

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JULY 3, 2006

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, July 3, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, and LOVELESS were present. Council Member HUTTON was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of June 19, 2006 were approved unanimously by voice vote on a motion by Ms. Crayton and a second by Mr. Loveless.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman noted a Special Item regarding the recognition of a T.R.I.M. grant would be added to the agenda. The agenda, as amended, including the Consent Agenda, was approved unanimously by voice vote on a motion by Mayor Hindman and a second by Mr. Janku.

SPECIAL ITEMS

Presentation of T.R.I.M. (Tree Resource Improvement and Maintenance) grant check.

Ann Koenig of the Department of Conservation presented a check in the amount of \$9,401 for the T.R.I.M. grant and noted the City was doing a fabulous job. Mayor Hindman thanked Ms. Koenig and stated the City was proud to be participating in the program. He felt what they were doing with urban forestry was important. He explained the Parks and Recreation Department had used past funds to create two interpretive educational signs, plant 28 bur oaks and re-establish a transitional forest community at the Grindstone Nature Area. Mayor Hindman and Mr. Hood reiterated their thanks to Ms. Koenig and the Department of Conservation.

SCHEDULED PUBLIC COMMENT

Mike Vangel, Mary Paulsell, Harold Warren, James Wiss – Highest and best use for City land next to the ARC.

Mary Paulsell, 721 Columbine Court, stated she was the Director of Operations for the University Center for Innovation and Entrepreneurship, which was part of the University of Missouri College of Engineering and that she was representing the Positive Regional Impact Diversified Enterprise (PRIDE). She noted members of the PRIDE Board of Directors were present to ask the Council to take the time to make a detailed thorough analysis of all of the

proposals submitted for the use of City property at Clinkscapes and Ash Streets and to make an informed decision that would serve the needs of the entire community. She understood the Parks and Recreation staff would be making a recommendation to the Council for use of this property. She felt since the Parks and Recreation staff assisted in drafting one of the proposals under consideration, an independent review panel should be formed. She stated the PRIDE proposal represented more than additional recreational resources for the community. It represented a unique opportunity to harness the resources of the neighborhoods, organizations that served the community and the University of Missouri. She explained PRIDE was about health, recreation, education, economic development and socialization opportunities. The partnership included the Columbia Boxing Club, Destiny of Hope, the First Ward Ambassadors, Imani Mission Center, Rising Stars Sports Association, Successful Neighborhood Resource Center, Boys and Girls Club, University of Missouri-College of Engineering, Columbia Public Schools and the University's Center for Innovation and Entrepreneurship. She felt Clinkscapes and Ash would be a great location for their three-story, 119,000 square foot facility. It would house offices, classrooms, science labs, a business development center, laboratories for technology development, a commercial kitchen, community space and ten basketball courts with two for use by PRIDE and eight that could be managed by City staff. This facility would not only meet the needs of its member organizations, but also those identified in the proposal submitted by the Columbia Youth Basketball Association and City staff. The \$9 million facility would be designed and constructed with materials that would compliment the City's investment in the ARC. They were not asking the City for money. They were only asking for a long term lease on the property. She explained that if they failed to raise funds in a reasonable amount of time, the City would have lost nothing. She asked the Council to compliment their vision for the ARC by studying PRIDE's vision for a facility. She felt the PRIDE facility would give the City everything it wanted and the community everything it needed.

PUBLIC HEARINGS

B244-06 Voluntary annexation of property located on the east side of Oakland Gravel Road, approximately 1,450 feet south of the intersection of Oakland Gravel Road and Alfalfa Drive (6250 Oakland Gravel Road); establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was the voluntary annexation of approximately 33.25 acres in north Columbia. The Planning & Zoning Commission voted unanimously to recommend approval of R-1 zoning and the Parks and Recreation Commission indicated they saw no adverse impact of annexation or zoning. Mr. Teddy pointed out testimony at the Planning & Zoning Commission hearing indicated there was an adjacent property owner that was interested in acquiring some of this tract.

Mayor Hindman opened the public hearing.

Chad Sayre, 7401 N. Fall Creek Drive, of Allstate Consultants stated he was working with the owner and contract purchaser and was available to answer questions.

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

Mr. Janku understood this was not currently on the Trail Master Plan, but wanted to point out this was an area staff was asked to look at for the future. He clarified that even though it was not in the plan yet, it might be included some day.

The vote on B244-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B245-06 Voluntary annexation of property located north and west of the northwest corner of West Broadway and Strawn Road (State Route ZZ); establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a voluntary annexation of approximately 115 acres in northwest Columbia. The proposal would establish R-1 as permanent zoning. Last year, a request to annex and zone 82 acres on the northern end of this property was denied by the Council primarily due to concerns of limited access and flooding off of Strawn Road. The current proposal included a second access off of West Broadway. The Planning & Zoning Commission voted 4-2 to recommend denial of R-1 as permanent zoning primarily due to flooding and future roadway improvement concerns. Mr. Teddy noted most of this tract was surrounded by the City of Columbia. There were some small parcels to the northeast and a few to the south that were still in unincorporated Boone County.

Mr. Janku understood the property immediately to the north on the west side of Strawn Road was the former sewer property they had discussed for use as soccer practice fields at the Retreat. Mr. Teddy agreed it was City owned.

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney with offices at 111 S. Ninth Street, stated he was representing Elvin Sapp and B & E Investments, the contract purchasers of this 115 acre tract. He noted there was also an accompanying preliminary plat approval request before the Council this evening. The purpose of bringing that to the Council was so they would know what was planned even though it would be open zoning. The preliminary plat had about 228 lots with 5 of those being common lots. He stated they were also dedicating a lot of right-of-way, including an additional 23 feet of half-width along Strawn, which when added to the 30 feet of half-width already there would equal 106 feet of right-of-way for a future four lane road. Additionally, they would dedicate 55 feet along the southern boundary on West Broadway for an arterial when the time came. He noted they were also contributing right-of-way for a future Scott Boulevard extension to the north. As far as annexation and zoning issues, they were only asking to be welcomed into the City under the same zoning category they currently had. They felt it would be a better project in the City and they wanted City services. He felt this was in keeping with policy decisions made on previous occasions in places like the Cascades, Thornbrook, Old Hawthorne, Forest Ridge and Vanderveen. He stated the decision to turn this down last fall was not due to the concept of annexation and zoning. It was what was to be done with the property and some problems with flooding shown by a video. He noted only 23 of the 115 acres had anything to do with Harmony Creek, the subject of the video. It was coming down from the east side of Strawn on the

north side of West Worley and ran along the floodplain, which was where it was supposed to go, through a pipe to the north of the property into Harmony Creek on the west side and ultimately into Perche Creek. He commented that they only affected one percent of the Harmony Creek drainage area and only 6/100 of one percent of the Perche Creek drainage basin. He agreed with a comment made by Mr. Glascock last fall indicating that if one put a subdivision here and it happened to run off faster, that was good because it got out of there quicker. He pointed out in a short lived, intense rain, water would get down the creek faster and the other 2,200 acres of Harmony Creek to the east of Strawn Road drained in there after that. He did not believe this development had any impact on that stormwater. He stated they would not help it, but they would not hurt it either. He noted another concern was that if there was flooding, they only had one way out. They had now contracted to purchase another 33 acres that would take this project down to West Broadway for a second, meaningful way out. He stated there was also a concern with sight distance between the entrance on Strawn Road and the bend south of the intersection with West Worley. Referring to the preliminary plat, he noted they moved that entrance 200 feet to the north, which created 600 feet of sight distance from the bend. He pointed out it had been approved by MoDOT and met all of their criteria. In regards to concerns about pedestrian access to get to West Worley, they were proposing to build a 600 foot sidewalk to get pedestrians from this development to West Worley on the east side.

Tim Crockett, Crockett Engineering, 2608 N. Stadium Boulevard, stated he was available to answer any questions the Council might have in regards to stormwater, traffic, sight distance or anything else along those lines.

Ms. Hoppe understood the Planning & Zoning Commission felt PUD was a better way to go due to traffic and stormwater concerns and asked for a response. Mr. Beckett replied a PUD was substantially more expensive to bring forward without knowing if their money was well invested. By bringing the preliminary plat at the same time as the annexation and zoning, he felt they were providing the Council with most everything that a PUD might provide with the exception that it did not subject them to the leverage the City had over the people who brought in PUD's to construct improvements off-site they did not believe they were responsible for. He pointed out they were presenting a plat with a low density of 1.9 units per acre. He did not believe it was necessary and felt they adequately addressed the peculiarities of site.

Mr. Janku noted they were voting on the annexation and then the preliminary plat and asked if they had questions about the preliminary plat if they should bring them up now or ask them during the discussion of that item. Mr. Beckett replied he would like to see these items consolidated because they brought them as a package. Mr. Boeckmann suggested if there was anything regarding the plat he did not like that met the ordinance requirements, he should deal with that now. Once they annexed the property, to the extent it met the ordinance requirements, they could not reject it. Mr. Janku stated his comments dealt with the length of the sidewalk along the east side in exchange for the variance on the west side. Mr. Beckett commented that they had volunteered to build 600 feet of sidewalk from the point on Strawn on the east side opposite their entrance to West Worley due to concerns expressed. The Planning & Zoning Commission preferred to make a recommendation that

they build another 400 feet of sidewalk to the north along the east side of Strawn, which would cost more money and which they felt would be wasted expenditures since it did not go anywhere. In regards to the cul-de-sac variance, he noted they could eliminate that by taking out a bunch of trees through a ravine, but they did not want to do that.

Ms. Hoppe understood that when the Planning & Zoning Commission denied the annexation and zoning, they did not have the second route out in front of them and asked if that was correct. Mr. Beckett replied that was correct.

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

Mr. Janku stated he was glad this was brought back with the additional acreage and additional access to Broadway. He commented that he voted against it previously because he understood with a 10-year storm, the access point could have been blocked and there could have been periods of time where there would be no access into or out of the subdivision. The second access point onto Broadway cured that problem. He believed this should be annexed into the City, but disagreed with them regarding the sidewalk length. He pointed out the property to the north was City owned property, which they talked about as potentially being used for a park and youth practice fields. Although not used at the present time, it could become an active facility in the near future. He proposed that they be granted a variance on the west side because the topography was such that it would not be practical to construct a sidewalk there, but that they be required construct the sidewalk for the length of the property on the east side. He thought that was approximately 1,100 feet. He felt that would allow them to extend it to the potential recreation facility in the future. He noted he did not have any concerns regarding the other variances being requested on the preliminary plat.

Ms. Nauser recalled her concerns involved building a subdivision that accessed a road that flooded and the lack of access at the time. She appreciated that they now had another access, but noted West Broadway was not a good street. She explained taking a turn on to Strawn Road off of Scott Boulevard was dangerous since there was no left turn lane. She felt not being able to require off-site improvements was a problem with R-1 zoning. That being said, she commented that she thought it was reasonable and logical that this be annexed since it was surrounded by City property and noted she was hopeful some of the problems would be solved in the near future. She thought they needed to look at the road problems and the building of subdivisions while not having the mechanism for requiring off-site improvements.

Ms. Hoppe stated she was also concerned about traffic issues. She noted they had discussed increasing planned annexations and agreed with Ms. Nauser's comment. Her other concern was in regards to stormwater. After touring the site, she understood this area was downstream from the main flooding, so it would not increase flooding on Harmony Creek. She stated she would like to see developments that helped flooding situations. A concern noted by the Planning & Zoning Commission was that this was the beginning of development in the Perche Creek area, and while this was just a small part of the watershed, they felt as development occurred they needed a plan to deal with stormwater.

Mayor Hindman stated he was now convinced the entrance would not flood and the property was not subject to flooding, although he thought it was. In regards to the safety of children walking to school along Strawn Road, he thought that issue was taken care of. He

noted they all realized there were traffic issues and there was a question regarding whether they should be getting more off-site improvements. He felt they should be requiring everything to come in planned. When they had to deal with each individual developer to decide that, it was a tough situation. He stated he intended to support this, but felt they should be pushing for that policy.

The vote on B245-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

R149-06 Approving the Preliminary Plat of Bellwood located north and west of the northwest corner of Strawn Road (State Route ZZ) and West Broadway; granting variances to the Subdivision Regulations.

The resolution was read by the Clerk.

Mr. Watkins explained this proposed preliminary plat would create 228 lots. The Planning & Zoning Commission voted 6-2 to recommend approval of the proposed preliminary plat and the two variance requests.

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney with offices at 111 S. Ninth Street, explained he understood Mr. Janku's belief that they should build the northerly additional portion of sidewalk. He noted an idea brought up at the Planning & Zoning Commission meeting was that in lieu of building that stretch of sidewalk at this time, they could make a payment. The City would then be equipped with the funds necessary to install it when they decided. The problem he saw with putting that in now was that it would not serve the purpose discussed at this point. In addition, if by chance Scott Boulevard went in there, that would take care of the whole thing and the City could use the money to put in sidewalks or pedestrian accesses as needed.

Mr. Janku asked if he had a formula or amount they would want to put in. Mr. Beckett replied he thought the City had a formula. Mr. Teddy stated the standard rate was just under \$35 per lineal foot, but noted that did not necessarily indicate the sidewalk could be built for that. It was an average for sidewalks. Mr. Beckett replied they would agree to whatever was fair.

Mr. Loveless asked if there had been any contact with MoDOT in configuring a pedestrian crossing from their primary entrance across Strawn to the sidewalk they were proposing to build on the east side of Strawn. Mr. Crockett replied they had talked to MoDOT about a pedestrian crosswalk there numerous times with numerous ideas. He explained they started off with a pedestrian activated crosswalk, but MoDOT determined it was too far away from the school for that type of crosswalk. They also asked about a painted crosswalk and MoDOT requested they not do that because they were too far from the school. Mr. Crockett stated he believed they would allow them to use signage to indicate a pedestrian crosswalk was ahead. In addition, they moved their entrance further to the north increasing the sight distance to approximately 645 feet. They felt that was an adequate sight distance, given the speed limit, for a pedestrian access without a painted or activated crosswalk. Mayor Hindman asked if they would be willing to do it if MoDOT were to allow it. Mr. Crockett replied if MoDOT would allow it, they would look into it. They did not evaluate costs at the time since they were told they would not allow it.

Ms. Hoppe asked if homeowner associations ever provided funds for crossing guards. Mr. Crockett replied he did not know of any situation where a homeowner association provided a crossing guard. MoDOT's apprehension in having a painted crosswalk was due to the fact they split the cost of a crossing guard at a painted crosswalk with the school district. It had to meet certain criteria and this was too far away from the school.

Mr. Loveless asked if the City provided crossing guard assistance to the school system at various locations. Chief Boehm replied the City paid for the crossing guards it currently had working with the schools. The only exception was that the last two summers the Columbia Public Schools wanted crossing guards for summer school and since the City did not have funds for that, the City hired them and the School District reimbursed the City for that cost.

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

Mr. Janku stated he was willing to accept Mr. Beckett's offer for the payment in lieu of sidewalk construction. He was trying to come up with language to amend the ordinance and asked what the rate was. Mr. Teddy replied the amount was \$34.40 per lineal foot. Mr. Janku stated it would be for the remaining length. Mr. Loveless clarified it would be from Creek Stone to the north property line. Ms. Hoppe stated she thought it was 600 feet. Mr. Janku thought it was approximately that length, but did not have the exact numbers. Mr. Teddy explained if they took the north property line across Strawn Road and the east property line to the intersection of Worley and Strawn, he believed that distance was no greater than 1,000 feet. The staff report indicated 1,100 feet based on the approximate length of frontage on the west side of Strawn Road. The total sidewalk that would be installed in lieu of a sidewalk on the west side of Strawn would be a little less than 1,100 feet. Mr. Janku noted he wanted the sidewalk installed to the street exiting the subdivision as indicated by Mr. Loveless. Mr. Loveless asked what the current name of the primary entrance to the subdivision off of Strawn was. Mr. Crockett replied Payson Drive. Mr. Loveless understood Mr. Janku was proposing a sidewalk be built on the east side of Strawn from Worley to Payson. Mr. Boeckmann pointed out the ordinance stated between Worley and Creek Stone Drive. Mr. Loveless thought Creek Stone might have been an earlier name of Payson. Mr. Crockett replied that was correct. Mr. Loveless thought if they went from Payson to Worley and had a payment in lieu from Payson to the north property line, that would resolve the issue. Mr. Janku replied that was correct. Mr. Loveless stated he would support that and added that he appreciated the developer taking their prior comments to heart and coming back with a development that appeared to fit the tract well and would address their concerns.

Mr. Boeckmann suggested they use the existing language in Section 4 and add to it so that it read "...provided, that subdivider shall construct a five foot sidewalk along the east side of Strawn Road between Worley Street and Payson Drive and shall make a payment in lieu of sidewalk construction based on the distance between Payson Drive and the north property line at the rate of \$34.40 per foot."

Mr. Janku made a motion to amend R149-06 by changing and adding to the language in Section 4 so it would read "... Strawn Road (State Route ZZ); provided, that subdivider shall construct a five foot sidewalk along the east side of Strawn Road between Worley Street

and Payson Drive and shall make a payment in lieu of sidewalk construction based on the distance between Payson Drive and the north property line at the rate of \$34.40 per foot.” The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Ms. Hoppe noted there was communication from the Public School System to Mr. Teddy that estimated how many additional students would be in the school system due to this development. She stated she was pleased to see this information and asked if this was unique to this development or if they would see it in the future. Mayor Hindman replied they had been providing something very generic in the past and they had asked them to be a little more specific. Ms. Hoppe stated she felt the public wanted to know and it was good to see.

The vote on R149-06, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Resolution declared adopted, reading as follows:

B246-06 Rezoning five tracts of land located generally west of Brown Station Road and north of Waco Road from A-1, C-P, M-R and M-C to R-1, PUD-12 and C-P.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposal would allow for reconfiguration of zoning districts including a change in the use along the Brown Station Road frontage from industrial to PUD and C-P zoning. This would be part of the proposed Villages at Arbor Pointe development. Staff believed the requested zoning would have a minimal impact on the area as long as some traffic restrictions recommended by the Public Works Department were implemented. The Planning & Zoning Commission recommended approval of the proposed rezoning for all five tracts subject to two conditions. Those had to do with direct driveway access and a future left turn lane and both were acceptable to the developer.

Mr. Loveless noted Section 5 of the ordinance referred to the left hand turn lane and Flat Water Drive and stated he could not locate Flat Water Drive in the supporting documentation. Mr. Teddy replied Flat Water Drive would be the entry street coming through the C-P tract. It was part of a preliminary plat that had been approved for these tracts and the tract to the west. That would be the main access off of Brown Station Road. Mr. Loveless asked if that was between Tract E and the C-P to the north. Mr. Teddy replied approximately and pointed it out on the overhead.

Mr. Janku understood there was a large C-P tract to the north that was not part of this rezoning and asked if there was a major development there in the future, if they could require site improvements as part of the plan approval. He wanted to ensure it was not precluded by the fact that this rezoning said these shall be the particular improvements the developer shall make. Mr. Janku clarified that he was asking that when a plan came forward, if they could, as a condition of approval, require other improvements. He noted he was particularly concerned by the large C-P tract that was part of the development, but not part of the rezoning. Mr. Teddy replied staff would do an evaluation of the specific request in each C-P or PUD plan. If they crossed a threshold of trips per hour, they would be obligated to install left turn lanes. Mr. Loveless asked if they were talking about a left turn lane on Brown Station. Mr. Teddy replied yes and added it was to facilitate access into a future development. Mr. Loveless stated he thought that was what was being referred to in Section

5, number 2, but it did not specifically say that. It only said a left turn lane for each of the driveways. It did not say the left turn lane would be part of Brown Station Road. He wondered if they needed to be more specific.

Mr. Loveless made the motion to amend B246-06 by adding Brown Station Road to Section 5, number 2 so it read "...left turn lane on Brown Station Road for each...." The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

Chad Sayre, 7401 Fall Creek Drive, of Allstate Consultants stated he was available to answer questions.

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

Ms. Hoppe noted they did not have a School Board letter for this item and asked if they only received those on annexations. Mr. Boeckmann replied those came with plats. Ms. Hoppe understood they did not come with rezonings. Mr. Janku stated plats were pretty specific about the number of dwelling units, so they could make a prediction. Rezonings had potential, but did not provide specifics. Ms. Hoppe commented that she was thinking about the financial impact on the schools and whether they should have the opportunity to respond. Mayor Hindman asked if she proposing they have an opportunity with this or if they should look at a policy change. Ms. Hoppe replied policy change. Mayor Hindman asked if she would bring that up at the end of the meeting as he felt it had validity.

The vote on B246-06, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B247-06 Rezoning property located on the north side of Mexico Gravel Road, along both sides of Wellington Drive from PUD-2.5 to PUD-3; setting forth a condition of approval; approving the PUD development plan of Wellington Villas PUD.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposal was for a residential development consisting of single-family villas. It was on a 23.3 acre tract and would allow for 29 two-family structures, which equaled 58 total dwelling units. The Planning & Zoning Commission voted unanimously to recommend approval of the proposed rezoning and PUD development plan subject to the applicant making a payment in lieu of street construction for the Mexico Gravel Road frontage. Mr. Teddy noted the rezoning was a just matter of adjusting what was already approved and intended to be built on the site. The plan itself was comparable to single-family detached, but was being done as attached type housing. The plan included a couple of small, private looped streets. The other parts of the street system were intended for public streets.

Mayor Hindman understood the reason for the private looped streets was so they could be built to different standards. Mr. Teddy replied it was to work with the configuration of the parcel. It was somewhat of an irregular piece and there was a meandering public street through the middle of it. They had some areas where they were trying to group some units around, so the looped streets worked well for that. They were almost like common driveways.

Mayor Hindman opened the public hearing.

Jay Gebhardt, a civil engineer for A Civil Group, 1010 Fay Street, stated the rezoning was to go from 57 to 58 units, which was their original intent. They thought they had more land than they did. He explained this was a unique development in that Mr. Jordan and his partners would be building every home on every lot. The lots would not be sold to individuals unless they were purchasing the unit on the lot. He felt they could assure the quality of construction they saw in the photographs was what would be built. He noted the plat they submitted was on for first reading tonight, which showed each building being split into two lots or two units. The Planning & Zoning Commission went into a lengthy discussion on how they could keep this from being rental. He felt the size of the units, which were large and expensive, would address that. He agreed some might become rental, but he doubted they would become student rental. He noted they did not have any problems with the condition. He explained they had not made the \$16,000 payment, but had every intention of making that payment by the next meeting when the final plat would be voted on.

Mr. Janku recognized the villa-type development was very attractive and seemed to work well, but there was also the traditional old-style duplex development, which he thought was unfortunate. He asked whether they needed to work on a legal way to distinguish between the two, so they could have confidence in their differences. Mr. Gebhardt replied he thought that would probably be better discussed at some other time. He felt he could take a Derby Ridge PUD subdivision and do it as a zero lot line, just like this, and it would turn out just like it did. He thought it had more to do with the value of the structure and its location than anything they could engineer with ordinances. He explained they could do this project with a condominium survey, but the bankers in Columbia would rather lend with soil as collateral. He did not know how they would design an ordinance to distinguish the two, if the idea was a rental subdivision versus a true villa like this.

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

The vote on B247-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B248-06 Approving the Shell Building Lot 2 Broadway Bluffs Subdivision C-P Development Plan located on the northeast corner of East Broadway and Broadway Bluffs Drive.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposal was on a 0.85 acre lot and would allow for a 4,150 square foot restaurant space with a maximum building height of 35 feet. The Planning & Zoning Commission voted unanimously to recommend approval of the C-P development plan subject to the condition that the freestanding sign on East Broadway be limited to 12 feet in height and 64 square feet in sign surface area. The applicant requested a 20 foot tall, 96 square foot sign for multiple tenant identification.

Ms. Hoppe stated she noticed two associations notified were East Walnut and East Campus and asked if Broadway Village or Moon Valley were also notified. Mr. Teddy replied the usual practice was to notify any neighborhood association that was active and within one mile of a zoning case. He stated he would check and let her know. Ms. Hoppe asked about

the Hinkson Creek Valley Neighborhood Association also. Mr. Teddy stated he would check on that one as well.

Mr. Janku stated he noticed correspondence about the change in trip generations numbers and asked if the numbers would be adjusted, if there was a change in tenants. He gave an example of change in tenant to a drive-thru that would bring in more trips and wanted to know if that would generate some type of plan review or approval since it might exceed the permitted number. Mr. Teddy replied the original ordinance set an equivalent of 29,000 square feet of a particular type of restaurant. It was clear the build out would not have just one type of restaurant, so it was staff's intent to adjust the figures as spaces were leased. If there was a point at which they got close to the 29,000, they would advise the applicant. He noted in the case of a building like this that was described as a shell building without a named tenant, the traffic engineer would assign it a particular category and would make adjustments after it was leased. Mr. Janku asked if the Culver's changed hands and became something else, if it might not be able to become that if it generated too many trips. Mr. Teddy replied they were looking at it on the basis of what they could foresee. That building was being built for Culver's Restaurant and the data furnished by a traffic engineer was based on observations of existing Culver's Restaurants. He stated that was the best they could do for the foreseeable future. He understood he was asking if the same building went to another type of operation with a different behavior, if they would adjust the traffic equivalency. He explained it would be tied to a plan change if they did. He did not foresee them going back if it was reoccupancy of the same facility. Mr. Janku asked if it should be tied to an occupancy permit. Mr. Teddy replied he had talked to the City traffic engineer about this and noted it was difficult to make this a precision exercise.

Ms. Hoppe stated she noticed one of the restaurants was Butter Burgers and asked if it was sit down or fast food. Mr. Teddy replied that was a restaurant that was approved on another site. That was not for occupancy of this shell building. He noted they provided that to Council as information only. The table in the letter mentioned shell building lot 2, shell building lot 4 and the other known users at the Broadway Bluffs.

Mayor Hindman opened the public hearing.

Jay Lindner of Forum Development Group, 1400 Forum Boulevard, showed the location of the property on the overhead and noted the Council had already seen proposals for Culver's, Houlahan's and the Japanese Steakhouse. He showed the elevations and stated it would tie into the existing developments they had done there. He noted their request was for one freestanding sign, which would be 96 square feet and a maximum of 20 feet high. Per City Code, they were allowed two freestanding signs with a combined square footage of 128 and a combined height of 24. He felt shorter signs did not necessarily yield more attractive signs. He pointed out the gingerbread features they put on their signs took away a lot of the signage available, and therefore, they were asking for a variance. Using the overhead, he showed what the sign would look like. He stated turning down their proposal for one freestanding sign not to exceed 20 feet in height and 96 square feet meant approving two freestanding signs not to exceed 12 feet in height and 64 square feet per sign. He noted the C-P process was originally designed to allow flexibility as no two developments would be the same and felt this flexibility should be extended to signage to generate the best results.

In order to provide adequate signage for multi-tenant shopping centers, oftentimes it was more beneficial to the overall design if they allowed additional square footage on the sign. Using the overhead he showed photos of signs around town. In regards to site lighting, 25 foot standards were proposed on this building. Due to the sight lines on Broadway, if they lowered it, they would bring that light fixture more in view with the line of sight from pedestrians and vehicles along Broadway. He noted their light fixtures were designed with spill light control, so there would be no back spill of light over the property line. In regards to the traffic generation, he stated the Broadway Bluffs development was allotted a certain number of trips after it was rezoned last year to ensure there was not a negative impact on the surrounding road system. To date, the total number of trips for the project was below preliminary projections due to the variety of uses that were included. Their current projections for full build out showed they would generate fewer trips than was approved at the rezoning, which would result in a better traffic situation than if the property had remained in its original O-1 and C-3 zoning.

Ms. Hoppe asked what provisions they had taken in the event trash was blown around the property since this was a drive-thru restaurant. Mr. Lindner replied his company housed in-staff maintenance personnel in addition to an individual who picked up trash in all of the parking lots first thing in the morning. They also had crews on site all day doing routine trash pick ups. He did not believe many other developers in town did that. He pointed out the look of their property was the most important thing to them and was their reputation.

Matthew Kriete, a civil engineer with Engineering Surveys and Services, 1113 Fay Street, stated he was available to answer questions.

Mayor Hindman asked if they knew who was coming into this shell building. Mr. Kriete replied no. Mayor Hindman understood they reduced the trip generation based on the Culver's to allow greater building density or square footage on the rest of the project. Mr. Kriete explained Culver's did not have, within its manual, a good equivalency. It went from an Applebee's to a McDonald and there was not much in between in terms of numbers. When they went through the C-P process for Culver's, they did not have good numbers for it. Since the approval of that plan, they had a traffic engineer study Culver's restaurants in the Kansas City area to develop traffic equivalencies based on existing conditions for similar stores. He noted it provided a more accurate number than what was originally given on the C-P plan. Mayor Hindman understood the traffic equivalency allowed the amount of square footage that could be built. Mr. Watkins replied it did not have a bearing on that. It had bearing on additional traffic. He explained so many trips were generated at a given type of restaurant. When they approved the project, they set a maximum number of equivalent trips and the number of trips was based on 29,000 square feet at a particular traffic generator. If they put in a restaurant that had a higher trip generation, they got less square footage. If they put in restaurants that were all sit down, low turnover restaurants, they got a higher square footage. Mayor Hindman understood this was a shell building and they would not know who would be in it. He asked what would happen if they built the building and a McDonald's wanted to use it because the square footage would already be there. Mr. Kriete replied it would just remove more trips from the site than another restaurant would remove from the site. Mr. Lindner pointed out they were negotiating leases and had a good feel for what the uses would be.

Ms. Hoppe understood the uses would be one drive-thru tenant and one sit down style restaurant. Mr. Lindner replied that was correct. He noted that if they put in a McDonalds, as they got to their last few lots, they would have a lot less square footage to build. That was their encouragement to not do fast food restaurants. Mayor Hindman understood they were adding up as they went along and the one coming up was not the last one. Mr. Lindner replied there would be two more after that.

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

Ms. Hoppe commented that it was good to see the bicycle spaces added.

Mr. Janku stated he agreed with the Planning & Zoning Commission's recommendation regarding the sign. Mr. Loveless asked if the sign in question was in the southwest corner of lot. Mr. Lindner replied it was.

Ms. Nauser asked about the size of their signs at the Broadway Shops. Mr. Lindner replied they were limited to a maximum height of 30 feet and he thought they would be in the 288 square foot range. Ms. Nauser wondered why they were requesting smaller signs when they allowed larger signs at the other end. Mr. Janku replied the policy requiring the C-3 standard was adopted afterward. He thought the Planning & Zoning Commission was responding to the resolution adopted for consistency.

Mayor Hindman asked if the architectural feature of the sign counted as part of the square footage. Mr. Teddy replied it was sign material, the message and the background of the message, but not necessarily the architectural support structure. Mayor Hindman asked when they were talking about the height, if that included the architectural structure. Mr. Teddy replied the height of the structure itself. Mayor Hindman understood the structure itself exceeded the face material and asked if where it said Broadway Bluffs was part of the face material. Mr. Lindner replied that would be counted against them for sign surface and the height would be measured to the top of the cast stone shown.

Mr. Janku stated he understood they were willing to reduce the total amount of available signs, which might be more esthetically pleasing, but felt part of the philosophy behind the sign ordinance was sight distance and allowing a driver to see many business signs down the road. If they allowed signs with tall heights to be placed up front and close to the street, people would not be able to see the other adjoining property signs as they drove down the street. He noted the point of the resolution was to have some uniformity, so businesses understood that when they came up with their sign placements, they did not have to worry about someone else putting in a bigger sign. He felt there was logic to the sign ordinance. Mr. Janku indicated he planned to make a motion limiting the sign to 12 feet in height and 64 square feet in surface area.

Mr. Boeckmann suggested they add language following the first sentence in Section 1 reading "approval of the C-P Development Plan is subject to the condition that the free standing sign on East Broadway be limited to 12 feet in height and 64 square feet in sign surface area."

Mr. Kriete stated if the motion went forward, they wanted two signs as was required by C-3 ordinance. He suggested wording the motion for that allowed under the C-3 ordinance versus limiting it to one sign.

Mr. Janku noted he did not plan to raise the issue with the retaining wall sign, which was not in the ordinance, but did feel it should be addressed so they knew what to approve or not approve in the future. He explained they had heard the issue involving a decorative feature before. He felt that came down to how they interacted with the rest of the street. Even though it did not exist from a study standpoint, it could still impact one's vision for the other properties. He stated he would be glad to move the language Mr. Kriete suggested.

Mr. Loveless asked what was permitted under C-3 as far as sign equivalency. Mr. Teddy replied for local or collector class streets, it was a 12 foot maximum height and 64 square foot maximum sign area. The height was to the top of the structure above grade regardless of whether or not there was sign material on it. The area was constituted by an imaginary rectangle around the sign material or several imaginary rectangles, as in a case like this where there was a wider message on top than on the tenant panels. He noted there was a bonus provision if signs were set back farther than the minimum. For every 1.2 feet of additional setback, there was 3.55 square feet of area that could be added for up to a 128 square foot maximum. Also, an additional foot of height up to 30 feet was allowed if the sign was set back greater than that minimum distance, which was 10 feet. He pointed out any public street was allowed a freestanding sign, so an additional freestanding sign would be allowed if the owner elected to put it up. Mayor Hindman asked if that was for each building. Mr. Teddy replied no and clarified it was for the additional street frontage. Mr. Janku stated in this case it would be Broadway and Broadway Bluffs. Mr. Teddy replied that was correct. Mr. Loveless understood this was the criteria for a collector street. Mr. Teddy replied that was correct and noted if it was an arterial, such as Broadway, that would allow the bonus he described. Mr. Loveless understood that was the reason Mr. Lindner felt they could have two freestanding signs. Mr. Teddy agreed. He pointed out the statement of intent indicated the sign would display tenants for the entire center, not just the tenants of the shell building. His understanding was that the desire for additional sign size was because it served as a directory or shopping center master sign for the entire Broadway Bluffs subdivision.

Ms. Hoppe stated she wanted to know if they would consider some setback for increased height. Mr. Lindner thought in the latest plan, they were set back somewhere in the 15-18 foot range, so they were behind the 10 foot minimum. Mr. Kriete pointed out with the width of the East Broadway right-of-way, there was an additional 20 feet from the back curb to the property line itself. That acted as an additional setback that many streets would not have. Mr. Lindner pointed out they would see a similar request to this in two weeks on another corner lot to tie in the area to the Broadway Shops.

Mr. Loveless agreed with Mr. Janku in that he thought the 20 foot sign was excessive. He felt they passed the resolution for a good reason. Unfortunately, they had three distinct developments by the same developer who had a desire for the continuity of look. He understood they wanted three 20 foot signs. He asked if the one for the Broadway Shops was taller. Mr. Lindner replied they were allowed a maximum of 30 feet, but the plans submitted to Protective Inspection showed a maximum of around 22 feet. Mr. Loveless stated, for reference, the Council Chamber was about 20 feet high and 12 feet would be to about the top of the wooden trim where the lights were located. Mr. Loveless stated he intended to support Mr. Janku's motion. He felt a 12 foot tall sign with 64 feet of face space

was adequate, particularly given the high visibility of the spot. He noted the embankment was higher than the pavement, so it would be visible.

Mayor Hindman asked if the height was measured above the road. Mr. Teddy replied the height was measured from the grade adjacent to the sign to the top of the sign, not to the roadway. Mayor Hindman asked what the base of the sign was relative to the roadway. Mr. Glascock stated it was 12 feet above the grade of the road. Mayor Hindman understood that would put the sign 32 feet above the roadway. Mr. Teddy replied that was correct.

Mr. Janku made the motion to amend B248-06 by adding language following the first sentence in Section 1 reading “approval of the C-P Development Plan is subject to the condition that the freestanding sign on East Broadway be limited to 12 feet in height and 64 square feet in sign surface area.” The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mayor Hindman understood that was not the same as allowing C-3. He noted they asked for what would be permitted by C-3. Mr. Loveless agreed and clarified in C-3, they would be allowed two 12 foot tall, 64 square foot signs. Mr. Loveless was not sure they amended the ordinance to say that since there was a plan and it needed to be part of that as well. Mayor Hindman stated he thought they did. Mr. Boeckmann replied the Council amended the ordinance. He thought Mr. Loveless was noting it was a requirement of the ordinance that the plan show the type and location of all signs. Mr. Loveless thought if they were going to permit a second sign, they would have to place it on the plan. Mr. Teddy stated they would have to contact the Planning Department regarding an amendment of the plan, if the approval tonight was for only one freestanding sign, regardless of the height and area. Mr. Boeckmann clarified they would have to amend the plan to show an additional sign. Mr. Loveless clarified if they wanted the second sign, they would have to come back to Council to tell them where they wanted to place the second sign. Mayor Hindman asked for clarification. Mr. Loveless explained the developer requested that if they reduced the height and size of the sign, he wanted them to allow a second sign, which was what the C-3 sign ordinance would allow. He noted he was willing to do that, but that meant they would have to come back with a change in the plan since the second sign was not shown on the plan. Mayor Hindman understood they made that amendment to the ordinance by reducing the size and height of the sign requested, but the plan showed something different and asked what they were going to do about that. Mr. Loveless replied if they approved the ordinance as amended, they would have to reduce the sign size and height. Mayor Hindman asked if that amended the plan as well. Mr. Loveless replied yes. Mr. Boeckmann clarified it did not exactly change the plan, but Council was approving it conditional to that sign being limited to 12 feet.

Mr. Loveless pointed out if the developer wanted the equivalent amount as allowed in C-3, they would have to come back with an amendment. Mr. Boeckmann replied it was similar to asking the Council to grant an additional sign after the property was zoned. Ms. Nauser wondered if they would have to go through the Planning & Zoning Commission again. She did not think that would be fair. Mr. Teddy noted in looking at the C-P development plan requirements, required was a statement of the maximum number of freestanding signs on the site and the maximum square footage and height of each. He thought the design perimeters

could be amended and they used that as guidance. The reason they brought back C-P plans in the past to add freestanding signs was because design perimeters indicated there would be no signs or one freestanding sign, so they would have to come back with a plan as well as an amended set of design perimeters. The letter of the ordinance only required a location and general description of the signs. He thought what they were looking at here was a condition of approval that would require them to modify that part of the plan. Mr. Lindner noted that was their understanding as well. If they had it in their design perimeters that they were allowed C-3 standards, which would allow two signs, they could address that as an administrative change with the staff rather than coming back to Council. Mr. Boeckmann thought the problem was that the design parameters attached to the ordinance would be inconsistent with the amendment. Mr. Janku asked if the answer was to make it to C-3 standards. Mr. Boeckmann stated the design perimeters gave guidance to the Planning Director on those amendments after this. In this case, it was inconsistent unless the developer changed the design parameters on the spot. Mr. Loveless asked how they progressed from here. Mr. Boeckmann asked what they wanted. Mr. Loveless stated he and Mr. Janku wanted a shorter and smaller sign. Mayor Hindman asked if they would allow a second signs and if that could be done administratively. He thought if the ordinance allowed them to put signs in for C-3, they would not be doing anything inconsistent with the ordinance. Mr. Janku understood the Planning Director could make “minor” changes to the plan, but felt they needed to express what they were willing to agree to, so the Director could allow the amendment to the plan without coming to Council.

Ms. Hoppe stated she was not clear regarding whether they could do two signs or would do two signs. Mr. Lindner replied under the ordinance they could, so they were requesting that if Council wanted to bring the height down to 12 feet and the size down to 64 square feet because that was what the ordinance said, they felt Council should be consistent and allow a maximum of two signs with both having a maximum height of 12 feet and surface area of 64 square feet. That would keep it consistent with the C-3 signage ordinance.

Mr. Boeckmann stated right now it was amended to allow one sign 12 feet in height and 64 square feet in sign surface area. He thought they could add to that language reading “...the developer be allowed an additional sign of the same or smaller size at a location to be approved by the Director of Planning and Development.”

Ms. Nauser made a motion to amend B248-06 by adding language to Section 1 reading “... and that developer be allowed an additional sign of the same or smaller size at a location to be approved by the Director of Planning and Development.” The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Ms. Hoppe stated she wanted to reiterate her concern about people coming out of Brickton and making a u-turn at Trimble. This would add more traffic to the area, so she wanted to be assured staff was looking into that with MoDOT. Mayor Hindman noted they were.

The vote on B248-06, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B249-06 Approving the Boone Hospital Center Bass Avenue Parking Lot O-P Development Plan located on the south side of Bass Avenue, between Shockley Street and South William Street.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposal would allow for expansion and reconfiguration of an existing Boone Hospital Center parking lot. The Planning & Zoning Commission voted unanimously to recommend approval of the proposed O-P development plan. Mr. Teddy stated this request completed a parking lot.

Mayor Hindman opened the public hearing.

Tom Schneider, 11 N. Seventh Street, stated he was representing the Board of Trustees of Boone County Hospital and pointed out the Trustees put a contract on the property just to the northeast, which was a lot and older house, so they would be coming back through this process again in about six weeks. That lot was about two-thirds of the size of the Council Chambers.

Mayor Hindman asked if they were building a parking garage. Mr. Schneider replied the Trustees were currently building a parking garage immediately to the north of Boone Medical Plaza 3, the old Stephens building. There were two more shown on the north campus on the long range Master Facility Plan. He thought, in time, the west campus, which was this area, would be developed for something other than surface parking, such as an office building. At that time, it would make sense to look at a parking structure on the west campus.

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

The vote on B249-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B254-06 Authorizing Change Order No. 1 to the contract with Emery Sapp and Sons, Inc.; approving the Engineer's Final Report; levying special assessments for construction of Garth Avenue from Thurman Street north to Blueridge Road; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a public hearing on a series of actions that would close out the Garth Avenue Improvement Project. Included in that was the levying of special assessments against lots and parcels of land abutting the completed improvements. The cost of curb and gutter was determined to be a maximum of \$15.00 per linear foot and for this project, the proposed assessment was \$12.82 per foot. The total project cost \$1,781,688.07. Funding for the project was from adjacent property owners, county tax rebate funds, a bridge grant the City received from the Federal Highway Administration and capital improvement sales tax funds. If Council approved all of the proposed tax bills, they would generate about \$40,650 or slightly under two percent of the total project costs.

Mayor Hindman opened the public hearing.

Cindy Stein, 3201 Gazelle Drive, stated she and her husband had owned this property since June of 2005. She noted that until they received Mr. Glascock's June 22nd notice, they were unaware of any planned tax assessment to their property. She understood these

improvements were accepted in April of 2005, which was prior to them taking ownership. During their title search, no indication of a tax lien was found, nor did the previous owners indicate this in their disclosures to them. If they passed this ordinance, their portion of the levy would be \$1,729.23 and would pose a financial burden. In addition to the financial aspect of this matter, she asked the Council to consider the other issues. She explained construction was accepted on April 20, 2005, while today was July 3, 2006 and the Council was just now meeting to approve the engineer's final report and to levy special assessments. She felt if the Public Works Department processed this ordinance in a more timely manner, the previous owners who benefited from the improvement would have been financially responsible for this tax levy. She also felt the Public Works Department was asking the Council to pass an ordinance, which would cause double taxation for a minority of the taxpayers, even though all of Columbia's residents would benefit from the improvements. She explained, Garth Avenue was considered a collector street and many Columbia citizens had or would travel on the street in order to access other areas of Columbia. Additionally, Bear Creek Trail, maintained by the Parks & Recreation Department, was accessible from the improved portion of Garth and was available to all Columbia residents. Since the public equally benefited from the improvement, they felt the City should absorb the cost of the curbs and gutters on behalf of its citizens instead of expecting a selected few to pick up the tab. She also pointed out their property did not abut Garth Avenue. She explained a large tract of land spanning approximately 135 feet separated their property from Garth Avenue. This parcel was owned and maintained by the City of Columbia. Since their property did not abut Garth Avenue, they requested the Council deny the City's request to levy a tax lien on their property. Referring to City Code Section 22-108(g), which Mr. Glascock referenced as justification for the tax levy, she noted the Code stated "a part of the local residential street portion of cost as defined in subsection (a) of constructing or reconstructing collector and arterial streets outside of new subdivisions may be charged by levying special assessments and issuing of tax bills against each lot, tract or parcel of land benefited by the construction or reconstruction and fronting or abutting on the collector or arterial streets." As it read, this Code was applicable to reconstructing collector streets outside of new subdivisions. She stated the Hunters Gate Subdivision where her home was located was not new. This subdivision was at least ten years old and by definition of the Code did not qualify for the special assessments. She noted the Vanderveen Subdivision was new and sprouted as a result of the improvements made to Garth and the owners and builders of that subdivision had benefited. She felt if the Public Works Department was going to follow City Code Section 22-108 in issuing this tax lien, then all benefited parties, including parcel owners from the Vanderveen Subdivision, should share in the cost of the curb and gutters. Unless they could assure them the City Code was being applied fairly to all appropriate parcel owners, she urged them to deny the City's request for a tax levy on their property. City Code Section 22-108(a) stated the amount of assessment shall be based on "constructing the local residential payment portion of collector and arterial streets during the two calendar years in which the ordinance is passed approving the engineer's final report for a particular street construction project." She noted that when she called the City to get a copy of the engineer's final report for this project, she was told it would take place tonight. Since this was 2006 and they were

tonight approving the engineer's final report for this project, that meant, by definition of the City Code, the cost of the levy should be based on the 2004 average of \$12.50 per lineal foot, not the 2003 average of \$12.82 per lineal foot. She stated if the Council recommended passage of the ordinance, the tax bill should be recalculated with the 2004 average of \$12.50 per lineal foot. Due to the fact they took ownership after improvements were completed, their property did not abut Garth, it had taken 15 months to approve the engineer's final report, all parcel owners benefited were not named in the levy and the dollar amount per lineal foot was calculated using the wrong calendar year, they requested the Council deny the request to levy the assessment. Ms. Stein also referred to Section 22-105, which stated "the City will maintain or repair without charge to abutting properties all streets that were designated to be permanently improved streets by the Council upon recommendation of the Director of Public Works." She pointed out before pictures showed Garth to be a very poorly constructed collector street. The road was hilly and had a sharp turn with no curb or gutter. She understood Garth Avenue was a scene of numerous accidents and was a hazard to travel upon. She assumed the Director of Public Works felt compelled to recommend improvements to Garth Avenue for safety reasons as well as for area growth. She noted Garth Avenue was not improved for their benefit. She stated as a result of the Garth improvements, both the City and its residents had benefited through new housing, new business growth and safe accessibility to the public trail. She requested the Council urge the Director of Public Works to designate Garth to be a permanently improved street in accordance with City Code 22-105, so that the cost of the curbs and gutter could be absorbed by the Public Works Department.

Mr. Janku asked if Mr. Glascock had a map to show the issue of the abutting property. Mr. Glascock showed the location on the overhead. He explained they abutted the right-of-way. Mr. Janku understood it was considered right-of-way, but was City owned property. He asked if there were any actual improvements made to the property in front of their house. Mr. Glascock replied no and noted they made the connection and that was it. Mr. Janku understood it was a subdivision built to current standards that had curb and gutter and a sidewalk in front when it was built. Mr. Glascock replied that was correct. Mr. Janku asked about the issue raised regarding the year. Mr. Glascock replied he did not have an answer for that and would have to check into that.

Tresia Griffith, 101 Caribou, stated she lived in the area all of the accidents took place, which was at Garth and Blue Ridge. She explained prior to the round-a-bout, cars and other things came through her fence and almost through her home. Therefore, she was very much in favor of the round-a-bout. She noted, however, she was not in favor of the tax that might be assessed to her because her property abutted Garth. She stated she agreed with the comments made by the previous speaker.

Stacey Watson, 2506 N. Garth, commented that he had sent the Council a packet of information explaining his situation. He stated he did not think his property benefited from this project. He explained he sat on a hill and the City decided to lower the street by two feet. That took his relatively flat yard and turned it into a mound. It also took his level driveway and made an incline on it, which also took away the possibility of putting up a basketball goal to benefit his son. He explained, during construction, they had to remove the driveway and

put in a new one. In doing so, there were over 70 leaf impressions in the driveway. They poured the driveway in November and his maple tree was dumping hundreds of leaves into the pour during that time. There was also exposure at the surface on a third of the driveway. In addition, there was a crack that extended completely across the width, which developed three weeks after the pour due to one hard freeze. The brush marks on the finished product near the house were not done professionally. After taking everything into consideration, it was hard for him to say his property had benefited from the project, and therefore he did not feel the special assessment should be placed on his property. He noted the amount was \$961.50.

Mr. Janku asked about the alternatives considered to remedy the situation. Mr. Watson replied Emery Sapp & Sons suggested an overlay. He pointed out as time went by, the leaves were surfacing because some were under a very thin layer on the surface of the concrete since they brushed over it. He felt an overlay was only as strong as the surface itself. As the leaf became exposed, that would disintegrate the overlay. He contacted the company they would be getting the material from and there was no warranty on the overlay. He felt it was a temporary fix and in 2-5 years, it would look horrendous. He did not believe a person should have to settle for that on a replacement driveway. He pointed out his original driveway did not have any leaf impressions.

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

Mr. Janku understood Ms. Griffith's property backed up to Blue Ridge and noted there was a gap in the sidewalk that currently existed. Mr. Glascock asked if that was along Blue Ridge into the Vanderveen Subdivision. Mr. Janku replied yes. He asked who was responsible for that. Mr. Glascock replied he believed it was the City's responsibility.

Mr. Janku understood the City had a thru-lot policy for tax bills, which meant when one backed up to a street, they did not pay. He felt when a sidewalk was built on a property, it was a benefit. He pointed out that other than the right-of-way argument, this did not touch their property. Mr. Loveless asked if he was referring to the Stein property. Mr. Janku replied yes. Mr. Loveless stated he agreed that the gap between Stein property line and the new street was City property and he felt it was hard to say that was street right-of-way, although he understood it technically was. He had a hard time saying the Stein property benefited due to the improvements of Garth. He felt it was an anomaly of the old configuration of the road that they were even involved. Mayor Hindman understood the sidewalk went along the City property and the only place it touched the Stein property was on the corner. He also understood they already had a sidewalk in front of their house. Ms. Hoppe stated it seemed like a more tenuous connection.

Mr. Janku explained the City would take care of the gap in the sidewalk and asked if there was anything else left from the construction that needed to be completed. Ms. Griffith replied she was not sure if the construction on the east side of her house was completed. There was a sidewalk there, but there was nothing that had been taken care of between her privacy fence and the sidewalk. It had not been graded. She noted she had been taking care of that area by mowing and cutting weeds. She stated that was a concern since it had been left in such a mess. She also explained the area north of her house, from where her property line was to the space in the sidewalk, did not belong to her either, but she had also

maintained that for about ten years. She stated she would love to have the property, but no one seemed to know who it belonged to. She reiterated her concern was at the east side of her house between her fence and Garth since that was a mess. Mr. Janku thought if it had not been seeded from construction, they could look into that. Mr. Glascock explained Blue Ridge was extended out as part of the development. He did not believe it was part of the contract, but they would look into it. He also thought that was a half-width right-of-way that was platted with Hunters Gate for Blue Ridge to extend on and it might be something they could relinquish.

In regards to Mr. Watson's property, Mr. Janku felt the question was to what detriment was his property caused by the defect in the construction. He understood they could not reconstruct the entire driveway and wondered if there was some way to come up with a reasonable compromise for that property. In regards to Ms. Griffith's property, he felt if they addressed some of the concerns in terms of grading and seeding and looking at the abandoned property, that issue would be resolved. He noted he agreed with Mr. Loveless regarding the Stein property in that since they did not abut the improvement, it was not appropriate to tax bill them.

Mr. Janku made a motion to amend B254-06 by removing the Stein property at 3201 Gazelle Drive from being the tax billed. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Janku reiterated he felt they could address the construction defects on the Griffith property at 101 Caribou since nothing was of a permanent nature. If the connection was made and it was graded and seeded, it would be attractive. He asked if they could find out what the situation was with the property. Mr. Glascock replied it showed there was a half-width for Blue Ridge extended west. He noted there would not be another half-width platted due to Blue Ridge going off to the northwest. They would look at that for all four of the lots in the area. Mr. Janku noted that property, with the old alignment, was subject to a lot of abuse. He believed the improvement was worth while. In regards to Mr. Watson's property at 2506 N. Garth, he wondered if they should ask staff to work with the property owner for a reasonable solution or if they needed to make a judgment. Ms. Hoppe asked how much it would cost him to replace his driveway. Mr. Watson replied approximately \$5,200. Mr. Glascock explained they offered grinding and resurfacing. The only other alternative was to remove and replace it. It was down into the garage, so if they tore that out, they could get into his garage and cause damage. He did not believe that was in the best interest of the City. Mayor Hindman asked if he thought in the best interest to the City and in fairness to him, if they should just drop the tax billing. Mr. Glascock replied yes.

Mr. Janku made a motion to amend B254-06 by removing the Watson property at 2506 N. Garth from being tax billed. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

The vote on B254-06, as amended, was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B258-06 Authorizing replacement of a water main along Waugh Street, between East Broadway and Locust Street, and replacement of a water main along Locust Street, between College Avenue and Waugh Street.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a required public hearing on a public improvement project to install about 1,400 feet of 8-inch PVC water main, which would replace some old cast iron 4-inch main along Waugh Street between East Broadway and Locust Street and Locust Street between College Avenue and Waugh Street. This work would improve reliability and enhance fire protection and domestic service within the area. The estimated cost was \$210,000. The 2003 water ballot issue included funds for beginning the replacement of substandard water mains in the downtown area and this would be paid for from those funds.

Mayor Hindman asked if this water main was under the street or sidewalk. Mr. Dasho replied it was under the street. Mayor Hindman asked if that was a brick street. Mr. Dasho replied it was. Mayor Hindman asked if they would be replacing the bricks. Mr. Dasho replied yes. Mayor Hindman noted he had seen situations on brick streets where there ended up being a tar strip. Mr. Dasho stated they might bore this, so they would not touch the bricks. Mayor Hindman understood they would not eliminate the bricks over the top of the water main. Mr. Dasho replied they would not.

Mayor Hindman opened the public hearing.

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

The vote on B258-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: CRAYTON, HUTTON. (Ms. Crayton stepped out during the discussion for B258-06 and did not return until after the official vote was taken.) Bill declared enacted, reading as follows:

(A) Construction of improvements to Fairview Road and Worley Street, including realignment of Fairview Road and construction of a roundabout at the intersection of Fairview Road and Worley Street.

Item A was read by the Clerk.

Mr. Watkins explained this was for the construction of improvements to the Fairview Road and Worley Street interchange, including realignment of Fairview and construction of a round-a-bout at Fairview and Worley. This improvement was to be constructed as part of a transportation development district (TDD) that encompassed the Fairview Marketplace site. It was up to the City Council to indicate how these improvements were to be made.

Mayor Hindman opened the public hearing.

Blake Segafredo, 3601 W. Broadway, stated he felt a round-a-bout in this situation was not appropriate. He felt in the situation, it was just a temporary fix. Looking at what was currently in the area, which included the Columbia Mall and the Fairview Marketplace, he was concerned the traffic flow between the two areas would increase more than was shown at the public hearing on March 28th. Using the existing model of the Business Loop 70 and Creasy Springs round-a-bout, he felt the amount of traffic in that area was inconsistent. In this situation, there were two schools in the area and he felt there would be a similar issue of the flow not being constant. There would be events with more traffic and he did not feel the

round-a-bout could handle it. He stated he was also not convinced the round-a-bout was appropriate for the pednet system. According to the U. S. Department of Transportation, the points of intersection were the same at a round-a-bout as a four-way stop, so for motorists and pedestrians they were safer. He was not sure this was a safe situation for cyclists. He was also concerned in regards to how the round-a-bouts worked into the City growth plan. He understood the City was working on developing a 20-year outlook. He wondered if the installation of round-a-bouts was just a trend or a long term solution. He reiterated he was concerned about safety and how people navigated them. He did not think many people knew how to use them. In addition, according to the U. S. Department of Transportation and the Turner Fairbanks Safety Reports, there was no definitive evidence that round-a-bouts were safe or unsafe. They had not been in use long enough for a decision. He wondered about the terminology of it being called a round-a-bout versus a traffic circle. He understood the traffic circle managed traffic, while the round-a-bout helped control traffic. He stated he was also concerned about how the Harmony Creek would be affected by all of the new construction with the amount of sediment that would be put in the creek. He wondered how the flow of the creek would be changed. He noticed in the four options presented, there was no description of the level service provided for this option. The other three had an actual grading for them. He understood staff believed the round-a-bout was a novel solution and he stated he did not believe a novel solution should be a solution. He felt the solution should be one that was good and worked. Another concern he had with the round-a-bout was that it was not lined up. The two sides on Worley and the south side of Fairview were a lot closer together. He wondered why the round-a-bout was not centered on the intersection where each spoke would be at an equal distance. In regards to pedestrian use, he understood there would be a splinter island or an island of refuge and was concerned pedestrians would not be able to make it across the street. He noted it would take two tries. He felt for a street crossing that people should be able to cross the street without pausing and dodging cars.

Benjamin Ross, a professional engineer for Engineering Surveys and Services, stated they were retained by the TDD to design the round-a-bout and he was available to answer questions.

Mayor Hindman asked if he heard the comments from the previous speaker and had a response. Mr. Ross stated the level of service for the single round-a-bout would be "A," which was the highest level of service. The stream would be carried underneath the new alignment of the road in a concrete box culvert. He noted there was an existing concrete box culvert under Worley the City put in over 20 years ago, which would be extended, so there would be a minimal change to the stream. He showed a conceptual sketch and commented that the current drawings showed the round-a-bout centered more on the center lines of the roads. He pointed out round-a-bouts were safer for pedestrians, as shown by accident statistics. He explained with a signalized intersection, one was relying on a red light to stop a car and with a round-a-bout, there was a raised central island, so there would not be a high speed driver going through the intersection and striking a pedestrian. In addition, the geometry of the round-a-bout would force one to slow down. He stated this sketch did not show it, but there would be splitter islands on all four legs of the intersection. Those were designed to divert traffic and to make them turn around to go into the round-a-bout. It would

not allow them to go in a straight through movement. He pointed out the splitter islands would have pedestrian refuges in the middle, so as the pedestrian was walking across the street, they could concentrate on one direction, stop in the refuge and then concentrate on the other direction. He felt that helped pedestrians. They were also planning to do specialized bicycle ramps. He noted a five foot bike lane on the south leg of Fairview which would be extended to the round-a-bout. The bike ramp would be at about a 45 degree angle, so if on a bicycle, one would have a choice to go around the round-a-bout like a vehicle or exit up the bike lane onto the pedway, which would take one around as if they were a pedestrian. Mr. Janku asked if there was anything on the north. Mr. Ross replied the north lanes did not currently have a marked bike lane. On the north, the bicycle would be in the driving lane. Mr. Janku understood, but thought they tended to occupy the same space as a bike lane, so he thought they would want to put that amenity on that side as well. Mayor Hindman asked if they were going to put bike lanes all the way around. Mr. Ross replied the existing streets were not wide enough for bike lanes. Fairview on the new alignment and Fairview next to the Broadway/Fairview Marketplace would have bike lanes from Broadway to Worley. The other legs of the intersection did not have bike lanes. Mayor Hindman thought he read they were going to have special curb cuts, so they would basically have a pedway going around the outside. Mr. Ross replied that was correct and added it was a bicycle ramp. Mr. Janku asked if their intention was to only have them on the south side. Mr. Ross replied they could put them on all four sides, but there was no bike lane.

Mr. Loveless noted Mr. Segafredo stated the level of service calculations did not account for potential development on the north and asked Mr. Ross to address that. Mr. Ross replied there was another engineering firm retained by the TDD that was specializing in the traffic counts. His understanding was that they accounted for an overall growth pattern for the entire region. However, this specific improvement was designed for the Broadway/Fairview Marketplace. Additional improvements to the land on the northeast quadrant, if it ever developed would be the responsibility of that developer.

Ms. Hoppe asked about night driving and the safety features. Mr. Ross replied he participated in a web seminar sponsored by the Public Works Department where a nationwide expert on round-a-bouts discussed various safety issues. Requirements included traffic markings, advanced warning signs, and signs at the round-a-bout itself. He noted they would have all of the signs in accordance with the nationwide standards. Ms. Hoppe asked if it would be lit. Mr. Ross replied he thought it would.

Mr. Ross stated he lived in the Smithton Ridge neighborhood and drove down Worley everyday. He believed this would be a good traffic calming improvement to the neighborhood. He noted it saved gas and was environmentally friendly. He stated he agreed with staff's recommendation of this option.

Pat McDonald, 2713 Greenbrier Drive, stated she was a 30 year resident of Columbia, a 14 year bicycle commuter and a member of the Bicycle/Pedestrian Commission. She was present to voice the support of the Bicycle/Pedestrian Commission for the single round-a-bout proposal. They reviewed, in detail, the drawings and the specifications for this plan and were very much in favor of the design for sidewalks, crosswalks with the splits, bicycles lanes on the south side and the curb cuts to allow for getting around the intersection if one chose

not to stay in the street. She noted Mr. Teddy shared some statistics on reduced waiting times for round-a-bouts compared to traffic light intersections. She understood the accidents that occurred were at angles and not t-boned or head on at great speeds. She had personally used round-a-bouts and felt they were hard to beat in regards to keeping traffic moving and moving more safely at intersections. The difficulty some people reported with the round-a-bouts in Columbia could be alleviated with more public education, more signage and practice. They believed this proposal was the best way to deal with future traffic loads at Fairview and Worley. They also expressed a desire to keep and have the City maintain the sidewalks along the abandoned section of Fairview for the benefit of the neighborhood.

Mr. Janku asked if they wanted the curb cuts that would allow the bicyclist to go around on all four legs. Ms. McDonald replied they were presuming they would be on all four sides.

Bill Angel, 401 Park DeVille Place, commented that in Park DeVille, there were 232 family units and currently there was just one entrance into and out of Park DeVille. During school times, it was very difficult to get out. He noted his only plea was that they try to speed up the traffic rather than slow it down. He explained during the school year, buses backed up past their entrance and it was extremely difficult to get out at those times. From what he heard, the round-a-bout would be better than a stop sign in regards to moving traffic. He pointed out there had been a lot of developments out there in the last ten years and felt traffic would only increase. He asked that they take whatever steps they felt were necessary to help move traffic along Worley.

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

Mr. Janku asked Mr. Glascock to talk about the traffic flow and how it compared to the current situation. Mr. Glascock explained the round-a-bout at Creasy Springs handled about 14,000 cars per day and handled it well. Traffic in this area currently was about 10,000 cars per day, so a single round-a-bout would function for quite a long time. Mr. Janku understood there was the long term possibility of a flyover if traffic demanded it. Mr. Glascock pointed out the fly over would not come along until MoDOT hooked up to I-70 to Fairview.

Mr. Janku stated there were some comments about bike ramps and curb cuts from one to four legs and asked if that needed to be included in this or if it could be worked out with the engineers. Mr. Glascock replied they should make the recommendation if they wanted to see those on all four legs. He noted this was just a concept. They did not have any detailed plans yet. It did not show the splitter islands, so if that was something they wanted to see, they needed to make that recommendation.

Mr. Janku explained he attended the public hearing and there were a number of concerns and comments made. He felt the dual round-a-bout would have adversely impacted the condominiums in that there would be grading issues, it would impact the driveways, and it might have backed traffic up toward them. He felt the single round-a-bout was superior to the initial proposal of the dual round-a-bout. He noted the neighbors were appreciative of the fact this realignment was consistent with what was discussed at the time of plan approval for the Wal-Mart.

Mayor Hindman stated he was very much in favor of this. He felt they needed safe bicycle and pedestrian islands, so the fact they would be included in these round-a-bouts was

a positive. He was pleased to see the Bicycle/Pedestrian Commission had carefully considered this and that the needs of the bicyclists and pedestrians had been looked at as well as the needs of motorists. He felt this was the way all of the City's intersections needed to be designed. He reiterated that the round-a-bouts were safer, moved more traffic, and were environmentally friendly since cars did not sit idling. He noted they were also more attractive when there was planting in the middle.

Mr. Janku pointed out this was near two schools involving school buses and there would be tractor trailer traffic due to the commercial development. He asked if the round-a-bout would be sized to accommodate larger vehicle, so they could move through. Mr. Glascock replied yes and added it would be similar in size to that of Creasy Springs. Mr. Janku asked if it would be taken into account in the design process. Mr. Glascock replied yes.

Mr. Janku made the motion to proceed as recommended with the inclusion of the curb cuts/bicycle ramps on all four legs and landscaping in the middle. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(B) Construction of site improvements at the Sanford-Kimpton Health Center located at 1005 West Worley Street.

Item B was read by the Clerk.

Mr. Watkins explained this was for the construction of site improvements at the Sanford-Kimpton Health Center. The improvements were proposed by the Executive Board of the Condominium Association and would be a project of the Association, not the City. Site improvements included construction of a new employee parking lot on the north side, resurfacing of the existing parking lot, construction raised pedestrian crosswalks and landscaping. Capital improvement program funds of \$140,000 and funding from the County would pay the costs. Should Council decide to proceed, staff would bring forward an agreement to allow the City to administer the project.

Mayor Hindman opened the public hearing.

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

Mr. Loveless made a motion to direct staff to proceed as recommended. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

OLD BUSINESS

B250-06 Granting a variance to the Subdivision Regulations relating to sidewalk construction on the northwest corner of State Route PP/Clark Lane and Robert Ray Drive within the Zaring Hills Plat 1-A Subdivision.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a request for a sidewalk variance at Route PP/Robert Ray Drive. The Planning & Zoning Commission recommended approval of the sidewalk variance. Mr. Teddy noted this was originally a single parcel that was subdivided about three years ago, which triggered the requirement to install sidewalks. The builder was now requesting a variance.

Mr. Janku asked if the sidewalks would go on the subject tracts themselves and not on the Clark Lane right-of-way or adjacent to Clark Lane. Mr. Teddy replied the sidewalks would

be built on right-of-way as was typical. Mayor Hindman understood except for this variance, there would have been a sidewalk along Robert Ray Drive and Clark Lane. Mr. Teddy replied yes. The requirement was for a sidewalk along all street frontage and the variance request was for a waiver on both Robert Ray and Clark Lane.

The vote on B250-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B251-06 Approving the Final Plat of Dakota Ridge Plat 2 located on the east side of Ballenger Lane (State Route PP), south of Mexico Gravel Road; authorizing a performance contract; granting a variance to the Subdivision Regulations relating to sidewalk construction.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposed final plat would create 67 R-1 zoned lots, two of which would be common areas. The plat was in conformance with the approved preliminary plat. A sidewalk variance was requested for a 300 foot stretch. Mr. Teddy noted they did have some images of the area in question and cash in lieu was being offered if the sidewalk variance was granted.

Jeff McCann, Allstate Consultants, 3312 Lemone Industrial Boulevard, stated they were trying to build all of the sidewalk along the 950 foot stretch they could, but were offering the payment in lieu for a 300 foot section that was pretty rough.

Mayor Hindman understood there was sidewalk as one went further out. Mr. Janku thought they built it on part of their subdivision on the corner. Mr. McCann replied that was correct and added it was on Dakota Ridge Plat 1. Mayor Hindman understood it was along Mexico Gravel and came down to this and asked if the 300 feet was the entire distance of the darkened area on the overhead. Mr. McCann replied the entire distance was the 950 feet. They were proposing to build 650 feet. The 300 foot portion was the portion in the floodplain.

Mayor Hindman understood why they were asking for the sidewalk variance, but noted it created an interesting policy issue for them. Ballenger Lane was a heavily used road and with a 300 foot gap, the only choice one had was to climb up on that road, which had no shoulders. He did not think it was a safe place for pedestrians. The Council allowed a lot of development on an unimproved street and the developer built the sidewalks where it was reasonable to do so, but that did not solve the issue that they were leaving a 300 foot gap where people would either have to climb up on that road and walk with the traffic in an unsafe situation or go through rough terrain and wade the stream. He felt they needed to think about how to handle these items. He asked if they would just leave a gap there for years or if the City's would step up to get it done. Ms. Hoppe suggested something like a raised walkway for the future since there were costs involved. Mr. Janku explained for streets the City picked up extra costs such as bridges since it was over the normal cost of the street. In a situation like this, they would pick up the above normal costs because the developer was paying the regular costs.

The vote on B251-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B255-06 Confirming the contract with Emery Sapp & Sons, Inc. for construction of the Aztec Boulevard - State Route PP safety project; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained this legislation would confirm a contract with Emery Sapp and Sons for a safety project at Route PP and Aztec Boulevard in the amount of about \$150,000. Four bids were received. Although the bids came in higher than the engineer's estimate, they reviewed the proposals and with an additional \$20,000 from the developer, they were recommending they accept the low bid and move forward with the project.

Don Stamper, 2502 Hollyhock Drive, stated he was there on behalf of the developers who were publicly committing to spend another \$20,000 for a total of \$35,000 on behalf of the development in order to complete the safety project.

The vote on B255-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

B259-06 Authorizing an amended and restated unit power purchase agreement with the Missouri Joint Municipal Electric Utility Commission for the purchase and sale of capacity and energy from the latan 2 Unit.

The bill was given second reading by the Clerk.

Mr. Watkins stated the latan 2 Unit project had a long history with the Water and Light Department. In 1996, Water and Light reviewed the opportunity and actually proceeded with a MOU with a number of other entities. The project was shelved in 1998 due to concerns about electric deregulation in Missouri. Since that time, the deregulation concerns had faded and latan 2 had re-emerged as an approved project to be operated by Kansas City Power and Light. As part of the approval process 20 MW had been allocated through the Missouri Joint Municipal Electric Utility Commission for the City of Columbia. The Council had previously authorized the City Manager to sign the original agreement. However, since that time, the agreement had been modified into an amended and restated unit purchase power agreement. They were, therefore, bringing it back to the Council for their review and approval. These 20 MWs of coal fire generation were included in the recent power supply study that Council saw a couple months ago. The power, if they moved forward, was expected to be available in 2010. This continued their strategy of buying pieces of electric generation units wherever they had the opportunity and transmission capability was available. Mr. Dasho noted this agreement was brought to the Council about this time last year and since that time there had been some negotiations between the municipal group and KCP&L. Those technical changes were in front of them now.

Mayor Hindman understood they recently approved a contract in connection with Peabody/Prairie States and asked how many MWs that was. Mr. Watkins replied 50 MWs. Mayor Hindman understood it was a coal fired plant and thought that was a matter of great concern to the community. One of the reasons he believed it was justified to go forward was that compared to the other sources of coal fired power, this was going to be new technology and much cleaner than sources they had used in the past. He asked if latan was old or new technology and if it was not coming on until 2010, he wondered if they should be looking for

something else. Mr. Dasho replied this would be a new plant with new technology. The Environmental Protection Agency (EPA) required best available control technology for pollutants. Every year new and better control technologies were being designed into power plants. Currently the City was buying coal fired power from Illinois in plants that were built 20-40 years ago. They had old technology. This would be an opportunity for the City to be part of a brand new coal fired power plant similar to Peabody and would be some of the cleanest coal generation in the Country. The EPA ensured that each plant coming through the process met or exceeded the current technology.

Ms. Hoppe asked if there was a requirement that when a new coal fired plant started, an old one would have to stop. She noted her concern was that this was another coal fired plant. Mr. Dasho replied that when these new plants came on line, they would receive the benefit of their operation versus the older plants. He was hopeful there would be some synergies in that the newer plants would be the ones used. He noted the loads in the entire region were growing and if the City did not buy power from the older dirtier plants, they would probably sell that to somebody to the east. Ms. Hoppe understood the old dirty ones were still operating. Mr. Dasho stated that since they were buying 20 MWs of an 850 MW power plant, they would not have a lot of impact on this. He pointed out if they did not buy the power, it would be sold to someone else.

Mr. Janku understood this was something that was voted on earlier. It was only in a different legal arrangement. Mr. Dasho replied the Council approved this last year and it was included in the power supply study. He explained when the Peabody deal was looked at, this was already approved by Council. This was only technical changes to the contract language. Mr. Janku understood this was a substitution for the AmerenUE contract that was expiring and so the City did not have to buy into older Ameren plants in Illinois. He noted they were locking up this newer technology.

Dee Dokken, 804 Again, stated this plant was being challenged legally because there were cleaner energy technologies on the market. Particularly troubling was the type of combustion technology proposed in this instance. Pulverized coal lacked any retrofit potential for addressing carbon dioxide omissions. This was one of five plants planned for that section of the Missouri River. It would emit 8 million tons of carbon dioxide per year, which she pointed out had been strongly linked to global warming. She was afraid if this agreement was accepted, Columbia would be locked into buying energy for 40 plus years that became progressively expensive, old fashioned and undesirable. She noted they would also be emitting nitrous oxide and sulphur dioxide, which was affecting the air quality of the Kansas City area, not to mention mercury, which was linked to a host of neurological disorders in newborns.

Roy Hartley, 1308 Bass Avenue, stated there were profound changes to the planet by ever increasing carbon dioxide levels and burning coal was putting more carbon dioxide into the atmosphere. The citizens of Columbia were not immune to the changes the planet was undergoing due to global warming. He felt the City had a moral responsibility to avoid actions that they knew caused harm. Increasing the amount of carbon dioxide in the atmosphere caused harm. The ice caps were melting, glaziers were retreating, and species were moving north because things were warming up and the climate was changing. He felt it was time for

Columbia to stop facilitating global warming by looking for sources of power that did not generate greenhouse gases. In the final analysis, he felt the health and well being of the citizens of Columbia was more important than well lit parking lots. He thought they could do energy conservation and re-instate the six inch requirement for studs in houses. Since the Council now allowed four inch exterior walls, he felt energy was going out through the windows and walls. He noted there were things the Council could do to decrease the use of electricity. He felt it was important that the Council vote to disengage from the contract and take this opportunity to do something positive about carbon dioxide emissions.

Mr. Janku stated this was similar to the Peabody contract. It was not a pleasant choice, but they did not have many options. He noted they agreed on this a year ago and it was basically replacing older less efficient sources of power.

Mayor Hindman noted they had the same argument the last time and he accepted that. They were up against a wall because they had to get the extra power. He asked when they would have the opportunity to plan and avoid the coal production plants. He agreed the City was doing some remarkable things in the conservation effort, although the last speaker implied they were not. He thought the City was taking some very progressive steps, but he was still concerned about continuing to rely on coal fired plants.

Mr. Loveless stated it would be nice if the choices were as simple as Mr. Harley indicated. He pointed out they were bound to purchase what was available. The Council did not drive what the sources of electricity available to the City were. Because of the massive costs involved, the Council could not build enough wind farms with available funds to generate electricity and move it to Columbia. They had to supplement the energy with what was available on the marketplace and coal was available. He noted it was getting better and cleaner and he was hopeful they could get away from it completely, but until that time, he pointed out this Council had a responsibility to its citizens to be sure they had electricity available to them when they needed it. They had to make this choice now to plan for the future. He noted they would have an opportunity to add green power because this was not all of the power they would need.

Mayor Hindman stated he thought that was what was happening the last time and then this one re-arose. He did not know they would be asked to approve another coal fired plant and asked when the next one was coming. Mr. Watkins replied in 2008, which was when they would lose 80 MWs from Union Electric. They would need to go back to the market to buy temporary power at a substantially higher cost than they were buying now. One of the things the Council would see in the budget this year was an increase for electric costs just to try and get a little ahead of the power costs they understood were coming in 2008. Energy costs were going to continue to be a problem and the City had a requirement to serve people within the territory of Columbia. He pointed out he was thankful the City had a municipal utility because if it did not, these discussions would not be happening. He noted they had the ability, as a municipal utility, to direct, somewhat, the energy policies, which was a great thing. He stated Mr. Dasho was working on wind energy and hoped to have something for the Council in the near future, but that would not be turned around tomorrow. He commented that they heard Council loud and clear regarding Prairie States and they were developing

wind energy alternatives, but it was not enough to make up what the City would need in 2008, even with a lot of conservation. That kind of wind energy was not available to the City yet.

Ms. Hoppe stated she was the one Councilperson that voted against Peabody. She felt the City was in a crisis situation. She understood staff was making great efforts at obtaining wind power and increasing conservation, but she felt this needed to be done as if they were at war in terms of asking people to sacrifice. She stated they had talked about everyone having the automatic turnoff. She felt they were essentially fighting for their lives and she had a problem with adding another coal plant without an automatic closing of another one and adding to a world situation that was already horrible. She thought everyone could make greater efforts to conserve, so they did not have to make this type of a choice. She felt that was her moral responsibility and stated she could not vote for it.

Mr. Loveless asked about the responsibility to furnish power to the citizens of Columbia. Ms. Hoppe understood this was a 40 year commitment and stated she did not know whether that was a good economic decision for Columbia as other sources of energy and wind power were developing. She stated Kansas was one of the top five wind potential states in the Country and was nearby. She felt they had to make every effort to get the transmission lines. People, communities and cities had to affirmatively decide to find a different way now. Mr. Loveless agreed they should endorse those things and participate, but noted that did not abrogate their responsibility to guarantee Columbians there would be 20 MWs of electricity available in the years 2010 and 2025. Ms. Hoppe stated she had not done an analysis, but thought the citizens were willing to tighten their belts. There was a lot of wasting of energy and she thought there was a better way to pursue it now.

Mr. Janku stated if it was available in 2008, when the next gap occurred, they could purchase it then. He felt they were maintaining their existing need. If they had an additional gap of 20 MWs, they would have to go to the market place, which was at extremely high prices. He noted the burden was bore by people on fixed incomes. He reiterated that if wind power was available in the next year or two, they could get it then. This was not precluding that.

Ms. Nauser stated they would always need more energy. They would never be ahead of their energy consumption, so there was always going to be a void to fill, which could be filled by alternatives. She felt they would be doing a disservice to the people of the community if they did not supply them a guaranteed energy source for the next 40 years. She stated that was their obligation whether they liked it or not. She planned to support it and pointed out this was an amendment to an agreement they were already tied to.

Mayor Hindman stated he raised the issue and planned to support it, but he did not like it. He agreed they entered into this contract last year and were replacing a loss of energy with Ameren. He did not believe they were taking a position where they were committing themselves to any increases in the amount of coal power than they currently had. He hoped they would commit to reducing their dependency on coal power. He stated he intended to bring up the idea that they join the other cities in the KYOTO agreement. He reiterated the need to look carefully at alternative power.

The vote on B259-06 was recorded as follows: VOTING YES: NAUSER, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: HOPPE. ABSENT: HUTTON. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B253-06** Approving the Final Plat of The Links at Columbia Plat 1 located on the north and south sides of Clark Lane, approximately 1,200 feet east of Ballenger Lane; authorizing a performance contract.
- B256-06** Calling for bids for construction of Southampton Drive from its current terminus east of State Route 163 (Providence Road) to Nifong Boulevard, south of Grindstone Parkway.
- B257-06** Granting a temporary construction easement and permanent drainage easement to the County of Boone relating to construction of the Boone Industrial Park Road Improvement Project, Phase I.
- B260-06** Accepting conveyance; authorizing payment of differential costs for water main serving 211 Bingham Road; approving the Engineer's Final Report.
- B261-06** Accepting conveyances for utility purposes.
- B262-06** Authorizing an agreement with Columbia Public Schools to provide a crosswalk guard at Derby Ridge, Field, Mill Creek and West Boulevard Elementary Schools; appropriating funds.
- B263-06** Accepting a donation for the purchase and training of a canine for the Police Department's Narcotics Unit; appropriating funds.
- B264-06** Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for the WIC Client Services Enhancement Project; appropriating funds.
- R145-06** Authorizing an agreement with the Missouri Department of Health and Senior Services for breast and cervical cancer screening services.
- R146-06** Accepting an emergency shelter grant program contract with the State of Missouri, Family Support Division; authorizing agreements with various human service agencies.
- R147-06** Authorizing an agreement with The Curators of the University of Missouri on behalf of the Department of Family and Community Medicine for medical director services.

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

NEW BUSINESS

- R148-06** Rejecting all bids for construction of improvements at the intersection of Old Highway 63 and East Broadway.

The resolution was read by the Clerk.

Mr. Watkins explained they received bids that were substantially higher than what was budgeted. In talking to a couple of the bidders, they believed the project was of sufficient size and complexity to keep the small companies from being interested, but not big enough for the larger companies who could come in and make quick work of it. He noted staff was not recommending they abandon the project, but that they repackage it with some of the intersection improvements they would be doing later this year or next spring or with other projects that seemed to fit together with it, so they could get a bigger project for some economy of scale. They were recommending the Council reject these bids with the understanding they were not abandoning the project. Mr. Glascock stated the City's estimate was about \$206,000 and the low bid was \$318,000.00.

Ms. Hoppe asked what they were looking at in terms of a new time frame. Mr. Glascock replied he thought it might be next summer.

The vote on R148-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- B265-06 Rezoning property located on the north side of State Route E/North Stadium Boulevard, approximately 1,600 feet west of Sunflower Street from A-1 to M-C.**

- B266-06 Rezoning property located north of State Route WW and east of Rolling Hills Road from PUD-4 and PUD-6 to PUD-4.2 and PUD-6.6.**

- B267-06 Approving the Shell Building Lot 4 Broadway Bluffs C-P Development Plan located on the northwest corner of East Broadway and Trimble Road.**

- B268-06 Approving a revision to the C-P Development Plan of Hyde Park South Planned Commercial Development.**

- B269-06 Approving the Final Plat of Wellington Villas Plat 1 located on the north side of Mexico Gravel Road, along both sides of Wellington Drive; authorizing a performance contract.**

- B270-06 Abrogating the Final Plat of Thornbrook, Plat No. 15 located south of the intersection of Thornbrook Parkway and Thornbrook Terrace.**

- B271-06 Vacating an alley between South Ninth Street and South Tenth Street, south of the Missouri United Methodist Church.**

- B272-06 Vacating a water line easement located within Dakota Ridge Subdivision.**

- B273-06 Vacating a utility easement located within Club Woodrail Phase II Subdivision.**

- B274-06 Vacating various easements in conjunction with the proposed extension of Southampton Drive.**

- B275-06 Authorizing application for FY 2007 transit operating and capital assistance grants.**

- B276-06 Authorizing a program agreement with the Missouri Highways and Transportation Commission relating to the nonmotorized pilot project.
- B277-06 Calling for bids for the C-3 Trunk Sewer Extension, an 80-acre point sanitary sewer serving the University of Missouri South Farm property.
- B278-06 Confirming the contract with Lehman Construction, LLC for construction of the EP-3 Trunk Sewer, an 80-acre point sanitary sewer serving the Hatton Farm property.
- B279-06 Allowing a building permit to be issued to The Broadway Bluffs Owners Association for structures in utility easements located within portions of Lots 2, 3 and 4 of Broadway Bluffs Subdivision; approving a waiver of claim and indemnity agreement; authorizing a right of use permit to allow the installation of two retaining walls within a portion of the East Broadway right-of-way.
- B280-06 Accepting conveyance; authorizing payment of differential costs for water main serving Brookside Square, Plat 2; approving the Engineer's Final Report.
- B281-06 Accepting conveyances for utility purposes.
- B282-06 Appropriating funds for the Memorial Tree and Bench Program.
- B283-06 Appropriating funds for the purchase of hardware and software for the Information Services Department.
- B284-06 Authorizing an agreement with Planned Parenthood of Kansas and Mid-Missouri for Title X Family Planning Services; appropriating funds.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Fixed route adjustments.

Mr. Watkins explained this included updates and adjustments made to several fixed routes of the bus system. Mr. Glascock stated the purple route, which was the theatre route, currently did not go back to the Wabash. By going back into the Wabash, he thought they might get better ridership. He showed the yellow route on the overhead and noted the apartments on Old 63 were paying the City in advance to provide service to them.

Mr. Janku understood the orange route could be extended without a route adjustment. Mr. Glascock asked if he was talking about the one to Moser's. Mr. Janku replied yes. Mr. Glascock explained they were not proposing that since Moser's did not go in. Once a store went in, they would provide that proposal to Council.

Mr. Loveless made the motion to accept the report. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

(C) Update on submittals for use of City-owned property at Ash and Clinkscapes.

Mr. Watkins explained this was a status report and did not require any particular action.

Mr. Hood noted proposals had been received by the Columbia Youth Basketball Association, the Positive Regional Impact Diversified Enterprise, the Boone County Ice Group, and Columbia's Farmer's Market. Staff was evaluating the four proposals and would provide a report to Council at the next meeting.

Mayor Hindman stated this was a valuable piece of property, not only in market value, but in the long range interest of the City. He noted half of the property was donated to the City for recreational purposes. He felt they needed to be careful and not rush into anything. He thought it was great to have received the proposals, but he did not think they needed to feel as though they were under a deadline to make a decision. He also did not think they should ignore the Master Plan for that area.

Mr. Loveless stated he thought it was wonderful that these groups had come forth making proposals for public/private partnerships and agreed in that there was no need or justification to rush a decision. He agreed they needed to think long term regarding what was best for the citizens of the City.

Mr. Janku stated he felt they needed to take advantage of opportunities as they presented themselves. Mayor Hindman agreed they did not want to lose opportunities that they should not loose. However, he also thought that just because an opportunity presented itself did not mean that was the opportunity they should take. He felt they needed to be careful.

(D) Retreat follow up – updated proposed process.

Mr. Watkins explained this was discussed at the Retreat with Council providing many comments on the proposed process and outline. This was a revised proposed process.

Ms. Hopkins stated the proposed changes were made to the visioning organizational chart and the accompanying description sheet. They were also presenting some suggested Council actions. One was to bring back a resolution to express interest in going forward with the visioning process.

Mr. Janku asked what was meant by the vision statement and charter under the Vision Committee. Ms. Hopkins explained Champaign/Urbana put together a vision statement and charter when going through the process. It was a statement of goals or a general statement of intention and was signed off on by all of the members of the Sponsors Council. She noted another thing they were looking for from Council tonight was the title of Vision Committee since there was some concern expressed at the Retreat that it needed to represent the democratic process taking place.

Mr. Janku asked how long it was anticipated for the process to get started or if there was a timeline or goal of when the interest groups would start functioning. He felt if it was a year or two before they started, the community interest would be gone. Ms. Hopkins explained some of these steps could happen simultaneously. She thought the RFP process for the consultant could happen now while they were planning for the visioning fair/rally discussed. She noted staff was preparing a framework structure that put together the pieces in a tentative timeframe. This would show what would be happening consecutively and what would happen on a 1-2-3 basis. Mr. Janku thought that would be helpful.

Mr. Janku asked about the Vision Committee recommending the final vision plan to the Sponsors Council. Ms. Hopkins explained the process they envisioned was that the Topic Groups would make recommendations to the Vision Committee for their area. The Vision Committee would bring it together and make a recommendation of the final vision plan to the Sponsors Council. Mr. Janku understood there were two models. As the individual plans were ready, they were brought forward for action in Springfield. The Champaign model brought forward one big plan. He wondered if the Vision Committee was going to pull them all together before sending them forward or if they would send individual plans forward as they were finished.

Mr. Watkins explained he talked to the Boone County Commission about working with the City on the data gathering assessment. The initial feedback was extremely positive, so he saw that as a combined focus. He noted that would need to be moved ahead because it had to be available for the vision part to work. Mr. Loveless asked if he was planning on a public forum at the next meeting. Mr. Watkins thought they would want to look for public input, but he was not sure it was necessary as a step. He noted they did promise they would come back with a forum to discuss the information in the consultant's report and pointed out they made that report public and it received good attention in the media. He was not sure holding a huge meeting to hear about the report would be productive and stated his goal would be to have the next public sessions get started early this fall. Ms. Hoppe thought the public might want an opportunity for input on the proposed general structure before it was finalized. Mr. Watkins stated they could do that as an advertised hearing at the next meeting. He explained staff would be bringing forward a resolution at the next Council Meeting and felt it would be appropriate to hold a public hearing on the resolution.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Loveless recalled discussion earlier in the evening regarding the City vacating the half-width of the old Blue Ridge alignment. Mr. Loveless made the motion to direct staff to pursue the vacation of the old alignment of Blue Ridge. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Loveless noted the per foot charge for street construction was \$25.00 and the per foot charge for sidewalks was \$34.00. He thought it might be time to revisit what they asked for in a contribution for street construction costs. Mr. Loveless made the motion to direct staff to revisit those costs in order to update them. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Hoppe noted a problem with Southland in regards to 450 construction trucks going down and pulverizing the residential street. She wondered if the developer or City was responsible and understood that was a cost the City absorbed. She asked staff to review it and make a recommendation in regards to whether it was normal use or use above and

beyond what was normal, which would require replacement. She clarified it was Southland, near the new church, north of Grindstone.

Ms. Hoppe understood the Columbia School Board had not been asked to provide input on the rezonings and possibly other things. She thought staff should contact the School Board to see if that was meaningful input they wanted to provide. Mr. Janku was not sure how much good it would do. He felt unless they knew the price of the home, they would not know the tax revenue generated from property tax. He also thought their staff was busy with other things. Mr. Watkins thought staff provided the School District copies of all of the concept reviews. Mr. Teddy noted they solicited their input on plats and PUD plans. Mr. Loveless understood it would be difficult for them to know the impact until they knew how many homes would be developed, which was not known until a plat was received. Ms. Hoppe explained on this example there was some residential and PUD sites. She felt there was a general concern by the public to know the ramifications on infrastructure costs. She felt this would provide some additional information. Mr. Janku thought they were doing what they could, based on averages. Ms. Hoppe understood. She felt it was helpful to see and thought they could do it in more instances. Mayor Hindman suggested they talk to the schools to find out what they wanted to comment on. Mr. Boeckmann noted it was interesting to know what they thought the impact would be on subdivisions, but if the plat met the regulations, it could not be rejected. On zonings, if they indicated a burden, the Council could take those comments into consideration and turn it down. He pointed out they were currently commenting on something that did not mean anything, but on a zoning it could mean something.

Mayor Hindman made the motion for staff to communicate with the Columbia Public Schools to see what was most propitious. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Janku asked for a staff report on the sign ordinance issue that came up in regards to the retaining wall discussed earlier tonight. Mr. Janku also wanted staff to look into adjusting the sign ordinance in regards to the fact that it might be more attractive to have a monument sign versus a pole sign. He thought in order to discourage pole signs, it might be useful to allow the use of anything under the height as sign information for a monument sign. He asked for a report on that as well.

Mr. Janku made the motion directing staff to look into the sign ordinance issue regarding retaining walls and the incentive of using of monument signs versus pole signs. Mayor Hindman asked if he could amend the motion to include staff looking into ways encouraging architecturally attractive signs. Mr. Janku agreed to the amendment. The motion, made by Mr. Janku and amended by Mayor Hindman, was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Janku noted the gentleman that spoke on the power plant issue stated the City had changed its insulation standards. He thought they had adopted standards that were above the norm, which included R-19 on walls and R-38 on ceilings. He did not think that had been repealed and wanted to know if it had. Mr. Glascock replied it had not been

repealed to his knowledge. Mr. Janku asked what the current standard was. Mayor Hindman noted he specifically spoke of a 2x4 versus a 2x6. Mr. Loveless commented that he stated exterior wall studs had changed from 6 inches to 4 inches. Mr. Glascock stated a house could be built with 4 inch studs, but it would have not a different R-factor. Mr. Janku understood the R-factor could be accomplished in various ways. He reiterated he wanted to know what the current requirement was. Mr. Glascock stated he would check into it.

Mr. Janku asked for a report in regards to why there was a minimum parking lot size before requiring bike parking. He understood a certain lot size triggered it. Mr. Teddy noted it was after 20 spaces that bike parking was a requirement. Mayor Hindman stated he also wanted to know why.

Mayor Hindman felt the annexation discussed earlier was another argument for the all planned requirement. He noted there were a lot of questions in regards to the roads in that area. He thought it was a case, where out of fairness, they should be trying to get some off-site improvements in connection with the development. When it came in unplanned, they could not get that. He thought to be fair to everyone, all should come in as planned developments.

Mayor Hindman noted a letter in the newspaper from a woman that had ideas in regards to the land disturbance ordinance. Mayor Hindman made the motion directing staff to review the letter and make comments in regards to whether those would be appropriate changes that could be made. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

In regards to the planned development requirement, Ms. Nauser was not sure they needed to go completely planned because she felt that could be overly burdensome on a subdivision. She did want to see some of the off-site requirements incorporated into the residential zoning, so it was part of the subdivision regulations. She also wondered if there was a way to go about asking for off-site improvements. Mr. Janku stated there was and that it was called a development agreement. He noted it had been done with other annexations. He felt they had to be tough enough to say, if they want to come into the City, they would have to provide money for the roads. He also felt the same was true of a planned development in that they had to be tough enough to require money in infrastructure or turn it down. Ms. Nauser thought the Council should be tougher. Mayor Hindman stated they were not being provided the recommendations. He explained with planned development, staff had negotiated a set of off-site improvements they felt was appropriate. However, when they came in R-1, this did not happen. He felt they needed to find a way so there was not a discouragement for coming in planned. As long as someone could come in as R-1, there was a negative incentive to come in as a planned development. He thought this needed to be reformed. Ms. Nauser felt it was a multi-faceted approach and thought they needed to change their philosophy of R-1 always being appropriate. She noted there were times when it was appropriate in the long term, but not today. Mr. Janku agreed they should expect more in infrastructure contribution, but did not think it mattered if it was planned or not planned. He

thought it came down to whether the Council was going to demand it. Ms. Hoppe asked if they would be having another work session on this. Mayor Hindman stated they had a report and thought they did need a work session.

Mayor Hindman stated he wanted a report on whether or not it would be wise to join the many other cities that had agreed to abide by the KYOTO accord. Mr. Janku agreed and added that he wanted to see a list of what could be implemented. Mr. Loveless asked if they could just get a copy of the KYOTO accord. Mayor Hindman thought it would be wise to get a report on who else had done it, what they had done and what might be available to the City.

Mayor Hindman made a motion directing staff to provide information regarding the KYOTO accord. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman stated he wanted an ordinance to come forward on the red light cameras soon.

Mr. Glascock explained he received a report today regarding LEDs and the signals. They changed out the signals at Clinkscales and Broadway. The electricity bill on those signals was approximately \$100 per month. After they changed out to the LEDs, the first full month's bill was \$15.

Mayor Hindman made a motion for the Council to hold a closed meeting on July 17, 2006 at 6:00 p.m. in the fourth floor conference room, City Hall, 701 E. Broadway, to discuss personnel matters and that the meeting be closed in accordance with the authority of Section 610.021(3) RSMo. The motion was seconded by Ms. Hoppe with the vote recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: NO ONE. ABSENT: HUTTON. Motion passed.

Ms. Nauser thanked the staff for the productive and informational Retreat. Mayor Hindman and Ms. Hoppe agreed.

The meeting adjourned at 12:02 a.m.

Respectfully submitted,

Sheela Amin
City Clerk