

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
JANUARY 18, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Tuesday, January 18, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members LOVELESS, JOHN, ASH, HINDMAN, CRAYTON, and HUTTON were present. Council Member JANKU 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 January 3, 2005, were approved unanimously by voice vote on a motion by Mr. Ash and a second by Mr. Hutton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Upon his request, Mr. John made the motion that Mr. Hutton be allowed to abstain from voting on B427-04. The motion was seconded by Mr. Loveless and approved unanimously by voice vote. Mr. Hutton noted on the Disclosure of Interest form that he significantly contributed to the completion of the master plan as an employee of Columbia College.

Per his request, Mr. Loveless made the motion that Mr. Ash be allowed to abstain from voting on B445-04. The motion was seconded by Hutton and approved unanimously by voice vote. Mr. Ash noted on the Disclosure of Interest form that because he owned a business with a liquor license, he could potentially be impacted by this ordinance.

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

SPECIAL ITEMS

Mayor Hindman recognized the Fifth Grade classes from Grant Elementary School that were attending the meeting.

Mayor Hindman presented Mr. Beck with a certificate of recognition in honor of his 45 years of service to the City of Columbia. Mr. Beck was appreciative of the award and stated he has enjoyed working for the City all these years.

On behalf of the Council, Mayor Hindman extended sincere sympathy to all of the families that were involved in the events of the past few weeks. He noted it has been and will continue to be the goal of the Council to support the public service people.

Roger Schwartz - MoDOT "Safer, Smoother, Sooner Program".

Mr. Schwartz explained that the voters passed Amendment 3 in early November and that really changed things for the people at MoDOT. Funding was divided into three elements. The first was the Smooth Roads Initiative and the second had to do with accelerating existing projects in their five year program. The Smooth Roads projects would total \$359,000,000 statewide and the advanced projects would total \$432,000,000. The third element was the additional projects they would be able to add to their new five year right-of-way and construction program. In element three, he noted, they had \$1.3 billion worth of

projects that they would be able to add to their program. They were in the process of gathering a list of projects from all of the regional planning commissions and metropolitan planning organizations. The projects Columbia submitted for consideration for funding were the completion of Route 763 to four lanes from I-70 north to Highway 63, some capacity improvements at two interchanges on Route 63, including WW and Route AC, and the extension of Route 740 from Highway 63 to the east around to I-70. Using a statewide map, Mr. Schwartz showed what they were planning to do with the Smooth Roads Initiative. He commented that they would be looking at the 2,200 miles in Missouri that carried 60% of all the vehicle miles traveled in the State and pointed out the areas where they would be improving the pavement conditions. He noted the roads were within 10 miles of 86% of the State's population and that all of these projects would be completed in the next three years. This Friday, he stated, they would be taking bids on the resurfacing of Highway 63 in Columbia at the WW Interchange going south to Highway 54 in Jefferson City. Looking at the Columbia map, he showed where they would be resurfacing I-70. He pointed out it would be done throughout town. That job would be bid mid-summer and would take 12 months. On Highway 63, north of Broadway, because the pavement was still in reasonable condition, they would be diamond grinding it to make it smooth again. In the downtown area, he pointed out they would be working on Highway 763 with College being overlaid with a new surface. The same was true for Providence Road through town. On Highway 740, coming from I-70 on the west side, they would be diamond grinding from I-70, south to around the asphalt portion of 740, just east of 163. The asphalt portion would have an overlay. The diamond grinding process would begin again after the asphalt portion and continue over to Highway 63. On 163, south of 740, they would do a diamond grinding project down to the south end of the City to smooth the pavement. The projects in Columbia would be completed over the next two years. He noted some bad pavement on 740, near the Hearn Center and explained they would be bidding a project early this spring to replace that pavement. Because these projects were on the heavy volume routes, they would minimize the impact of traffic as much as possible. For that reason, Mr. Schwartz stated they would try to do all of the major work at night. The contracts would be restricted so as to not have work going on during Show-Me Games weekends, home football weekends, basketball games, and major holidays.

SCHEDULED PUBLIC COMMENTS

Steve Tatlow - Boone County Coordinated Transportation Services Working Group - transportation resources in Boone County.

Steve Tatlow, 601 Business Loop 70 West, explained that he had been asked, on behalf of the Boone County community, to facilitate a process that would ultimately improve citizens' access to much needed resources in the community. At the Creating Our Community's Future Conference this past July, the Boone County Community Partnership brought together a broad based group of Boone County Passenger Transportation stakeholders to address the growing need for transportation services in the community. Everyone, he noted, unanimously shared the same goal of assessing the need, resources, and potential for a significantly enhanced and coordinated passenger transportation service throughout all of Boone County in order to ensure transportation was available to everyone for the resources they chose. Community surveys and need assessments completed in the past 14 years documented chronic transportation problems throughout all of Boone County. He pointed out that there were at least 100 funders and providers of transportation in Boone County alone. Recently, he became aware of at least two more that had, or were at least considering, starting another transportation service. Most of these services were funded with

taxpayer dollars through federal, state, or local resources. Mr. Tatlow stated they were aware of numerous, specific changes to Columbia's Transit System that had been made due to transportation surveys done in the past. What they were seeking was a detailed overall system needs and potentials study and a comprehensive inventory of human transportation resources in Boone County. The group had obtained tentative funding through MoDOT, using FTA dollars, to complete the study. The grant, he explained, required a local match of \$12,500 with over 60% of that amount already being pledged from a variety of resources and listed the donors. He stated the group was asking the Council for continued participation of the key City Planning, Transit, and Administrative Staff and a letter of support to MoDOT from the Council. In addition, Mr. Tatlow stated they were looking for a contribution toward the local match. He felt this was important because for those in need, it did not matter that the community had the best programs and services. If transportation to those services were not available, the service did not exist for them.

Ms. Crayton asked how this program would help citizens of the central city. Mr. Tatlow replied that they would identify who needed to go and where they needed to go. They would find out what the specific need was and how often they needed to get there. They would get very specific demographics so the funders and providers could begin to work on coordinating the services. He understood that it would soon be a requirement to have community transportation coordination plans in order to be eligible to receive funding.

PUBLIC HEARINGS

B404-04 Rezoning property located on the north side of West Broadway (State Route TT) and east of Silvey Street from R-3 to O-P.

The bill was read by the Clerk.

Mr. Beck described this as a three acre tract currently zoned multi-family. Staff suggested that the request not be approved primarily because of an access situation onto Broadway. The Commission discussed it and unanimously voted to approve the request with the caveat that any road access be worked out when the plan came in for approval.

Mayor Hindman opened the public hearing.

Jay Gebhardt, an engineer with A Civil Group, explained that right now the access onto Broadway had been voluntarily limited up to a point, which he showed on the overhead, for safety reasons. In talking to MoDOT, he showed where they were asking for a right in/right out access. Mr. Gebhardt explained that he proposed to resolve the issue raised by Staff about coming into the R-3 area by rezoning the small piece shown as O-P when bringing in the plan. He felt that would solve the technical problem of the access being in R-3. Instead of putting 37 more units on the property, he noted that Mr. Kelly wanted to put in a small 8,000 - 10,000 square foot office building. Mr. Gebhardt noted he would control it with the O-P plan plus covenants because it would directly affect the rest of his property.

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

Mr. Ash asked why connections of office to residential were prohibited. Mayor Hindman felt it was because traffic would travel through the residential to get to the main street.

B404-04 was read with the vote recorded as follows: VOTING YES: LOVELESS, JOHN, ASH, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

B427-04 Approving the Columbia College Campus Master Plan 2004 Update.

The bill was read by the Clerk.

The notable difference between this plan and the 1997 plan, Mr. Beck explained, was that the College did not anticipate being able to acquire all of the land needed for expansion in the area east of Rangeline, south of Wilkes, west of Fay, and north of the COLT Railroad. The updated plan showed potential apartment style student housing on the southeast corner of Tenth and Rogers and on the north side of Wilkes Boulevard between Eighth and Rangeline. A potential parking garage was shown on the east side of Rangeline, as well as proposed surface parking areas, play fields, and additional buildings. Mr. Beck noted that the College worked with neighborhood groups and City Staff while developing the proposal. The Staff and the Commission had both reviewed the plan and recommended approval.

Mayor Hindman opened the public hearing.

Bill Morgan, an architect with Simon, Oswald and Associates, offered to answer any questions about the plan.

John Clark, 403 N. Ninth, President of the North Central Columbia Neighborhood Association, explained that members of their Association were included in some of the focus work that was part of the updating process. He commented that they were pleased with the participation they had in the process and that they were very supportive of this revision to the master plan.

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

B427-04 was read by the Clerk with the vote recorded as follows: VOTING YES: LOVELESS, JOHN, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSTAINING: HUTTON. ABSENT: JANKU. Bill declared enacted, reading as follows:

B1-05 Voluntary annexation of property located on the east side of U.S. Highway 63, southwest of Starke Avenue; establishing permanent C-P zoning.

The bill was given second reading by the Clerk.

Mr. Beck described the property as being one and one-half acres in size. The Staff and Commission recommended approval for all C-3 uses, except live, adult entertainment.

Mr. Ash asked how they would remove the live, adult entertainment. Mr. Boeckmann replied that live, adult entertainment was a conditional use in C-3, not a permitted use. He felt it would not be necessary to exclude it.

Mayor Hindman opened the public hearing.

Otto Trachsel, 3702 Wayside, said they had no problem with eliminating the live, adult entertainment except for the wording. If they were to put a bar in, he felt that if a band played, that could be considered live, adult entertainment. He added that at this point, they were not sure what they were going to do with the property.

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

B1-05 was given third reading with the vote recorded as follows; VOTING YES: LOVELESS, JOHN, ASH, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

B2-05 Voluntary annexation of property located on the southwest side of Strawn Road (State Route ZZ), south of I-70 Drive Southwest; establishing permanent A-1 zoning.

The bill was given second reading by the Clerk.

Mr. Beck described this property as being located between State Route ZZ and Perche Creek. He remembered purchasing the 102 acres for the City from the Schwabe family and commented that the City utilized the small farm as an interim treatment facility site until a large interceptor sewer was built along Perche Creek. The property was now contiguous and they felt it should be annexed at this time per policy. He pointed out that letters were sent out to all the various entities concerned.

Mayor Hindman opened the public hearing.

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

B2-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, JOHN, ASH, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

B3-05 Rezoning property located on the south side of Northland Drive, across from Haden Drive from A-1 to PUD-8 and C-P.

Mayor Hindman noted that the applicant made a request to table the bill.

Per Mr. Boeckmann's recommendation, Mayor Hindman opened the public hearing by asking if anyone wanted to speak on this issue. No one came forward.

Mr. Loveless made the motion that B3-05 be tabled to the February 7, 2005 meeting. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

Mayor Hindman continued the public hearing to the February 7, 2005 meeting.

B8-05 Authorizing construction of improvements to Nifong Park, Cosmo Park, Twin Lakes Recreation Area and American Legion Park; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Beck explained that this year's budget included \$44,000 for annual park improvement projects. Staff reviewed various programs in order to determine where smaller additions could be made. He pointed out the funding source was the 1999 1/4 cent sales tax and that this was the fifth and final year of that funding cycle.

Mr. Hood explained that Staff was recommending four projects be funded out of their annual improvement appropriation for the fiscal year 2005. The first project would involve improvements, to include fencing, to the animal display area at Nifong Park at a cost of \$15,000. That amount included a donation of \$5,000 from the Cosmo Breakfast Club. The second project consisted of earth work for a proposed remote control vehicle track and parking lot in Cosmo Park at a cost of \$17,000. The third was fencing for the leash-free dog area at Twin Lakes at a cost of \$8,000 and the final project was a batting cage at American Legion at a cost of \$7,500. The proposed projects totaled \$42,500.

Mayor Hindman asked about the leash-free dog area. Mr. Hood explained the parking lot was located to the north side of the park with the majority of individuals, using the leash-free area, coming from the parking lot and entering through the gate located on the northwest part of the property. He commented that this was the area where the leash-free area had been defined as beginning for many years. Mayor Hindman was concerned about the other fence and felt that the vast majority of people coming from the trail side started letting their dogs loose shortly after getting onto the grassy area. Mr. Hood stated that was correct, but pointed out the definition of the leash-free area, when it was established, was to be the part of the berm between the fence of the swimming lake and the shoreline of the larger lake. He pointed to the area where Staff believed the leash-free zone technically began. Mr. Hood agreed that some people let their dogs run off-leash in the grassy area. Mayor Hindman thought it was close to 100% and asked what it would take to redefine the leash-free area. Mr. Hood stated it would be very hard to install a fence defining the area because the southeast corner was open and there was nowhere to connect the fence to define it. Mr. Hood noted it could be left to operate as it had operated for years. They were only trying to suggest improvements to meet the requests received from users. Mayor Hindman commented that he expected people to complain about people letting their dogs loose too close to the parking lot, when they came from the other side, but not this side because there

was nothing there, no swimming, or any activity at all. He stated people let their dogs loose all of the time in that area and that it seemed to be working really well. In this situation, he felt the fencing was in the wrong place. Mr. Hood noted he could ask Staff to look into any alternatives there might be. Mayor Hindman was in favor of passing this bill, with the caveat that Staff look into it.

Mr. John disagreed saying he had seen some of the complaints from trail users walking their dogs on leashes close to this end of it, where people were letting their dogs loose with the dogs coming back towards the trail. Mayor Hindman felt that would be a good reason to have a fence. Mr. John stated that would be talking about a huge amount of fence. Mayor Hindman suggested a fence that would mark the beginning of the leash-free area, maybe 100 to 200 feet in from the trail, so the dogs would be less likely to go back to the trail. What was proposed, he said, would cut off a big area that was used all of the time. Mr. John stated it was also a transit area for other people, not just for off-leash dog people. Mayor Hindman asked Staff look into it. Mr. Hood stated they would see if there might be an alternative and would report back to the Council.

Mr. Loveless noted a six foot gap at Nifong Park between those who would pet the animals and the animals themselves. He asked if kids had been getting sick from petting the farm animals. Mr. Hood replied that children in Columbia had not, but that there had been documented cases throughout the Country where they had. Mr. Loveless asked why we would have a petting zoo if the animals could not be petted. Mr. Hood replied it was not actually considered a petting zoo, but an animal display area. He commented that they had met with the Health Department and the Humane Society and that there was considerable concern about young children being able to reach through and actually touch the animals. He noted that he had read two articles where young children had contracted the E-coli bacteria. In one of the cases, the child died. Mr. Loveless suggested that the animals not be there. Mr. Hood stated that they had that discussion and looked quite closely at it, but there seemed to be a lot of interest in retaining the animals from the Cosmo Club, the Parents as Teachers group, and other groups they visited with. Mr. Loveless did not like the idea of a six foot split rail fence separating the pettees from the petters.

Mayor Hindman opened the public hearing.

Mark Milanick, 702 W. Rollins Road, spoke in regards to the leash-free area at Twin Lakes. He thought the fence was quite far north compared to what was generally used. His memory was that there were some nice trees, not far from there, that were outside where the fence would be. He commented it would be a nice place for people and their dogs to be shaded in the summer. He noted there were many evenings in the summer when the area got quite full. To limit the dogs to a smaller area, he felt, would cause more conflict with the other dogs running around.

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

Mr. John understood Staff was going to look into the fence issue. Mayor Hindman asked Mr. Loveless if he wanted the Staff to look into the farm animal issue any further. Mr. Loveless felt that if the public could not get to the animals to pet them, they would hear about it by next year. Mr. Ash pointed out it was a split rail fence and that someone could get to the animals if they really wanted to.

B8-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, JOHN, ASH, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on both sides of State Route WW, east of the present City limits.

Item A was read by the Clerk.

Mr. Watkins explained this to be a voluntary annexation request for property on both sides of Route WW, east of the City limits. The property size was approximately 966 acres. The existing zoning of the property was Boone County RS, A1, and AR. The requested zoning was R-1, PUD, and C-P. He displayed a map showing the Metro 2020 Planning area, which was determined about six years ago and showed what the urbanizing area would be in the year 2020. He outlined the existing City limits and showed the location of the proposed zoning, so the proposed annexation could be seen with respect to both what the Staff thought the urbanizing area would be in the year 2020 and the existing City limits. The Metro 2020 designation of the area, he pointed out, was neighborhood district and open space. The street access would be along Route WW, a MoDOT maintained minor arterial. Public utilities were Boone Electric and Water District 9 service territories. There was no City sewer service at this time to the area. He noted an agreement with the Boone County Regional Sewer District would be first read this evening, which would allow the City to provide sewer to the area. He noted there were no neighborhood associations involved. Regarding parkland, Mr. Watkins stated, it was needed in the area and pointed out that the south fork of the Grindstone Creek Greenbelt ran through the site. He displayed a map showing the proposed annexation, as well as the City limits. He noted the areas in yellow were areas under 10 acres outside the City limits. Looking at the County assessment, much of that would be assessed at agricultural, but by looking at the lot size, he thought one would get some feel to the areas that might be developed.

Mr. Watkins produced another map that showed the sewer phasing that would go along with the City's agreement with the Boone County Regional Sewer District. Phase 1, which would be a joint sewer effort between the City and the Regional Sewer District, was a project in both ballot issues two years ago. It would take out the El Chaparral sewer treatment plant, which was discharging into the Grindstone and Hinkson. He explained Phase 2A and 2B would be the trunk sewers proposed to be constructed in compliance with existing City policies. Phases 3 and 4 would be constructed by the Boone County Regional Sewer District. Collectively, the agreement being introduced this evening would take out seven treatment plants in Grindstone Creek and eliminate over 500,000 gallons a day in sewer effluent flowing into the Grindstone Creek, and then into the Hinkson.

He noted Staff recommended approval of the voluntary annexation and permanent City zoning. Mr. Watkins pointed out that the Planning and Zoning Commission had reviewed just the zoning at this point.

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney with offices at 111 S. Ninth, spoke on behalf of the petitioners, Billy and Glenda Sapp and their company, Property Development, Inc., as well as their friend and neighbor, Ms. Darlene Johnson. He explained that there was about 152 acres of PUD zoning, 776 acres of R-1, on which the golf course would be located, and about 35 ½ acres of C-P being requested. He noted the development agreement being introduced this evening was being proposed by the petitioners and reviewed by Staff. He commented that it covered a great number of topics and subjects related to this development, including road improvements, residential unit density limitations, provisions for trails and greenspace, and impervious area limitations. It addressed parkland, stormwater controls, and sanitary sewer systems, as well as the developer's contribution to off-site improvements for the roads. Because this was an annexation public hearing, he stated his comments would assume the property was ultimately going to be zoned in a fashion that was acceptable to both the City and the developer. He pointed out the annexation petition was contingent on the developer being satisfied with the zoning and noted he reserved the right to withdraw the petition in the

event that zoning was not awarded. He added that he also assumed they would be able to work out a satisfactory development agreement. With those assumptions made, Mr. Beckett felt the annexation issue was pretty straight forward.

In regards to the Missouri Statutes governing voluntary annexations, Mr. Beckett explained it required that two questions be answered. One was about the annexation being reasonable and necessary for the proper development of the City. The second was whether the City could provide normal municipal services to the area subject to voluntary annexation within a reasonable period of time after it was annexed. If those two answers were yes, he stated the governing body of that City had to make a policy decision as to whether it was something they wanted or something they did not want. Mr. Beckett passed around copies of the City's annexation history map, on which he drew a circle around the outbound corners of the existing City limits. The drawing showed that this property set in a pocket of unincorporated land that was surrounded on the north, west, and south by incorporated portions of the City. His belief was that this would be an in-fill annexation where they would be filling out unincorporated pockets that protruded into the City. He felt it was perfectly reasonable, taking into consideration the proximity of this property to the existing property lines of the City, to believe that it was a proper and reasonable subject of annexation and that it should be a part of the City. Mr. Beckett did not believe the contiguous and compact requirement of the statute prohibited voluntary annexation merely because it created pockets or islands of unincorporated areas entirely within the City limits. He pointed out that situation in several different locations in the City of Columbia. If creating islands of unincorporated areas entirely within the boundaries was okay, he reasoned, so was the creation of unincorporated peninsulas of land protruding into the City as the result of this annexation. The answer to the second question, was this annexation necessary to the proper development of the City, he thought was yes. He stated it would allow the City to plan a use of a large tract of land in advance of development rather than a patchwork type of annexation and zoning with no overall zoning plan. He felt it would also allow Staff to plan for services to be delivered into an area, by knowing well in advance how the area would be used. He noted this particular annexation would serve as a catalyst for a cooperative agreement between the City and the Boone County Regional Sewer District that would address all of the problems in an entire drainage area. He pointed out the staff report indicated the Columbia Police Department could easily provide protection for the area and that the Public Works Department had indicated they could easily supply trash service to the area. When the City had the opportunity to annex and zone almost 1,000 acres at a time, he felt it to be an ideal situation in regards to a policy matter. He asked the Council for their support.

Renee Richmond, 6960 E. Summers Lane, explained that she represented the citizens group of Harg, the Harg Area for Responsible Growth. They opposed the annexation and development, as proposed, due to the type of development, the population increase it would represent, and its impact upon Highway WW and the surrounding Boone County area. She pointed out they were not opposed to responsible growth within the County and stated they would be naive to think no development would ever occur out in their direction. They realized residential development would and already had occurred in this area, but felt it would occur according to current County zoning, and thus would maintain the rural atmosphere of the area. She stated that they did not expect the City of Columbia to leap frog out into the County and allow for high density, urban neighborhoods. She noted their group started out as County residents, but had expanded to include over 2,000 citizens of Columbia and Callaway County, who were also concerned about the affect of this annexation upon their lives, Highway WW, the City of Columbia, and Boone County. Within the last five years, she noted the City of Columbia had developed the Metro 2020 Plan, which outlined growth in the

near future east of the City limits to Rangeline Road. The two views, she felt were in conflict. Their group saw this as a rural area with some development similar to the Woodlands and Cedar Grove Subdivisions and development within current County zoning. She felt that City of Columbia officials saw this area as a major frontier for the growth of the City. Ms. Richmond assured the Council there were many land owners surrounding this development, and further east, that would not sell, nor annex into the City. She passed around copies of pages 38 and 40 of the 2003 Boone County plat map. She put them together to show the location of the proposed annexation compared to the surrounding County and adjacent City proper. She pointed out tracts of land saying the owners did not have a reason to annex into the City. She noted that several had told her they would keep their land as a rural area. She stated the 2020 Plan was wrong in its assumption that the City would extend to Rangeline Road. For that reason, they felt this annexation would be an example of spot zoning out into the County and would produce pockets of the City out into the County to benefit the developer and his associates. She stated that the land proposed for annexation was not compact and only minimally contiguous to the City. She referred to a definition in Webster's Dictionary of compact as closely and firmly united or packed together. She stated these tracts were not compact to the City as they only touched the City at one small point. They were only marginally contiguous to the City and were not contiguous to each other until the developer was able to talk an adjacent land owner to include less than an acre of their land into the annexation. Without tract 4, she pointed out tracts 2 and 3 would not be contiguous to each other at all. She listed adverse effects on the surrounding area and the City of Columbia if this development was allowed to move forward. Those included hazardous traffic conditions on WW, the effects on Grindstone Creek and the watershed, and the cost of infrastructure for the annexation and subsequent development. She urged the Council to deny the annexation request and provided a copy of her complete statement.

Dan Pierce, 6711 E. Highway WW, stated that voluntary annexation in all municipalities must follow Missouri State Statutes and that those statutes clearly state the territory must be contiguous and compact to the existing corporate limits. He pointed out that tract 1 touched the City by a single point that was less than 12 feet. Mr. Pierce explained Missouri Annexation Law specifically excluded situations where the annexed territory was connected to the municipality by a strip of property less than one-quarter mile in width. The reason for this law, he felt, was to prevent the exact situation being proposed by the Sapp development. He also felt the property was not even compact and contiguous to itself since it jumped the Highway and was connected by less than 300 feet. Mr. Pierce cited several lawsuits regarding unreasonable and unnecessary requests for annexation where the City had failed to meet the burden of proof. He provided a copy of his complete statement.

James Fairchild, 9603 E. Roemers Ford Road, expressed opposition to the proposed annexation of the Sapp tract. He stated his concerns were traffic, the violation of the spirit and intent of Columbia's 2020 Plan, and infrastructure costs. In regards to traffic, he felt WW was already an extremely dangerous highway without an increase in population. He commented that because the development would not meet the needs of lower and middle income families and did not provide housing within existing public transportation and infrastructure, it did not meet the 2020 Plan. He felt a significant investment of up to \$30 million would have to be made for additional infrastructure needs such as roads, sewers, water supply, and a new grade school for the area. He did not feel the majority of the public was interested in spending that amount of money to support a private golf course development. Mr. Fairchild provided a copy of his complete statement.

Marion Mace, 3651 S. Ben Williams Road, spoke on behalf Ken Midkiff of the Sierra Club, in opposition of the annexation request. She felt there were questions that needed to

be answered prior to making a decision on the request to include whether this development would employ any currently unemployed persons, if any taxes would directly be paid by the finished project or if it would be passed on to consumers, if the project would rely on public financing to cover the costs of infrastructure, if the proposed development would be accessible by public transportation or if access would be limited to private automobiles, if it would be accessible by bicycle, walking, and wheelchairs, if the air would be cleaner as a result of the project, if it would result in higher or lower tax rates, if it would result in a higher quality of life for a majority of residents of Columbia, if there would be more or less land available for food production and wildlife habitat, if it would be beneficial to existing local businesses, if it would result in more absorbent impervious surfaces, and if it was in the watershed of an impaired water body. She provided a copy of her written comments.

David Schorr, member of the Boone County Regional Sewer District Board of Trustees, stated he was not speaking for or against this issue. He only wanted to clarify some things in regards to their participation in the cooperative agreement relating to the consolidation of sewer services in the Grindstone basin. He explained that the agreement would culminate two years of negotiations between the City and the Boone County Regional Sewer District. The purpose of the agreement was to address the elimination of seven wastewater treatment plants within the Grindstone basin. He noted that the voters authorized this interception years ago, long before the Sapp proposal was even a conversation. Mr. Schorr stated that he had been the chair of the sewer bond election and as part of that relationship, he went to the Boone County Regional Sewer District in order to try to increase cooperation between the two bodies. Mr. Schorr pointed out that the proposal provided advantages, such as faster implementation of the Grindstone project, a better program in the long run by providing gravity sewerage from the entire basin to the main treatment plant at Perche Creek, and additional funding to allow the major interceptor sewerage in finality. He stated there were no wastewater sewer issues relating to this project if the Grindstone cooperative agreement was undertaken on behalf of the City. The project would protect Hinkson Creek from wastewater related to the area, which was the impaired water as indicated by the previous speaker. Mr. Schorr reminded everyone that these improvements were consistent with the facilities plans that were rendered by both the Boone County Regional Sewer District and the City and with the Federal Clean Water Act in order to protect the water courses.

Dennis Bettenhausen, 9300 E. Turner Farm Road, passed around a map that was attached to B29-05 regarding the cooperative agreement with Boone County Regional Sewer District and a statement that addressed the issue of compact and contiguous, which he felt this property was not. He stated both the City and the County had the right to enter into the sewer agreement and approval of the sewer agreement might be expedited by Mr. Sapp's desire to annex this property into the City. He pointed out, however, that the City could build the sewer through the land by taking eminent domain without the cooperation of Mr. Sapp. He thought the City should split the sewer from Mr. Sapp and his development. Regarding the map, he noted he had darkened all of the areas that were exempt from annexation into the City by the sewer agreement and the areas that were already split into small home owner occupied tracts. Mr. Bettenhausen pointed out there were already significant areas that were not subject to annexation by the City, which he felt would limit the proposed benefit to the City when building the sewer. The Sapp tract would take up approximately half of what land was remaining in this drainage that could be annexed by the City. He felt that instead of becoming more compact, the City would eventually become more leap frogged. He asked the Council to vote no on the annexation because this was not contiguous and compact and because it would be using the sewer bill incorrectly.

Clark Fuhlage, 1330 S. Cedar Grove Boulevard, urged the Council to delay or deny the annexation request until the City and other parties had detailed schedules and signed agreements regarding the plans for improving Route WW between the proposed development and the U.S. Route 63 Interchange. He provided copies of information documenting MoDOT engineer concerns and City engineer concerns. He also provided copies of statistics taken from the 2003 MoDOT Transportation Planning document regarding accidents by population grouping. He noted that 50.5% of the accidents in 2003 occurred on urbanized routes, Missouri lettered routes were the third highest source of fatal accidents, and of the 833 fatal accidents, the vast majority occurred in unincorporated areas, which was what this proposed area would be considered. In addition to the MoDOT information, he provided a copy of his statement.

Marilyn Bettenhausen, 9300 E. Turner Farm Road, commented that if Columbia residents were opposed to rezonings, such as the one on Green Meadows and the Wal-Mart in the Park De Ville area, she wondered why the Council would be surprised that the County residents would be opposed to the Sapp annexation and concurrent zoning changes. She stated that they moved from a neighboring county, purchased land, and built a home in eastern Boone County because there were zoning regulations and because they wanted to live in an area with a 10 acre minimum lot size. They thought they would be protected by zoning regulations and that any development would occur in line with those restrictions. When they purchased their land, there was no Metro 2020 Plan and the City had not yet charted a course of manifest destiny of expansion to Rangeline Road. Ms. Bettenhausen commented that City residents also had concerns about the City overextending its resources. She noted the City was several million dollars behind in meeting already identified infrastructure needs and was looking for more creative ways than property taxes to fund transportation needs, such as TDDs. She also noted the proposed sewer agreement would cost \$3.5 million. Ms. Bettenhausen felt this was not just a matter of constructing City sewer and roads for a developer, but also a matter of providing services to a newly developed area that was two to three miles outside current City limits and would require police, street crews, and trash collection crews to travel through an unincorporated County area to service another part of the City. She felt City requirements would not be met because this violated previously stated goals for growth to contain urban development within an area that could be economically and efficiently serviced by the City to guide and encourage high quality commercial and industrial development in appropriate locations within the City. She felt it was truly unfair that one individual with financial resources and political connections had the power to direct the expenditure of millions of dollars of City bonding capacity for a private development project and in the process change an entire rural area into suburban neighborhoods. She provided a copy of her statement.

David Wolf, 5278 County Road 262, Auxvasse, a former resident of Columbia, stated he moved because of urban sprawl and the City's approach to growth. He commented that the unrestrained development of the City had already pushed infrastructure and emergency services past the breaking point and provided examples of changes in service due to growth. He felt this type of growth made Columbia a less desirable place to live.

Shirley Pierce, 6711 E. Highway WW, commented that it was estimated that 1.5 million acres of farmland in the United States were lost every year due to urbanization, yet City and local governments, using a rationale that growth must occur, allowed developers to annex farmland and begin the process of changing topsoil into bricks and mortar. She asked the Council to reject the voluntary annexation request. She stated she was in favor of development within the City limits and revitalizing urban neighborhoods before starting a process of jumping into the County and building urban islands in rural areas. She pointed out

that Stephens Park could have been used by a private developer to build apartments, homes, and condos overlooking a lake with walking trails. She felt it would have been perfect because the infrastructure was readily available. Ms. Pierce stated that transit oriented development, mixed use, higher density, near bus lines and commuter routes within the City limits made more sense and would better utilize City resources than sprawling developments outside the City limits on acres of rural farmland.

Ellen Wolf, 8000 E. Turner Farm Road, discussed the Metro 2020 Plan. She stated the seven goals of the plan. She felt the goals could not be met because the City could not efficiently service this area since it was two miles east of all Columbia infrastructure and services, it would not have the adequate infrastructure in place to support the proposed commercial developments, it would destroy almost 1,000 acres of County green space, it would not be served by public transportation in the near future, there was no proposal for the construction of sidewalks, pedways, or bicycle routes along the major thoroughfares, the infringement of it in regards to the decreased open space, increased traffic flow, increased noise, and the visual aspects impacted the integrity of the existing Cedar Ridge, Woodlands, Concord Estates, and El Chaparral neighborhoods, it would not create affordable housing since it would appeal to retirees and empty nesters, and it would not maintain the natural features of the area since they would be destroyed. Ms. Wolf reiterated that this proposal violated each goal of the 2020 Plan and provide a copy of her statement.

Willis Richmond, 6960 E. Summers Lane, commented that when a development occurred, the lands natural ability to control the quality and quantity of water was degraded. He stated the City would be responsible for the adverse affects. He pointed out that the Grindstone was a tributary of the Hinkson Creek, which was an endangered body of water. Allowing any additional pollutants, including sediment, in that water body was a violation of the Clean Water Act. A development of this nature, which he considered to be medium to heavy density, would cause a minimum of 40-50% of the impervious ground cover to be erased. That would result in an increase in the evaporation rate and an increase in the runoff rates. It would also decrease the grounds absorption ability by 20% for shallow infiltration and 15-20% for deep infiltration. Over time, it would have an adverse affect on the Boone County and the City of Columbia water tables. Mr. Richmond also noted this property was one of the highest points in Boone County and added that whatever happened up there would run down hill. He noted that recent studies proved that stormwater runoff was a major source of water pollution and that soil and sediment leaving a construction site, not only carried soil particles, but also attached substances such as petroleum products, metals, chemicals, pesticides, organic products, and bacteria. He provided a copy of his comments.

Patrick Cronan, a local attorney, stated that this development would not pay in taxes what it was going to cost to service. He pointed out that 46% of the budget, the general fund, came from sales tax, with only 2% coming from property tax. That meant Columbia's citizens would do with less so that the people that were going to live out there could have more. That was why constituents were objecting to this annexation. He felt five more police officers would be needed to maintain the same ratio of officers to population. In addition, \$10,000 for every mile of street would be needed to maintain streets as they currently were. Mr. Cronan suggested requiring a homeowners association to take the street maintenance and be responsible for the disposal of solid waste as a way to fix part of the problem. He also suggested the Finance Department prepare a study and determine what the costs would be.

Steve Humphries, 2005 Hatton Court, explained that he had been in the golf business for almost 30 years and stated he was representing golfers. He commented that the City had not had a golf development since 1971 and that Stephens golf course was lost to them recently. He felt this development, for golfers, was the equivalent to the ARC for recreational

basketball players and the Green Tennis Center for tennis players. Mr. Humphries commented golf that facilities, both public and private, were well behind the times. He understood that the community's competitive golf teams, both male and female, would be able to compete on the course. He also pointed out that this was our best chance to have a true championship golf course, as far as availability of land and the cost required to have one because we were basically landlocked in regards to finding this kind of land in this kind of setting.

Keith Schnarre, Presiding Boone County Commissioner, stated he was speaking on behalf of the County Commission and wanted to read some things into the record. In December of 2003, he explained, they handled the Klifton Altis tract, which was the very western tract of this development. Mr. Altis was handling the rezoning for the Prime Development Corporation. He noted that they worked out an agreement on the whole development and read the stipulations of the agreement. Included was that the developer would enter into a written wastewater collection and treatment service agreement with the Boone County Regional Sewer District prior to approval of the review plan and that the agreement would include the commitment by the developer for improving existing facilities and constructing new facilities at developer's cost for the entire development. It would also contain the commitment from the Boone County Regional Sewer District to provide wastewater collection and treatment service for the entire development regardless of whether any connection with the City of Columbia sewer system could be made and regardless of whether the property was annexed into the City of Columbia. The developer would also provide a traffic study for the entire development by a qualified traffic engineer acceptable to the Boone County Public Works Director. The review plan would include proposals for the implementation of all and any recommendations made in the traffic study acceptable to the Boone County Public Works Department. The developer would enter into a written and binding development agreement, not to exceed 355 units on this whole tract, with the County at or before the time the review plan was approved, which would remain enforceable by the County regardless of whether the property was annexed into the City of Columbia. Such agreement would provide that no road connection to the existing El Chaparral Subdivision would be made until the time all roads within the development were constructed to County standards and accepted for public maintenance and would not be open until all phases of development were completed. Streets within the existing Concord Estates Subdivision would be improved or reconstructed to meet County standards for public maintenance and would require approval by the County Public Works Director. Street work would be accomplished at the time other roads for the development were constructed. Stormwater control improvements would be designed and constructed with the approval of the Boone County Public Works Director on or before roads within the development were constructed with the objective of preventing post-construction runoff from the development from exceeding pre-construction runoff in areas of the property surrounding Pecos Court. Mr. Schnarre also asked, that before the project was completed, that the City have an agreement with the County on how to handle common infrastructure issues.

Mayor Hindman thought it would be a good idea to have a joint work session to discuss the issue.

John Clark, 403 N. Ninth, agreed with Mr. Cronan's comments and felt these things would put us further behind. The notion that the tax burden would be spread, he thought was erroneous. He stated the City would be putting themselves deeper and deeper in debt. Mr. Clark did not think a public facility could be found in this area that had the same level of service today that it had in 1990. He said that was after 20,000 more people had moved here. He encouraged the Council to deny the annexation until the City developed standards

for all kinds of things such as lighting, stormwater, roads, etc., along with the financing mechanisms. He asked the Council to vote no at this time.

Mike Vangel, 3511 I-70 Drive SW, stated our community, Columbia and Boone County, was going to continue to grow. He understood there were challenges associated with this proposed annexation that would need to be dealt with, but said there were opportunities associated with it as well. Pushing development further into the County and leap frogging would not solve environmental problems or infrastructure problems. It would make things worse. He saw the challenge as being how we were going to grow as a community. He felt the Council over the years had done an admirable job of helping guide the growth and development of the community. As the Council considered the challenges and opportunities, he asked everyone to take into account the fact that growth was going to occur and that we should learn how to accommodate it in an intelligent way.

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

OLD BUSINESS

B445-04 Amending Chapter 4 of the City Code as it relates to caterers permits for the sale of alcoholic beverages.

The bill was read by the Clerk.

Mr. Beck explained this amendment would make our ordinance more similar and consistent with the state process, which allowed caterers to apply for an annual permit to sell liquor at certain functions. The businesses that frequently provide these catering services asked Staff to bring the amendment forward.

Mr. Ash commented that he pulled this off the consent agenda at the previous meeting per the request of someone at the Missouri Restaurant Association, but now understood that issue had been resolved.

B445-04 was read with the vote recorded as follows: VOTING YES: LOVELESS, JOHN, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU, ABSTAINING: ASH. Bill declared enacted, reading as follows:

B4-05 Authorizing an annexation agreement with Questec Properties, LLC for property located on the south side of Boone Industrial Boulevard, east of State Route 763.

The bill was given second reading by the Clerk.

Mr. Beck explained the request was made in accordance with provisions of the City's policy resolution, which indicated how we handled the extension of the City sewer outside the City limits.

Mr. Ash agreed the zoning was applicable based on everything around it, but asked about the discussion regarding the lack of a sidewalk. Mr. Patterson noted the agreement stated developed to City standards. When it came into the City, they could tax bill sidewalks if they wanted to put them in. He pointed out they would not be required on a project of this nature that was outside the City limits. There was no platting or development. Only a building permit would be issued. He pointed out that the City did not have jurisdiction on the streets out there and that was where the sidewalk right-of-way would be, in the County.

Mayor Hindman asked if the streets would be built to City standards. Mr. Patterson replied the street was already there and that this was just a piece of property out in the County. This was a lot that was in an existing development on a County street. The agreement simply called for the sewer extension. Should there ever be a development here, it would be done to our standards as part of the agreement.

Mr. John explained this to be a pre-annexation agreement, so they could hook up to

the sewer. He pointed out they were not contiguous to the City limits at this point. If at some point they become part of the City, the street would be part of the City and we could tax bill a sidewalk into it. It was a platted lot in the County that was ready to go, but it had not been built on because it did not have sewer so they could not get a building permit. When they come into the City, Mayor Hindman asked what would trigger building a sidewalk. Mr. John said the annual sidewalk program could cover it.

Mr. Ash asked how much of the surrounding area was undeveloped. Mr. John replied that much of it was developed, but not all of it.

B4-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, JOHN, ASH, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

B11-05 Authorizing an agreement with the Missouri Safety Center to conduct enforcement activities to promote seat belt usage; appropriating funds.

The bill was given second reading by the Clerk.

Chief Boehm explained this was a grant that would provide overtime for officers to do traffic enforcement. He noted the City had a long term relationship with Central Missouri State University's Center for Public Safety and this would provide overtime for saturation to enforce seat belt violations and other traffic violations around our high schools on several different dates this year.

B11-05 was given third reading with the vote recorded as follows: VOTING YES: LOVELESS, JOHN, ASH, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

B5-05 Approving the Final Plat of Keene Estates Plat 2-A; authorizing a performance contract.

B6-05 Approving the Final Plat of Eastport Centre Plat 1; authorizing a performance contract.

B7-05 Accepting conveyances for drainage, sidewalk, public roadway, sewer and utility purposes.

B9-05 Calling a municipal election to elect Council Members for Wards 1 and 5.

B10-05 Accepting a donation from the Wal-Mart Foundation for the purchase of digital cameras and equipment for the Police Department; appropriating funds.

R6-05 Setting a public hearing: construction of the South Grindstone Outfall Sewer project.

R7-05 Setting a public hearing: voluntary annexation of property located on the west side of Bethel Church Road, south of Old Plank Road.

R8-05 Authorizing various Adopt A Spot agreements.

R9-05 Authorizing Assignment of Lease Agreement with Anita A. Griggs and El Tango, LLC relating to operation of the restaurant at Columbia Regional Airport.

R10-05 Authorizing an agreement with Mu Deuteron Fraternal Corporation to convey easements relating to the construction of the F-1 Relief Sewer, UMC South Campus Relief Sewer Phase 1.

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

NEW BUSINESS

R11-05 Approving the Preliminary Plat of Maryland Heights Subdivision.

The resolution was read by the Clerk.

Mr. Watkins described this as a 20 acre tract located south of Thompson Road and east of Thornwood Drive. The existing zoning was R-1 family and the proposed use was 64 R-1 family lots. The site characteristics were fairly rolling and it was in the Hinkson Creek drainage basin. There was a need for parkland and there was no designated greenbelt. The area would be served by Boone Electric Cooperative and City sewer was nearby. Public Water Sewer District No. 9 would serve the plat. Access and pedestrian circulation was acceptable and there was a letter from the School Board stating that capacity was available for the needed students. Staff recommended approval of the preliminary plat, as did the Planning and Zoning Commission.

Mayor Hindman asked if there was any prospect for parkland in the nearby area. Mr. Watkins replied that there was not in this particular subdivision and that he was unaware of any parkland nearby, outside the subdivision.

When the annexation came through, Mr. John remembered there being a letter from one of the property owners to the south concerned about runoff from this development crossing their property. He asked if the engineer had any comments about that.

Dan Brush, an engineer with Brush and Associates, 506 Nichols, believed it had been Mr. Campbell that raised the stormwater issue. He explained the main issue had to do with the existing pond and the stormwater runoff out of the pond. When he was out there a few weeks ago during a heavy rain, Mr. Brush stated he noticed that they had put in a new spillway and had done some work on the dam. As part of the development, he commented that they were going to negotiate with the other owners of the pond about draining it, cleaning it up, and working on the dam. He thought they could address the situation that way.

The vote on R11-05 was recorded as follows: VOTING YES: LOVELESS, JOHN, ASH, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

R12-05 Approving the Preliminary Plat of Sterling University, Plat No. 1; granting variances to the Subdivision Regulations.

The resolution was read by the Clerk.

Mr. Beck explained this plat would create two C-1 zoned lots for a multi-family residential development. The variance pertained to the street curvature of Buttonwood Drive. Both Staff and the Commission recommended approval.

Mr. Ash was concerned about the curve. He asked if it could be made more of a gradual curve along the bottom of the lot.

Tim Crockett, an engineer with Crockett Engineering, 2608 N. Stadium, stated that to maintain the existing curvature and come across would chew up the property. When the

curve of the street was brought down and Buttonwood was extended, everything south of it was pretty much unusable or extremely difficult to work with. He stated this would allow two lots on which they could build. Mr. Ash asked about bringing it down to the bottom of the lot. Mr. Crockett replied that with development already existing on the south, as well as proposed development along the east property line, they were very limited in regards to what they could do. He stated that initially they had planned to cul-de-sac this, but the Public Works and Planning Staff felt a connection here would be beneficial to the area. For that reason, his client went along with their wishes and asked for this as a compromise. Mr. Ash asked if it would be safer to make it a T-intersection instead of a sharp curve. For that to happen, Mr. Crockett said there would have to be a purchase of some existing buildings. He added that the curve gave the same perception as a traffic calming device without bringing traffic to a complete standstill.

The vote on R12-05 was recorded as follows: VOTING YES: LOVELESS, JOHN, ASH, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

R13-05 Consenting to the issuance of transportation sales tax revenue bonds by the Shoppes at Stadium Transportation Development District; clarifying certain provisions of the intergovernmental cooperation agreement.

The resolution was read by the Clerk.

Mr. Beck explained that if we got a master TDD in this area, this district would cease and the obligations incurred would have to be paid by the master district.

The vote on R13-05 was recorded as follows: VOTING YES: LOVELESS, JOHN, ASH, HINDMAN, CRAYTON, HUTTON. VOTING NO: NO ONE. ABSENT: JANKU. Resolution declared adopted, reading as follows:

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

- PR14-05 Adopting the Parks and Recreation Department Adult Financial Assistance guidelines.**
- B12-05 Rezoning property located east of Forum Boulevard, on the west side of Colony Drive from O-P to C-P; approving the Colonies Shoppes C-P Development Plan.**
- B13-05 Rezoning property located on the northwest corner of the intersection of Richland Road and Grace Lane from R-1 to C-P and PUD-16.**
- B14-05 Rezoning property located on the southeast corner of Sunflower Street and Stadium Boulevard (State Route E) from R-2 and M-1 to C-1.**
- B15-05 Approving the Woodland Springs C-P Plan Lot 107; granting a variance relating to sidewalk construction.**
- B16-05 Vacating a utility easement in conjunction with the proposed Final Plat of Dell Jones Plat 2.**
- B17-05 Approving the Final Plat of Dell Jones Plat 2; authorizing a performance contract.**
- B18-05 Approving the Final Plat of Boone Prairie Plat 2; authorizing a performance contract.**

- B19-05** Vacating a sewer easement; accepting conveyance for sewer purposes.
- B20-05** Vacating excess street right-of-way on Old 63, north of Grindstone Parkway (State Route AC).
- B21-05** Authorizing acquisition of land located at the northeast corner of Bethel Street and Green Meadows Road for construction of a new fire station.
- B22-05** Authorizing acquisition of easements for construction of Sewer District No. 154 and the Maupin-Edgewood Drainage Project.
- B23-05** Accepting conveyances for utility purposes.
- B24-05** Appropriating Share the Light Program funds to the Fire Department for the purchase of fire prevention education equipment.
- B25-05** Appropriating SEMA grant funds for the Community Emergency Response Team (CERT) program.
- B26-05** Authorizing an agreement with Boone County for JCIC clerical services.
- B27-05** Authorizing a development agreement with Property Development, Inc. and Billy and Glenda Sapp relating to annexation of property located on both sides of State Route WW, east of the present City limits.
- B28-05** Authorizing an agreement with Allstate Consultants for design of the H-17S South Grindstone Outfall Sewer (El Chaparral Lagoon Interceptor).
- B29-05** Authorizing a cooperative agreement with Boone County Regional Sewer District relating to sewer construction in the Grindstone Creek Watershed.
- B30-05** Voluntary annexation of property located on both sides of State Route WW, east of the present City limits; establishing permanent R-1, PUD and C-P zoning.

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Report accepted.

(B) Existing Intersection Pedestrian and Bicycle Accommodations.

Mr. Beck noted this report suggested that the Bicycle and Pedestrian Commission submit to the City Council a prioritized listing of intersections they felt were problems. After reviewing the listing, the Council could decide how much they wanted to put in the budget to correct the intersections and also determine whether or not they needed an outside consultant to assist in the redesign of them.

Mayor Hindman liked the idea, but thought they needed to get to the point where they could set definite standards with respect to new intersections.

Mr. John agreed the policy and design standards was great, but noted it only applied to new intersections and that existing intersections needed to be reviewed. Mayor Hindman agreed that both needed to be looked at.

Mr. Loveless pointed out there had been comments when they recently passed the revised street standards about there being other guidelines for intersections besides the one Staff was using currently. He suggested asking the Bicycle and Pedestrian Commission to also submit input on other design standards, besides what we were currently using.

At the end of the street standard debate, Mr. Ash remembered them agreeing that we needed new intersection standards and talking about whether or not they should hire a consultant. He asked that it be made clear that this was not a finished deal. Mayor Hindman agreed and asked if once the intersections had been identified, if they should decide at that point whether or not to turn it over to Staff and get a committee working on it like they did on the street standards.

Mr. Beck suggested having the Commission start looking into prioritizing the intersections and stated he would report back on the design situation for the Council to decide if they should work with Public Works or with a consultant.

Mr. Ash reiterated Mr. John's comments and wanted to make sure everyone was thinking about both new and existing intersections.

Mayor Hindman made the motion that they receive a report on new intersections and that the Bicycle and Pedestrian Commission be asked to identify existing intersections that needed work. The motion was seconded by Mr. John and approved unanimously by voice vote.

(C) Public Notice Process for Planning and Development Issues.

Mr. Watkins explained that this came out of the Planning and Zoning Commission after the Council had asked them to look at it. He stated they could not find specific direction, so they wanted to obtain specific direction to look at the issue and suggested their approach be to put together an advisory group. They felt that approach had been successful in street standards and with the updates of the PUD's.

Mr. Ash asked if this was committee worthy or something the Planning and Zoning Commission could handle. Mr. Watkins replied that the Commission felt the committee was the best way to go. Mayor Hindman agreed with their assessment and added that there was a lot of citizen interest in it.

Mr. Ash made the motion that the Planning and Zoning Commission be asked to review the communication processes. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

BOARDS AND COMMISSIONS

Upon receiving the majority vote of the Council the following individuals were appointed to the following Boards and Commission.

COMMUNITY DEVELOPMENT COMMISSION

Garland, Rhonda R., 2513 Oakland Ridge Drive, Ward 3 - term to expire 11/1/07

HEALTH INSURANCE APPEALS BOARD

Sublette, Nancy J., P.O. Box 834, Ward 3 - term to expire 2/16/08

SUSTAINABLE FARMS BOARD OF DIRECTORS

Dierker, Philip, 311 Rockingham, Ward 4 - term to expire 12/31/07

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Regarding the Sapp annexation, Mr. Ash felt he needed more information on the development agreement and more street maps. He suggested discussing at a work session. Mr. Hutton pointed out that it was not a plan approval, so the roads had not been drawn. Mr. Ash clarified that he wanted to see how the Stadium extension would tie in. He had concerns

about WW and what could possibly be done to get it moved up quicker. He wanted to focus on all of the aspects of the development agreement. He noted that the agreement referred to an exhibit C, tracts 1 and 2 sketch plan and commented that he did not see the sketch plan. He reiterated that he would like more information before voting on it.

Ms. Crayton offered to help raise donations for the Officer Down Fund. She stated she wanted to make sure the officers were equipped properly. Mr. Beck assured the Council that some of the highest priorities during the budgeting process were equipment and training for the officers as well as the addition of police personnel.

The meeting adjourned at 10:48 p.m.

Respectfully submitted,

Sheela Amin
City Clerk