

year for all mobile home parks in Columbia. She explained this request had also been presented to the Boone County Commission. She felt it was best to find violations and enforce compliance as the violations were found instead of being overwhelmed with multiple violations when exposed. She thanked the Council for consideration of these two requests.

PUBLIC HEARINGS

B329-11 Authorizing Change Order No. 1 and Change Order No. 2 to the contract with JC Industries, Inc. for construction of sidewalk improvements along the south side of Broadway, from Eighth Street to Ninth Street; accepting the work on the Broadway Sidewalk Reconstruction Project; approving the report of the Director of Public Works; levying and assessing special assessments; appropriating funds.

The bill was given third reading by the Clerk.

Mr. Matthes provided a staff report and suggested Council pass this ordinance. He explained Mr. Fagan, who felt moisture in his basement had been caused by this project, could submit a claim through the City's Risk Management Division as there was disagreement between him and staff on that issue.

Mayor McDavid understood staff would report back to Council on Mr. Fagan's issue even if this project was closed out.

Mr. Schmidt commented that he had walked by when the work was being done and had seen the open vaults were filled with debris. As a layperson, he thought Mr. Fagan had a point and wanted to ensure the issue was resolved. His claim was that one vault was cleared out and filled in properly, but the other vault was not. He noted he could see the calcification from water seepage that had not been there when he had previously seen the apartments. He wanted to ensure this issue was not forgotten and was satisfied with the staff suggestion.

Mr. Kespohl stated he understood the vault was not filled in properly or had sunk due to water seepage. He noted he did not know whether it leaked before the sidewalk was installed, but felt the solution would be to not tax bill Mr. Fagan. He explained Mr. Fagan could use that \$6,000 to fix the problem himself, and if the cost was higher, he could go to Risk Management for the remainder of the money. He noted he thought City staff should oversee the project, but not do the work itself, to ensure the only work done was work necessary to resolve the water seepage issue.

Mr. Schmidt asked if the bill could be amended so Mr. Fagan was not tax billed. Mr. Boeckmann replied he would recommend a settlement agreement if there was a dispute instead of just moving forward in this manner. He thought they could remove the portion of the tax bill associated with Mr. Fagan's property and try to work out a settlement agreement. If that could not be accomplished, a separate ordinance imposing the tax bill for that property could be brought forward in the future. Mr. Kespohl believed that approach should be taken.

Mr. Schmidt asked if staff had any further comments. Mr. Glascock referred to specific vaults and explained there were voids under the concrete slab that looked exactly like the picture. They were not dug out. Two voids were fixed. He explained the purpose of the project was to put the sidewalk back, not to dig them out.

Mayor McDavid understood the suggestion was to not tax bill Mr. Fagan's property pending resolution. Mr. Matthes explained staff would come back to Council with a settlement agreement.

Mr. Kespohl made a motion to amend B329-11 by removing parcel number 16-320-00-17-133.00 01, which had a special assessment of \$5,959.03 from the legislation. The motion was seconded by Mr. Schmidt and approved unanimously by voice vote.

Mayor McDavid opened the public hearing.

Tom Schneider, an attorney with offices at 11 N. Seventh Street, stated he was representing Arnie Fagan, and in light of the amendment and the City Manager's proposed procedure, he did not need to further address the Council at this time.

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

The vote on B329-11, as amended, was recorded as follows: VOTING YES: MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the north side of Bethel Drive, northeast of the intersection of Forum Boulevard and Old Plank Road.

Item A was read by the Clerk.

Mr. Matthes provided a staff report.

Mr. Kespohl asked if a church or school could be built on property zoned R-1. Mr. Teddy replied yes. Mr. Kespohl asked if the intention was to build a church or a house. Mr. Teddy replied he understood the desire of the church was to sell the property to an individual who would establish a daycare home. It would be a home that would operate a business of caring for children within the home and was permitted in the R-1 district with a limitation on the number of children that could be cared for. Mr. Kespohl asked for the limitation. Mr. Teddy replied the limit was for ten children all day and an additional three children part-time.

Mr. Schmidt understood they would be close to creating an island of an unincorporated area inside the City. Mr. Teddy agreed it would stand out because all of the neighboring lots within the subdivision were unincorporated, but the City limit was just to the north and adjacent to a street that would be extended from the City.

Mayor McDavid opened the public hearing.

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

OLD BUSINESS

B357-11 Authorizing an agreement with the Dudley Kent Roth Revocable Living Trust relating to the acquisition of easements for a sewer extension project on property located at 5310 I-70 Drive Southeast; authorizing the acquisition of easements for the sewer extension project.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

B357-11 was given third reading with the vote recorded as follows: VOTING YES: MCDAVID, SCHMIDT, THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B365-11 Amending Chapter 12 of the City Code as it relates to discrimination based on age.

The bill was given second reading by the Clerk.