

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
JUNE 20, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, June 20, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER and ASH were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of June 6, 2005, were approved unanimously by voice vote on a motion by Mr. Ash and a second by Mr. Janku.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman noted Item D would be added under Public Hearings and Report F would be added under Reports and Petitions. He also noted that there was a substitute bill for B209-05, which was under Introduction and First Reading.

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

SPECIAL ITEMS

Mr. Beck introduced the new Planning and Development Director, Tim Teddy.

(A) Ann Koenig, Urban Forester - Presentation of Tree Resource Improvement and Maintenance Grant to the City of Columbia.

Ann Koenig, explained the TRIM grant was for public urban forestry projects and congratulated the City for receiving the grant. She stated that they also had three applications for next year from Public Works, Parks and Recreation and the Mill Creek Elementary School PTA. She noted that each of those entities was entitled to apply for up to \$10,000. She explained there was approximately \$270,000 statewide that could be used for tree planting, hazard tree removal, education of staff and a variety of different projects. Ms. Koenig presented Mr. Hood with a check.

Mr. Hood thanked the Missouri Department of Conservation and explained that they had worked with them for several years and had received, to date, three or four TRIM grants. Each one, he noted, made a substantial impact on parks and recreation areas in Columbia.

(B) Recognition in memory of Steve Ebert, Water & Light employee.

Mayor Hindman explained that Mr. Ebert lost his life in the line of duty on June 10th while helping restore service to the City of Independence. The work was being done under a mutual aid agreement, which the City had with several cities. He stated this tragedy illustrated, dramatically, the risks people take when performing these daily services. Mayor Hindman recognized Mr. Ebert's wife, Vicky, and three children, Kevin, Eric and Ashlyn and he offered his deepest sympathy on behalf of the Council and staff. He presented Mrs. Ebert with a plaque and framed picture of a three year old cypress tree located on the L.A. Nickell Golf Course, which had been dedicated to the memory of Steven K. Ebert by the Water and Light Department.

Mr. Beck noted that a memorial service had been held last Tuesday for Mr. Ebert. He

thanked the linemen and their spouses for the support they had shown to the Ebert family and for the great service they provide the City.

SCHEDULED PUBLIC COMMENTS

Nancy Holliday, President of the Highland Park Neighborhood Association.

Nancy Holliday, 1406 Jean Rae Drive, presented a petition with approximately 150 signatures. The petition asked that the City enact an ordinance to do something about chronic nuisance properties. She presented photos of what they had looked at every day for over two years. Ms. Holliday stated that they understood there were lots of houses in the City that needed help and felt this to be an extreme situation. She commented that if the City could regulate weeds, the City should be able to assist with a house that was unsafe, unsound and unsanitary. She asked that the Council enact an ordinance to give City inspectors the power to do something.

Mayor Hindman noted that appointments would be made to a committee, which would be charged with looking into a chronic nuisance property ordinance. He stated that he was still waiting for suggestions on names and pointed out that one of the members of the committee would be Nancy Holliday.

Mr. Boeckmann pointed out that the draft chronic nuisance ordinances did not actually address this issue. He stated he would get together with the Health Department and Protective Inspection to see if the problems could be addressed in a separate ordinance.

PUBLIC HEARINGS

B130-05 Rezoning property located on the north side of Cooper Drive North, east of Hyde Park Avenue from R-2 PUD to C-P.

The bill was read by the Clerk.

Mr. Watkins noted a request to further table this issue to the August 1, 2005 meeting had been received.

Mr. Janku made the motion that B130-05 be tabled to the Council August 1, 2005 meeting. The motion was seconded by Mr. Hutton.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman continued the public hearing to the August 1, 2005 Council meeting.

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

B149-05 Rezoning property located on the north side of St. Charles Road, across from Kipling Way, from A-1 to PUD-10.

The bill was read by the Clerk.

Mr. Watkins described the property as consisting of approximately 4.31 acres, which had been zoned A-1 upon annexation in 1969. The Metro 2020 designation was a neighborhood district. Street access would be off of St. Charles Road, an unimproved collector street. The property was on the fringe of the existing Woodridge Neighborhood Park service area and there was no greenbelt on or near the site. The site currently contained one residence and was in the Hominy Branch drainage basin. Staff recommended approval of the request, subject to street improvements being made by the applicant or a payment in lieu of the improvements. The Planning and Zoning Commission also recommended approval with the same stipulation.

Mayor Hindman opened the public hearing.

Jay Gebhardt, A Civil Group, 1010 Fay Street, along with Brandon Pace, the contract

purchaser, displayed a drawing of the site and explained that it was surrounded by Richland Heights Mobile Home Park. He noted some multi-family across the street and some single family in the back. Mr. Gebhardt explained the development would be platted as one lot under one ownership with the intention of building these to be owner occupied. He stated they would do a condominium survey and sell individual units. They were townhomes with an alley configuration with the front street. He showed driveways interior to it for access. Regarding the improvements to St. Charles Road or the payment in lieu of, he noted they had very little frontage and stated that would not be much money. He noted that Mr. Pace felt the residents would need a left turn lane into the development and agreed to do the widening to St. Charles at his expense.

Mr. Ash asked if he understood that Mr. Pace was willing to go above and beyond and would put in the whole left turn at his expense. Mr. Gebhardt replied, yes. Under current policy, he explained, they would be paying about \$2,500, but they were probably looking at \$20,000 to \$25,000 worth of improvements to do the turn lane. Mr. Ash asked if there was something in the minutes about them doing something about the curve. Mr. Gebhardt pointed out that the curve was not part of the property in question and that it was quite a ways off of their development. He felt that would be a big picture item.

Mr. Janku asked about the green line around the edge shown on the drawing. Mr. Gebhardt replied those were the trees that would be preserved for buffer.

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

Mayor Hindman understood the representation that they would put in the left turn lane would be taken up at the time of the plan approval. Mr. Boeckmann stated that was correct.

B149-05 was read with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B167-05 Rezoning property located on the east side of West Sexton Road (713 W. Sexton Road) and on the west side of Jackson Street (610 Jackson Street), south of Business Loop 70 West, from R-2 to C-3.

The bill was given second reading by the Clerk.

Mr. Watkins noted a request had been received to table this item. He explained the property was less than an acre in size and that a series of requests dating back to the 80's for rezoning had either been withdrawn or denied. The Metro 2020 designation was commercial. Street access was off of West Sexton Road to the west and Jackson Street to the east. Both were improved local residential streets with a 25 foot pavement width. He pointed out the current City standard width was 32 feet for residential streets. In 1971, the Planning and Zoning Commission established a commercial residential land use boundary. The proposed requested C-3 zoning was on the residential zoning side of the boundary. Both Staff and the Commission recommended denial of the request.

Mr. Hutton made the motion that B167-05 be tabled to the July 18, 2005 Council meeting. The motion was seconded by Ms. Crayton.

Mr. Loveless asked what other two lots the applicant was referring to in the minutes. Mr. Watkins believed them to be the two lots directly to the north.

Mayor Hindman opened the public hearing.

There being no comments, Mayor Hindman continued the public hearing to the July 18, 2005 Council meeting.

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

B168-05 Approving the Restaurant Row C-P Development Plan.

The bill was given second reading by the Clerk.

Mr. Watkins explained that this C-P Plan encompassed about .75 acres on the south side of Vandiver Drive, northwest of U.S. Highway 63. The purpose of the plan was for a private street of 36 foot wide pavement. Five foot sidewalks would be constructed on both sides of the street as the land developed. On-site parking was not an issue and landscaping was not applicable since this was for a private street. The Public Works Department approved the stormwater management plan. He noted no signage or lighting was proposed. He pointed out that there was a development agreement that went with this proposal, which gave the City, at its discretion, the right to make this a right in, right out only, if traffic was such that it was determined to be needed. The agreement would run with the land. Staff recommended approval of the plan contingent upon the agreement as did the Commission.

Mr. Loveless understood there would be no lighting or signs telling the name of the street. Mr. Watkins replied that they could have street name signs as that would be reasonable, but street lighting would be at the developer's expense and need. Those were not part of the plan as submitted.

Mayor Hindman asked about sidewalks. Mr. Watkins explained that sidewalks would be five feet on both sides. Mr. Ash clarified that they would put in sidewalks after it was developed.

Mayor Hindman asked why they wanted this to be private street. Mr. Watkins was not sure, but stated the developer had made several streets in the development private. Mayor Hindman noted there had been maintenance issues in the past in regards to private streets. Mr. Loveless could not envision the owner or developer in a commercial area letting the street degrade to where people would not want to visit Restaurant Row.

Mayor Hindman opened the public hearing.

Brian Harrington, Allstate Consultants, 3312 LeMone Industrial, reiterated that they were not proposing lights at this time. It was their understanding that they could come back and request lights, if it was found they were needed, through a revision to the C-P Plan. With commercial in the area and the lights that were associated with it, they thought it was appropriate to try it without more lighting. He noted the parking lots were closer to the streets since they were private streets. In regards to why they were private streets, Mr. Harrington pointed out the property owners' association wished to maintain them at a thicker standard than what the City require and they had no intention of letting them become maintenance problems. In addition, they were trying new things and saw no reason for them to become the City's problem. Restaurant Row was planned to be a more typical street, but since Bass Pro Drive and CenterState Drive were private streets, they thought they would continue on with the process in this instance.

Mr. Janku asked how the parking lots could be closer to the street. Mr. Harrington replied in the case of Bass Pro Drive, what he called the right-of-way, was actually a common area lot, which did not have the 14 feet that was normally along a City street. Where a City street had to be graded flat in that 14 feet, they could make up some of the grade transitions in the area that was the buffer between the parking lots and the street. Mr. Janku asked if landscaping would apply to the restaurants on the lots. Mr. Harrington thought the requirements would apply. Mr. Janku noted that the nature of the street frontage could affect the signage. He asked if a private street had its own classification. Mr. Watkins explained that because it was zoned C-P, there were no real restrictions and everything was negotiable.

Mr. Ash asked if there would be any easement issues and who would actually own this. He was concerned about everyone getting to their parcels. Mr. Harrington explained that each of the private streets was on a common area lot. They were platted lots with this one being described as Lot 1, Plat 7 of CenterState Crossings. In the closing documents, it was contractually linked as an access easement to all of the entities inside the development.

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

Historically, Mr. Beck noted it had been policy to discourage private streets. He thought a sign saying private street might be in order because he felt people thought open

streets of this nature were public streets and complaints would come in about different issues, such as snow removal and etc. He also noted that there had been a lot of requests for the City to take over private streets that had been in place for a number of years. He commented that they were built better now than they used to be. Mr. Janku thought they might want to look at some of the ordinances to see if they assumed all streets were going to be public streets and whether or not the language needed to be adapted to private streets. Mayor Hindman asked if it would be wise to have the streets labeled as private streets. Mr. Watkins pointed out the last changes to the PUD ordinance contained a requirement that a private street be labeled as such. Mr. Glascock stated it would be on the street sign after the name and would read PVT.

B168-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B169-05 Approving the Pavilion Building C-P Development Plan; granting a variance relating to parking requirements.

The bill was given second reading by the Clerk.

Mr. Watkins described the property as being on the north side of the intersection of Grey Oak Drive and Buttonwood Drive and consisting of 1.32 acres. The proposed development was for a furniture store with street access off of Grey Oak Drive and Buttonwood Drive, both improved local non-residential streets. Pedestrian circulation would be provided by a five foot wide sidewalk constructed along both Grey Oak and Buttonwood, adjacent to the site. The applicant was proposing 38 parking spaces as opposed to the required 40 spaces. Landscaping and stormwater management plans had been approved and no free standing sign was proposed. There was one wall sign with a maximum area of 80 square feet. On site lighting would be provided by four pole lights and a variety of in-grade lights. Staff recommended approval with the two space parking variance, as did the Commission.

Mayor Hindman opened the public hearing.

Brian Harrington, Allstate Consultants, 3312 LeMone Industrial Boulevard, offered to answer any questions.

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

B169-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B170-05 Approving the Woodland Springs Lot 102A C-P Development Plan.

The bill was given second reading by the Clerk.

Mr. Watkins described this as 1.04 acres located on the southwest corner of Clark Lane and Woodland Springs Court. The proposed development was for a convenience store/service station. Access to the site was off of Woodland Springs Court, a local non-residential street. There would also be one driveway access to Clark Lane, which at this time was a full access shared with Lot 101A to the west. He noted that this access plan had been reviewed and approved by MoDOT, who had the controlling interest on Clark Lane. Five foot sidewalks would be constructed along Clark Lane and Woodland Springs Court, adjacent to the site. Mr. Watkins noted that 21 parking spaces were required by ordinance and the applicant was providing 28 spaces. Landscaping and stormwater management plans had been approved by Public Works and the percentage of open space was 41.3%. One 21 ½ foot freestanding sign was proposed with a maximum area of 161 square feet. On-site lighting was provided by five pole lights, 24 inch canopy lights, three on-canopy lights and four wall lights. Staff's recommendation was for approval of the C-P Plan subject to

conditions on the freestanding sign. The Commission recommended approval without the conditions.

Mr. Hutton noted that the P & Z agenda report reflected the maximum signage area allowed to be 98 square feet. Mr. Watkins thought that was the recommended condition, but his understanding was that it came down to how one figured the area of the sign. He explained that these people had a fairly unique sign, which perhaps the applicants could describe. Mayor Hindman noted the staff recommendation was that the area be reduced to maximum area of 98 square feet. Mr. Watkins replied that was correct.

Mr. Janku understood a private arrangement for connection had been discussed with the Hampton Inn, but did not work out. He noted that someone suggested that MoDOT could do it by eminent domain. He asked if that was possible and who would pay for it if it was. Mr. Watkins replied that he had discussed it with Mr. Boeckmann and they needed a little more time to research it. His general opinion was that MoDOT had agreed to an access plan on a street they controlled and therefore, the applicant had access. Mr. Ash asked if MoDOT did agree to the full access, if the City would have to go along with what they stated and could not restrict it to a right in, right out. Mr. Boeckmann replied that if they were providing other access some place else, the City might be able to prohibit access to the highway right-of-way, but if MoDOT was allowing full access, he did not know that the City could restrict it. Mr. Ash thought it looked like full access could be off of Woodland Springs.

Mayor Hindman opened the public hearing.

Neal Slattery, A Civil Group, 1010 Fay Street, explained the freestanding sign would be 161 square feet and 7 ½ feet wide by 21 ½ feet tall. The reason for the request was because the site was depressed about three or four feet at the building below the curb line. In addition, along the parking immediately west of the proposed building, there were screening requirements and the trees would end up growing 10 to 15 feet tall. Because of that, they were asking for more than what was allowed on the sign. He pointed out the picture of the freestanding sign was on page 2 and that the sign was something unique to the BP gas station. He explained the sign was wrapped and that only the top of the lit sign was utilized.

Regarding the access issue, Mr. Slattery stated it was true that a few years ago, before this overall development, the Hampton Inn people were approached for a connection, but the attempt was unsuccessful. Because of that, they pursued an access point onto Clark Lane from MoDOT after two separate traffic studies were done for the overall project. The numbers indicated that the conditions, as they existed now, were fine. They had a common access drive for Lots 101 and 102, which was 40 feet wide. He understood, since it was a MoDOT operated roadway, that down the line they had the option to do something different.

Mayor Hindman thought the canopy lighting would be very bright and without cut-offs as seen in so many service stations. The QT across the street had acceptable canopy lighting, according to the Planning Commission. He commented that he would like this to have something similar to that. Mr. Slattery responded that they had done a lighting study and that the spill over beyond the property line was almost negligible.

Don Taretta, 655 Crows Nest Drive, Ellisville, who was with CCM Corporation explained that they had been hired by Mr. Pate to do the construction management. LSI, their lighting supplier on the project, performed the light study. They had them take all of the lighting off the site with the exclusion of the canopy lights and they had very little spillage, less than one foot candle, on the perimeter of the lot. After the P & Z meeting a few weeks ago, they looked at the number of lights at surrounding stations to see if they were compatible with them. Instead of a 400 watt light, theirs were 320 watts. He noted this was the same as the MFA station across I-70 and were equal to or less than the any of the facilities at Lake of the Woods. He thought the Shell station showed a 20 to 30% increase. In regards to quantity of lights, QT had ten fueling positions and 40 lights, which was 4 lights per dispenser. He stated they were equivalent and had 24 canopy lights. He noted that the station on Stadium, which

initiated some of this, had 44 lights for eight fueling positions and they had six fueling positions with 24 lights, which was 35% less lighting.

Mayor Hindman understood this lighting would be brighter than that at the QT. Mr. Taretta agreed it would be brighter because it was a different style. Mayor Hindman asked what would be wrong with having the canopy lighting the same as the QT. Mr. Ash asked why it mattered if the light did not spill over. Mayor Hindman felt it was more than spill over. He felt the lights were basically a sign and thought the level of lighting they wanted to see in Columbia was more like the QT lighting. He felt this proposal was more like that at Lake of the Woods, which was very bright.

Mr. Loveless referred to the newly developed property on the southwest corner of Stadium Boulevard and Ash, which he thought Mr. Taretta referred to earlier, and stated the lighting offended him because of its brightness. He noted the canopy lights extended down below the canopy. He requested that this lighting plan have recessed globes. Mr. Taretta understood his point, but noted the quantity of lights was probably 35% more.

Mr. Janku understood they wanted a taller sign than what would be permitted by ordinance. Mr. Slattery noted there was no standard in a C-P district. Mr. Watkins explained the height met the C-3 requirements. It was the surface area that was the problem. Mr. Janku thought the height was measured from the street taking into account whether the building was above or below the street grade. Mr. Beck thought it was the average elevation from the corners of the lot. Mr. Janku asked which street the elevation would be measured from. Mr. Watkins replied it would be measured from Clark Lane. Mr. Janku stated the sign could conceivably be 21 feet above Clark Lane, which, if this was recessed, would be 25 feet above. Mr. Slattery explained the height of the building was 18 feet and the top of the sign would be about three feet above the top of the building. The closest sign was the Hampton Inn sign to the west, which was about 25 ½ feet tall. He noted it did sit back a little farther, but not much. Mr. Janku asked how large the message area would be. Mr. Slattery explained that it was a panel sign, with the panels being nine to 12 inches wide. The top section of the sign was strictly the emblem of BP. Below that would be information for gas, the car wash and some of the sales that might occur in the convenience store.

In addition to the actual plan, Mr. Janku understood this was a rezoning request as well. Mr. Slattery explained the property was owned by the University and they sold it in the late 90's to the developer of the overall Woodland Springs project. It had come to their attention only a few months ago that a gas station was not an accepted use. He pointed out the other two gas stations in the area were on the north side of the road and this one on the south side by the hotels would help alleviate some traffic congestion. When the traffic studies were done, Mr. Janku asked if this use was included in it. Mr. Slattery replied it was included in a revised study done within the last six months.

Mr. Ash asked why it was struck as a use in the first place. Mr. Slattery did not know.

Mr. Hutton saw the main public street as being on the east side of the site with a private drive on the west side that they were arguing about whether or not should be full access. He felt the right in, right out would not make that much difference. He thought the whole plan should be flip-flopped in that the front of the building should be on the main public street. Mr. Slattery replied that the public street was basically at the mid-point of the overall Woodland Springs development, providing public access for all of the lots on to the east and the west. Mr. Hutton asked why the front door of this building could not be on the public street to Woodland Springs. Mr. Slattery replied it was terrain driven. He explained it was about three to four feet below the grade of Clark Lane and with the creek right there they would have to make up a lot of ground in order to have a buildable site. The front 70% of this site was being developed and the back 30% was remaining as a riparian area. Mr. Slattery stated they needed to ensure Lot 101 had access. Mr. Ash did not feel that making it a right in, right out would not cut off access.

Mr. Janku asked if a cost estimate had been done in regards to the Hampton Inn

connection. Mr. Slattery did not think that was done.

Jay Gebhardt, A Civil Group, 1010 Fay Street, explained that this project went back to 1996 and that when the Hampton Inn people were approached about a connection, they said no. They were now working for Mr. Pate, who owned Lot 102 and had no desire for a connection to the Hampton Inn because his lot had access onto Woodland Springs and Clark Lane. The people who owned Lot 101 were not involved tonight. His opinion was that the Hampton Inn driveway should be closed so people would use this one because it lined up with Golden Corral across the street. He thought it made much more sense to have private driveways opposite from each other. He noted it was a "T" intersection they were trying to force everyone to use. He noted that Mr. Pate would agree to do the flush mounted lights so that some of the point source glare mentioned earlier could be eliminated. Because of the way Protective Inspection measured signs and because they were covering the whole pole, all that coverage was being added in even though it was just lighted plastic. If they put it on a pole, he pointed out, they would not count it. He clarified that their message area fit within the limits of C-3 zoning and that the sign was shown on the plan exactly the way they wanted to build it. Mr. Janku asked if the BP symbol counted as part of the message area. Mr. Gebhardt replied it did.

Mayor Hindman asked what could be done about the brightness of the lights. Mr. Gebhardt replied that he did not know how to do that and pointed out they were doing less than some others around them in regards to the numbers. He did not know what the wattage was at QT.

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

Mr. Hutton asked if they would be approving the sign on this plan, not necessarily approving any 161 square foot sign. Mr. Watkins replied his interpretation was that they would be approving the specific sign in the plan. Mr. Hutton understood they could not substitute a sign having 161 feet of signage. Mr. Watkins stated that was not his interpretation.

Mr. Loveless made the motion that B170-05 be amended by restricting the canopy lighting to no more than the same number of canopy lights per fueling station and with a bulb wattage no greater than those across the street and that they be flush with the canopy. The motion was seconded by Mr. Janku.

Mr. Gebhardt pointed out that they already did not have more lights per fueling station than QT, but stated they could do the same number per fueling station, the same wattage, and flush mounting with the bottom of the canopy. Mr. Loveless clarified the language was no more than and no greater than. They did not have to be the same.

Mr. Boeckmann noted the motion would read that approval of the C-P development plan is subject to the condition that the canopy lights shall be flush with the canopy and the wattage of the lights shall be no greater than the QT service station across the street. Mr. Loveless and Mr. Janku agreed.

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

Mr. Glascock inquired about the number of panels on the sign and how many of them would have lettering. Mr. Slattery replied that the sign they were proposing had nine panels with the BP logo being on the top 25% and that several panels below that would be usable. The bottom panels would not be visible to the public. Mr. Glascock understood there would be nine panels below the star that would be usable. Mr. Slattery replied that was correct. The panels that would have information on them would not go all of the way to the ground. Mr. Glascock commented that he wanted to make sure, when they got to the square footage on the sign, that it was what the Council agreed to. Mr. Gebhardt referred the Council to the drawing of the sign and clarified what made up a panel. Mr. Slattery stated they would have a nine panel sign and five of them could be used for lettering. Mayor Hindman understood that the lettering would be 98 square feet or less, including the BP logo. Mr. Gebhardt replied

that was correct and clarified that it would fall under the C-3 requirements.

Mr. Janku made the motion to further amend B170-05 by saying approval of the C-P development plan is subject to the condition that the message area of the sign shall not exceed 98 square feet. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mr. Janku asked if MoDOT wanted to come in at some future date and restrict the access, if they would be able to put a median in without compensating the property owners. Mr. Beck replied that they could.

Even though MoDOT agreed to the access, Mr. Ash pointed out that they had agreed to a lot of other things on this road that did not have a good outcome. He thought this was the place for a right in, right out and felt they could still get full access on Woodland Springs. He did not see how that would affect the lot next to this because they could cut through the service station and have a full access there. Mr. Loveless pointed out that after this plan was approved, they could not cut through. Mr. Ash asked if they would put in a barrier to stop someone from cutting through the service station. Mr. Loveless felt many people would not make that movement to Woodland Spring. Mr. Ash did not think it would be a big hardship to make it a right in, right out. Mr. Gebhardt pointed out that in addition to MoDOT's approval, the Council also approved it at the time of preliminary platting. He noted that plat showed the driveway as a full access. Because of that, Lot 101 had planned to have this access. If taken away at this point, they would be severely impacting Lot 101, which would be before the Council at the next meeting, because all they would have was a right in. Mr. Gebhardt felt Mr. Ash was assuming that Mr. Pate was going to give them an easement to drive across his land to get to Woodland Springs Drive. Mr. Ash asked what would prevent that from happening since they would all be connected with asphalt. He did not think it would be safe to have the full access. Mr. Janku thought Mr. Ash was driving at whether or not this use should be permitted. He stated the speculation was that a lot of people would be coming in on their way home headed east and that they would not be coming back around. In reality, he thought a lot of people would come in off the Interstate. He asked why they could not connect this planned area to the stop light. Mr. Ash commented that the convenience store might have exacerbated his concerns, but he felt any type of full access being added on to Clark Lane right now would be irresponsible.

Ms. Nauser made a comparison to coming out of the Commerce Bank parking lot where they had a right in, right out, to Nifong. She stated the only way to go west was to cross traffic, turn left into the Wal-Mart parking lot, and drive through in front of the gas station so they could come out and make the right hand turn. She could see where making this a right in, right out could create the same type of problem here.

Mr. Hutton asked if they approved the full access intersection when they approved the preliminary plat, if they were obligated to leave it in at this point. Mr. Boeckmann replied he thought that was true generally and stated another problem was that it was not the City's right-of-way. It was MoDOT's road and they had the final say.

Mr. Ash made the motion to amend B170-05 by restricting this to a right in, right out. The motion was seconded by Mr. Janku, but failed by voice vote, with only Mr. Ash voting in favor of it.

Mr. Janku thought it was likely that at some point there would be a median on Clark, which would be unfortunate for the businesses there because, he felt that when they lost access, they would be impacted. He thought it was risky to put in major investments when losing access in the future was a possibility.

Mayor Hindman thought the applicant had indicated that he would be willing to change the access to a right in, right out in the future if MoDOT so desired. Mr. Gebhardt understood it was completely MoDOT's decision. He understood they had a right to access, but not a full access. He pointed out that MoDOT could put in a median and restrict them to a right in,

right out without compensating them or even talking to them. They could show up tomorrow and do it.

Mr. Janku commented that the traffic generated by this rezoning would bring additional traffic into the area, which could make the need for a median more eminent. Mr. Glascock replied that was correct.

B170-05, as amended, was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER. VOTING NO: JANKU, ASH. Bill declared enacted, reading as follows:

B178-05 Approving the Engineer's Final Report; levying special assessments; appropriating funds for the Heather Lane improvement project.

The bill was given second reading by the Clerk.

Mr. Glascock explained this public hearing was being held for the purpose of determining special benefits and levying special assessments against lots and parcels of land abutting the completed improvements. A public hearing was held in October of 2000 and the resolution estimate was \$137,000 for a base bid of street, storm sewer and associated construction. The estimate did not include the alternate bids for sidewalks on either side of the street. Previous to this improvement, there was a 950 foot gap between Broadway and the existing Heather Lane. The improvements to Heather Lane consisted of a 32-foot wide pavement with sidewalks along on both sides of the roadway. Final plans were developed, which included alternate bids for sidewalks on either one or both sides of the street. The engineer's estimate, including both sidewalks, was \$159,000 at the time of bidding. The final cost of the project was \$163,385.20. This included the Council directive to have sidewalks on both sides. The maximum tax bill rate was set at \$30.00 per abutting foot. If the tax bills were assessed, \$55,052.40 would be generated. The remaining \$108,332.80 would come from the capital sales tax fund. The Council needed to determine if the properties realized special benefits, such as improved storm water management, improved access for parking, and increased property values, and that these benefits were equal to or greater than \$30.00 per abutting foot.

Mr. Loveless asked if the two abutting landowners were the same two that petitioned for the improvements. Mr. Glascock believed one of the property owners did. Mayor Hindman opened the public hearing.

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

B178-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B181-05 Authorizing construction of improvements at Nifong Park; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Beck stated the 2004 budget included \$146,000 for improvements to Nifong Park.

Mr. Hood explained the improvements would include a new restroom and building improvements to the two barns. The new restroom would replace an existing, 20 year old restroom, which was in poor condition, did not meet current accessibility standards, and was not in a good location. Staff worked with the Boone County Historical Society, as well as the Maplewood Barn Theater staff, in selecting a location for the new restroom. It would be located just east of the animal pen barn in an area central to all major activities in the park. The Maplewood Barn had experienced some leaking problems and they wanted to replace the roof before significant structural damage occurred. The siding on both barns needed some work. The source of funding would be from the 1999 one-quarter cent sales tax.

Mr. Janku asked if the look of the new restroom would blend in with the historic structures on the property. Mr. Hood replied it would in that it would be a block building and they believed they could match the color to that which was on the old pump house building. Their intent was to blend it in with the site as much as they possibly could.

Mayor Hindman opened the public hearing.

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

B181-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the northeast side of Strawn Road (State Route ZZ), north of West Worley Street.

Item A was read by the Clerk.

Mr. Beck described this as a 0.6 acre tract of ground for which the applicant was requesting R-1 zoning. This vacant site was near the City sewer line.

Mayor Hindman opened the public hearing.

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

(B) Voluntary annexation of property located on the east side of Wyatt Lane, north of Thompson Road.

Item B was read by the Clerk.

Mr. Beck described this as an approximate 4 acre tract with two residences on it. Access was off of Wyatt Lane and Thompson Road, both unimproved County roads. City sewer was nearby and the City water main was on the west side of Wyatt Lane, south of Thompson Road.

Mayor Hindman opened the public hearing.

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

(C) Voluntary annexation of property located on the north side of Prairie Lane, east of Creasy Springs Road.

Item C was read by the Clerk.

Mr. Beck described this as 0.25 acre tract for which the applicant was requesting R-1 zoning.

Mr. Ash noted the small size of the tract and asked if there were limits to annexing single lots within a subdivision. Mr. Beck replied that it had been done before and was caused by not having voter approved orderly annexation. Mr. Ash asked if we could say no. Mr. Beck replied we could, but had not been. Mayor Hindman asked if the County had been contacted with regards to dividing services. Mr. Beck stated staff had been working with them on some policies. Mr. Watkins commented that they had talked to them and everyone realized the difficulties. He noted that these people needed City sewer and the City had a firm policy of requiring annexation in order to tie into the City sewer.

Mr. Loveless asked about the rest of the subdivision. Mr. Watkins replied that they had been talking to them and although he would not say it was eminent, a number of them were thinking much more positively about it.

Mr. Janku wondered if a different answer in this situation would be to have them sign a pre-annexation agreement that would allow the implementation of annexation at some point in the future, while going ahead with extending them sewer service until the time of annexation.

Mayor Hindman opened the public hearing.

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

(D) Storm drainage improvements of two culverts along Rock Quarry Road, between Nifong Boulevard and Gans Road.

Item D was read by the Clerk.

Mr. Glascock explained improvements were needed to two culverts along Rock Quarry Road. The current preliminary construction cost was about \$80,000 with the source of funding to be from the storm water utility fund. The purpose was to improve the storm water management and road side safety at these two locations. Culvert A was in an area that had experienced severe erosion causing the road side embankment to slope. At Culvert B, the road side edge had eroded and there were drop offs adjacent to the culvert location. A guardrail had been installed on both sides of the road.

Mr. Ash asked about straightening out the bend in the location of Culvert B. He understood it was beyond the scope of what was being discussed here, but asked if it would be straightened any time soon. Mr. Glascock replied that they did not have a project identified for it at this time. He noted that they would be looking at going up the hill, out of the floodplain, in that area. It was too far out of the scope of this project for them to consider.

Mayor Hindman opened the public hearing.

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

Mr. Loveless made the motion that the staff be directed to proceed with plans and specifications as recommended. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

OLD BUSINESS

B171-05 Approving the Bristol Lake Tract 2 PUD Development Plan; granting variances to the Subdivision Regulations.

The bill was given second reading by the Clerk.

Mr. Watkins described this as a 74 acre tract located on the north side of Gans Road, east of Bearfield Road. The proposed development consisted of 51 single family lots and 44 two-family lots for a total of 139 dwelling units. Street access would be off of Gans Road, an unimproved minor arterial. He pointed out that staff did not identify any access problems. As far as pedestrian circulation, he noted a variance request to have a six foot sidewalk on one side of some streets and no sidewalk on Gans Road. On-site parking met all City standards and the landscaping and stormwater management plans had been approved. All City utilities would need to be extended to the site, but were in the area. There was one entryway monument sign proposed, which complied with the R-1 sign guidelines. There were no neighborhood associations and no neighborhood parkland was needed.

Mr. Glascock explained that they had CH2M Hill look at the overall stormwater management plan. It met all conditions, but CH2M Hill made a comment about the way water quality volume was computed. They discussed it with the consultant and sent the information back to CH2M Hill. CH2M Hill still felt it was not computed. City staff went into the stormwater management model and broke down the information and staff felt it did meet the conditions of the zoning.

Mr. Watkins noted that the staff recommended approval of the PUD plan and the variance regarding tract size. The requirement was that 80 acres needed to be included, but this tract was slightly under that amount. Staff saw no particular problems with the variance request. Staff also recommended approval of the sidewalk variance for Gans Road, but had no recommendation on the variance to have sidewalks on only one side of some streets. The Planning and Zoning Commission recommended approval of the site plan and the three requested variances.

Susan Bingham, 2179 E. Bearfield Subdivision, commented that she learned this

morning that there appeared to be some discrepancies between the CH2M Hill review and the City staff report concerning the handling of the stormwater. She stated the CH2M Hill report was much more negatively inclined toward the PUD proposal. It seemed to her that the issue deserved a second look at the documents in question. After all of the time and effort everyone had spent on this issue, she felt everyone was owed the best quality development with the plans being followed and the recommendations carried through. She urged the Council to revisit the issue.

Joe Bindbeutel, 1701 E. Gans Road, commented that they were told the water would be worn out and that they would have state of the art stormwater controls all across the Philips development. He did not understand why they would be talking about waiving the preliminary plat requirement at this stage when the Council was supportive of public input at every step of the way. He felt CH2M Hill saw this as falling substantially below the ordinance and the kind of commitments that were made by the developer. Mr. Bindbeutel commented that table-topping 50 acres was Phase 1 and that it was not true to the spirit of what phasing meant in an earth disturbance project of this magnitude. He noted this development was perched along Clear Creek. The very strong recommendation CH2M Hill made for state of the art sediment control devices and compost based erosion controls, were no where in this plat. He felt this was a very standard construction approach. He noted that the report indicated most of the zoning conditions were met. He pointed out it was not all of them. He felt much more scrutiny was deserved and suggested the City go through the preliminary plat process. He noted they were supposed to get the volumetric calculations, yet the public had seen none. He also asked the Council to reject the sidewalk waiver.

Ben Londeree, 2601 Chapel Wood Terrace, Co-chair of Smart Growth, explained that he had been asked to speak for Barbara Hoppe who had been called out of town and would address the issue from her perspective. He commented that the plan appeared to address the post development stormwater peak flows, but did not appear to address post development stormwater volume adequately. The plan did not address hydrologic volume analyses that were part of the annexation agreement, nor did it identify sensitive areas. It did address the reduction in suspended solids, but did not address the reduction of pollution, such as bird dropping and fertilizer, of ponds from stormwater runoff across the buffer areas. Although a few low impact development measures were included, important design features were omitted, such as discontinuous impervious areas and diffusing stormwater runoff from the streets. The plan did not address how developers would minimize the amount of land disturbed at one time. The southwest border was designated as a common area, which he presumed to be a buffer for stormwater runoff. That caused concern about what kind of vegetation would exist in the area and what limits would occur for the use of chemicals in this area. They proposed, if a sidewalk was not going to be built on Gans, funds be encumbered for a sidewalk at some time in the future. They questioned who would pay for the extension of the utilities to the site. They were also concerned about the covenants for the restrictions of pesticide and herbicide applications because they did not think people would abide by it.

John Clark, 403 N. Ninth, asked how the staff could substitute its expertise for the consultant's. He did not think staff had that kind of expertise and stated it was not what everyone had agreed to. Mr. Clark was concerned that the Planning Commission had not seen the report from the consultant and that they had relied entirely on the staff's word. He recommended sending everything back to the Planning and Zoning Commission to revisit this.

Tony Davis, 4655 Rock Quarry Road, stated he did not doubt that everyone wanted to see the best project, but commented that everyone seemed to have a different approach to it and how it should be done. He thought it was important to have the best public follow up and investigation into what the final result should be and, in particular, for this first presentation. Since this was not draining into the lake or Clear Creek, he felt this was one of the more

sensitive areas in that there were three active springs in the area on this property. He stated there were things in this area that needed to be identified and the fingerprinting needed to be revisited to not take the swales out of the land and to use the contours of the land to try to get the same number of units and the same amount of profit, but still be able to address the issues CH2M Hill raised.

Ron Shy, 5600 S. Highway KK, explained that he was with Allstate Consultants, the primary engineering company that designed this project. He stated there was not another development that he knew of that matched the quality of this one. He felt the opponents had not read the documentation. The suggestions CH2M Hill made throughout their report were things that were made to improve their plan. Mr. Shy noted, in regards to pesticides and herbicides, that everyone in the subdivision would be required to have a licensed applicator apply any kind of chemicals on their lawns. In regards to water in the streets, they were trying to pipe everything from the streets into a treatment facility of some kind. He stated that there was nothing that did not go through a stormwater buffer, whether it was the buffer to the south they eluded to or through one of their ponds. He pointed out the report clearly showed their peak flows and volumetric flows were less and the suspended solids calculations that were done by Wright Water Engineers, Inc. and by Colorado State College were showing a reduction going into Clear Creek. The regular storm flows that increased the small flows, he pointed out, required 72 hours to run through the retention ponds. He stated that they did phase this and there were three definite phases in the report for this construction. Even though they would be disturbing 50 acres, they would not be disturbing them all at one time. He commented that they wanted sidewalks on Gans Road, but not until the improvements were made to the road. As far as the subdivision itself, Mr. Shy commented that they had a 30% impervious requirement. He stated it was very difficult to stay under the 30% limitation because over one-third of the impervious area was in infrastructure, streets and sidewalks. They were proposing sidewalks on both sides of the neighborhood collector and the residential collectors. They were proposing a six foot sidewalk on one side for the residential feeders, which were the cul-de-sac streets and small connecting streets.

Mr. Hutton commented that the most important unmet condition according to CH2M Hill was the water quality control not being based on controlling runoff volume. Mr. Shy explained the ordinance stated they were to reduce the post development volumes to the extent practicable. When they first submitted this to the City, they stated specific things they were doing to control the volume. When CH2M Hill looked at it, they wanted to see volume calculations, so they actually did them. He believed their disagreement at the time to be that they had calculated evaporation from their ponds and the percolation of the soil in the ponds. He thought there was a disagreement on CH2M Hill's part as to whether or not that was effective. Mr. Shy felt their calculations were correct. He also felt they had met everything required by the ordinance.

Mr. Glascock thought one thing CH2M Hill was looking for was volume based reduction for each BMP, which was not stated in the ordinance. He pointed out that the ordinance called for volume based hydrological modeling, which they did. As a staff, they had to determine whether or not that was happening because they were not getting concurrence from CH2M Hill. He had several staff people look at the stormwater ordinance they were trying to model to see if it would meet the ordinance and felt it met it. Mr. Hutton asked if CH2M Hill had been informed or consulted as part of the calculation process as part of the clarification. Mr. Glascock replied that they were contacted and added that he thought they were a little more stringent than they needed to be.

Mr. Shy noted they all the downspouts and gutters from the roof were being put in the swales or to the rear of the lots. The sidewalks, he pointed out, would naturally drain to the streets. It was their goal to have as little of the drainage go into the streets and the underground system as possible. He commented that they could have grass there instead

of impervious area that would go into the street. His point was that the impervious area calculations were very strict.

Mayor Hindman thought an idea had been mentioned about having the streets flow without gutters, which would make a substantial difference. Mr. Shy replied the report did suggest that, but there was no City standard for that and staff was not in favor of doing that. He noted his staff suggested putting slots in the curb to intercept some of the water to get it into a swale quicker, but it was not in the plan because he did not think they would get City staff support for it. Another thing was that there were driveways and there would be water actually going down the street and running over the sidewalks and etc. It was his opinion that there were areas where that could be used, but he did not think that was a solution for all of the streets in the subdivision. Mr. Loveless asked if he was speaking of curb cuts. Mr. Shy stated he was talking about eliminating curbs completely and putting swales beside the street and the sidewalk. There was some support for that where there were not a lot of driveways. In this circumstance he did not think it would work very well unless they made slots alternating every other lot. Mr. Hutton asked where the slots would be going. Mr. Shy stated they would be going to swales between the houses. The problem they would run into was with the lots on the uphill side.

Mr. Ash thought they had gotten very creative with stormwater management and was curious as to why they had not gotten as creative with the sidewalks. He asked if they had looked at things like porous pavement or other ways to meet some of the requirements, but not actually have a standard sidewalk. Mr. Shy replied that there were a lot of things in this development that were non-standard and thought they were being creative by putting in six feet sidewalks on one side down the cul-de-sac streets. Mr. Ash stated he did not have a problem with their plans for the cul-de-sacs, but felt sidewalks were needed any place that was a busy street and where it was not safe to walk in the street. Mr. Shy noted that Bradington and Bristol Lake Parkway had sidewalks on both sides, as did the entrance to the roundabout from the east. Mr. Ash was concerned about the sidewalks on Gans Road, especially if there was going to be a park there. Mr. Shy explained that Gans Road was not in the formula because the right-of-way of that road was not on the property, per se. As far as walking to the park, it was directly to the east and all of the dual sidewalks led directly to Bristol Lake Parkway, which was abutting the park. He and Mr. Sapp both believed Gans Road should have a sidewalk when it developed, but currently there was no terminus for it and it would have to be placed with the terrain there. He did not think there would be a network on it since it did not connect to anything on either end. Mr. Ash felt it could still provide safe passage along the road.

Ms. Crayton asked about the letter and why they were just seeing it today. Mr. Ash pointed out that they had gotten it today because Ms. Hoppe sent an e-mail bringing it to their attention and he asked that they be given a copy of it. Mr. Shy asked if they received the response he made to the letter. Mr. Ash explained they did not receive Mr. Shy's response, but did receive a response from staff.

Mr. Janku asked about the construction BMP's and compost materials not being a part of this plan. Mr. Shy explained that Dr. Medina suggested they look into using compost based erosion control materials. That was rather new here, but back on the coast they had some of those things. They looked at that and felt what they were doing was just as good, if not better. He commented that they might be using traditional techniques, but they were using a lot more of it than had ever been used before. They looked at a compost erosion control device and it was not anything that would benefit them any more than what they were using. He pointed out that it had been a suggestion.

Mr. Ash commented that it was an example of a low impact development technique, which they were required to use, but added that the ordinance did not spell out which ones. If they did not use the ones that CH2M Hill thought were the greatest, they could still meet the

ordinance. Mr. Shy noted there was an entire manual of low impact development devices and they could pick and choose. He thought these other things were mentioned as considerations for improvement of their plan.

Mr. Hutton asked if they were using the sidewalk variance technique to meet the pervious/impervious ratio. Mr. Shy replied overall, yes, but added that if they had to put sidewalks in on both sides, that was fine. It would just mean that something else would have to be given up. The 2,500 square footprint of the house would have to be reduced. He noted that Mr. Sapp had some flexibility from one zoning area to another to make the trade offs. Overall, the impervious area had to be maintained. He explained they were using averages on the homes and that some would be bigger and some would be smaller. He stated the sidewalk variance was not a deal breaker for them. Mr. Hutton asked how they would enforce the ratio by lot as they were sold. Mr. Shy replied that they were proposing a modified plot plan with each lot in the subdivision being numbered as it was requested. Each builder would be required to put in his footprint, plus his sidewalks, patios and driveways, and all of it would be calculated and certified on the plot plan. It could not be more than his allotted 3,545 square feet unless approved by Elvin Sapp. That would be turned into the City along with a cumulative number for all of the plot lands prior to that. When the building was constructed and before a CO could be issued, the builder had to certify that he was at or below that impervious area limitation. There was also a clause saying if he was one-quarter of one percent or 10 square feet more than his allotment, he would have to remove it or get approval from Mr. Sapp for additional impervious area that he could have captured from one of the other lots. Mr. Hutton asked what would keep an owner from adding a patio two years later. Mr. Shy replied that a building permit would trigger it or a neighborhood association might pick up on it. He commented that there were ways to do it, but it would be difficult.

Mr. Hutton asked where sidewalks were on both sides. Mr. Shy replied Bristol Lake Parkway, Bradington Drive, except from the roundabout to Gans Road, and the parkway on Bristol Lake Drive, which entered from Bristol Lake Parkway, until the roundabout. Mr. Hutton asked about the remainder of the sidewalks on Bristol Lake Drive. Mr. Shy replied the sidewalk would be on the north side. Rutherford would have a sidewalk on the north side and Carlisle Drive would have one on the east side.

Mayor Hindman asked about something going between the cul-de-sac on Carlisle Court and Bradington Drive. Mr. Shy explained it was a pedestrian sidewalk. The retention area was going to be an amenity, a picnic area, so they wanted to be able to get the traffic through there from one end through the park. On the cul-de-sac streets, he pointed out they had the sidewalk wrapping around the cul-de-sac and going one lot past on the other side before they crossed. Mr. Hutton asked if that applied to the far west kidney shaped cul-de-sac. Mr. Shy replied, yes.

Mr. Janku asked if he understood the sidewalks on both sides would be five feet and the sidewalks on the one side would be six feet. Mr. Shy replied that was correct. Mr. Hutton assumed Billingsly and Wyndham Drive had sidewalks. Mr. Shy stated they did on one side. He noted there were no houses fronting those two streets.

Mr. Londeree asked how many of the streets had back yards lower than the street and whether it would be possible in those situations to have a curb cut with a swale between the houses. Mr. Shy commented that they considered that early on, but there was a policy saying they could not pass over two cubic feet per second of water across the sidewalks now. It would be something that would have to be looked at. He did not know why it could not happen that way, but noted it would change the complexion of at least one side of the street quite a bit. If there was not a sidewalk there, it might be possible to do something like that.

Mr. Hutton explained that City policy required a sidewalk on the lower side to be an inch above the curb. The whole thing went up from the curb, so it would be very difficult to put in a swale that started at the bottom of the gutter. He noted there was a height difference

and asked how they could make water go up 8 inches. Mr. Beck noted that if they piped it, it would be clogged a big part of the time. Mr. Hutton understood the point was keeping water out of pipes and that everything about the City's design criteria caused a problem with trying all of the suggestions. Mr. Ash thought a lot of the ordinances were written almost specifically to funnel water into stormwater drains and send them to a creek. Mr. Hutton stated there was no doubt about it, but when a developer brought a plan in, he had to meet current policies. Mr. Ash understood that, but felt we could offer them latitude to explain why they had water flowing in a different direction than what the ordinance called for. Mr. Hutton asked what they would do when the next person came in that had nothing to do with the Philips property and wanted to do the same thing some place else. Mr. Ash saw no difference in asking for that variance verses asking for sidewalk variances. Mr. Hutton agreed, but stated that if he had money tied up in something he would not be taking chances on the Council passing a bunch of variances. Mr. Janku thought it was something to look at, but not at this time.

Mr. Shy stated Mr. Londeree's suggestion probably could work if the sidewalk issue could be overcome, but there would still be stormwater in the pipes out in the streets because there were lots on the upper side. They were required to catch that, but were not required to put the piped water through a substantial BMP, which these were. He noted that these might look the drawings of detention ponds the Council had seen before, but he assured them they were not. They were totally different and they reacted totally different. Normally, in a detention pond, one would hold it for a certain period and then let it out. These were designed so the first flush would take 72 hours to drain out. Looking at the stormwater peak flow calculation, they were reducing the 100 year peak substantially, which was something else that was not required.

Mayor Hindman commented that he wanted this to be a successful development and wanted it demonstrated that with care and thought, we could develop and take care of our sensitive waters. He also noted the benefits of having sidewalks in neighborhoods and wondered if a compromise could be worked out. He felt there was an argument for having sidewalks on both sides where they would be serving many lots on both sides. Mr. Janku pointed out that the street standards indicated sidewalks were only needed on one side on short cul-de-sacs. Mr. Janku asked if those would even require a variance. He felt they could go back to the normal width when they got to the shorter areas and not require a six foot at that point. Mayor Hindman stated he could live with five feet. Mr. Ash noted the roads where the sidewalks were being suggested eventually dead ended. He stated that Rutherford eventually served the people on both sides, but that paled in comparison to the danger of not having anything along Gans Road. Mr. Hutton noted that if they did a four foot sidewalk on both sides, there would only be two feet times the total length more than what they would have with the six foot walks on one side. Mayor Hindman saw a huge difference in terms of benefit between the four and five foot sidewalks. He suggested five foot sidewalks on both sides of Rutherford from Wyndham to Bristol, and a five foot sidewalk on one side going into the at least three cul-de-sacs from Bristol Lake Drive west of Rutherford, on Rutherford west of Wyndham and Carlisle north of Billingsly. He felt that would increase the impervious surface some over what was on the plan, but it would reduce it quite a bit from the City standard. Mr. Loveless asked if Carlisle Court south of Billingsly Drive was one or two sided. Mr. Janku replied that it would be on both sides.

Mr. Ash stated that he would rather leave everything as is, but have the sidewalk on Gans. Mr. Hutton wondered why it was more important and noted there was no development on Gans and until it was improved, he did not think there would be any foot traffic on it. Mr. Ash did not think that was true because if the City bought the park, there would be people biking and walking along the road. He thought it was a dangerous unimproved road.

In regards to the internal sidewalks, Mr. Shy stated that what they wanted to do would

affect the numbers some, but they could live with it if that was the Council's pleasure.

Mr. Hutton asked for clarification. Mr. Boeckmann stated they would start from the concept that all of the streets had to have five foot sidewalks on both sides. Mayor Hindman made the motion that B171-05 be amended by having Section 4 read that the subdivider is granted a variance from the requirements of Section 25-48.1 of the Subdivision Regulations so that five foot sidewalks shall be required only on one side of Rutherford Drive west of Wyndham Drive, Carlisle Court north of Billingsly Drive and Bristol Lake Drive west of Rutherford Drive. The motion was seconded by Mr. Janku.

Mr. Loveless felt they had eliminated the opportunity to put cuts in the curb because of the sidewalks.

The motion, made by Mayor Hindman and seconded by Mr. Janku, was approved by voice vote with Mr. Loveless and Mr. Ash voting no.

Mr. Ash understood the argument about Gans Road not being an improved road yet, but thought it was important to have some type of pedestrian walkway. To give a waiver now, he thought would be a big mistake. Mr. Hutton commented that he was not in favor of a permanent waiver and asked if there was some way they could pay for it and then put it in at a later time. Mr. Janku agreed it was important and asked how long they could wait on the sidewalk under our current ordinance. Mr. Watkins replied they would have three years. In the interim, Mr. Janku felt the City might come up with the money to build the street. Mr. Ash asked if he understood that if we did not grant a variance, from the applicant's standpoint, it would mean they would have to build a sidewalk, but would have three years to do it. He asked what would happen if the road was not built at the end of three years. Mr. Janku thought they could come back for a variance.

Mr. Shy asked if it could be tied into the five acre parcel they had no plan for at this time, unless the road got built first. Because this was a PUD, there was something that could be done to require the developer to do this at some point in time. Mayor Hindman asked what he meant by tying it in. Mr. Shy explained that they could make it a part or at least declare when they were going to build the road or when it would be advisable to build the sidewalk when the other tract got developed for certain or when a certain number of lots were developed. He stated they were trying to buy time hoping the road got built so they could build the sidewalk. They were not trying to get out of building the sidewalk.

Mr. Ash thought it made sense to tie in the piece that went along Gans Road that was in the five acre tract and to wait until it got developed. He was a little uncomfortable about tying everything into that tract because he was fearful someone might avoid developing it versus trying to figure out how to build a sidewalk there.

Mr. Loveless commented that they had three years to build out and if at the end of that time, there was still no movement on the road, they could either build the sidewalk or come back to the Council with alternative arrangements. He suggested striking Section 3.

Mr. Ash made the motion that they amend B171-05 by striking Section 3 and renumbering the Sections accordingly. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Hutton asked staff for assurance that this plan met the letter and the spirit of the zoning ordinance. Mr. Glascock replied that it did meet the spirit of the zoning ordinance. He added that CH2M Hill was hired to review the documents, not to design the stormwater management plan. The last two comments were techniques they wanted to see used, but were not requirements of the ordinance. In regards to the one submittal about how the water quality volume was computed, staff felt like they had done that. Mr. Hutton understood staff had reviewed and re-reviewed the water quality volume and felt their calculations were correct. Mr. Glascock stated that was correct.

B171-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH.

VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B172-05 Approving the Final Plat of Miles Manor Block 3; authorizing a performance contract.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would create one R-3 zoned lot and that it met all subdivision regulations. There were four conditions placed on the approved preliminary plat. The first had been met with a 4.82 acre greenspace conservation easement shown on the final plat. The second condition had been met by showing a 20 foot wide pedestrian easement between the cul-de-sac and the MKT Parkway on the final plat. The third condition involved the property being done as a condominium development under the Uniform Condominium Act. Staff was unsure as to when the condominium documents would be filed. The fourth condition required that there be no more than 60 dwelling units constructed on the site. There was a note on the plat limiting the number of dwelling units to 60. The recommendation was to approve the proposed final plat, subject to a walkway being constructed within the pedestrian easement prior to any occupancy permits. The walkway should meet the standards set forth by the Parks and Recreation Department.

Mr. Loveless asked about the condominium documents and if they should also make it a condition that they be filed. Mr. Watkins replied that would be fine and that the occupancy permit could be used to enforce it.

Mayor Hindman asked if the tree ordinance would apply in this situation. Mr. Glascock replied that it would.

Mr. Ash made the motion that B172-05 be amended by adding a new Section stating no occupancy permit shall be issued until all condominium documents have been filed. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B172-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B185-05 Authorizing an agreement with First States Investors 5000A, LLC for lease of office space at 800 Cherry Street.

The bill was given second reading by the Clerk.

Mr. Beck explained the need for additional rental space in the downtown area due to current overcrowding in our Finance Department, particularly in the Annex, as well as the Public Works Department. Transition space would also be needed when we got to the point of actually working on the Daniel Boone Building. We are able to rent this space for \$9.00 per square foot, including utilities. The term of the lease was three years with two, one year extension options.

Mr. Janku asked if there would be a drive-thru at this location. Mr. Beck replied that we would not relocate that area until we got the remodeling work done. It would eventually be at the northwest corner of our building. Mr. Hutton understood the drive-thru would be installed in the old part of the building, where it was going to go permanently, so the building could be demolished. Mr. Beck replied that was correct. Mr. Hutton understood that would be in Phase 1 of the construction project.

B185-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B186-05 Authorizing an agreement with E L M Building Partnership for purchase of land along the south side of Locust Street between Tenth and Hitt Street.

The bill was given second reading by the Clerk.

Mr. Beck explained that the City purchased this property in 1995 when the City was in need of additional space. Dr. Miller had agreed to sell his parking lot for \$90,000 and now Dr. Miller wanted to buy back the lot and re-develop it. The property appraised at \$200,000, which Dr. Miller and his corporation agreed to pay. He noted that they had talked about assuring this would not be a permanent parking lot and that redevelopment would occur.

Mr. Boeckmann noted a paragraph in the agreement saying the buyer could not use his adjacent property for a parking lot for a period of three years. Mr. Janku asked about the property we sold him. Mr. Boeckmann replied there were no restrictions on it in the agreement.

Mayor Hindman stated the goal was to get some redevelopment downtown and he was very impressed with the buyer's statement being that he intended to buy it and put a multi-story, downtown type building on the property. He suggested considering a deed restriction requiring him to do that. Mr. Boeckmann interjected that we could say he had to build it within three years and if he did not, we would buy it back at the current price. Mayor Hindman thought we should also describe it as a multi-story, multi-use building. Mr. Boeckmann replied that if Dr. Miller was willing to put that provision in the agreement, we could certainly do that. If he was not, it would be a question of whether or not it would affect the value of the property.

Lynn Miller, 820 Happy Hollow Road, stated he would be comfortable with language saying a building would get built on the property in question. He felt, for \$200,000, one could not justify owning a parking lot and renting it in Columbia. His only question was the length of time that might be required. He pointed out that he had no actual building plans at this point, only basic schematics, because of the cost involved before even knowing if he was going to get the property. Instead of three years, he stated he would rather see five years because it would be a substantial project and he would hate to be limited by time on doing it properly.

Mayor Hindman asked if he would object to a clause basically saying it would be a multi-story downtown building. Dr. Miller stated he would not object at all. He thought the value of the land required it to be built lot line to line and go up more than two stories to make it financially feasible.

Mr. Janku made the motion that the contract language be amended to say the buyer agrees to construct a multi-story, downtown type building on the property within 5 years from closing. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Ash noted that he had asked Dr. Miller if there had been any kind of metrics to compare the revenue per meter for this lot to the historical average of revenue per meter for other City lots and asked if anyone had that information. Mr. Janku pointed out that there had been a major parking study done downtown that did just that. Those consultants were the people who recommended tearing down Glenn's old location and other such things. He stated that information was probably out of date. Mr. Ash agreed that the lot used to be underutilized until Mr. DeMarco built his multi-story building next to a parking garage that nobody could use because it was University only. When school was in session, it was pretty full. Dr. Miller indicated that he had talked with Mr. Koopmans of the Public Works Department, who stated a study was done last August. At that time, it showed substantial underutilization. Mr. Ash doubted it would have changed that drastically. Before discussing the sale of public property, Mr. Beck pointed out they made sure it was disposable and staff determined it was surplus to the City's needs. He noted that the parking needs were north of Broadway.

B186-05 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B187-05 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.

The bill was given second reading by the Clerk.

Mayor Hindman made the motion that B187-05 be tabled to the July 5, 2005 Council meeting. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B188-05 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.

The bill was given second reading by the Clerk.

Mayor Hindman made the motion that B188-05 be tabled to the July 5, 2005 Council meeting. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

CONSENT AGENDA

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

B173-05 Approving the Final Plat of The Crossing - EPC; authorizing a performance contract.

B174-05 Approving the Final Plat of Woodland Springs Plat 4.

B175-05 Vacating a sewer and utility easement in Club Woodrail; accepting a conveyance for utility purposes.

B176-05 Vacating a sewer easement in Smithton Ridge Subdivision.

B177-05 Vacating landscape easements in Norbury Hill Subdivision.

B179-05 Accepting conveyance; authorizing payment of differential costs for water main serving Thornbrook, Plat 13, Phase 1; approving the Engineer's Final Report.

B180-05 Accepting conveyances for utility purposes.

B182-05 Appropriating donated funds for construction of a waterfall at Stephens Lake Park.

B183-05 Appropriating donated funds for the purchase of supplies for the D.A.R.E. program.

B184-05 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for the Lead Agency Program; appropriating funds.

R119-05 Setting a public hearing: voluntary annexation of property located on the southwest corner of State Route K and South Nursery Road.

R120-05 Setting a public hearing: construction of sanitary sewers in Sewer District No. 148 (South Garth Avenue).

R121-05 Authorizing an agreement with the Missouri Department of Health and Senior Services for Core Public Health Functions.

R122-05 Authorizing an agreement with The Curators of the University of Missouri for police assistance.

- R123-05** **Authorizing a supplemental agreement with the Missouri Highways and Transportation Commission relating to construction of sidewalk improvements along the north side of Business Loop 70.**
- R124-05** **Accepting an emergency shelter grant program contract with the State of Missouri Family Support Division; authorizing agreements with various human service agencies.**
- R125-05** **Authorizing an agreement with Ragtag Programming for Film and Media Art for a human rights enhancement program.**
- R126-05** **Authorizing agreements relating to the youth mentoring partnership program.**
- R127-05** **Extending CDBG agreements with Boone County Group Homes and Family Support and Independent Living Center of Mid-Missouri.**
- R128-05** **Authorizing a CDBG and HOME programmatic agreement with the Missouri Department of natural Resources and Advisory Council on Historic Preservation.**
- R129-05** **Authorizing a letter of commitment of HOME funding for the Bethel Ridge housing development for senior citizens.**

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

Mayor Hindman pointed out that included in the Consent Agenda was the acceptance of a \$50,000 gift from the estate of Russ and Mary Nall for a waterfall at Stephens Lake Park.

NEW BUSINESS

- R130-05** **Authorizing the Memorial Day Weekend - Salute to Veterans Corporation to conduct an air show at the Columbia Regional Airport.**

The resolution was read by the Clerk.

Mr. Beck explained the Salute to Veterans Group understood that any court proceedings that would change this would mean an adjustment. He noted that approval was needed now because the Department of Defense and the FAA required early notice.

The vote on R130-05 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

- R131-05** **Authorizing an agreement with the Health Adventure Center, Inc.**

The resolution was read by the Clerk.

Mr. Beck noted that a portion of last year's budget message discussed the need to be supportive of the incubator, economic development and a tourism type facility in the City. He stated that the City spent money specifically earmarked for that purpose on the incubator and thought the City should now support the Health Adventure Center in their requested amount of \$100,000 for renovation work and exhibits. It would be funded from a previously appropriated \$35,000, which was left over in the Health Adventure accounts. The remaining \$65,000 would come from capital improvement contingency fund.

The vote on R131-05 was recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Resolution

declared adopted, reading as follows:

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

- B189-05** Voluntary annexation of property located on the northeast side of Strawn Road (State Route ZZ), north of West Worley Street; establishing permanent R-1 zoning.
- B190-05** Voluntary annexation of property located on the east side of Wyatt Lane, north of Thompson Road; establishing permanent R-1 zoning.
- B191-05** Voluntary annexation of property located on the north side of Prairie Lane, east of Creasy Springs Road; establishing permanent R-1 zoning.
- B192-05** Approving the Woodland Springs Lot 101A C-P development plan.
- B193-05** Approving the Woodland Springs Lot 104 C-P development plan.
- B194-05** Approving the Eastport Center (Lot 10) C-P development plan.
- B195-05** Approving the Phoenix View PUD site plan.
- B196-05** Approving the Seasons Brook Estates Planned Unit Development.
- B197-05** Approving the Final Plat of Commerce Bank Plat 1; granting a variance to the Subdivision Regulations; authorizing a performance contract.
- B198-05** Approving the Final Plat of Providence Court Plat 1; authorizing a performance contract.
- B199-05** Approving the Final Plat of Maryland Heights Subdivision; authorizing a performance contract.
- B200-05** Approving the Final Plat of Heritage Woods, Plat No. 1; authorizing a performance contract.
- B201-05** Amending Chapter 6 of the City Code relating to adoption of the 2003 International Building Code.
- B202-05** Amending Chapter 6 of the City Code relating to adoption of the 2003 International Code Council Electrical Code Administrative Provisions.
- B203-05** Amending Chapter 6 of the City Code relating to adoption of the 2003 International Plumbing Code.
- B204-05** Amending Chapter 6 of the City Code relating to adoption of the 2003 International Mechanical Code.
- B205-05** Amending Chapter 6 of the City Code relating to adoption of the 2003 International Residential Code for One and Two Family Dwellings.
- B206-05** Amending Chapter 6 of the City Code relating to adoption of the 2003 International Property Maintenance Code.
- B207-05** Amending Chapter 6 of the City Code relating to adoption of the 2003 International Fuel Gas Code.
- B208-05** Amending Chapter 6 of the City Code relating to adoption of the 2003 International Existing Building Code.
- B209-05** Amending Chapter 9 of the City Code relating to adoption of the 2003

International Fire Code.

- B210-05** **Amending Chapter 14 of the City Code to prohibit parking along a section of Southridge Drive.**
- B211-05** **Appropriating funds to allow for fiber optic connection to the Eighth and Cherry parking garage.**
- B212-05** **Confirming the contract with Andritz-Ruthner, Inc. for replacement of two centrifuges at the Columbia Regional Wastewater Treatment Facility.**
- B213-05** **Accepting conveyances for utility purposes.**
- B214-05** **Accepting and appropriating grant funds for the purchase of computer hardware equipment for the Police Department.**
- B215-05** **Amending Chapter 5 of the City Code relating to animals and fowl.**
- B216-05** **Amending Chapter 2 of the City Code to change the name of the Finance Advisory Committee.**

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Street closure request.

Mr. Janku made the motion that the request be approved as written. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

(C) Parks & Recreation Master Plan Update - Neighborhood Parks and Trails.

Mayor Hindman made the motion that the report be forwarded to the Parks and Recreation Commission. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(D) Columbia Cosmopolitan Luncheon Club Donation.

Mr. Beck explained their proposal to be a donation of \$50,000 over a four year period to fund a number of amenities to a new indoor shelter at Stephens Lake Park.

Mr. Janku noted there was no hard surface court in the Master Plan for Stephens Lake. He was wondering about a small basketball court since the indoor shelter would be home to the summer day camp program.

Mayor Hindman made the motion that the donation be accepted with the conditions outlined in the report. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(E) Central Columbia Programs/Activities.

Ms. Crayton made the motion that staff be directed to proceed per staff recommendation. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Loveless asked if they needed a motion for finding the money for the program. Mayor Hindman thought the motion included appropriating the additional funds. Mr. Ash had no problem with doing it this year, but stated he wanted to discuss it further before doing it for 2006 as well. He felt they were underestimating the cost benefit. He did not think some of

the problems going on could be simply solved by opening up the Armory seven Saturdays. The City was doing something, which he thought was admirable, but he did not want to sign on for next year without first seeing how this year went. Mayor Hindman noted it would be a budget item. Mr. Hutton stated they could not appropriate money now for next year. Mr. Janku did not think they were mandating that it be in next year's budget. He thought they were including funds from the Council's contingency fund for this year.

Mr. Hood explained that the proposal they outlined would do a program this year for seven Saturday nights for an estimated cost of \$3,000. The suggestion was that if Council directed, they could implement that program immediately, maybe as quickly as this coming Saturday. If the Council wanted to consider the program for 2006, they would develop a more detailed proposal that could be considered during the budget process.

(F) Street closure request.

Mr. Janku made the motion that the request be granted as written. 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 Commissions.

CULTURAL AFFAIRS STANDING COMMITTEE ON PUBLIC ART

Scroggs, Stuart S., 1008 Maplewood, Ward 4 - term to expire 7/1/08

DISABILITIES COMMISSION

Fields, Hazel, 1201 Paquin, Ward 1 - term to expire 6/15/08

Page, Homer L., 1700 Forum, Ward 5 - term to expire 6/15/08

Welliver, Christy M., 184 W. Green Meadows, Ward 5 - term to expire 6/15/08

INTERNET CITIZENS ADVISORY GROUP

Sheltnire, Steve, 1908 Tremont Ct., Ward 4 - term to expire 10/15/06

LIBRARY BOARD

McDonald, David G., 101 Parkway, Ward 4 - term to expire 6/30/08

Sievert, Mary Ellen C., 300 Edgewood, Ward 4 - term to expire 6/30/08

Webber, David J., 302 Edgewood, Ward 4 - term to expire 6/30/08

RAILROAD ADVISORY BOARD

Asche, Todd R., 2800 Post Oak, Ward 5 - term to expire 7/15/09

Wulff, Harry, 605 Rockhill, Ward 6 - term to expire 7/15/09

WATER & LIGHT ADVISORY BOARD

Roper, Robert L., 3400-3 Woodrail Terrace, Ward 5 - term to expire 6/30/09

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Hutton asked for an update on the light ordinance. Mr. Watkins stated the Planning and Zoning Commission was working on it.

Mr. Loveless mentioned a technique used by a local government called the reverse auction. Rather than taking sealed bids and accepting the low bid, they would open them and everyone had a chance to look at them and then lower their own bid. He noted that they saved a considerable amount of money. He suggested that Ms. Fleming look into it.

Mr. Loveless noted a for sale sign on the west edge of the new Russell Park, south of Rollins. He asked staff to investigate which property was for sale and whether it would present an opportunity to fill out a boundary on our parkland.

In regards to earlier comments and the London Drive property, Mr. Loveless stated he was still unclear as to what was actually going on there. Mr. Glascock explained that the owner determined he was relandscaping his house, so he removed all vegetation from it. He noted the City did not have an ordinance for landscaping once a house was in place. They had been to the property and had given him violation notices to get the stagnant water removed and to get the weeds cut. He complied with those two and now they were trying to get some type of ordinance, whether it be in the property maintenance code area or nuisance ordinance, in place to remedy this type of situation. Mr. Janku pointed out that Mr. Boeckmann was going to be working on an ordinance with the Health Department to address these types of issues.

Regarding the nuisance property task force, Mr. Ash asked if Mayor Hindman was any closer to making appointments. Mayor Hindman replied that he had a list and had called several people. He was hopeful to get some Ward 1 members. Mr. Ash suggested setting a deadline so they could move forward. Mayor Hindman agreed it needed to move along and thought it would be taken care of in a short period of time. Mr. Janku noted that Springfield just passed such an ordinance and suggested staff obtain a copy.

Mr. Ash noted a typo in the staff report on B191-05. It stated the Commission recommended denial in the Executive Summary, when they, in fact, recommended approval.

Mr. Ash remembered the Mayor mentioning coming up with the transition where all future annexations and up zonings would have to be planned. He asked what happened to the suggestion. Mayor Hindman thought he had asked staff to comment on it and that a report would be coming their way.

Mr. Ash reiterated his request for a contrast comparison of what had changed from the original version of the Sapp/Route WW request versus the new version and why.

Mr. Ash understood they would be getting more information on the building code changes.

Ms. Crayton commented on the London Drive situation and was hopeful something could be done about it soon.

Mr. Janku noted a sidewalk gap on Garth, just south of Oak Towers, where they might want to use First Ward sidewalk money. It was on the east side and would connect to the sidewalk further south.

Mr. Janku stated they apparently got a report regarding connectivity of adjacent commercial lots a long time ago and never did anything about it. He asked if the report could be dusted off or if a new report could be generated. He felt the issue needed to be addressed.

Mr. Janku made a motion that they receive a copy of the previous connectivity report or, if not available, a new report on the issue. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku commented on the shelters at Stephens Lake Park being named as they

were. He thought it would be nice if the Oakland Park shelters, named one, two and three, had a nice name recognizing someone or some place that was historical.

Mr. Janku made the motion that staff be directed to report back on the naming of the shelters at Oakland Park. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman made the motion that the City Council adjourn to a closed session at 6:00 p.m. on Wednesday, June 22, 2005 in the fourth floor conference room of the Daniel Boone Building to discuss pending litigation, the purchase of real estate and personnel matters and that the meeting be closed in accordance with the authority of Section 610.021 (1), (2) and (3) of the Revised Statutes of Missouri (RSMo). The motion was seconded by Mr. Janku with the vote recorded as follows: VOTING YES: HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER, ASH. VOTING NO: NO ONE. Motion passed.

The meeting adjourned at 12:02 a.m.

Respectfully submitted,

Sheela Amin
City Clerk