of claim and indemnity agreement.**
- B413-06 Accepting conveyances for temporary construction, drainage, sewer, sidewalk, street and utility purposes.**

- B414-06 Accepting conveyance; authorizing payment of differential costs for water main serving Quail Creek West, Plat 1; approving the Engineer’s Final Report.
- B415-06 Accepting conveyance; authorizing payment of differential costs for water main serving Quail Creek West, Plat 4; approving the Engineer’s Final Report.
- B416-06 Accepting conveyance; authorizing payment of differential costs for water main serving Bradley Place, Plat 1; approving the Engineer’s Final Report.
- B417-06 Accepting conveyances for utility purposes.
- B418-06 Authorizing an amendment to the agreement with Central Missouri Community Action for the purchase and lease of city-owned property located at 900-902 Range Line Street.
- B419-06 Authorizing a transportation enhancement funds program agreement with the Missouri Highways and Transportation Commission relating to the extension of the Hinkson Creek Trail (Phase 2) from Grindstone Park to Stephens Lake Park.
- B420-06 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant for advanced arborist training for Parks and Recreation employees; appropriating funds.
- B421-06 Authorizing a PCS antenna co-location agreement with Cellco Partnership d/b/a Verizon Wireless for the lease of City property located at 1808 Parkside Drive (Solid Waste Utility – Storage and Mulch Site).
- B422-06 Authorizing a PCS antenna co-location agreement with Cellco Partnership d/b/a Verizon Wireless for the lease of City property located at 3112 Chapel Hill Road (Fire Department Station No. 6).
- B423-06 Authorizing a subaward agreement with The Curators of the University of Missouri for the Barriers to Family Planning for Hispanic Women and Men Project; appropriating funds.
- B424-06 Appropriating fire equipment sale proceed funds.
- B425-06 Amending Chapter 2 of the City Code to authorize the city manager to waive attorney conflicts of interest.
- B426-06 Authorizing the issuance of Sewerage System Revenue Bonds (State Revolving Fund Program) Series 2006.
- B427-06 Authorizing a sublease agreement with Williams Keepers LLC for the lease of office space located at 105 E. Ash Street for the Water and Light Department.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Potential sanitary sewer district on South Country Club Drive.

Mr. Watkins stated staff had received for Council consideration a petition from eight property owners to replace an old common collector with a new sewer line that would be up to City standards. This project would be eligible for the 50/50 program to replace old common collectors. Staff’s very preliminary cost for the project was \$120,000.

Mr. Janku asked if there would be a public hearing since there were some who were opposed to it. Mr. Glascock replied yes. Mr. Watkins stated he had not heard there were

people opposed. Mr. Janku noted the petition was only signed by people representing 4 of the 8 lots.

Ms. Hoppe asked how many other areas of the City were in a situation like this. Mr. Loveless replied there were many. Mr. Janku noted there were lots in the Stewart Road area. Mr. Loveless commented that he had seen 6-8 in his last two terms and explained that whenever there was an older neighborhood where they used 6 inch clay pipes for the common collector, those only had about a 50 year life span. Mr. Janku thought there were about 140 sewer districts. Mr. Glascock stated the last one he remembered was number 154.

Mr. Loveless stated it bothered him that only 4 of the 8 lot owners involved signed the petition. Before staff put in a good deal of time and energy on design work, he wanted at least the majority of the landowners to sign on. He asked if they set a public hearing, if the next step would be to organize the district. Mr. Glascock explained they would have a more detailed estimate and would bring the sewer district forward giving them authorization to spend the money. Mr. Loveless asked if they would have invested a great deal of staff time and expense with the next step. Mr. Glascock replied no.

Mr. Loveless made the motion to direct staff to proceed with preliminary design work and come back with a resolution to set a public hearing, while also having a majority of the landowners buy into the project. The motion was seconded by Mr. Janku.

Mr. Janku asked if this was a district that would be eligible for the cap of \$5,000. Mr. Glascock replied he was not sure. He stated if they did not get any additional owners, they would bring back a report to Council for determination as to how to proceed at that point.

Mayor Hindman stated that sometimes until the property owners saw where it would go, they were reluctant to sign on. He thought they would have to provide some numbers and routing ideas before knowing what they were thinking. Mr. Loveless thought staff understood his concerns and would proceed accordingly.

Mr. Janku understood this was money from the ballot issue for rehabilitation of older areas of the City. Mr. Glascock replied it was. Mr. Janku stated it came down to the issue of new versus old and pointed out people that lived in new subdivisions were paying to assist older areas.

Mr. Watkins noted a lot of the common collectors were infiltration problems and the EPA was cracking down to eliminate all of that. The City encouraged, where they had an opportunity, people to bring their sewer line up by giving incentives, such as paying for half, in order to eliminate the problem.

The motion, made by Mr. Loveless and seconded by Mr. Janku, directing staff to proceed with preliminary design work and come back with a resolution to set a public hearing, while also having a majority of the landowners buy into the project, was approved unanimously by voice vote.

(C) Nonmotorized Transportation Pilot Program Advisory Committee recommendations; project name and logo.

Mr. Watkins stated the report outlined what they heard at the public work session held earlier. The group was asking for a motion to approve the logo and the name.

Mr. Janku made the motion for approval of the logo and name and to register it as a trademark, if possible, so no one inadvertently used it. The motion was seconded by Mr. Loveless.

Ms. Hoppe stated she liked the name, but had shown the logo to a variety of people and she and the others felt it was stagnant. She thought it looked like a stop sign and did not know if that was what they wanted to convey. She wondered if they could make it look more action oriented. She thought it was good and just needed a little tinkering. She also did not like the big black “x” in the middle.

Mayor Hindman explained a public relations firm donated its services to this project. In addition, they had an advisory group that divided itself into three sections, one of which was the promotions sections, and they labored long and hard to come up with a name and logo that would be used for the project because the expectation was a substantial amount of money would be recommended for Council approval to use for promotion. There were concerns at the subcommittee, executive committee and full committee levels. Some of it had to do with what it looked like. Another concern involved the idea of using the name Pednet when there was an organization by that name because it might cause confusion. He stated this was discussed at great length and worked its way through each level to come here. He noted there were also issues about whether the bus and wheelchair should be included in the logo and whether they showed up well. He pointed out that he had found when it came to art, there was a difference of opinion.

Ms. Hoppe stated she did not know if there were several options. Mayor Hindman replied there were and they could continue this and send those to her. Ms. Hoppe thought it was a great program, so she wanted it to have the best symbol, but noted it was not that crucial. She thought if they could send it back, the designer might say if they tilted it a little or used thinner lines, it would look more action oriented. If it was a big deal with a large consensus, she did not necessarily want to pursue it. Mr. Janku suggested they let the name move forward and take another look at the logo.

Ms. Nauser stated that since these people had gone to a lot of time and effort to come up with the design, she would rather they focus on what they wanted to accomplish rather than worrying about the logo on the letterhead and asking them to tweak it. She thought they might like the original even after asking for changes, so she felt they should just move forward.

Mayor Hindman recommended they approve it, while suggesting they try to make it more action oriented if they could because the Council would be interested in looking at that. Mr. Janku and Mr. Loveless indicated they would accept that as a friendly amendment to their motion. Ms. Hoppe thought that was a good idea.

The motion, made by Mr. Janku and seconded by Mr. Loveless, for approval of the name and logo while asking the committee to try to make the logo more action oriented for Council review and to register it as a trademark, if possible, was approved unanimously by voice vote.

(D) 1700 Vandiver mid-block crosswalk.

Mr. Watkins explained Council had requested a report in regard to a mid-block crosswalk between the State office building on Vandiver and the bus stop. Staff recommended some pedestrian safety enhancements, which included median treatments, flashing yellow beacons and additional signing and markings. They felt this would make the crosswalk safer and was estimated to cost about \$76,000.

Ms. Crayton noted that when the building was built, she mentioned how dangerous that spot was for a mother with four children or a person in a wheelchair trying to cross at that location. There was not time for a truck to break when coming over the hill. She felt the crosswalk should never have been put in that spot. Mr. Watkins noted that was why staff had recommended substantial additional pedestrian safety improvements, such as flashing lights and additional signage.

Mayor Hindman explained he had been pursuing this project for some time and agreed it was a bad place and a place where a lot of people in need of services were going. Once they crossed the street, he thought there still needed to be work done, so they could get straight across into the building. He understood the State was prepared to do that and although it was a privately owned building that the State leased, he thought that had been worked out. Mr. Watkins stated he thought they were waiting for the City and would then proceed.

Mayor Hindman made the motion for staff to finalize the plans on the proposed enhancements. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(E) Mills Drive, Hatton Drive and Limerick Lane traffic calming.

Mr. Watkins explained the Council asked for cost estimates for the temporary installation of the proposed devices. The cost would be about \$8,500. Mr. Glascock noted that if they installed the devices, it would take a few months for traffic patterns to change.

Mayor Hindman asked if the developer was willing to put in some money toward this experiment. Mr. Glascock replied he did not know.

Mr. Janku understood the neighbors were opposed to the closing it and also did not want the diverters at Limerick and Hatton. Mr. Glascock replied that was correct. Mr. Janku asked if the proposed test was to close Mills and possibly Shannon without the diverter at Hatton and Limerick to see if there was a problem that needed to be corrected. If so, they would then put in the diverter. Mr. Glascock replied it was and noted they were not proposing to put in the diverter right away. They would only try it if there was an issue.

Mr. Watkins noted they were not asking for a decision tonight. They were only providing the cost estimate to the Council.

Mr. Loveless stated he would like to see some counts completed right away, so they had some baseline information before doing this. He understood they could take snapshots at random times and come up with reasonably accurate information. This would allow before and after data if they put it in.

Mayor Hindman understood that if Council wanted to move forward, staff was recommending they direct staff to prepare a resolution for a public hearing. Mr. Glascock explained that anytime the City spent money on a public improvement, they had to have a

public hearing. If it was done with operations funds, they might not have to hold a hearing. He noted that if the Council wanted to proceed with the temporary devices, they needed to direct staff to prepare a resolution. If they did not, the report was for informational purposes only. Mr. Watkins pointed out the Mills Drive issue would be discussed at the October 16, 2006 Council meeting. Mayor Hindman understood the suggested Council action was not what staff wanted from Council tonight. Mr. Watkins replied that was correct and added that if they decided after the next meeting, they wanted to proceed with it, they could go have a resolution ready for the meeting to be discussed. Mr. Boeckmann stated that since it was a temporary measure and the people who were interested would be at the meeting in two weeks, Council could do it by motion if they wanted because it was not a permanent public improvement. Mr. Watkins reiterated that they should not take any action tonight because the issue could be resolved at the next Council meeting.

Mr. Glascock explained they did not know whether the developer wanted to wait 3-6 months. He might want his issue voted on, so he suggested they check to see if the developer was willing to wait. He reiterated they did not intend on having something tonight. Mayor Hindman understood the report was for informational purposes and the suggested Council action was an error.

(F) Water line differential cost payments.

Mr. Watkins explained Council had asked staff to review its policy for differential costs. The Water & Light Department believed the existing policy was satisfactory in terms of a 6 inch line serving a development and the City paying differential costs for anything over that. The Water & Light Department suggested they make many of these more administrative by directing the City Manager to approve them along with the Department Head when the cost did not exceed \$20,000. Mr. Dasho stated a lot of these that came to the Council were for small dollar amounts. They held public hearings, but there was no interest on the side of the public. Allowing the City Manager to take care of items less than \$20,000 would be more efficient.

Mr. Loveless asked how much differential money they were talking about in a one year timeframe. Mr. Dasho replied he was not certain, but could get back to him. Mr. Loveless stated it was not that important because he did not think they were talking about a significant amount of money. Mayor Hindman commented that he did not think they had never turned one down. Mr. Loveless agreed and suggested they change their policy from 6 inch to 8 inch minimum sized lines. Mr. Watkins stated if the philosophy or policy was to make the developer provide the infrastructure necessary for that development, staff felt a 6 inch line was appropriate. The need for a line larger than 6 inches was only when lines needed to be extended into the system. He noted they could change the policy or philosophy to make the developer pay for oversizing lines to handle the next person's subdivision, but felt that was a significant change in philosophy. Mr. Loveless agreed and explained he was thinking that the City would just automatically pay the difference, so no change order was involved. Mr. Watkins asked if they wanted this done even when it was not necessary. Mr. Loveless replied yes. Mr. Janku understood the current ratio for 6 inch lines was 60 percent and the ratio for 8 inch lines was 40 percent, so they did not oversize on 60 percent of the lines. Mr.

Dasho replied that was correct. Mr. Janku thought it would be a big change if 60 percent did not need the 8 inch line. Mr. Loveless asked if there was a down side to having an 8 inch line. Mr. Dasho replied no. Mr. Loveless understood they looked at one today that had a \$2 per foot cost differential. Mr. Dasho explained it was really the cost differential between the two. If a 6 inch would do the job, it was the right size to put in. The 8 inch would do the job, but would cost more money. Mr. Janku asked if it was harder to maintain pressure for a larger pipe. Mr. Dasho replied no and added that it would improve the flows on the system. He agreed that it would be a significant change and felt they would want to take a good look at it, involve the stakeholders and provide the Council cost estimates.

Ms. Nauser understood a development required a 6 inch water line, but the City required an 8 inch line due to future development. The City would, therefore, be paying for an 8 inch line into infinity once they required the 8 inch line. She stated she agreed with the philosophy that there were a lot of community benefits for certain types of infrastructure, such as roads. Water lines seemed to have a specific target, which was the person connecting to the water line, and she, as a consumer, would never receive a benefit from the water line in another subdivision. She suggested that once they had to require an 8 inch water line that the 8 inch line become a requirement for whoever passed that point. She did not think the first person had to initiate that cost. She felt it should be future developments that forced the need of an 8 inch line. She thought there could be other uses for that money, such as storm water. Mr. Loveless understood the City did not currently recoup that cost and so the future development did not pay for the cost differential. Mr. Watkins noted there was a benefit to the system in having a backbone of the appropriate size to move the quantities of water needed and to provide the fire protection needed throughout the community. Ms. Hoppe understood the Council could consider recouping the differential costs from future developments.

Mr. Watkins stated there was merit in thinking about how they could cut down the Council's time, staff's time and the paper used on a routine administrative matter. The Water & Light Department's proposal made sense. If they had one over \$20,000, they would come back to Council and go through the public improvement process.

Ms. Hoppe commented that she like seeing the paperwork because she then knew there would be development in that direction down the road and also felt the public should be provided notice as well. She asked if they could be provided something for informational purposes like they were with the transfer of funds.

Ms. Nauser stated she did not have a problem with making it an administrative function. She was only trying to look at the issue for the future. She felt that when they put the 8 inch line in place, it would forever be a cost to the City beyond that point. Mr. Janku thought the water connection fee could be addressed. Mr. Dasho stated he thought he understood what the Council wanted and they would look into it and bring something back.

Mayor Hindman made the motion for staff to prepare a policy resolution that would make water line differential payments of up to \$20,000 an administrative decision and to require informational reports be provided to the Council when this occurred. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Nauser thought her suggestion could be addressed within the upcoming months.

(G) Planned District Zoning policy.

Mr. Watkins explained this report was for information purposes only and noted the Council would be taking this up at a future work session.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mayor Hindman made the motion for Council to adjourn into closed session on Monday, October 16, 2006 at 6:00 p.m. in the fourth floor conference room to discuss personnel matters closed as authorized by Section 610.021(3) of the Revised Statutes of Missouri. The motion was seconded by Mr. Loveless with the vote recorded as follows: VOTING YES: LOVELESS, NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU. VOTING NO: NO ONE. ABSENT: HUTTON.

Ms. Hoppe commented that at the last meeting, Mr. Smith presented a Civilian Review Board proposal, which she wanted to follow up to see if it would be positive for the City. She also wanted Police Department input. Mr. Watkins suggested, if she wanted to move forward, directing staff to prepare a report on the issue.

Ms. Hoppe made the motion to direct staff to provide a report on the proposed Civilian Review Board proposal. The motion was seconded by Ms. Crayton.

Mayor Hindman thought it was a good idea. He noted they had received reports on this in the past, but felt it would be good to have another report.

The motion, made by Ms. Hoppe and seconded by Ms. Crayton, was approved unanimously by voice vote.

Ms. Hoppe explained Moon Valley Road, which was south of Broadway and east of Old 63, was a limestone road and was extremely dusty in the summer. The residents indicated the dust covered cars and people walking along it. She noted it was close to where part of the trail would be when it connected Stephens Lake to Grindstone. She asked staff to look into the possibility of doing something with the road to keep the dust down. Mayor Hindman asked if it was a City street. Ms. Hoppe stated it went down to the end and stopped short of the houses. Mr. Watkins noted staff would look at that.

Mr. Janku understood there were recent police disturbances in the area of Newton Drive and asked staff to follow up with, not only police attention, but also with code enforcement. He did not know if it needed to become an NRT area. He thought it would be good to pay attention because there were some problems with trash and other issues and he was hopeful it would help the neighborhood get back up versus sliding downward.

Mr. Janku stated the conservation easement discussed tonight to make up for the impervious surface being lost due to the development reminded him of the tree preservation ordinance and the issue of whether or not they could go offsite with tree preservation to meet

the requirement. He requested a staff report because he felt it could have benefits, such as being more environmentally positive. He felt this would initiate the process.

Mr. Janku understood they were getting ready for the construction of the Southampton extension and noted they turned down the Old Hawthorne plat because they wanted the street name to stay the same for a street that had a 90 percent turn. He thought the same thing would happen with Southampton and felt they should be thinking about the name when it was extended so they were consistent with City policy.

Mr. Janku noted in the budget was a capital improvement for a sidewalk along Business Loop, adjacent to Cosmo Park. He understood the residents in the area were more interested in a crossing to access the bus stop and Park and thought it might be an alternative to the sidewalk in the budget.

Mr. Janku made the motion directing staff to prepare a report on the feasibility and cost of a pedestrian crossing for access to the bus stop and Cosmo Park. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku noted, earlier in the evening, they had the park access issue in regard to whether they could be required by the subdivision regulations. He understood they had previous reports on the issue and was surprised there was not more in the ordinances to allow the City the ability to require those in appropriate circumstances.

Mr. Janku made the motion for a staff report on the park access requirement issue described above. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Nauser commented that in regard to the condominiums in the Rock Bridge Park area and the informal policy requiring impervious surfaces to be limited to 30 percent of the site, she wanted a formal policy versus the informal policy. If that was what they were going to require of people, she felt it should be an ordinance. Mr. Janku explained this was used to address storm water before they knew about BMPs and other storm water management tools, so it was developed without a scientific review. He understood both sides of the Storm Water Task Force agreed that number was not the appropriate measure to use anymore. He thought they were moving toward BMP's to manage storm water properly. He did not think an arbitrary percentage was where they wanted to go. He was hopeful that they could do away with it when the storm water manual and ordinance moved forward. Mr. Loveless thought part of it was a misconception of terms. It was referred to as an informal policy, but there was a formal policy resolution the Council passed. Ms. Nauser understood it was like the lighting informal policy resolution. Mayor Hindman agreed.

Ms. Nauser stated she often drove on Scott Boulevard by Bethany where a child was hit by a car and was still seeing young children crossing that street. She was not sure the City could do anything, but wondered if they could make motorist aware with a flashing light or something. She was fearful it would happen again. She understood it was not the City's responsibility and that it was a parental responsibility, but noted there were no parents out there watching their children crossing over Scott Boulevard. Mr. Loveless pointed out it was

a County road at that point. Ms. Nauser wondered if they could request that the Sheriff's Department drive by a couple more times and to warn the children if they saw them crossing. Mayor Hindman asked if she thought it would be appropriate to slow the traffic down by putting in some traffic calming. Mr. Watkins replied that would be up to the County. Ms. Nauser pointed out another problem was that there was a slight incline, so vehicles gained speed coming down the hill. Since she was aware of the accident, she made a conscious effort to slow down.

Ms. Nauser made the motion for staff to contact the County in regard this dangerous situation on Scott Boulevard near Bethany. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The meeting adjourned at 11:18 p.m.

Respectfully submitted,

Sheela Amin
City Clerk