

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**SEPTEMBER 5, 2006**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, September 5, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members, JANKU, HUTTON, NAUSER (arrived at 7:09 p.m.), HOPPE, HINDMAN and CRAYTON were present. Council Member LOVELESS was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF MINUTES**

The minutes of the regular meeting of August 21, 2006 were approved unanimously by voice vote on a motion by Ms. Crayton and a second by Mr. Janku.

**APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA**

Mayor Hindman noted B334-06 would be moved from the Consent Agenda to Old Business. The agenda with the adjustment regarding B334-06, including the Consent Agenda, was approved unanimously by voice vote on a motion by Mayor Hindman and a second by Mr. Hutton.

**SPECIAL ITEMS**

**Proclamation Presentation to the Daniel Boone National All-Stars.**

Mayor Hindman stated the community was proud of the Daniel Boone National All-Star Team and that they were great representatives of Columbia and Boone County. He read the proclamation and noted they were only one of two Little League teams from Missouri to advance to the Little League World Series and the only Midwest team to win a game at the Little League World Series. He acknowledged Manager Jeff Echelmeier, Coach Dan Clapp and the team members, Jeffrey Ausmus, Beau Burkett, Landon Clapp, Will Echelmeier, Gus Jackson, Nick de Jong, Carter Marcks, John Osborne, Ryan Phillips, Ryan Schmidt and Ford Zitsch, and proclaimed Friday, September 8, 2006 as Purple and Orange Day. Mr. Echelmeier thanked the City and provided Mayor Hindman a signed baseball. He noted they were proud to represent the City of Columbia, State of Missouri and the Midwest Region.

**SCHEDULED PUBLIC COMMENT**

None.

**PUBLIC HEARINGS**

- B321-06 Adopting the FY 2007 Budget for the Special Business District.**
- B322-06 Adopting the FY 2007 Budget.**
- B360-06 Amending Chapters 13 and 22 of the City Code relating to sanitary sewer utility rates.**

- B361-06 Amending Chapter 22 of the City Code relating to solid waste utility rates.**
- B362-06 Amending Chapter 11 of the City Code relating to public health service fees and food establishment inspection fees.**
- B363-06 Amending Chapter 17 of the City Code relating to parks and recreation fees.**
- B364-06 Amending Chapter 27 of the City Code relating to water connection fees.**
- B365-06 Amending Chapter 27 of the City Code relating to water rates.**
- B366-06 Amending Chapter 27 of the City Code relating to electric rates.**

The bills were read by the Clerk.

Mayor Hindman opened the public hearings.

Rod Gelatt, 1020 LaGrange Court, explained he was a member of the Convention and Visitors Bureau Advisory Board, which was charged with responsibility for determining which festivals and events qualified for Tourism Development Fund Festival and Event (TDFE) program. Since it began, the TDFE had provided just under \$1,700,000 for various festivals and events. He explained the application submittal and lengthy review process and stated, for the 2007 fiscal year, they received 14 applications with requests totaling \$192,000. The Board recommended approval of 13 applications with a total funding of \$166,600. He noted the Hazel Kinder Lighthouse Theatre Bluegrass Festival was new for this year and the Plowman Chamber Music Competition was entering its second year. He thanked the Council for its continued support.

Ken Greene, 101 E. Orr Street, Chair of the Cultural Affairs Commission, explained the application submittal and review process and noted they received 18 applications. The applications were rated for artistic and educational quality, community outreach and administrative ability. Points were also given for applicants seeking revenue from sources other than the City. He noted they allocated \$80,076, which was a two percent increase over last year, and stated the recommendations approved were provided to the Council.

Mr. Greene stated the Commission was grateful for the recommendation of additional funding, especially since State funding for the arts had been declining, but wanted to encourage them to do more. He explained the growth of the City's arts funding had been steady at 1-3 percent per year, and while that growth was important, the base amount was such that the increase was limited. It was \$1,668 for the current fiscal year. At that rate, the growth of what the program could provide was slow. He noted the difference between what was requested and what was available was significant. In the coming fiscal year, available City funding represented only 57 percent of the requested amount, so most agencies were receiving far less than what they requested. He commented that studies had shown the arts were a sound investment, not only for the sake of art, but also in increasing tourism, contributing to community livability and encouraging economic activity. He understood the Office of Cultural Affairs would be moved from a special fund to a general fund in October and that the move would eliminate the need to have a dedicated fund balance. He suggested they use that portion of the current fund balance to establish a mechanism for augmenting what was budgeted on the annual arts contracts. It, along with what they budgeted, could boost the amount available to \$100,000, which he felt was an ideal amount for this program. He felt this could be done for several years until the steady 1-3 percent increase would bring the City's budgeted amount closer to \$100,000. He thought the remaining dollars in the fund balance could be used to address other worthy art projects in the community. He stated he understood the Council had a myriad of difficult budgeting decisions.

Don Stamper, 2502 Hollyhock Drive, stated he was speaking on behalf of the Central Missouri Development Council and provided the Council with a study completed by the Development Council regarding development fees and charges. It was completed in May 2006 and did not reflect the increases proposed. When those were added, the numbers were more astonishing. He stated they had grave concern for the impact the City's development fee increases would have on the cost of housing and the housing market. From 1990-2006, on an average 2,000 square foot home, development fees assessed to those properties had increased by 359 percent or an average of 22.4 percent annually. New home contributions in the same period were about \$23,000 per living unit and included fees assessed to the living unit and the contribution of infrastructure. He stated the fee increases outpaced the City's budgetary growth and the growth in FTE's related to development costs. In addition, in many cases they lacked accurate fiscal notes and came at the end of the meeting. He noted the Water and Light Department's proposal for an increase to the extension of utility lines related to electricity as an example of an item on the agenda tonight. He stated they were made aware of this a few days ago and their first contact with the Department was this afternoon. They were concerned with the \$20-\$80 per linear foot cost forecasted. Although it appeared to be significantly reduced from earlier discussions, it did not inspire confidence in regard to the numbers or the need. It did not demonstrate where the money would be spent and in most cases, they were unable to track the increases, so they could not be assured they would be going to development. He stated they did not see relative reductions in fees within the departments or costs to the consumer. He explained, in the Water & Light example, if the developers took responsibility for the extension of those lines, which were previously paid by the City, it would be a windfall for the City, if there was no reduction in the expense to the end consumer. They were disturbed by the direction this was going. He noted their survey indicated that second to traffic concerns and infrastructure growth was the cost of affordable housing. He commented that there had been a lot of incremental items passed onto the developer, but noted that ultimately went to the end user, the resident buying the home. He pointed out the increases were higher than what the gasoline companies were receiving. He stated they needed better accounting, a better understanding of where the fees were going and to be assured they were going to the places they were being charged. He explained they would be updating their study and would also be looking at capital expenditures and the histories of those expenditures over the years. In addition, they would be looking at the fiscal notes associated with the process the Council followed. He urged the Council to be careful because there was a dramatic increase on the cost of housing and the new housing market was carrying an unfair portion of funding the City's infrastructure. He thought it needed to be looked at comprehensively.

Ms. Hoppe asked if part of this was a result of a phone survey conducted by the Development Council. Mr. Stamper replied this was a study completed by a consultant that looked at the City's records and added that they did a phone survey of attitudes, which was a separate study. Ms. Hoppe asked for a copy of the questions. Mr. Stamper replied the Council would receive those in due time and explained they used the same consultant the City used for its surveys. Ms. Hoppe explained she was contacted by people who felt the

questions were loaded, which was why she wanted to see them. Mr. Stamper stated they felt the questions were balanced and they took the same approach as the City in its surveys.

There being no further comment, Mayor Hindman continued the public hearings to the September 18, 2006 Council meeting.

Mayor Hindman noted an amendment sheet dated September 5, 2006 was distributed at the Pre-Council meeting and asked Ms. Fleming to provide an explanation.

Ms. Fleming explained the proposed amendments included \$20,000 from the Council Reserve to increase the Youth Empowerment request and \$5,000 to increase dental care for pain relief. In addition, due to the ballot issue, they needed to implement another one percent rate increase and that would increase revenues by \$807,000 and PILOT by \$57,000. Also, there was interest expense that related back to interest on the debt, which they projected at \$1,733,795. Other changes related to the Capital Improvement Plan (CIP). The Public Works Department brought to their attention the availability of a grant for a new project on the Route K Bridge over Hinkson Creek, which would add \$525,000. In order to increase the downtown sidewalk improvement funding by \$200,000, it would be funded by the capital improvement sales tax. They also changed the timing of a few projects. They would leave \$500,000 in planning and acquisition money for Brown School Road: Highway 763 to Providence and move the rest of that project to FY 08 and they would leave \$1 million in the Scott Boulevard: Brookview Terrace to Rollins project for design and right-of-way acquisition and move the actual construction of the project to FY 09 - FY 11. They planned to move the Louisville Drive-connect Millbrook Drive to Smith Drive project up to FY 07. They also proposed changing a funding source for the Highway 763 Widening project in order to make the cash flow work. She explained there were also a series of projects outlined in the CIP that identified a future bond as the funding source and they would appropriate the money for those projects approved by the voters in 2007.

Mayor Hindman made a motion to amend B322-06 per the amendment sheet dated September 5, 2006. The motion was seconded by Mr. Janku.

Mayor Hindman explained the purpose of making that motion was so people had the chance to review and discuss it.

Mr. Janku referred to B364-06, which dealt with water connection fees, and wondered, for multiple units, if they would want to provide an incentive for someone having a master meter as opposed to many meters. He thought that would provide the City an ease in the collection of fees. He asked for a response to be prepared for the next meeting.

Ms. Hoppe referred to B361-06 relating to the solid waste rate increase and asked if the City had looked at charging a different rate depending on how much people threw away, such as "throw as you pay" system. Mr. Watkins replied that had been discussed in previous years and at that time, it was felt to be impractical. Mr. Glascock stated he did not think it had been looked at for at least three years. Mayor Hindman recalled it being looked at several times and noted there were several factors in the decision. One was the fact they currently had a convenient system that was effective in keeping the City clean. There was considerable concern that with such a system, there would be an incentive for people to throw their garbage in ditches. Ms. Hoppe understood there were pros and cons. She noted it seemed unfair when one neighbor had 12 bags and another only had one, but both paid the

same rate. She also understood the concern of the person with 12 bags dumping it elsewhere. She stated she would like to more information regarding the issue.

**B323-06 Voluntary annexation of property located 750 feet southwest of North Stadium Boulevard/State Route E; establishing permanent R-1 zoning.**

The bill was given second reading by the Clerk.

Mr. Watkins explained the Planning & Zoning Commission voted unanimously to recommend R-1 as permanent City zoning. He understood Council indicated an interest in securing an easement for a future pedway route through the property along Perche Creek and staff had discussed the situation with the developer. He noted the preliminary plat was currently under review and designated lots abutting Perche Creek as common green space lots.

Mr. Teddy stated they were aware of the interest in securing an easement for a future trail along Perche Creek and had talked to the applicant. He noted they did not have a contractual agreement and pointed out the current preliminary plat had a reservation of common open space, but they preferred to see that reserved for the City as a green space trail easement. Mayor Hindman asked what the applicant said about that. Mr. Teddy replied they indicated that should not be a problem.

Ms. Hoppe asked, when annexed, if it would it fall under the present storm water conditions versus the new ones that were coming. Mr. Glascock replied it would fall under whatever ordinance was current. Ms. Hoppe asked if they had talked to developers about voluntarily going to something more stringent. Mr. Glascock replied they were having meetings regarding the storm water manual and the consultants were reviewing what was proposed. They had one meeting in late August and they asked for an additional 30 days of comment period. They allowed that and were meeting again on September 20<sup>th</sup>. The comment period would end on September 28<sup>th</sup>.

Mayor Hindman opened the public hearing.

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

Mr. Janku felt the applicant not being available to answer their questions posed a problem.

Mr. Janku made a motion to table B323-06 to the September 18, 2006 Council meeting. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**B324-06 Rezoning property located on the east side of West Sexton Road (713 West Sexton Road) and on the west side of Jackson Street (610 Jackson Street), south of Business Loop 70 West, from R-2 to C-P.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was an application to rezone property to C-P with O-1 uses and a parking lot to be used as parking for the adjacent commercial tracts to the northwest. Staff felt zoning the subject tract C-P would ensure the uses on the property were properly landscaped and screened from the residential uses to the southeast. The Planning & Zoning Commission recommended approval of the proposed rezoning.

Mr. Teddy explained the restrictive C-P zoning was a compromise. The only general commercial use allowed was a parking lot that would be of service to the adjacent C-3 zoned development. The rest of the authorized uses would be in office zoning. That would provide a transition between the R-2 and R-3 that was located to the south and the more intensive commercial to the north.

Mayor Hindman opened the public hearing.

Ron Shy, 5600 South Highway KK, stated he was available to answer questions.

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

The vote on B324-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**B325-06 Rezoning property located on the southeast corner of the intersection of U.S. Highway 63 and Stadium Boulevard/State Route 740 from A-1 to C-P; imposing conditions; approving a revised list of C-P uses.**

The bill was given second reading by the Clerk.

Mr. Teddy stated this was an overall tract of approximately 69 acres of which the majority had already been zoned C-P and had been since 2004. In addition, there was a C-P planned district ordinance in effect for the larger portion that extended both north and south of Stadium, extended, and was located east of U.S. 63. There was an irregular shaped parcel zoned A-1 and the present request involved rezoning that to C-P and revisiting and making modifications to the 2004 ordinance that governed permitted uses on the existing C-P tract. Originally, there were several more requested modifications to the list of uses than there was presently. Through a process of review that involved staff, the applicant and the Planning & Zoning Commission, the current request was to modify the C-P to include hotels, motels, nightclubs and bowling alleys, which were uses not allowed under the 2004 ordinance. On the A-1 tract, the applicant was seeking C-P zoning with the same uses, which meant the hotel, motel, nightclubs and bowling alleys would be permitted uses. The applicant indicated in their statement of intent that the nightclub and bowling alley uses would be considered accessory to a hotel and would not be a stand-alone use. Mr. Teddy pointed out the staff reports indicated the existing C-P was 41.83 acres and the A-1 proposed to be C-P was 12.67 acres for a total of 54.5 acres. It had come to their attention the overall tract was approximately 69.34 acres. They believed the 69 acres was more accurate, but the public records indicated the numbers of 41.83 and 12.67. They verified the legal description and the boundaries reconciled. The preliminary plat, which was under review, would detail all of the acreages of the individual lots when that came back to the Council. He explained there were a number of conditions recommended in the staff reports. They recommended the statement of intent be amended to limit allowed uses to the 2004 ordinance and adding hotels, motels, bars, nightclubs and bowling alleys as uses for the entire tract. He noted this had been done. Staff also recommended the applicant amend the original and proposed statement of intent for a minimum open space set at 28 percent with no lot falling below 15 percent. It was anything that was live landscaping and could be preserved landscape features or installed landscape features. They recommended a conservation easement be placed over the existing tree preservation area at the time of preliminary and final plating.

According to the land disturbance permit, there was a tree preservation area, so it was suggested there be an easement put over that to protect it from further disturbance. This had been agreed to by the applicant. They also requested a development agreement be entered into between the City and the applicant to address required public roadway and access improvements and to assign responsibilities for the construction and cost. He noted this was mainly in reference to the relocation of Cinnamon Hill Lane out of the MoDOT right-of-way, onto the subject tract and farther away from the U.S. 63 ramp located north of Stadium Boulevard and the proposed extension of Lemone Industrial Boulevard through the site to connect with the extension of Stadium Boulevard. Up to 580,000 square feet of future commercial would be enabled by this zoning. The fifth recommended condition was to require a 100 foot wide stream buffer to be placed on both sides of the north and south forks of the Grindstone Creek, which would be measured from the waterway edge. The Planning & Zoning Commission recommended, by a vote of 4 to 3, to approve rezoning on the 12 acre, A-1 tract with the addition of the uses previously mentioned that were excluded on the adjacent C-P tract. The Commission, by a vote of 3 in favor and 4 against, did not recommend changing the existing C-P to add the specified uses that were excluded in the 2004 ordinance. In discussing these two tracts, the Commission addressed the staff recommendations and suggested 100 feet as a specific standard. There was discussion between staff and the applicant in regard to some of the conditions of approval in the 2004 ordinance relating to the design of the project. He noted there was a condition that buildings above 10,000 square feet be designed with pitch roofs unless they were franchised establishments. They agreed the conditions of that ordinance were not specifically changed by this request and would remain in effect in the statement of intent dated August 15<sup>th</sup>.

Ms. Hoppe understood the Planning & Zoning Commission recommended the additional uses on the 12 acre, A-1 to C-P, only if it was part of a hotel or motel and not as a stand alone establishment. Mr. Teddy agreed and noted the applicant stated in their revised statement of intent that a nightclub and bowling alley would be considered allowed uses if they were accessory or ancillary to a hotel development.

Ms. Hoppe asked if the C-P tract approved without the hotels, motels, nightclubs, bars and bowling alleys included the 40 acres presented or the larger area of the now 69 acres less the 12 acres. Mr. Teddy replied the 2004 only included what was shown as C-P now, which was within the yellow boundary. The A-1 would have been left alone. He stated at some point that was divided from the larger tract by a survey. He did not believe it was done by the current owner. Ms. Hoppe understood in 2004 they were considering the whole tract minus the present A-1.

Ms. Hoppe commented that she understood the Planning & Zoning Commission denied the request to change the 2004 property from what was established and agreed upon by the Council and neighbors. Mr. Teddy stated there was a motion to make that revision, but it was defeated by a vote of 3 to 4.

Mr. Janku asked if the difference between the 69 acres and the 54 acres could be represented by the F-1 portion. Mr. Teddy replied that was an overlay, so it should not have been backed out, but could have been taken out in a previous description. Mr. Janku

understood the legal description incorporated the entire area shown in yellow. Mr. Teddy agreed.

Mr. Janku asked what changes to the previously zoned, 2004 parcel would be made if this was approved as reflected in the revised statement of intent. Mr. Teddy replied it would include the addition of hotels, motels, bars not freestanding but included within the hotel or motel, nightclubs not freestanding but included in the hotel or motel building and bowling alleys not freestanding but included within the hotel or motel building. The remaining uses were all C-3 permitted uses minus those that were specifically excluded by the 2004 ordinance, which was a lengthy list and part of the ordinance. Mr. Janku stated he did not read the statement of intent that way and noted he was troubled by the fact the statement of intent was not reflected in the ordinance. He felt the statement of intent needed to reflect an explanation or clarification of the ordinance. It appeared, in this case, that there was a direct contradiction between the two. He stated he was leery of relying on a statement of intent to restrict something that was directly opposite of the ordinance, even though it was part of the ordinance. He understood the ordinance expressed the original plan of the developer to expand the uses of the 2004 parcel and to rezone the 2006 parcel and the statement of intent did not intend that, so there seemed to be a significant difference. Mr. Boeckmann clarified there were things listed in the exclusions that should not have been if it had been done properly. As it was now, all C-3 uses were allowed with these exceptions. Hotels and motels were not accepted. If they looked towards the bottom, freestanding bowling alleys not included within a hotel or motel building and freestanding bars, cocktail lounges or night clubs not included within a hotel or motel building were excluded, so the ordinance and the statement of intent were the basically the same. Mr. Hutton asked if that referred to the entire tract or just the 12 acres. Mr. Boeckmann replied it referred to the entire tract.

Mayor Hindman asked what had been cleared. Using the overhead, Mr. Glascock replied everything north of this line. He clarified there was probably some in the floodplain they had not gotten to. Mayor Hindman understood that included the A-1 they were discussing. Mr. Glascock replied that was correct. Mayor Hindman asked if the 100 feet for the stream buffer was 100 feet on either side or 100 foot wide. Mr. Teddy replied it was 100 feet from each edge of the stream, so 200 feet plus the stream channel itself. Mayor Hindman asked if the clearing went into the 100 feet. Mr. Glascock replied there was no stream buffer in the land disturbance permit. Mayor Hindman understood they were agreeing to a stream buffer. Mr. Glascock noted that what they had done to this point would not be associated with it. They had been allowed to have a land disturbance permit in that area. He clarified there was no stream buffer in the ordinance today. Mayor Hindman thought if they agreed to a 100 foot stream buffer, but the land had already been cleared out, it would be a hollow agreement. Mr. Teddy stated there would have to be some landscape restorations there. He noted the buffer was defined by what uses were allowed in it and what type of land cover was allowed in it, not necessarily if there was prior disturbance. Mr. Glascock pointed out this was a recommendation by the Planning & Zoning Commission.

Ms. Hoppe noted this was where the north and south fork of the Grindstone converged, so there would be 100 feet on each side of each stream. She asked if the 100 feet would overlap. Using the overhead, Mr. Glascock noted the point at which it would and



added that once they were past the fork, it would be 100 on each side. Ms. Hoppe asked for an estimate. Mr. Glascock replied he did not because the drawing was not to scale. Mr. Teddy stated it would be possible on the plat, but not here.

Ms. Hoppe understood the Planning & Zoning Commission dealt with each parcel separately and asked if they would do the same. She noted the ordinance did not seem to separate the two. Mayor Hindman thought that could be handled by amending the ordinance. Mr. Hutton understood the ordinance was currently written to deal with the whole tract. Mr. Boeckmann replied that was correct and added that the uses were the same on both tracts. He explained that when they prepared the ordinance, they did not follow the Planning & Zoning Commission recommendations. They included what the applicant was asking for and it was modified to the extent that he was willing to accept the recommendations made. He noted that if the Council wanted to change anything, they had to amend the ordinance.

Mayor Hindman opened the public hearing.

Tim Tryniecki, an attorney with offices at One Metropolitan Square, St. Louis, Missouri, stated he was representing the applicant and noted their statement of intent was consistent with the staff report. He commented that he would refer to the C-P zoning marked inside the yellow line as the 2004 tract since it was zoned C-P in November, 2004. That was also how he characterized it in the statement of intent. He explained there was nothing changing from 2004. All of the uses excluded then were excluded now. He noted they would have liked to have seen a number of uses taken off of the excluded list, but they had thrown in the towel on that issue. He clarified they could not have a hotel on the C-P tract. He noted the only difference between the 2004 legislation and what was in front of them now was adding the 100 foot buffer on both sides of the creek. He pointed out this was not law, but they were agreeing to it. That amounted to 200 feet on either side of both creeks. He clarified there was some overlap where the creeks met, but that was just mathematics. They were also agreeing that the 200 feet of land taken out of the development would apply to both the 2004 tract and the A-1 tract, which they were calling the 2006 tract for purposes of discussion. He explained what they were asking for, which staff and the Planning & Zoning Commission recommended, was that the A-1 tract be zoned to C-P. He noted he was not sure that was debatable given that the A-1 was the hole in the middle of a C-P and the speeds and traffic counts were as high as anywhere in the City. He did not think there was too much controversy about that being C-P, although he realized there were folks who wanted that to remain agricultural. He stated they were asking that the excluded uses from 2004 be reduced by four uses, which included hotel, motel, and the others noted in the statement of intent. He noted that was the only difference between the 2004 and 2006 tracts. He commented that they were fine with all of the other conditions. He passed out an aerial photo that included the subject tract at 63 and Stadium, north to Vandiver and 63 and south to AC and 63, to illustrate the other hotels in the area with lower traffic counts. According to 2004 average daily volume counts from MoDOT, there were about 56,000 cars that passed this intersection per day. In regard to the development agreement, which they have been discussing for about a year, he noted it would involve them conveying a right-of-way for Stadium at Cinnamon Hill, getting old Cinnamon Hill back and funding the construction of Lemone with cash and subordinated notes that would be generated by a TDD in the area.

He pointed out they were also granting a trail easement. He commented that there were questions on what a buffer meant and if grading violated the buffer. He did not believe the City had decided that yet, but clearly the trail and the sewers would violate the City's own buffer. He stated they stood willing to grant those buffers in the context of the development agreement.

Mr. Hutton asked the developer to clarify the acreage situation. Mr. Tryniecki replied their surveyor had certified the out boundary to be about 69 acres. The legal description in the legislation was 69 acres and was shown accurately by the yellow. They felt the assessor's records were wrong, but could not explain how that happened historically.

Mr. Hutton understood section 2 in the faxed version of the statement of intent sent on August 15<sup>th</sup> included a typographical error, which should have read 2004. Mr. Tryniecki stated that was correct and added that they intended for the statement of intent to match the staff recommendation, which he hoped matched the bill and the main points he just discussed.

Mr. Hutton understood the 2004 tract remained as it was approved in 2004. The uses were only in the A-1 tract. Mr. Tryniecki replied that was correct. Mr. Hutton clarified the aggregate total for the whole 69 acre tract was 580,000 square feet. Mr. Tryniecki replied that was correct.

Mayor Hindman asked for clarification regarding the 28 percent open space and where that would be located. Mr. Tryniecki explained that in order to protect the City from the developer loading all of the 28 percent by the creek, there was a provision stating there would be at least 15 percent per lot. He noted the lots had not been created yet since that was part of the platting process. He thought it should have said "the greater of 28 percent on the whole site but no less than 15 percent on each lot". He noted there was already 25 percent for tree preservation and clarified that the 100 foot buffer had not been encroached upon by grading. He also noted they had not yet seen the conservation agreement, but thought it would look like all other conservation easements. Mayor Hindman understood the 25 percent was not necessarily of the whole amount, but of the mature forest. Mr. Tryniecki replied that was correct. Mayor Hindman stated that could be less than 25 percent of the total amount. Mr. Tryniecki replied that was correct. Mayor Hindman asked how the 28 percent would be attained. Mr. Hutton thought the stream buffer would count toward the 28 percent. Mr. Tryniecki replied that was true, but noted it did not mean they could have a zero buffer in a lot to the north. Mayor Hindman understood the 28 percent included the stream buffers. Mr. Janku noted there was still a minimum of 15 percent per lot. Ms. Hoppe noted if they were preserving a 100 foot buffer on each side and had to have 15 percent impervious surface on each lot, it could exceed 28 percent when adding it up. Mr. Tryniecki replied that was correct and pointed out it would depend on where the lots were situated. They would not want a lot to be the entire buffer and each lot had to be separately usable per the subdivision ordinances.

Ms. Hoppe asked if it turned out some of the clearing had encroached onto the 100 feet, if they would agree to restore that. Mr. Tryniecki replied no. He explained it was not law when they started this and was not law now. He reiterated he did not think they were in the 100 feet and asked Mr. Glascock if he knew. Mr. Glascock replied he did not. .

Ms. Nauser asked if the developer purchased all 69 acres in one transaction. Mr. Tryniecki replied no and explained that was part of the reason for the change. They did not own the A-1 tract in 2004. It was the GBO's 12 acres and closed in the summer of 2005. Ms. Hoppe asked what GBO was. Mr. Tryniecki stated that was the owner of the A-1 tract. Ms. Hoppe asked if they tried to purchase that section in 2004. Mr. Tryniecki replied they were not selling then.

Mr. Janku stated unless he was misreading the ordinance, he thought it would allow the hotel and motel on all tracts. Mr. Tryniecki noted it should not. Mr. Janku explained he would be more comfortable if the ordinance reflected the statement of intent rather than trying to use the statement of intent in this manner. Mr. Boeckmann noted they could amend the ordinance to make the distinction and suggested language for a motion that would clarify the 2004 zoning would remain with the uses approved in 2004 and the changes regarding the hotel/motel would apply only to the 12 acre tract.

Mr. Janku made the motion to amend B325-06 by changing the title of the ordinance to delete "...approving a revised list of C-P uses for the adjacent C-P zoned property on the east side of U.S. 63, north and south of extended Stadium Boulevard.", and changing Section 1 towards the bottom of the first page to read "...hereafter the property described above excluding the property previously zoned C-P..." and deleting the parenthetical remark on the third page stating "this list of uses replaces the list of uses set forth in ordinance no. 018310 passed on November 15, 2004 for that portion of the property previously zoned C-P." The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Vicki Carstens, Secretary of the Timberhill Road Neighborhood Association, explained the list of uses on the 40 acres was arrived at through extensive negotiations between the neighborhood associations and the developer, so they were concerned that list of uses was being ignored and set aside. She understood the amendment made would keep the established 2004 uses and was pleased to know that. Their other concerns had to do with noise, lights and the possible intrusion into their residential area from students and others from the outside that might be drawn to establishments serving alcohol. She stressed it was important to them that the amusements and drinking establishments be included under the same roof as a hotel. Their remaining concern was with the height of the proposed buildings. She explained they lived on the hill to the north of the property and felt the building could come to eye level with some of the residences. She questioned whether there was a need for a hotel of that height and felt a shorter hotel would be adequate.

Gay Bumgarner, 1315 Rustic Road, stated she was grateful the Council stuck with the restrictions of the original ordinance. She understood they talked about leaving 15 percent on each of the 13 lots, but noted there were no trees on those 13 lots. Anything put in those areas would be added. Using the overhead, she noted there were 12 that were 99 percent clear. She thought it was wonderful they were going to give 15 percent back, but stated they would have to plant the typical things that were allowed, which did not include native vegetation. She also thought they took out the buffer. She stated she was puzzled on how they could rezone a piece to C-P when there was no road to it and no way to get there. She understood there was talk about Lemone Boulevard, but pointed out it was not there now and would take time to build. In addition, at this time they were not allowed to join Stadium.

Greg Schuler, President of the Shepard Neighborhood Association, understood an observation made by the developer's attorney in that there was no law prohibiting or specifying the buffer width. He reminded the Council that the 100 foot buffer width was part of the negotiation between the developer and the neighborhoods that penned the 2004 agreement. He also recalled a second provision being negotiated that involved monument style advertising being limited to a five feet maximum. He noted it seemed to have been dropped out of the listing as approved. He did not feel ignorance of the law was an excuse. He thought there was sufficient cause for continued diligence and scrutiny on behalf of the City and all authorities in the matter of this development. He noted one of his neighbors contacted the Army Corps of Engineers and found clarification that the earth moving activity had been halted at that development because of a violation of the Clean Water Act, which was still pending judgment.

Mayor Hindman understood Mr. Schuler as saying there were things agreed to in negotiations that had not shown up when the C-P was granted in respect to the 2004 areas. Mr. Schuler replied that was correct and noted it specifically involved the 100 foot buffers. Mr. Hutton asked if he meant they were not showing up tonight or back then. Mr. Schuler replied he thought they were in the 2004 ordinance, but as he looked over the papers and background materials, he was not sure what reference there was to it. Mayor Hindman noted what was approved by the Council in 2004 was a matter of record. Mr. Schuler stated he thought it had been agreed on and asked for a transcript to be shared if someone had that. Ms. Hoppe commented that the Council only had the 2004 ordinance, but no transcript of that meeting. Mr. Schuler asked if that was part of what was to be agreed to in the platting process. He stated it had been a matter of reference several times before and the neighbors thought it was very much a reality and part of what had been negotiated. He reiterated the five foot monument advertising style was also something that had been dropped out. Ms. Hoppe asked if the neighbors had a written agreement that came out of the negotiations. She understood the neighbors had hired an attorney to try to finalize some agreement. Mr. Schuler stated they did and all had individual sets of notes. They thought what went into the ordinance reflected the notes. There were a number of people who thought the 100 foot buffer was part of an agreement. He stated he was concerned those two items had slipped through. Ms. Hoppe understood he was asking to add the five foot monument restriction to the previous 2004 C-P. Mr. Schuler stated they thought, until the most recent reading, those two elements were very much a part of what was had been agreed. He clarified he was not sure if these were things that later showed up in platting or not because he was not familiar with the process and procedures. Mr. Hutton pointed out they were not in the 2004 ordinance that dealt with the rezoning of the property, but that this did not mean they were not in the ordinance that dealt with the planning or platting of the property because they had not seen that ordinance yet.

Daniel Jordan, 2700 Cardinal Drive, stated he and his wife had some involvement in the 2004 ordinance, but not the 2006 ordinance. He pointed out the developer had not given up anything tonight. He only agreed not to seek a change. He noted the developer did not have these uses on the 2004 tract, so he had not given up anything by agreeing not to seek them. In regard to the uses, those that were bad before were still bad. They knew they were

bad because that was agreed to by the parties most affected, the developer and the people that live around the development. He commented that the property had grown since 2004 and was growing towards his neighborhood. It was clear in 2004 there would be no hotels, motels, bowling alleys, nightclubs or bars and those uses were no better now than they were then. This proposed ordinance, however, suggested moving those uses closer to his neighborhood. He did not feel that was an improvement. He stated that when they were talking about planning and uses, they were talking about fitting uses in with the existing uses. He noted it was mostly residential around the tract. He commented that no one had a problem with people making money off of their land, but they did not want it to be taken out of their pockets. In regard to the staff report, he noted there was no traffic study, no one really knew how many acres were involved, and they did not know where the access was going to be. He felt there were far too many unknowns. What they did know about involved adding undesirable uses close to his neighborhood, which he felt was not good for the City. He suggested they leave the uses as they were and not insert any additional uses into the area.

Ronda Lenzini, 2407 Shepard Boulevard, Secretary of the Shepard Neighborhood Association, thanked the Council for amending the ordinance. She noted Mr. Tryniecki thought it made sense to zone the land from A-1 to C-P due to the surrounding land. She thought it also made sense to leave the uses the same as on the surrounding land. In regard to placing a hotel on the A-1 tract, she understood there were currently 33 hotels in Columbia and 3 more were on the way within the next year or so. She stated all but four were located on the I-70 corridor and she did not believe this piece of property should be used for a hotel. She noted there was a new hotel one exit to the south and there were dozens at the Broadway/Clark/I-70 area. She also commented that no where else in Columbia was there a bar that would be merging into 70 mph traffic. She stated they were encouraging people to exit the highway, drink and get back on at 70 mph. She did not think that was appropriate. She argued that because the land uses agreed to in 2004 were appropriate for the larger tract, they should also be appropriate for the tract closer to the neighborhood.

Melissa Booth, 1113 Falcon Drive, Chair of the Shepard Boulevard Neighborhood Association, stated she would have supported the rezoning of the 12 acres from A-1 to C-P, but the land was graded and cleared under the assumption of the ordinance in 2004 and she did not see why that usage needed to be changed now. There were 419 homes, 2 churches and a school in her neighborhood and she was not sure how an 8-story hotel, bar, disco lounge, and bowling alley would improve the quality of life in that neighborhood. She did not think it would improve the value of their homes. The only thing that had changed was the opportunity to develop that land and an offer by a hotel to buy it. She reiterated the grading began under the assumption of the 2004 ordinance and she felt those uses should remain on the entire tract, including the A-1.

Peter Yronwode, 203 Orchard Court, stated his interest in this property was largely because he drove by it twice a day to and from his job in Jefferson City. In regard to the usage, he questioned whether this town needed another motel. He noted the developer had agreed to give back a stream buffer, but pointed out that land was way too steep to grade despite the efforts already made. He did not think they could fill in the stream valley any closer, so although it was a generous offer, he thought it meant very little. He thought it was

more important for the Council to consider the process as a whole as it had played out on this particular property as an example of what was wrong with the entire development and land disturbance process. This land was cleared down to the bedrock and the bedrock itself was smashed and redistributed to flatten the tract out. Now there was only a lunar landscape of subsoil and smashed rock. He felt the process was backwards from what it should have been. They were here to rezone this property, which should have been the beginning of the process. He understood the grading and minor adjustment of contours would be permitted as a relatively benign use on the land under its existing use as agricultural. He did not think that land would ever be agricultural again because there was nothing left to grow anything on because there was no top soil or vegetation. At this point, they had to do something with it. His preference was to see it remain A-1. He reiterated the first step in this process should have been the rezoning and land uses that would be appropriate on this land. Once that was done, they could proceed if approved by the appropriate bodies. This situation was the opposite because the owners of the property had made all of the enormous changes prior to being given permission to use the land the way they intended. He asked what choice they had and what kind of public input had been involved in this process as a result.

Al Lackey, 608 Old 63 South, stated he did not know how the development process took place as a general rule and questioned whether there had been or would be an environmental impact study concerning this development. He noted he previously lived on 2007 Parklawn Court, which did not exist anymore because it was in a floodplain. The City allowed a house to be built there and then proceeded to allow a lot of development along Creasy Springs and along the perimeter of that street, so when there was a heavy rain, there was 4-5 feet of water in his house. He understood there was a creek on this property and he wondered if anyone knew how high that would get once it was developed and flattened. He wondered what would happen to the runoff. He asked if they did an environmental impact study before making these types of decision. Mayor Hindman commented that they had land disturbance and storm water ordinances and were in the process of reviewing those in order to update them to meet needs and avoid the kinds of issues he was referring to. He noted the development would have to meet the City's present storm water ordinance.

Dee Dokken, 804 Again Court, stated she had been a volunteer water quality monitor in Columbia for over ten years and she was concerned about the buffer. She asked if they were giving a 100 foot buffer on the previously zoned C-P. Mayor Hindman replied that was his understanding. Ms. Dokken asked if it would not only include the north and south fork, but the area where they came together. She noted the current wording just stated the north and south fork. She noted, legally, if they spoke of the north and south fork that included only the upper two branches. Ms. Hoppe asked if they merged into the Grindstone. Ms. Dokken replied she did not know how they would word that. Mayor Hindman stated he was confident everyone intended to include that, so they would look at the language. Ms. Dokken noted they agreed to change it at the Planning & Zoning Commission, but it did not make it into the document before Council. She was glad the previously zoned area would be included in the 100 foot buffer, although she knew of some places where the vegetation had been removed to the stream bank. She noted what the consultant was proposing for the stream buffer or storm water ordinance was really good and was needed for things like this. She hoped

something close to that would be passed. The Storm Water Control Study that was done in 2001 indicated the Grindstone was a level two sensitivity watershed. For similar watersheds, like the Clear Creek watershed, the Council set a precedent of only allowing 30 percent impervious surface. In this area, which was commercial, they were allowing at least 70 percent. She noted there would be a lot more impervious surface than in similar watersheds. She stated the 100 foot buffer, especially if they did not restore it, was a real minimum. She wanted the Council to let them know that when they brought their development plans back, they expected a lot of good best management practices (BMP's) and on-site detention. She stated Ms. Bumgarner told her at the confluence, where her land was, the water went up 18 feet when it rained hard, so she thought they would need some good engineering and best management practices.

Kurtis Altis, 1505 Azalea, Vice-Chair Shepard Boulevard Neighborhood Association, stated he met with the developer in 2004, which was the last time they had contacted the neighborhood. At that time, they were pushing for some of the uses they were now asking for. He stated there were several issues with this development and he was not sure given the City's current mechanisms if now was the right time to address those. He noted the amendment adopted earlier covered some of the concerns for removing restrictions to the earlier zoned C-P that were previously agreed upon. He asked the Council to stay with those uses for the current A-1 area. He thought commercial zoning was reasonable, but given its proximity to residential areas and the higher traffic commercial areas further north of 70 and 63, those uses were unneeded. He stated if he looked, he could see the A-1 under consideration and did not want to see any multi-story hotels. He noted he did not oppose the idea of a hotel in the area, but thought a single-story would be appropriate for any facility there. He also understood hotel occupancy in Columbia was currently at 56 percent for the year as an average, so he questioned whether or not they needed additional rooms. He noted there was no traffic study, so the traffic situation was unknown. He wondered how the Lemone extension would work with this area and if they needed that to handle the traffic. If that was the case, it was a reason he might not support the rezoning since it would be extremely costly for the City.

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

Mr. Janku asked what types of controls were in place with the current storm water ordinance. Mr. Glascock replied they would have some type of pre- to post-condition on it. It could not runoff anymore than it did right now and they would try to have some type of detention in there. Ms. Hoppe asked about the water quality. Mr. Glascock replied right now there was no water quality in the City's ordinance. Ms. Hoppe asked if it was being discussed. Mr. Glascock replied it was and added that if it was detained it would help with some quality, but would not have a drastic affect. Mayor Hindman understood there could be no more runoff than there was now. Mr. Glascock replied they would try to keep the peak flow as it was today. Mr. Janku understood they could impose filters and BMP's through the planning process. Mr. Glascock replied they could when they brought forth the C-P plan. Ms. Hoppe asked if they could impose water quality. Mr. Glascock replied that would be tough to do since they did not know what they were building, where it would be or what type of runoff they would have. Mayor Hindman asked when they came in with the plans if they

could impose water quality. Mr. Glascock replied he assumed they could since they asked for a lot of things during the planning process and it was not an open zoning.

Ms. Hoppe asked how the Lemone extension would affect the 28 percent or the conservation easement. She wondered if it would be on top of this land and if it would reduce that amount if it occurred. Mr. Glascock replied it would affect the 25 percent tree preservation area they currently had because it would go through part of that land. Ms. Hoppe asked if the 28 percent would be moved or adjusted if that happened, so they would still have 28 percent. Mr. Teddy replied the 28 percent referred to open space and not the tree preservation area. The recommended requirement was that there be a 28 percent open space standard, which consisted of all forms of open space, including designed open space and installed landscaped. There was a requirement of the land preservation ordinance that 25 percent of the climax forest be preserved. He did not know what would happen if Lemone took it below 25 percent. He thought there would have to be some kind of alteration of tree preservation area accordingly. Ms. Hoppe asked if it would be altered to preserve the 25 percent or if the 25 percent would be taken up with the bridge. She also wondered if the bridge would take out some of the 100 foot buffer. Mr. Teddy replied the stream buffer concept was conceived of crossings being an allowed encroachment within a stream buffer whether it was a road or trail. A bridge across a stream would be a permitted activity. Ms. Hoppe understood the base of the bridge could come into the 100 foot buffer. Mr. Teddy replied yes. Mayor Hindman understood if they set aside 25 percent of the climax forest and Lemone went through, they could remove a significant amount of the 25 percent of the climax forest and that would be okay. Mr. Glascock replied that if it was not platted and they saved 25 percent in a certain area, which the Council had agreed to, and the City put a road in, it would take part of it out. He explained it was no different than what they did for residential when they platted lots in the climax forest area and start selling R-1 house lots where the forest was torn down. Ms. Nauser thought it would be unfair if they gave the tree preservation and 5-10 years from now the City put a road through there making them alter and plant more trees to replace what the City needed to put in a road. Mayor Hindman felt, in this case, the road was predetermined and when they said they were giving up right-of-way for the road, they were really giving up land they could not use for any other purpose because it would be tree preservation property. He stated the community's goal of having some trees preserved would be taken away. Ms. Nauser stated she had problems spending hours extracting information when it was a policy problem and they should be addressing the policy. Mayor Hindman commented that they were just asking questions right now. Ms. Hoppe thought this was being discussed to understand what the total picture would be and for the neighbors and citizens to understand what they were getting or not getting. She stated it was also about protecting a type two stream in an area where they converged, which was a more sensitive environmental area in terms of wildlife. Mr. Hutton stated the problem with that was they would have to go over it again when they dealt with the plan and the platting process. The question was whether the zoning was appropriate for the land. Mayor Hindman agreed, but stated he thought it was reasonable for the Council to understand.

Mr. Tryniecki commented that land development was evolutionary and if they were going to build a road, the question was when. If they built Lemone, they would take some



trees down. As it stood now, Lemone was however many months or years away. He noted they not only satisfied the current ordinance, but were at 30 percent of the climax forest. If the question was whether they should tack on 25 percent net of Lemone, he believed that was unfair. He stated when they built roads and bridges they took trees down and he felt that was a policy decision for the Council at that time. He pointed out tonight was about land use, not subdivision.

Mr. Janku stated he agreed it was a land use decision and was glad they separated out the earlier tract to preserve the neighbors' original agreement. As the plan moved forward, if it did, they could impose additional BMP's as they had done with other developments. The big issue was whether a big hotel with restaurants, bars and nightclubs was an appropriate use of this site. He felt its proximity to 63 and the other hotels along that corridor suggested it was an appropriate use. Although it would not necessarily be a benefit to the neighborhood, its proximity to the University and all of the events tied to University would be where the customer base would come from and was the reason it would be an attractive location to a developer for a hotel. In regard to the height, although it would be visible from the residential areas, there was a significant distance due to the elevation of 63 and the width of the highway. He felt the traffic from the highway was noisy now and any additional noise from the hotel would not carry that far. He also felt the higher the hotel the better quality of the hotel it would be. The ones limited to one or two stories attracted the budget conscious traveler and were generally considered lower quality than some of the multi-story ones. He thought it would be a better product if they allowed the hotel to be built higher.

Ms. Nauser stated she thought it was very important for them to adhere to the agreements made in 2004 with the original C-P tract. They were always encouraging developers and neighbors to get together to come to some form of consensus and this was a consensus reached through a lot of negotiations, so she did not think they should allow a change. In regard to the A-1 tract, she agreed it was appropriate for C-P and if they looked into the future, Stadium Boulevard would go through to 70 for another access for people to get to events in this part of town. She noted it might not be today, but in the future, a hotel at that corner location would be appropriate. She thought it was unfair for them extract items. She agreed they had a problem with storm water and that they needed to change some of the tree preservation ordinances, but she pointed out those were policy problems. To make it fair for everyone, they needed to work on policy issues rather than trying to make people give them more than what the ordinance required. She stated she was thankful for the 100 foot of buffer on both sides of the stream because it was not in the City's ordinances. She reiterated that she would like to see the Council work on policy changes rather than extractions.

Ms. Hoppe stated she appreciated the developers agreeing to keep the C-P in the conditions agreed upon by the neighbors. She felt it was important City-wide for citizens to have confidence when working with developers and for the Council to honor the process and not change it a year or two later. She noted the buffer and conservation easement were good as well. She was concerned since this land had been cleared before zoning because it was essentially assumed it would not be A-1 before it came to the Planning & Zoning Commission and the Council. She felt that was a big problem in the process that needed to

be addressed. She understood Mr. Wade of the Planning & Zoning Commission recommended they keep it as A-1. She noted she was concerned with storm water and how much of the 25 percent tree buffer and the 28 percent open area would be eliminated if Lemone went through and took out a big chunk of this area. She understood this was a land locked area, so a road would eventually be there. She noted she attended the environmental impact study for the extension of Stadium and it was not a done deal. It was one of many possibilities. She commented that it appeared the residents closest to the 2004 tract were okay with the increased uses and the A-1 area. The Shepard Boulevard people, who were across the street, were concerned with the A-1 in terms of traffic. In terms of the height of the hotel, the Planning & Zoning Commission recommended 8 stories instead of 12 stories. She thought since they did not have a storm water ordinance in place and because this was a type two stream, they had the option and discretion to not approve this at this time and to have it come back later when those things were in place. She pointed out they would have whatever they approved for a long time and the destruction that would occur would be there for a long time.

Mayor Hindman thought they needed to recognize C-P had already been granted for all but this area. He agreed they needed to look at the storm water and land clearance ordinances and he had learned a few things tonight that made him more eager to make those changes. He noted, however, that they had to live with the policies they had right now. When it came to the A-1 area, he agreed it was a commercial area. He felt one of the most pleasant commercial uses was a nice hotel. Looking at it from that point of view, he thought they needed to allow the rezoning and hotel to go in. In regard to the height, he agreed that some better hotels were taller. In addition, from a land use perspective, it was better to concentrate things in height. He stated he was inclined to go along with the request with the understanding that they would be expecting BMP's. He agreed there was something wrong with the idea that the clearing and the land disturbance could take place and felt they had to look at their policies to prevent this from happening. He noted that whether they had allowed the clearing or not, this zoning would have eventually come forward.

Ms. Hoppe stated that when the neighbors worked on the 2004 conditions, they thought and hoped that would set the standard for what would be done in that area and would carry over to the intersection. She was concerned this would set a precedent for wily people, who would purchase some of the land, negotiate with the neighbors to arrive at the best agreement, and then obtain another piece of land for a higher use rather than purchasing the whole piece.

Mayor Hindman stated he thought about whether this was a way to avoid the agreement with the neighbors and did not feel it was because this was a substantially different piece of property. It was right at the intersection and not as close to the neighbors as the other properties. In addition, the only thing they were asking for that was different was a hotel. He felt it was such a logical place for a hotel that he could not believe that would not be the outcome of the negotiations.

Ms. Nauser commented that the A-1 tract could have been bought by anyone else and it would not have been held to the same standards and in her opinion, it should not default to the same standards just because it was the same owner. She stated there was more A-1

property around there, so conceivably in the next year or so, they could be looking at the same issues that would have to be negotiated with surrounding neighbors and the City. She did not think that just because it was the same owner that it had to be held to the same restrictions.

Mr. Janku stated there were examples where property had been split for sale and the Council had turned down the initial rezoning because they did not think they could plan for the entire area without additional parts, and noted the rezoning on Strawn Road as one of those situations. If the tracts were split up and not properly planned, they could turn down the rezoning. In addition, the precedent the neighbors set was pretty strong and the developers were taking a risk in thinking the initial precedent would control the area.

Mr. Hutton stated he thought the land use was logical when looking at the map. In 2004, when the Council zoned the first 41 acres to C-P, it dictated this property would become C-P. From a land use perspective, there was no question it was commercial. He noted they really only added the one use with the restaurants or bars being ancillary. There were still a lot of excluded uses that could be included, so the change to him was not substantial. He pointed out a good thing in regard to this was that the actions of these developers would likely cause a change in the storm water and land preservation ordinances.

Mr. Boeckmann suggested a couple clarifying amendments. He noted Section 2 dealt with conditions and it was clear before the amendment that these conditions applied to the whole tract. However now there could be confusion, so he suggested they consider adding after the words “following conditions” language reading “which are imposed on the entire tract described in Section 1, including the property previously zoned C-P:...”

Mr. Janku made the motion to amend B325-06 by changing the wording in Section 2 to read “...following conditions which are imposed on the entire tract described in Section 1, including the property previously zoned C-P:...” The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mr. Boeckmann noted for condition 5, it was brought up by one of the speakers that there was a section of Grindstone Creek south of where the forks joined. Even though it was a little redundant, he thought they might want to add “Grindstone Creek” so it would read “...a 100-foot wide stream buffer must be placed on both sides of Grindstone Creek and on both sides of the north and south forks of Grindstone Creek....”

Mayor Hindman made the motion to amend B325-06 by changing the wording in condition 5 to read “...a 100-foot wide stream buffer must be placed on both sides of Grindstone Creek and on both sides of the north and south forks of Grindstone Creek....” The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The vote on B325-06, as amended, was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HINDMAN, CRAYTON. VOTING NO: HOPPE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**B326-06 Rezoning property generally located in the northeast corner of a larger tract located on the north side of State Route WW and east of Cedar Grove from R-1 to PUD-4.2.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would make additional changes to the zoning district boundaries at Old Hawthorne. When they set the zoning and annexation in 2005, it was generally known the districts might need some tweaking. The annexation agreement for Old Hawthorne allowed a development density of two dwelling units per acre and even with the slight increase, they were within the two dwelling units per acre. The Planning & Zoning Commission voted unanimously to recommend approval of the proposed zoning. Mr. Teddy stated it would probably result in a net increase of about five dwelling units.

Mayor Hindman opened the public hearing.

Don Stamper, 2502 Hollyhock Drive, stated he was speaking on behalf of the developers of Old Hawthorn and pointed out they would not have a net gain in units because they sold the PUD property identified as #9 to a developer, who was limited by contract to 103 living units. The shift of the 1.99 acres was being done because they found a significant grove of trees between the two developments that would have been eliminated if the roadway was maintained and the plan was carried out the way it was planned. They negotiated the sale of the 1.99 to the PUD development and it allowed them to relocate the street.

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

The vote on B326-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**B327-06 Rezoning property located on the west side of Santiago Drive, south of Granada Boulevard from R-3 to PUD-20.7; approving the Bethel Ridge PUD development plan; allowing a reduction in the required perimeter setback; approving less stringent screening requirements.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this proposal would allow for construction of 60 affordable apartment units for senior adults and would consist of 20.7 dwelling units per acre. He noted the Council over the last several years had agreed to put HOME money into this project in order to induce the State to put its money into making these affordable housing units for senior adults. The Planning & Zoning Commission recommended approval of the zoning and the PUD development plan.

Mr. Teddy explained there was a perimeter setback variance because there was only five feet between the property lines and the parking lot. Staff and the Planning & Zoning Commission both supported the variance mainly because the neighboring property was R-3 and owned by the applicant. There was also a slight excess in residential sign standards. He stated they originally recommended the ground sign adhere to the residential sign standards of 16 square feet and the Planning & Zoning Commission felt 32 square feet was in keeping with the scale of the building.

Ms. Hoppe stated there was a box with plans on the property that had a lot of detail. She thought it was a great communication tool. Mr. Teddy stated that was done by the applicant. The City only posted the notice on the property.

Mayor Hindman opened the public hearing.

Rob Campbell, 302 Campus View Drive, stated he was there on behalf of the developer, Jeffrey E. Smith Development. There were three issues he wanted to clarify that

the Planning & Zoning Commission approved. In regard to the location of the entry sign, the ordinance required that to be a minimum of 25 percent away from the property boundary, but due to the nature of their elderly residents, they preferred to have that as close to the entry as possible. If they followed the ordinance, the sign would have to move about 90 feet from the entry drive. In regard to the setbacks and screening, he noted the developer owned both adjacent properties and he intended to mirror this project on the property to the west in the future. They would end up with two parking lots abutting on the west side. They increased the size of the parking areas and the drives through these areas for the safety of the elderly residents. That pushed them closer to the property boundaries.

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

The vote on B327-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**B328-06 Approving the Lot 1 Katy Place Heights Subdivision Plat 3 C-P Development Plan located near the southeast corner of Forum Boulevard and Forum Katy Parkway; approving less stringent screening requirements.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this C-P plan was a re-submittal of a similar request denied by Council earlier this year. The previous request included the rezoning of a small portion of the PUD zoned land to the south to accommodate the required tree preservation area. The new plan had the same size office/retail building, which was about 12,500 square feet, but the parking was reduced from 70 to 60 spaces and improvements were shifted westward, so the tree preservation requirements could be met on the east part of the site. He pointed out rezoning part of the PUD property to the south for tree preservation was no longer necessary.

Mr. Teddy stated, originally, there was a rezoning request as part of this, but now there was no rezoning. It was just the approval of a C-P plan with the existing C-P boundaries. He noted there was a small tract of R-3 PUD located at the south of the C-P that the applicant had platted together with the C-P and that was why it was shown as a greater parcel with larger depth. Since the Council had seen this request, the parking lot surface size had been reduced and a number of spaces were eliminated. Consequently, there was a larger tree preservation area on the east side, which met the tree preservation requirements. The acquisition of R-3 PUD was not needed to meet tree preservation requirements with the new plan.

Mayor Hindman opened the public hearing.

Dave Bennett, Engineering Surveys and Services, 1113 Fay Street, stated the minor corrections indicated in the staff report had been taken care of, so there should not be any other issues.

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

Mayor Hindman made the motion to amend B328-06 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The vote on B328-06, as amended, was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**B329-06 Approving the Callaway Bank Lot 101 Eastport Plat 1-A-1 C-P Development Plan located on the southwest corner of Port Way and Bull Run Drive.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a C-P plan for a bank building in the Lake of the Woods area and would allow a 1,960 square foot bank facility. The Planning & Zoning Commission recommended approval of the proposed C-P development plan.

Mayor Hindman opened the public hearing.

Ron Shy, 5600 S. Highway KK, stated he was available to answer questions.

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

The vote on B329-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**B339-06 Authorizing rehabilitation of the general aviation apron and Taxiway A4 at Columbia Regional Airport; calling for bids.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was for a public improvement at the Columbia Regional Airport and would authorizing advertisement for bids for the rehabilitation of the general aviation apron and the taxiway A4. The project was to be funded 95 percent through an FAA grant. The balance would come from the transportation sales tax grant through the general improvement fund. He stated the original project cost was expected to be substantially less than what they now thought it would be, but believed they would receive the additional FAA money to make up the difference. Mr. Hutton asked if they would not construct if they did not receive the grant. Mr. Watkins replied they expected to get the grant.

Mayor Hindman opened the public hearing.

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

The vote on B339-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**B340-06 Approving the Engineer's Final Report; levying special assessments for construction of Forum Boulevard from Dunbar Drive to Old Plank Road; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a standard ordinance brought to Council when they closed out a public improvement project. The total project cost of the road extension was \$995,692.35. They were proposing four properties to be tax billed. The tax bills would generate about \$12,705 out of the almost \$1 million project. Most of the funds for the project came from the sales tax approved by the voters in 1999. He noted the public hearing for the project was held in 2001.

Mayor Hindman opened the public hearing.

Susan Clark, with offices at 302 Campus View Drive, stated she was present on behalf of the Highlands Homes Association. On August 28<sup>th</sup>, they received notice of the pending

special assessment and tax bills for two parcels of common area that belonged to the Highlands Homes Association. She explained the parcels were designated as common areas and no house or building could be built as would happen on a lot not designated as a common area. The parcels were greenbelt and not usable for any purpose. The Association did not see how the road provided any kind of benefit to these parcels. She noted if the Association did not pay the tax, the City Council could file liens against the property, but they were enforceable only by sale of the property. The property was restricted for common use and enjoyment of homeowners within the Highlands and the Association did not plan to sell the parcels. If the City condemned the property, it was still encumbered with common area restrictions. The Association was in the habit of paying its bills, but the bills that were paid brought value to the Association. It was the opinion of the Association and their legal counsel that the road provided no value or benefit to the Association and they asked that the tax bills be dropped.

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

Mayor Hindman asked if she made a good case. Mr. Boeckmann replied he thought it was a good argument.

Ms. Hoppe asked if this had come up before and what was done. Mr. Janku felt it was a difficult situation. He noted people dedicated the common lots and then they were unable to recover the money for the needed public improvements. He pointed out that was why they amended the ordinance regarding the building of sidewalks. If it involved a common lot, they now required the sidewalks be built right away because when the developer did not build them, the City would have to put them in later and tax bill the property. He felt the street benefited most members of the Association since they drove through it. Mr. Hutton stated he thought the major issue was that the lots were owned by the Homeowners Association and whether it was a benefit to the Association. Mayor Hindman stated he thought it was. Mr. Boeckmann commented that it was easier to argue it was a benefit to everyone in the Highlands than it would be if they were tax billing a through lot. Mayor Hindman felt since everyone in the Highlands owned this property, they were ultimately going back to the fact it benefited the owner. Mr. Boeckmann agreed that was a good argument and the counter argument was that it was the individual property. He stated the good part, if they could get by with it and they would pay it, was that the benefit was not a benefit to the property, but was for the people who lived in the Highlands and wanted to go south. Ms. Hoppe thought whatever they decided should be consistent from here on out. Mr. Hutton stated that was easy to say, but every one was different. Mr. Janku was concerned if it was determined it was not legally permissible on these dedications of common space. Mr. Hutton agreed and stated those lots could have been created, so they would not have to pay for road improvement.

Mayor Hindman noted their policy was tax billing and he felt there was enough of an argument that there was benefit, so he would be in favor of proceeding.

Ms. Nauser asked what the original right-of-way line was. Mr. Glascock replied he believed they had platted it down the creek, but could not build there so they moved it to the other side of the creek. He thought the City still owned that.

The vote on B340-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**B341-06 Approving the Engineer’s Final Report; levying special assessments for the Sewer District No. 141 (Green Valley Drive) project; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would close out a sewer district which involved three lots in east Columbia with a total project cost of \$23,600. Funding was proposed from tax bills levied against property in the sewer district and from sanitary sewer utility funds. He noted the public hearing was held on May 21, 2001.

Mayor Hindman opened the public hearing.

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

The vote on B341-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**B349-06 Authorizing construction of a 36-inch well field supply main from the McBaine Water Treatment Plant to Star School Road; calling for bids.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was to authorize a 36 inch water line of approximately 6,600 feet in the McBaine bottoms. The work would provide an additional feed from the well field to the water treatment plant. He pointed out this was not the 36 inch water line coming into town. It would improve the raw water intake capacity and serve as a redundant supply to improve the reliability of services. Funding for this project would come from the 2003 water ballot issue approved by voters. The resolution estimate was \$2.3 million.

Mayor Hindman opened the public hearing.

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

The vote on B349-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**B350-06 Authorizing construction of water main serving Second Baptist Church of Columbia; providing for payment of differential costs.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a standard differential cost water main project. Since the Second Baptist Church was expanding their building, they needed to move the water line serving that part of town. Rather than replacing it with the existing size, they felt it should be upgraded to an 8-inch with the City paying the differential cost.

Mayor Hindman opened the public hearing.

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

The vote on B350-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:



**B351-06 Authorizing construction of water main serving Dakota Ridge, Plat 2; providing for payment of differential costs.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a standard water main differential contribution. They would be installing an 8-inch water line in this plat in north Columbia.

Mayor Hindman opened the public hearing.

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

The vote on B351-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS.

Bill declared enacted, reading as follows:

**B355-06 Authorizing construction of a fenced dog park in the Garth Nature Area; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a required public hearing on a project being proposed by the Parks and Recreation Department to develop a leash free area within the Garth Nature Area. It would be one of five leash free sites in City. The total cost of the project was about \$14,400 and would begin at the conclusion of the trails program project sometime this spring. A combination of contract and force account labor would be used.

Mr. Hood stated they held a public planning meeting at the site at which about 35 people attended. The proposal reflected the input they received at that meeting. The leash free area would be located in the southeast portion of the site on about 2.5 acres. The fence material would be a wooden post and rail covered with a vinyl coated wire mesh, which was what they used on the south side of the Twin Lakes leash free area. It proved to be a functional, aesthetic and attractive fence.

Mayor Hindman opened the public hearing.

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

Mr. Janku noted the trail network was already going into place and was proving to be quite popular. Based on the public meeting, which he attended, he thought it would be a very popular leash free area. He asked if staff could look at the ordinances dealing with the definition of a leash free area to make sure it was adjusted, if needed. Mr. Hood stated they would look at that.

The vote on B355-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS.

Bill declared enacted, reading as follows:

**B356-06 Authorizing construction of a new restroom building at Fairview Park; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a required public hearing on a Parks and Recreation project to build a new restroom building at Fairview Park. The total project cost was \$110,000. He thought this was one of the last parks projects from the 1999 capital improvement parks part of the sales tax. Construction was scheduled to begin this fall.

Mr. Hood noted this would be a restroom facility to serve both the picnic shelter and tennis courts in Fairview Park. It had been identified in the Master Plan for many years and they were pleased to be in a position to move forward with it.

Mayor Hindman opened the public hearing.

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

The vote on B356-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

## **OLD BUSINESS**

### **R185-06 Approving a project for The Tapestry Group, Inc. and the issuance of bonds therefore by the Industrial Development Authority of Boone County, Missouri.**

The resolution was read by the Clerk.

Mayor Hindman noted the applicant requested this item be tabled and made a motion to table R185-06 to the September 18, 2006 Council meeting. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

### **B330-06 Approving the Final Plat of Winchester Subdivision, Plat 1 located generally south of Mills Drive and Hatton Drive and north of Chapel Hill Road; authorizing a performance contract; authorizing a development agreement.**

The bill was given second reading by the Clerk.

Mayor Hindman explained the applicant requested this item be tabled and made a motion to table B330-06 to the September 18, 2006 Council meeting. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

### **B331-06 Vacating street right-of-way for Mills Drive, between Hatton Drive and Tremont Court.**

The bill was given second reading by the Clerk.

Mayor Hindman stated the applicant requested this item be tabled and made a motion to table B331-06 to the September 18, 2006 Council. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

### **B343-06 Authorizing Amendment No. 1 to the agreement with Allstate Consultants, P.C. for design services relating to the extension of Vandiver Drive from the U.S. 63 interchange to Mexico Gravel Road, design of the Upper Hinkson Creek Outfall Relief Sewer and the FEMA Floodplain Map Revision.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize an addition to the contract with Allstate Consultants for design services relating to the extension of Vandiver Drive from the U.S. 63 interchange to Mexico Gravel Road. This was a project approved by voters in the fall street ballot issue and the total amount of the addendum was \$126,821.

Mr. Glascock stated the two items included were an amendment to the floodplain map revision, which would probably establish a shorter bridge than what would be required today, and the pump station at the end of the bridge that needed to have the lift station taken out.

Mayor Hindman stated he was approached by Mr. Alspaugh, who owned land on the east side of the Hinkson Creek bottom and they were very concerned about this. They did not want it to go through that bottom land. He asked if they passed this, how much they would be committing themselves to the route through the bottom land. Mr. Glascock replied this would not commit them to the route through the bottom land. This would allow them to the study of the entire floodplain where they were trying to place the bridge. It was not just a narrow strip. It would be all up and down his property line through the Hinkson.

Mr. Hutton stated he was going to ask for a report on the location of the road at the end of the meeting and noted he had met with Mr. Teddy, Mr. Glascock and Mr. Alspaugh.

The vote on B343-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**B345-06 Confirming the contract with Kevin Rackers Excavating for construction of the West Boulevard/Marygene Street storm drainage improvement project.**

The bill was given second reading by the Clerk.

Mr. Watkins stated they received three bids and the low bid was from Kevin Rackers Excavating in the amount of \$307,205. The bids came in substantially over the engineer's estimate and after much discussion, staff was recommending to Council that they proceed with the project because they did not believe re-bidding would get them any better price and redesigning it was not possible. He explained they would be applying for some additional storm water grant funds from DNR in the amount of approximately \$71,500 to help defray the overage of this particular project. It was a much needed storm drainage project in this neighborhood and they wanted to proceed.

Mr. Glascock explained the cost went up due to the box culvert across West Boulevard. He noted they initially did not have a time restriction on it, but he felt if they were going to close the road for any substantial length of time, they needed to limit the time. They limited it to one week, so they had seven days to construct the box across the roadway. Without the time limit, he believed it would have taken 2-3 weeks.

Mr. Janku asked if they would be working later and starting earlier. Mr. Glascock replied he assumed they would work a Saturday or Sunday to it get done. Mr. Janku suggested they let the neighbors know and explain the reason.

The vote on B345-06 was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**B334-06 Approving the Final Plat of Wellington Villas Plat 2 located generally north of Mexico Gravel Road and west of Wellington Drive; authorizing a performance contract.**

The bill was given second reading by the Clerk.

Mayor Hindman explained the reason for moving this item off of the Consent Agenda was due to an amendment being required.

Mayor Hindman made the motion to amend B334-06 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The vote on B334-06, as amended, was recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

**CONSENT AGENDA**

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

- B332-06 Approving the Final Plat of Bradbury Estates located at the current terminus of Beacon Falls Drive; authorizing a performance contract.**
- B333-06 Approving the Final Plat of Springdale Estates Plat 10 located on the southeast corner of Oakland Gravel Road and Thornberry Drive; authorizing a performance contract.**
- B335-06 Approving the Final Plat of Lake Woodrail – Plat 14 located on the southwest side of Shoreside Drive, northeast of the intersection of Forum Boulevard and Woodrail Avenue; authorizing a performance contract.**
- B336-06 Vacating utility easements located within Broadway Bluffs Subdivision.**
- B337-06 Vacating utility easements located within Norco Subdivision.**
- B338-06 Vacating a drainage easement located within Lake of the Woods Center Subdivision.**
- B342-06 Authorizing a contract for the purchase of property located at 1413 Stone Street; appropriating funds.**
- B344-06 Authorizing Amendment No. 1 to the development agreement with LOTE Development, Inc. relating to reconstruction of Ballenger Lane at the intersection of Aztec Boulevard (Route PP Safety Project).**
- B346-06 Authorizing a right of use permit with Premier Development Properties, LLC to allow construction, improvement, operation and maintenance of landscaping, an irrigation system, signage and lighting in an island within Stone Mountain Parkway and Andretti Circle rights-of-way and electrical conduits and water service lines within portions of Stone Mountain Parkway and Andretti Circle rights-of-way.**
- B347-06 Authorizing a right of use permit with Ashton Development Group, LLC to allow construction, improvement, operation and maintenance of landscaping, an irrigation system, signage and lighting in an island within Canyon Ridge Drive right-of-way and electrical conduits and water service lines within a portion of Canyon Ridge Drive right-of-way.**
- B348-06 Authorizing conveyance of a gas pipeline easement to Union Electric Company (AmerenUE).**
- B352-06 Calling for bids for construction of the Hillsdale Pump Station and 24-inch discharge main under I-70.**
- B353-06 Appropriating bond funds.**
- B354-06 Accepting conveyances for utility purposes.**
- B357-06 Authorizing an engineering services agreement with HNTB Corporation for the design of the Hinkson Creek Trail between Grindstone Nature Area and Stephens Lake Park.**

- B358-06 Authorizing an agreement with the Missouri Safety Center to conduct DWI enforcement activities; appropriating funds.**
- B359-06 Authorizing a tower agreement with Cellco Partnership d/b/a Verizon Wireless for the lease of City property located at 1313 Lakeview Street (Grissum Building).**
- R186-06 Setting a public hearing: voluntary annexation of property located on the south side of Starke Avenue, east of U.S. Highway 63.**
- R187-06 Setting a public hearing: reconstruction of Hardin Street from Ash Street to Hope Place and from Broadhead Street to Worley Street, and construction of a sidewalk on the west side of Hardin Street from Hope Place to Broadhead Street.**
- R188-06 Setting a public hearing: renovation of an existing playground and construction of a new shelter and parking lot at Cosmo Bethel Park.**
- R189-06 Setting a public hearing: development of two baseball fields, an irrigation lake and a parking lot on the Atkins property located north of the Boone County Fairgrounds.**
- R190-06 Authorizing a lease of mobile home site with Deana Volle for property located at Columbia Regional Airport.**
- R191-06 Authorizing an agreement with the Mid-Missouri Solid Waste Management District for acquisition of equipment and training for recovery of refrigerants from residential appliances banned from the sanitary landfill.**
- R192-06 Transferring 2006B Special Obligation Bond funds for transportation and public safety capital improvement projects; transferring funds to close out the 2001 Certificates of participation Debt Service Fund.**

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

## **NEW BUSINESS**

**R193-06 Setting a public hearing: consider amendments to Chapter 11 of the City Code as it relates to smoking in public places.**

The resolution was read by the Clerk.

Mayor Hindman commented that they needed to change the date and time on the resolution to October 9, 2006 at 7:00 p.m. Mr. Janku explained the reason for the change in the meeting date was due a conflict with the Planning and Zoning Commission meeting.

Mr. Hutton noted he received an email stating a concern with the capacity of the Council Chambers because the original hearing held by the Health Department had an overflow of people. He agreed the Council Chamber was the appropriate place to have the hearing, but asked if it would make sense to consider a larger site. He understood they would have problems televising it from some place else. Ms. Amin noted recording could also be a problem depending on the location. Mr. Hutton understood it might not be worth moving. Mr. Janku suggested they televise it downstairs. Mr. Hutton stated they could open up the Mezzanine and the downstairs areas. Ms. Hoppe felt as long as people could line up

outside, she thought it would be okay. Mr. Janku stated they needed to be careful in regard to the fire code.

Mayor Hindman made the motion to amend R193-06 by changing the date and time of the meeting to October 9, 2006 at 7:00 p.m. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The vote on R193-06, as amended, was recorded as follows: VOTING YES: JANKU, HUTTON, HOPPE, HINDMAN, CRAYTON. VOTING NO: NAUSER. ABSENT: LOVELESS. Resolution declared adopted, reading as follows:

**R194-06 Approving the installation of traffic calming devices in Thornbrook Subdivision.**

The resolution was read by the Clerk.

Mr. Watkins explained this would approve the installation of some traffic calming devices in the Thornbrook Subdivision that was part of a development agreement with the developer of the Westbrook Subdivision. The City was requiring them to install some traffic calming in Thornbrook, subject to the approval of the Thornbrook Homeowner's Association and the City Council.

Mr. Glascock pointed out the locations on the overhead and explained he had received a call from Susan Clark, who represented the homeowners association, stating they had come to an agreement about the planter boxes, but they had not been designed. He asked if the Council wanted to approve the design or have the staff approve them and proceed. Mayor Hindman thought it would be okay for the staff to go ahead unless the neighbors felt they needed to have a hearing. Ms. Nauser asked if there would be four planter boxes. Mr. Glascock replied there were three locations and four planter boxes. Ms. Nauser stated she received an e-mail requesting the planter boxes not be installed prior to the paving. Mr. Glascock stated he wanted them approved by someone in advance because they did not have an approved design for planter boxes. Mr. Janku stated that unless staff had a disagreement with the design the neighborhood association liked for some engineering reason, he suggested they proceed. If, however, something needed to be resolved by Council, he noted they would be glad to do it.

The vote on R194-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Resolution declared adopted, reading as follows:

**R195-06 Authorizing the sale of Special Obligation Electric Utility Improvement Bonds, Series 2006C.**

The resolution was read by the Clerk.

Ms. Fleming explained this was the resolution authorizing the notice of the sale and the bonds would be sold on September 18<sup>th</sup>. She noted they received confirmation of an AA-bond rating from Standard & Poors. They should be receiving a Fitch rating soon. This would give them the funds to implement the projects that were approved on the Water and Light ballot.

The vote on R195-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Resolution declared adopted, reading as follows:

**R196-06 Approving the Preliminary Plat of Gold Star Farms – Plat 2 located on the north side of Thompson Road, across from Beechwood Drive.**

The resolution was read by the Clerk.

Mr. Watkins stated this was a proposed preliminary plat that would create nine R-1 zoned lots on recently annexed land in north Columbia. The Planning & Zoning Commission recommended approval.

The vote on R196-06 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. 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.

- B367-06 Rezoning property located on the east side of State Route B, north of U.S. Highway 63 from M-C to M-P; approving the M-P Development Plan of Route B Commercial Complex.**
- B368-06 Approving the Verizon Retail/Office Building Lot 7 & Part of Lot 8 Broadway Bluffs C-P Development Plan located on the north side of Broadway Bluffs Drive, northwest of the intersection of East Broadway and Trimble Road.**
- B369-06 Approving The Villas at Old Hawthorne PUD Development Plan located generally north of State Route WW and east of Cedar Grove Road.**
- B370-06 Authorizing an annexation agreement with First National Bank and Trust Company as Trustee of the Carl R. Landrum Trust for property located on the north side of Gans Road, east of Rock Quarry Road.**
- B371-06 Approving the Final Plat of Vintage Falls Plat 1-C, a Replat of Lot 7 of Vintage Falls Plat 1-A located at the south terminus of Sable Court.**
- 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.**
- B373-06 Confirming the contract with T-N-T Excavating for construction of the C-3 Trunk Sewer Extension, an 80-acre point sanitary sewer serving the University of Missouri South Farm property.**
- B374-06 Confirming the contract with Wisch and Vaughan Construction Company, Inc. (WAVCO) to construct an addition to Fire Station No. 1 located at 201 Orr Street and renovations to Fire Station No. 2 located at 1212 West Worley Street.**
- B375-06 Accepting conveyances for utility purposes.**
- B376-06 Authorizing renovation of the playground and construction of a new shelter at Cosmo Bethel Park; calling for bids through the Purchasing Division.**

- B377-06**     Authorizing acceptance of a grant from the Federal Emergency Management Agency - Department of Homeland Security for fire prevention and safety programs; appropriating funds.
- B378-06**     Authorizing an agreement with the Missouri Basketball Coaches Association (MBCA) for the 1<sup>st</sup> Annual MBCA Coaches Clinic; appropriating funds.
- B379-06**     Transferring funds to close out 1992 General Obligation Bonds; appropriating funds for the public building expansion project.
- B380-06**     Authorizing an agreement with Chiodini Associates, Inc. for architectural and engineering services for renovations and construction of an addition to the Daniel Boone Building.
- B381-06**     Amending Ordinance No. 018028 in connection with certain Water and Electric System Improvement Revenue Bonds of the City.
- B382-06**     Authorizing the issuance of Special Obligation Electric Utility Improvement Bonds, Series 2006C.
- B383-06**     Establishing new group insurance premiums for employee and retiree/COBRA health and dental care plans.
- B384-06**     Amending the Classification Plan and adopting the FY 2007 Pay Plan.
- B385-06**     Amending Chapter 19 of the City Code as it relates to personnel policies, procedures, rules and regulations.
- B386-06**     Amending Chapter 27 of the City Code as it relates to electric connection fees.

**REPORTS AND PETITIONS**

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

Report accepted.

**(B)    U. S. 63 Highway-Rail Crossing.**

Mr. Watkins noted the rail crossing of the COLT over U.S. 63 in northern Columbia was at the end of its useful life with major maintenance being required soon. It was staff's feeling that instead of spending \$250,000 - \$500,000 on the actual crossing, they should take a look at the feasibility of building an elevated crossing. They wanted Council's approval to go ahead and conduct the feasibility study. Mr. Dasho explained the crossing was made grade across 63 in 1986-87 when MoDOT thought the Northfork Southern was going out of business. The City then took over the line and traffic picked up. They anticipated that traffic would continue to pick up in the future and they wanted to see a bridge across there to get the train off of 63. Mr. Watkins noted one of the other reasons for the preliminary would be to get some good numbers, so they could push for an earmark of federal funds for this safety project.

Mr. Janku stated he thought it was great to do away with it at grade and asked if it was infeasible to do a tunnel. Mr. Dasho replied it would be more difficult because the grades for the train to go up and down would be very difficult to create. It would be easier to build a bridge. He thought at one time there was either a bridge there or it had been designed for one.



Mr. Janku made the motion for staff to proceed with the feasibility study. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**(C) Well field 36-inch water main and Missouri Department of Conservation.**

Mr. Watkins noted the Council authorized staff to go out for bids for a 36 inch supply main in the McBaine bottoms. He explained they were having discussions with the Missouri Department of Conservation and could be bringing Council an agreement whereby the Department of Conservation would help pay for part of that with some extensions. Mr. Dasho stated the easements for the 36 inch main went across the Missouri Department of Conservation land and they had been in discussions about supplying them the raw water necessary to create wetlands for ducks and wildlife. They were creating two new cells. The City would be a part of that if they were interested in working on a cost sharing arrangement because alternatively they would put in a well and piping and would be responsible for maintaining that in the long run.

**(D) A request by a Civil Group to vacate an unbuilt portion of street right-of-way known as Iowa Avenue. The street right-of-way is located south of I-70 and west of Providence Road (State Route 163).**

Mr. Watkins stated this was a proposal to vacate an unbuilt portion of the street right-of-way and noted one of the newspapers indicated it might be something they would end up buying back. He pointed out they would not. Mayor Hindman asked why. Mr. Glascock replied it was because MoDOT purchased right-of-way in fee simple and this was just an easement, they would have to purchase anyway. In addition, it would have to be in the exact spot they needed it.

Mr. Janku stated he appreciated receiving the early notice. Given the area to the west of what was being proposed had already been vacated, there was no connection possible.

Mr. Janku made the motion to direct staff to prepare an ordinance that would solve all of the necessary replatting issues. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

**(E) Potential revisions to the Zoning Regulations pertaining to required parking for bicycles.**

Mr. Watkins noted Council directed staff to explore potential changes to the bicycle parking requirements, which would apply to small non-residential developments. Presently, a parking lot less than 50 vehicles had no bicycle spaces required. If Council wanted this to be further explored, it would need to be referred to the Planning & Zoning Commission for review and public hearing and the Bicycle/Pedestrian Commission for discussion and comment. Mr. Teddy stated they provided a few samples from other communities that had been compiled into a handbook published by the American Planning Association on parking in general. With the parking standards for the different types of land uses, there was also some bicycle parking.

Mr. Janku understood they wanted to make sure all facilities had some bicycle parking and that they might want to curb the number at a specific level and noted he was not sure they wanted to go through the entire process regarding options and square footage. He

suggested they address those two issues specifically with the current model, unless the current model was broken.

Mayor Hindman suggested this not only be sent to the Bicycle/Pedestrian Commission and Planning and Zoning Commission, but also the Non-Motorized Pilot Project Group.

Mayor Hindman made the motion to direct staff to forward this issue to the Planning and Zoning Commission, Bicycle/Pedestrian Commission and the Non-Motorized Pilot Project Group for review. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**(F) Proposed amendment to the Consolidated Plan to address vacant dilapidated commercial buildings in the Central City.**

Mr. Watkins explained that last July the Community Development Commission recommended the Council consider a change to the Consolidated Plan that governed what the City could use CDBG and HOME funds towards to set a priority for code enforcement activities to address vacant dilapidated commercial properties in the central City. This would set the stage to allow the City to use CDBG money if this was something the Council wanted to proceed with.

Mr. Janku made the motion directing staff to set a public hearing on the issue. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**(G) Proposed County House Branch Trail.**

Mr. Hood explained the Parks and Recreation Department presented Council with a report outlining some preliminary routing options and estimated costs for the proposed County House Trail in March. At that time, Council directed staff to contact the impacted property owners about the project to obtain a feel for their support or non-support for the project. They developed an information packet, which was mailed to all of the property owners, and followed up with a phone call and/or site visit. They found the project broke into two sections. South of Stadium, between Twin Lakes and Stadium, they received a relatively positive reception from the three property owners involved where staff felt it would be feasible to pursue right-of-way through that section. North of Stadium, three of the five property owners were strongly opposed and did not support the idea of the trail at all. They did offer some options for possible alternative routing. Using the overhead, he showed the section between Stadium and Cowen Drive where they had identified a couple of additional options the Council might want to consider. If Council wanted to move forward, he suggested having a public hearing. The Council could then provide specific direction based on the option they felt should be pursued.

Mayor Hindman made the motion directing staff to set a public hearing. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**(H) Land disturbance – cut and fill issues.**

Mr. Watkins explained that at the June 11<sup>th</sup> Council meeting, there was public comment from a citizen concerned with land disturbance and other issues. Council asked staff to review the comments and provide additional staff comments.

Mr. Glascock noted they reviewed the recommendations in the letter and the presentation. It discussed preparing a checklist, which the Planning & Development Department currently did on certain items, such as street light issues, types of signs, and the heights of buildings, during the conceptual review. It discussed requiring soil berm for screening. This was allowed, but not required. People did not use them because they took up a lot of space. The suggestion regarding the hiring of a land disturbance permit planner to determine the amount of cut and fill, he felt, was a very subjective. He did not know if Council would want staff determining the amount of cut and fill on each property. Developers, in general, wanted to know what they had to do before coming in with a plan. If they were told they could only cut a foot, it would stop them from moving a lot of earth, but did not save many trees. In regard to forming a committee to develop a set of standards, the best thing they came up with was an overlay district that could be part of the zoning ordinances. He did not know how that would be done and thought the Planning & Zoning Commission would need to look into that. Staff's recommendation was to proceed with storm water and stream buffer ordinances to see what impact those would have because when talking about water quality, land use was impacted to a greater extent. He also noted the need to look at the tree preservation ordinance.

Mr. Janku understood they adopted one rezoning where there was a cut and fill limitation. He thought it was on Providence, south of the University. He explained he felt with C-P protections, they had a plan to evaluate before the work could begin. He was surprised with the work starting before they reviewed a plan that could have taken in the topography or protected the trees. He wondered if the timing could be fixed and suggested requiring a plan before providing a land disturbance permit on a planned property. Mr. Glascock explained land disturbance was not part of the zoning process currently. If it was zoned A-1 and they wanted to log it, the City would not have any recourse. Mr. Janku felt that would be tree removal, not grading. Mr. Glascock understood the big impact was the loss of the trees and not the actual grading.

Mayor Hindman felt they received complaints for more than just tree removal. He thought they received complaints when there was a tremendous amount of grading done. In regard to the Stadium example, it was trees and the total change in topography. There were other cases, such as the Broadway Bluffs, where some of the topography was allowed to remain, which people complimented. He thought there was more than just the tree aspect and stated he was not in favor of waiting until they had worked out the issues on the stream buffer. He felt they needed to look at the whole thing. He felt this was done in the wrong order since they were allowed to level the property and then ask Council for rezoning. He noted he was not trying to stop development. He suggested looking at an incentive package of putting in more landscaping for removing a certain amount of trees.

Ms. Hoppe stated she agreed they should not wait and commented that while the storm water ordinance would overlap in regard to some issues, it was a different issue. She noted one suggestion provided to her was to ask the Environment and Energy Commission for their recommendation and then send it to the Planning & Zoning Commission for public hearings and their recommendation. In addition, staff could do a report on what other communities were doing. She stated people were concerned because the City had a great

asset in its topography and rolling hills, but those items were being lost. Ms. Hoppe reiterated she did not think they could wait.

Ms. Nauser agreed with using the Environment and Energy Commission to review some of these issues. She noted seeing other communities that had hills, trees and mountains, while still having big box stores and fast food restaurants, so she felt this was doable and could be a win/win situation for everyone. She pointed out there was still the issue of people and their property rights, so she felt they should not go overboard. She hoped they could come up with a fair and equitable alternative because she agreed there was a lot of public outcry and that some of the ordinances needed to be adjusted to deal with problems.

Mr. Janku asked if staff knew of other communities that might have something the City could review and use. He understood an overlay district had been mentioned and asked if they would have to designate a particular area. Mr. Glascock replied they would have to send it to the Commission to look at certain areas of the City. The Council could not overlay the whole City, but could pick certain spots, such as areas with slopes greater than 15 percent. He pointed out it was not only a matter of doing something, but also enforcement. They needed to look at everything. He reiterated the land disturbance permit was not currently tied to anything and one had to be provided if the developer met all of the ordinances. Mayor Hindman felt that was the kind of thing they needed to look at. Mr. Glascock asked where Council saw it falling. Mayor Hindman thought it should be in connection with the plan. Mr. Glascock asked about a situation where person owned a lot and did not have a plan, but wanted to grade it or log it for money. Mayor Hindman thought they needed to look at all of those things. He noted one possible issue had to do with the residential lots. He noted an area near his residence where the developer removed every single tree, regraded the land, put houses up and never planted another tree. He thought there was something wrong in that instance as well. He stated that when they had discussed this before, they were told the real estate people understood trees were valuable and would not take them out. He pointed out that was not true in all cases. Mr. Glascock wondered if they went with that route, if it would be more feasible to do it in the County before bringing the property into the City. Mayor Hindman stated he understood there were weaknesses and wondered if the County would work with them. He also understood that if they headed down a direction of putting in significantly more intrusive ordinances, there might be people who would start clearing places, so they would not be subject to the ordinance.

Ms. Nauser asked if someone cleared their property before requesting annexation or rezoning, if they could require it be denied. Mr. Glascock replied that would fall on the Council's shoulders. Mr. Janku noted they could deny an annexation for any reason they wanted. Ms. Nauser understood and added that was something they would need to know in advance, so it could be considered.

Mayor Hindman stated the Council understood this was a tough problem. Mr. Glascock asked the Council to provide Mr. Watkins all of their comments, so they had something to work with and a direction to head towards.

Ms. Nauser suggested they forward this to the Environment and Energy Commission to come up with some ideas. That would give the Council a starting point for discussion.

Ms. Nauser made the motion to forward this issue to the Environment and Energy Commission for review and recommendations. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**(I) Street closure request.**

Mr. Watkins explained the YouZeum wanted to close Cherry Street between Sixth and Seventh Streets on Saturday, September 16, 2006, from 5:00 p.m. to midnight, for a Starlight Bike Ramble. The request had been approved by the CCA Board.

Mr. Janku made the motion to approve the street closure request as requested. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Ms. Crayton stated she received her information regarding the Combat Program, which was a community based anti-drug organization. She felt with all of the things that had happened within the last week, they needed a way to defend themselves and the neighborhoods. She wondered how they could combat something driven by drugs with housing and law enforcement. She stated she would like to get a committee together to help her look into this. She understood this program provided money for treatment and for an increase in the police presence in the area where there was the most trouble. She felt they could no longer ignore the situation and needed a prevention center. She understood it was tied to a tax, which she was normally against, but felt would be good if it eliminated the homes where this type of thing was going on.

Mayor Hindman asked if she was asking for someone to investigate that program. Ms. Crayton replied she wanted a small committee to look into the program. Ms. Hoppe asked which program she was referring to. Ms. Crayton replied the Combat Program, which was used in Kansas City in higher crime areas. Ms. Hoppe asked if she wanted a Mayor appointed committee. Mayor Hindman stated if she could come up with names, the Council would likely authorize the appointment of a committee. Ms. Crayton stated she would provide some names.

Ms. Crayton made the motion to appoint a citizens committee to investigate the Combat Program and other similar programs that would be helpful in the prevention of crime and drug use in the neighborhood.

Mr. Hutton asked if there was any existing commission or committee that could be utilized. Ms. Crayton stated she did not know. Mr. Janku felt the closest one would be Substance Abuse, but it addressed only one part of the issue. He thought a fresh committee would be good. Mayor Hindman noted this would be a short term, specialized committee.

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

Ms. Crayton stated she received a call from a lady that had her house roof fixed by a company that was supposed to have received a permit from the City, but had not done so.

The City was not okaying the roof until she obtained a permit. She had already paid for the work and was trying to track him down to get the permit. Ms. Crayton asked if he was allowed to do that. Mr. Watkins replied no. He should have received a permit, but it was the property owner's responsibility to get the permit. He explained that most property owner's delegated that to the contractor doing the work. If that was not done, the responsibility fell on the property owner. Ms. Crayton noted this lady was stuck because her house would not pass inspection. Mr. Glascock stated if she would give him the business person's name, he would investigate it.

Mr. Janku stated he received a flyer from a company that wanted to manage the City's website. He wondered if the citizens committee or staff working on the update project would take a look at the features listed to see if there were some that could be added.

Mr. Janku explained he saw an article in the Nations City Weekly titled Philadelphia's Green Formula for Swimable and Drinkable Water. They had an office of watersheds with a philosophy to adapt City parks, roadways, school sites, lawns and yards to absorb and slowly filter rainfall and storm water. He wanted to share it with the Council and staff. He noted for phase 2, they were required to have practices that helped and wondered if the City could implement some of the ideas.

Mr. Hutton stated in regard to B343-06, which involved the extension of Vandiver and the addition to the contract for the sewer and the floodplain study, he had been in contact with Mr. Alspaugh, who had some concerns. The City had its own ideas on where the road infrastructure should go, so it best served Columbia in the future, and Vandiver was part of that. He understood it was meant to be an outer loop. Mr. Alspaugh's idea was to make the road extension, more or less, directly east as opposed to swinging over to Mexico Gravel and connecting through some areas that were not yet developed. It would then dead end on Clark Lane/Route PP and would not go further east because all of that was developed. That would end the outer loop idea because by swinging around and going up to Mexico Gravel, they would hit Route PP and continue east as far as the County line. He understood why this was the best route, but noted Mr. Alspaugh raised a legitimate concern about a floodplain issue. The ordinance approved tonight would re-map the floodplain, which might end up smaller than it was because the map was not accurate. He explained that he told Mr. Alspaugh that the City would study or at least consider the option of a second location for the road, which still went across his property, taking into consideration the floodplain issues. Mr. Alspaugh was concerned that if they went through the floodplain, it would cause flooding downstream.

Mr. Hutton made a motion directing staff to provide a report showing the options, the ramifications and the pros and cons of both, so they could seriously consider this issue. He also requested that the report discuss the possible effects on storm water management or the Hinkson Creek. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Hoppe stated she met with PRIDE, who purposed a fifth option for usage of the ARC property. PRIDE's fifth option was to join with youth basketball and the farmer's market for a combined development. Ms. Hoppe thought they should direct staff to meet jointly with the youth basketball, PRIDE and, if appropriate, the farmer's market to discuss the pros and cons together as a group.

Mr. Hood stated one concern he had was that Council had already directed the Parks and Recreation Commission to look at the four options. They held a public hearing at their August meeting and tabled any action to their September meeting, so they would be making a recommendation to Council on the four options. He wondered if they should proceed with a fifth option before the Council had that recommendation.

Mr. Janku stated he did not want the staff to be placed in a role of being a mediator between 3-4 groups because the ice people were a part of the fifth option. The City had not been directed by the Council for any position, so they could not have a position, but could listen to the different groups. He suggested that since PRIDE had developed the fifth option, they should submit it to the Parks and Recreation Commission. When it came to Council, they could take the step Ms. Hoppe was suggesting, if they believed it was a viable option.

Mayor Hindman noted there were four independent groups and he did not see any sign of them working together. He understood PRIDE was proposing to do something with the basketball group, but he did not think they had talked to them about this. He pointed out the problem with taking a recommendation from the four was that the winner of the recommendation would not want to cooperate with someone else because they were in the driver's seat. He wondered if they should put some pressure on the groups to try to work together to come up with a solution. He also wondered if they were moving too fast in obtaining the recommendations. Mr. Janku noted that when groups met, sometimes they did not come back with something that was in the best interest of the City. Mayor Hindman agreed and stated the Council would ultimately have to decide. He stated that was a significant piece of property and they would be making a decision that would have a huge long term impact. It had to be based on what was best for the community. Mayor Hindman stated he thought they should slow down the process and notify the groups that the Council was not necessarily satisfied with the four options. Mr. Hutton agreed and stated they should think about other alternatives.

Mr. Watkins stated if they did what Ms. Hoppe was asking, staff would be a moderator and mediator, which he felt put the staff in a tough position. He suggested the groups be told they needed to meet to talk this through. If there were technical problems or technical issues, the City would be glad to assist. He thought it was like the stadium in that he did not believe staff should be in a position to argue for or against the stadium, but needed to be available to answer technical questions and ensure it would be something the Council could live with. Mayor Hindman pointed out they could not be bound by what they came up with.

Ms. Hoppe asked what they could do as a Council to verbally request or encourage them to meet and discuss it and to let the Council know if they arrived at an agreement or if it would not work. Ms. Nauser stated she thought they had. She noted that during the public comment, they indicated that they wanted more options. She pointed out nothing was set in concrete and they had no time table. She felt it would be advantageous to the parties to get

together to find something that utilized that property. Mayor Hindman asked the City Manager if he could get the word out.

Ms. Hoppe noted a Phillips 66 gas station on Old 63 and Shepard Boulevard that was a gas station/convenience store and had transformed into a gas station/liquor store. She asked if they were in conformance with the zoning of that property or if they needed to request a rezoning. She commented that it was no longer a neighborhood convenience store.

Ms. Hoppe requested a staff report on the solid waste “pay as you go” issue. She understood staff looked at it some years ago, but she wanted to see what other communities were doing and if there was some solution that avoided people not using the system and just dumping. She noted electric and water involved a “pay as you go” system.

Ms. Hoppe made the motion directing staff to provide a report on the solid waste “pay as you go” issue. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Janku stated on Old 63, where the Elks Lodge used to be, was the Paradise Bar and Grill. He recalled the Elks Lodge coming to Council requesting rezoning to C-3 and the Council denying it. He asked if this new use conformed with zoning regulations. At Blue Ridge, across from some neighbors there, was the Tiger Shrine Club, which was zoned for that type of organization and he was concerned it could be changed into a bar/nightclub in the future.

Mr. Janku made the motion directing staff to provide a report as to whether the new use of the Elks Lodge property conformed with its appropriate zoning. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Hutton made a motion for Council to adjourn to closed session on Monday, September 11, 2006 following the work session to discuss pending litigation, contract negotiations and the purchase of real estate and that the meeting be closed as authorized by Section 610.021(1), (2) and (13) of the Revised Statutes of Missouri. The motion was seconded by Mr. Janku with the vote recorded as follows: VOTING YES: JANKU, HUTTON, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: LOVELESS.

The meeting adjourned at 12:15 a.m.

Respectfully submitted,

Sheela Amin  
City Clerk