

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
FEBRUARY 20, 2006**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, February 20, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN and CRAYTON 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 February 6, 2006, were approved unanimously by voice vote on a motion by Mr. Hutton and a second by Mr. Janku.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Ash noted that B87-06 would be added to the agenda under Introduction and First Reading. Mr. Watkins explained that was the Final Plat of the Fairview Marketplace. The agenda, as amended, including the Consent Agenda, was approved unanimously by voice vote on a motion by Mr. Ash and seconded by Mr. Hutton.

SPECIAL ITEMS

(A) Recognition of Hugo Vianello, 2006 Lifetime Achievement in the Arts Award.

Mayor Hindman noted Hugo Vianello was very active in the Columbia art community. He was the founder and director of the Missouri Symphony Society, served on the City's Cultural Affairs Commission, and recognized everywhere for his great talent as a maestro. Mayor Hindman felt everyone was in debt to him for his works to save the Missouri Theatre. He explained Mr. Vianello recently received the rarely bestowed honor of the Lifetime Achievement Award from the Missouri Arts Council, which was presented at the Missouri Capitol.

Mr. Vianello thanked the citizens and leadership of Columbia for this recognition and all of the support provided over the years.

R47-06 Accepting a Segway Transporter donated by the Columbia Police Foundation and Segway of Mid-Missouri to be used by the Police Department.

The resolution was read by the Clerk.

Chief Boehm explained this resolution would allow them to accept the gift of a Segway. He introduced Officer Kathy Dodd, who demonstrated its use, and stated she spent most of her time in the downtown. The Segway would allow her to be very mobile and move quickly and they felt it would be a great asset for the Columbia Police Department. He noted this was also a great community policing tool because it allowed people to interact with them in a non-confrontational way. Chief Boehm thanked the Columbia Police Foundation, Jim

and Billie Silvey, co-chairs of the Foundation, and Jay Lindner, an officer of Segway of Mid-Missouri, for their donations.

The vote on R47-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B490-05 Authorizing Change Order No. Two; approving the Engineer's Final Report; levying special assessments for the Sunflower Street improvement project; appropriating funds.

The bill was read by the Clerk.

Mr. Watkins explained this item would levy special assessments for the Sunflower Street project and stated it was tabled at the January 3, 2006 Council meeting. Approximately five percent of the total project, if all of the tax bills were assessed, would come from tax bills and the balance would come from the 1995 Capital Improvement Sales Tax. The total cost of the project was approximately \$1,065,000. The amendment before Council would bring this assessment into line with a policy the Council recently approved, whereby the interest rate would be lowered from nine percent to seven percent.

Mr. Janku made a motion to amend B490-05 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

Dave Denton, a realtor with offices at 3908 S. Providence Road, felt the time it had taken for the assessment to come about was excessive and thought the Council should consider putting a time limit on time it took to assess a tax bill. He explained he sold the property located at 2616 Sunflower Street in 2002 after the work was done, the sidewalk was in and the street was widened. The sellers had received a letter stating they would be taxed billed, but that never came. The property was sold again in 2004 and 2005 and the current owner was now receiving the tax bill. The title company stated they could not be asked to find something that had not been filed. He asked that the Council waive anything that had not been billed in six to twelve months. He felt it was unfair to expect someone to pay for an improvement they thought they had gotten when they bought the property.

Skip Walther, an attorney with offices at 700 Cherry, stated he represented Kale Development, LLC, the owner of the northeast corner of the tract west of Sunflower Street. It bordered Route E on the north and Sunflower Street on the east and his client owned approximately 1000 feet of frontage on Sunflower Street. The preliminary plat showed all of the yards along Sunflower Street as rear yards. The primary problem they were experiencing was a water line that was laid in 2001 at the same time the street was built. In regards to the topography of his client's property, he noted the land rose dramatically from the street and then flattened out. It was probably six or seven feet high, going straight up. Under current Water & Light regulations, they only needed to bury the water line four feet deep within the easement, which was what they did, but that put the water line at about grade with the top of

the curb. He stated his client filed a preliminary plat and planned to build a road out to Sunflower Street from the R-1 subdivision he was building. That street would encounter the water line and it would need to be buried. He noted the property was south of the rock quarry and there was a lot of rock in this area. He stated they would not be able to put driveways to Sunflower Street without encountering the same problem and it would be a substantial expense for his client to build the street and bury the water line that was just installed five years ago. He commented that the sidewalk had to be seven feet off of the street and the water line was nine feet from the curb. That would put the water line directly under the sidewalk they would be obligated to build under current ordinances. Unless they received a waiver from the sidewalk requirement, they would have to bury 1000 feet of water line through rock. They did not see this street as a benefit given the utilities that were there and the way they configured the subdivision and felt his client's property should not be tax billed.

Mr. Hutton asked if the water line was relocated or moved when the street was built. Mr. Walther replied it was.

Mr. Janku asked how big his client's subdivision was. Mr. Walther replied he did not know the number of house, but felt it was a fairly large subdivision. Mr. Janku asked about the amount of the tax bill. Mr. Walther replied it was \$5,250. Mayor Hindman asked if that was until it was developed. Mr. Watkins explained it was capped.

Jean Pfeifer-Nicklas, 2112 Sunflower, stated they purchased their home in 1997 and the plans had been developed, but they were not aware of those plans until after they moved into the residence. She stated their home was on the top of the hill and when the street was lowered, it was lowered 5-6 feet, which left them with a 2 ½ foot high retaining wall running the length of the property at the front of the property. She stated the wall was very unattractive and she did not allow her children to play in the yard because there was nothing to keep them from falling two feet on to the concrete. Their driveway had to be sloped to adjust to the street and was now very steep. She stated they could not ride a bike or play ball on it. Their neighbor's driveway was so steep they had to put stairs next to it because it was too steep to walk up it. They replaced all but four feet of the driveway and the driveway they did replace was done in two days leaving their driveway with three different colors. They lost the ornamental trees on their side of the street and lost the shade trees on the other side of the street. The City replaced some trees, but put them on a corner where there were already trees. They did not replace the trees where they were lost and their property went from being tree covered and shady to being in direct sunlight all afternoon. She stated the special assessment was to pay for increased property values and increased usage. She felt they lost usage of their yard and did not believe their property value was increased because they would not buy a piece of property that looked like this. She requested that they not have pay more than they already had.

Tony Lupo, 2312 Sunflower, stated it had taken 5 ½ years to receive the tax bill and many who voted for it were now gone. They had higher cooling bills in the summer and runoff in the yard was causing puddles and erosion. He stated he was not convinced it was a benefit.

Mr. Loveless asked if he lived on the street before the improvements were made. Mr. Lupo replied yes and stated he had lived there since 1998.

Rick Kitchen, 1650 W. Highpoint Lane, stated he owned a duplex at the end of Sunflower Street at 2604 and 2606. He explained he owned the duplex prior to the renovation and was not in favor of the improvements. He stated his property value or rent had not gone up due to the street development. He felt the improvements took place so new developers could come in and develop the property. He asked his tenants, who also indicated they did not feel it was an improvement.

Lillie Gardner, 2307 Sunflower, stated she had been there prior to the improvements and liked it better before they were made because she felt it was a racetrack. She asked about the speed check. Mr. Janku replied they issued a report and were making some recommendations. He thought, depending on Council's decision, the Public Works would work with the neighbors. He stated they did a study and the speeds were higher than they should be. They could do traffic calming, but staff would have to explain that to the neighbors. Ms. Gardner stated she was also concerned about the lapse of time in receiving the tax bill. She understood it came down from nine percent to seven percent and asked about the time period. She noted the time period in the letter was 60 days with no interest. Mayor Hindman replied they had ten years. Ms. Gardner understood it was ten years at seven percent interest. She asked about the \$10.50. Mr. Hutton replied it was per running frontage. Ms. Gardner felt the interest rate was still high and thought they should not be taxed since they had to wait so long for the tax bill.

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

Mr. Janku asked about lot relief in regards to the property being developed. Mr. Glascock replied at the time this was done, it was a large land tract and was not platted. Mr. Janku understood it did not qualify for the through lot relief. Mayor Hindman pointed out if it had been done lot by lot, they would not have the \$5,000 cap either. He was probably getting more than that relief in this instance.

Mr. Hutton understood the water line would be at ground level once the hill side was cut down. He thought that was partially the City's fault. Mr. Dasho stated the water line easement was on private right-of-way and placed with four feet of cover on it. There was no design to show what the end result was going to look like, so the water line was placed four feet down like it usually was. Now, the developer wanted to change that by taking the top off, which would create a problem. Mr. Hutton stated he did not agree with that argument and thought they should have known it would be shaved down. Mr. Dasho commented that if they knew it was going to be shaved down, they would have placed it differently. If they had placed it deep enough to accommodate a shaved off road, they would have placed it eight feet deep, which was a lot deeper than they would normally go, and they would have had to count on someone coming in and changing the topography of the site to put it in a more accessible position.

Mr. Janku asked if the setback for the sidewalk could be adjusted. Mayor Hindman asked if the sidewalk had been built. Mr. Janku did not think it had not been built on the west side since it was vacant. He asked if Sunflower was a street with restricted access. Mr. Glascock replied it was a neighborhood collector. On the west side there was a 25 foot half-width and the streets had 38 feet, so there was about six foot left to the right-a-way line from

the back of the curb. Mr. Janku asked about the restriction in terms of driveway access. Mr. Glascock replied it was not restricted.

Mr. Janku stated staff developed a list of people who purchased the property after the work was completed. Arguably, they paid for the increase when they purchased the property.

Mr. Janku made the motion to amend B490-05, as amended, to exclude the 12-13 properties with tax bills totaling \$12,070.80 from being tax billed.

Mayor Hindman asked if the 12-13 were ones that have been sold since then. Mr. Janku replied they bought the property after the improvements were made, so if there was an increase in value to the property, they would have paid for that when they purchased the property because the owner would have been recovering that value.

Mayor Hindman understood most real estate contracts provided that the seller represent there were no known assessments. He wondered whether there were some contract rights and assignments there. He thought they had point about the equities, but he was trying to look at it from the City's perspective as well. Mr. Janku stated that there might be some sort of assignment, but he did not believe they would want to pursue it. Mayor Hindman stated he felt the City had a significant amount of fault for not going after the tax bill sooner.

Mr. Hutton seconded Mr. Janku's motion.

Mr. Ash agreed they should not have waited so long, but did not believe that everyone should have their tax bill waived. He agreed with waiving it for the 12-13.

The motion to amend B490-05, as amended, by waiving tax bills totaling \$12,070.80 for the 13 properties identified by staff as being purchased after the work was completed, made by Mr. Janku and seconded by Mr. Hutton, was approved unanimously by voice vote.

Mr. Janku stated he would make a motion at the end of the meeting in regards to traffic calming. He was hopeful the City's Tree Power Program, which would provide free shade trees for reducing electric bills in the summer would address the tree issue. He stated he would also bring that up at the end of the meeting. He did not know how they would address the water line issue.

Mr. Janku noted there were 4-5 properties with retaining walls a couple of feet high. He understood that could impact normal enjoyment of the property. He wondered if they could reduce the tax bills by 50 percent for the four houses and one duplex with the retaining walls as a result of the street improvement. Mr. Janku stated he knew the street numbers, but not the lot numbers for those properties. Mr. Hutton thought it was legitimate that the street was an improvement, but there were also things done that were not an improvement. He noted at some point, there was a problem regarding where they drew the line. Mr. Ash stated the prior approval seemed a little more contained, but this seemed a little more open ended and subject to interpretation. Mr. Hutton felt it came back to their ability to tax bill. They were saying they were improving these properties, and therefore, they should be tax billed to a portion of the costs of the street. He thought they could legitimately look at certain projects and say they had a new street, but there was something else that came along with it that was not necessarily a good thing. Mr. Loveless pointed out it would not be a significant financial impact on the City to reduce the tax bill by half on 4-5 properties, but felt they did

need to identify the lots in order to amend the ordinance. Mr. Boeckmann agreed. Mr. Loveless suggested tabling this until they could identify the lots.

Mr. Janku made the motion to table B490-05, as amended, to the March 6, 2006 Council meeting with the understanding that staff would identify those 4-5 lots. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B437-05 Voluntary annexation of property located on the east side of Howard Orchard Road, north of State Route KK; establishing permanent R-1 zoning.

The bill was read by the Clerk.

Mayor Hindman noted there was a request to table this item. He asked if anyone was present to discuss this matter. No one came forward.

Mr. Hutton made the motion to table B437-05 to the March 20, 2006 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B15-06 Voluntary annexation of property located on the west side of Lake of the Woods Road, south of Evergreen Acres Subdivision (2331 Lake of the Woods Road); establishing permanent R-1 zoning.

The bill was read by the Clerk.

Mr. Watkins explained this was tabled at the previous meeting with an indication to staff that they work out Rice Road being extended. He thought there was a counter proposal from the applicant's engineer in regards to the Rice Road extension.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering, 2608 N. Stadium Boulevard, stated he discussed the possibility of extending Rice Road from the current proposed limits of residential development all the way to Lake of the Woods Road with his client, the current owner of the property, after the last Council meeting. Mr. Johnston and his wife currently lived on the property and were preparing for retirement. They did not want to sell their home at this time nor did they want Rice Road immediately behind their house. The understood this extension would happen in the future and needed to be there. Mr. Crockett explained they were proposing to extend Rice Road to the limits of the residential development. They would design and grade the connection to Redwing Drive, which would assure all associated drainage would be taken care of properly and the construction of the small piece of street going from Rice Road to the north of Redwing could be done in the future without any hindrance to the existing homes built at the time. His client would escrow the amount of money it would take to pave that street at a later date. That would not allow cut through traffic on Redwing Drive. In order to discourage cut through traffic, they would put a landscape berm at the end of the existing pavement. He provided this proposal by letter to the City and Mr. Wiechert, the developer of Evergreen Subdivision and a resident of the subdivision. He asked Mr. Wiechert to distribute the letter to the residents and to find out how they felt about the proposal. Mr. Wiechert indicated the residents felt it was somewhat suitable to their needs with regards to deterring the Redwing cut through. Mr. Crockett stated he thought this was a unique situation and a good compromise.

Mr. Ash asked what kind of flexibility there was in regards Rice Road. He wondered if it had to go in a straight line or if it could be tilted up to the north and come more on the back

part of their property. Mr. Crockett replied it could tilt a little bit and go north, but there were some sight distance issues on Lake of the Woods Road. In addition, the extension of Rice Road would be costly, so when that was done, there would need to be some compensation for the current property owner. They were proposing, on the preliminary plat, to extend it. This would allow residential lots to be on the north side of Rice Road that backed up to the existing residential lots. If they went north of that, it would leave a large strip that would be undeveloped and not very lucrative for someone to come and extend Rice Road in the future.

Doug Geppert, 5803 Redwing Drive, felt the proposal did work in taking traffic off of Redwing, but it placed more traffic on to Kelsey. If they took Rice Road through to Lake of the Woods, it would make a nice travel route for construction to the new home sites and it would alleviate traffic off of Kelsey.

James Plotts, 5701 Kelsey, stated they moved there about a year ago and have noticed an increased amount of traffic going faster and faster. He was concerned that Kelsey would pick up the extra traffic. He did not feel that was good for the kids on Kelsey. He asked the Council to consider the traffic and if they did decide to pass it, he also asked that they consider placing speed bumps on Kelsey.

Bob Cowles, 5704 Redwing Drive, stated the engineer's proposal resolved the issue of cut through traffic on Redwing, but would exacerbate the situation for those on Kelsey Drive. He felt the development, without the extension of Rice Road, did not make sense and asked the Council to consider this carefully.

Ronald Anderson, 5703 Redwing Drive, understood they wanted to restrict traffic on Redwing and agreed with that. He felt the most important thing was to look at the traffic problem on Kelsey and that area in general to assure that they did not create additional problems by not completing Rice Road through to Lake of the Woods.

Orville Wiechert, 5800 Redwing Drive, stated he was the developer of Evergreen Acres Subdivision and noted he had no problem with the people to the south developing their property, but asked that they take care of the traffic they would generate. He was opposed to Redwing Drive being used as a collector street. He asked that they require Rice Road to be completed from the present eastern terminus of Rice Road to Lake of the Woods Road or to permanently block the south terminus of Redwing Drive, which would prevent any traffic from cutting through on Redwing.

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

Mr. Hutton asked if this would be the time to block Redwing or if that would need to be done at plat approval. Mr. Boeckmann replied that since plats were administrative and they did not have a whole lot of discretion, he thought this was the appropriate place to bring it up.

Mr. Hutton understood it would be as simple as making an amendment that would state Redwing would be blocked in some manner that met the approval of the City until such time as Rice Road was completed through to Lake of the Woods. Mr. Boeckmann replied that was true, although the City would always have the ability not to put a street through or to block it off in whatever manner it saw fit as long as everyone had access to a street.

Mr. Hutton commented that he wanted to protect the Redwing neighborhood as best as he could if this was going to pass. He asked if it would not make more sense to build the street and put up a gate like they were going to do at Waterfront. Mr. Glascock replied the

problem with doing that was that it became an obstacle and if someone turned into it and it was not properly signed or taken care of, there would be a question of fault.

Mr. Hutton made the motion to amend B15-06 by including language that would allow Redwing to be blocked similar to what was described in the engineer's letter. The motion was seconded by Mr. Loveless. Mr. Boeckmann noted specific wording would need to be provided.

Mr. Hutton clarified the wording for the amendment could read that the annexation and zoning were subject to the conditions that Redwing Drive would be designed and approved by the City during the regular design process, the right-of-way for the connection would be granted by the final plat, during construction the contractor would grade the connection to Redwing Drive to assure that proper drainage as well as future construction of the street could be done without disturbing property outside the right-of-way, the developer would not pave the actual street from the end of existing Redwing Drive to the proposed Rice Road, and instead of paving, the developer would escrow funds necessary to make this connection in the future. Mr. Loveless agreed with the clarification on the motion.

The motion to amend B15-06, made by Mr. Hutton and seconded by Mr. Loveless, was approved unanimously by voice vote.

Mr. Hutton stated they would be solving the problem of cut through traffic on Redwing, but they would be adding the 80-100 lots in the first phase or two of this development on to the Kelsey connection to Lake of the Woods, which he felt was not good. They would also be creating a cul-de-sac at Rice Road because there would be no connecting streets from Shamrock. In addition, he felt this was their one chance to get it done. If they approved this and allowed them to phase the project in, there was no incentive for Rice Road to ever go through. All of the residential lots would be sold.

Ms. Nauser noted they tabled a similar situation earlier in regards to a problem with the road and the access taking traffic from one subdivision and dumping it into another. She did not understand why anyone's home on Redwing was more important than someone on Kelsey. If this were to pass, they would solve the problem at Redwing, but they would have given it all to the people on Kelsey. She felt they really needed to look at ways to solve road issues in regards to dumping traffic from one subdivision through another. She agreed that Rice Road needed to go through. She understood the owners did not want to part with their land because wanted it as a retirement home, but from a City perspective Rice Road was important to the community and needed to go through.

Mr. Ash stated he thought they would have a better argument if they did not own all of the property. If it was outside of their control, he could let something like this go, but he felt they wanted to hang on to this little bit because they did not want all of the traffic running at the back of our house. He was sure the other people did not want it running by their house either. He did not feel that was fair.

The vote on B15-06, as amended, was recorded as follows: VOTING YES: NO ONE. VOTING NO: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. Bill declared defeated.

B33-06 Voluntary annexation of property located on the east side of Rustic Road, approximately 375 feet south of East Broadway/State Route WW (720 Rustic Road); establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was the voluntary annexation of zoning of about five acres near Rustic Road and State Route WW. The Planning & Zoning Commission voted unanimously to recommend approval to Council of the R-1 as permanent zoning. This was equivalent zoning to the existing County zoning. The Parks & Recreation Commission noted they did not see any potential adverse impact of this annexation and zoning.

Mayor Hindman opened the public hearing.

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

The vote on B33-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: CRAYTON. (Ms. Crayton stepped out during the discussion for B33-06 and did not return until after the official vote was taken.) Bill declared enacted, reading as follows:

B34-06 Rezoning property located 225 feet north of the intersection of Orr Street and East Walnut Street (104 Orr Street) from M-1 to C-2

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposed rezoning that would extend C-2, which was the downtown zoning and the classification north from its existing boundary. The subject property was improved, but presently not in use, and was zoned M-1, which was a manufacturing zoning. The Columbia Metro 2020 plan envisioned the area as part of the City center, which would be roughly consistent with C-2 zoning. The Planning & Zoning Commission recommended approval of the proposed rezoning. The current property was a former roofing company and the proposed re-use would be for offices and artist workshops. It had strong support from the Special Business District.

Mr. Teddy noted there were ten individuals at the Planning & Zoning meeting that expressed support for C-2 zoning

Mayor Hindman opened the public hearing.

Marjorie Lewis, an attorney with offices at 601 E. Broadway, Suite 203, stated she was representing the applicant, Havet, LLC. She noted that when Watkins Roofing put their property up for sale, Mark Timberlake, a member of Havet, LLC, saw it as an opportunity to improve downtown Columbia. They wanted to take the industrial warehouses on Orr Street and convert them into a multi-use space, primarily as office spaces for artists and artisans to use as studio space.

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

Mr. Ash commented that since they were down zoning to a less intense use and because it was surrounded by other C-2 zoning, he agreed with the proposal.

The vote on B34-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B35-06 Rezoning four tracts of land located along College Avenue, on the north and south sides of Broadway from R-3 to C-2.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposed rezoning of approximately 12.2 acres on roughly the western part of the Stephens College campus. The area in question would be rezoned to C-2. The Columbia Metro 2020 plan envisioned the college property as part of the City center and the C-2 district zoning would be consistent. The Planning & Zoning Commission recommended approval and this had strong support from the Special Business District.

Mr. Teddy pointed out there was some recently rezoned C-2 that was contiguous to the site and there was a lot of C-2 west of this site, just off the map.

Mayor Hindman opened the public hearing.

Dan Simon, an attorney with offices at 203 Executive Building, stated he was representing Stephens College, who felt this was extremely important to the vitality of downtown Columbia and Stephens College itself. He felt C-2 zoning was appropriate and noted this was a part of downtown Columbia and a logical and reasonable extension of downtown Columbia. The Metro 2020 plan provided that the City Center include the campuses of Stephens College, Columbia College and the University of Missouri-Columbia. He felt modern day colleges could not exist in the zoning environment in which they were found and stated this zoning was essential in order to compete for students. He understood the Council preferred planned zoning and felt that might be appropriate for vacant tracts of land. He understood they might prefer watered down C-P zoning as opposed to C-2 zoning and thought that was exactly what they were bringing. He noted the City Counselor was of the opinion that the existing campus development plan for this property that was approved by the Council in July 2001 would continue to apply to this property. As long as these four tracts were owned by the College, new buildings and new facilities could not be built unless the existing development plan was modified or amended by the Council. There was already an overlay in existence. In addition, in this case, the plan would only show the existing buildings and improvements. He felt to require an expensive engineered plan would be an unnecessary.

Wendy Libby, President of Stephens College, 1200 E. Broadway, stated their enrollment was up 25 percent over the last two years and was up over 20 percent for the fall semester. She thought of this as good trouble. She explained that beginning with the fall semester, they would require a four year residency. She felt it would help students stay within the campus community, increase their chance of graduating within a reasonable time and the older students could be role models for the younger students. She noted the students living on campus would make the campus more vibrant and help the City become more vibrant, which was part of their strategic planning effort. She explained that they had to renovate Columbia and Wood Halls because they had no where to put the students. In addition, they did not have the money to do it themselves. She stated they would use an outside private developer, who would make use of historic tax credits to pay for the two buildings. Under the current zoning, they were unable to meet the setback and parking requirements. She pointed out the renovations would not be able to go forward without C-2

and they needed to move quickly in order to have the buildings open for the fall 2007 semester. She explained the activities in the other three quadrants, the northwest, northeast and southeast, had relationships to commercial activities such as a bookstore, catering and dining. Their aim was to have the zoning be accurate.

Janae Jones, a senior at Stephens College, 1200 E. Broadway, stated they were in the middle of a rebirth and a return of past glory. After years of empty dorms, they were now experiencing dorms filled to capacity and needed more space to bring more students into Stephens and the community at large. The renovations of Columbia and Wood Halls would allow for Stephens College to take that next step. Those halls were invaluable as they would allow for more students to be accepted at Stephens, which in turn would increase revenues for both Stephens College and the City of Columbia. She pointed out it would also provide for more community outreach and noted that last year every freshman student did some type of community outreach, such as volunteering at The Wardrobe or the Community Food Bank.

Jay Hasheider, 1403 Windsor, President of the Benton-Stephens Neighborhood Association, stated he was representing the neighborhood and wanted to applaud Stephens College for attending their meeting and presenting their rezoning request to them. He noted the neighborhood unanimously supported this rezoning request. He commented that he hoped Stephens College would involve them in any changes that were made prior to the end of the planning process and on other such projects in the future.

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

Mr. Loveless stated he was supportive of this rezoning, particularly since it reflected the use that was already going on at the campus. It would also help revitalize Stephens College. He agreed with Mr. Simon in that this was a natural extension of downtown. No matter what sat on these pieces of property, this would be a good move at this time.

Ms. Nauser stated it was exciting that Stephens was increasing its enrollment. She noted she could see the improvements and changes on campus and felt it was a logical extension of downtown area. She planned on supporting it also.

Mr. Ash stated he preferred the watered down C-P to the C-2. The problem he had with the campus master plan overlay protection was that it only applied as long as Stephens College owned the property. He understood that would be a long time, but the land use would remain forever. He thought this to be precedent setting and as commercial expanded to the east, there could be a domino effect. He felt when up zoning to commercial, it should be C-P. He stated he would be willing to waive any requirement that was part of the simplified C-P process that could be logically argued as unnecessary. He pointed out that if this passed as C-2, no matter who owned the property, if they met the minimum requirements, they would not have to come before them. He stated he was a huge fan of Stephens College and Dr. Libby and was supportive of what they were trying to accomplish with this project, but added that he could not support the way they were trying to accomplish it.

Mr. Janku felt this was the logical extension of downtown. He commented that we had a very vibrant downtown due to C-2 zoning. He felt Stephens College needed the flexibility to change their buildings quickly and that was what C-2 zoning provided. He thought it was

appropriate for this property and did not think they could speculate on other owners of the property in the future.

Mayor Hindman stated he was very much in support of this. He felt downtown and Stephens College were very important to Columbia. He noted that right now C-2 met the needs of this situation very well and there was an overlay. He believed Stephens College would be there for many years and the City was adequately protected by the overlay for some time. He pointed out the downtown people were talking about an overlay, so it could be that the downtown would eventually have an overlay that would protect the downtown equally as well as a C-P.

The vote on B35-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HINDMAN, CRAYTON. VOTING NO: ASH. Bill declared enacted, reading as follows:

B36-06 Changing the street name for a portion of West Ash Street, between Fairview Road and Park DeVille Drive to “Orleans Drive”.

The bill was given second reading by the Clerk.

Mr. Watkins explained with the approval of the Fairview Marketplace C-P plan, which was approved by Council last October, the realignment of West Ash Street, west of Fairview Road, was authorized. This bill would rename the existing segment of West Ash Street, west of Fairview Road, to Orleans Drive. This was reviewed by the Planning & Zoning Commission who recommended approval.

Mr. Teddy pointed out notification was made to the residents affected by the change. To date, they had one individual indicate their consent for the name change, but had not heard from the other three residences affected by the change.

Mr. Ash noted the plat in their packet had what was previously called West Ash Street as proposed Basin Drive. He asked if that would be called Orleans Drive. Mr. Teddy stated the plat would need to be corrected.

Mr. Ash wondered why calling it Basin Drive would cause renumbering of the houses and asked if it was because it curved up. Mr. Teddy replied the concern would be that Basin would make a change in its cardinal direction. Mr. Janku stated for some reason Public Safety did not like that.

Mr. Ash asked if once that became Orleans Drive, if the new West Ash would connect to Orleans Court. He noted it currently stated it was the proposed Orleans Drive. Mr. Teddy replied there was some discussion of that as Orleans Drive because it would not be a cul-de-sac street between new and old West Ash, but there would be no residences addressed there.

Mayor Hindman opened the public hearing.

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

The vote on B36-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the west side of Wellington Drive, approximately 850 feet north of Mexico Gravel Road (3551 and 3631 Wellington Drive).

Item A was read by the Clerk.

Mr. Watkins explained this annexation involved two lots and approximately 4.05 acres. The petitioners were requesting R-1 zoning, which was equivalent to the County zoning currently in place.

Mayor Hindman opened the public hearing.

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

OLD BUSINESS

B7-06 Authorizing acquisition of easements for construction of a 161 Kv transmission line from the intersection of Rolling Hills Road and Sugar Grove Road to the Grindstone Substation located on Grindstone Parkway.

The bill was read by the Clerk.

Mayor Hindman noted there was a request by staff to table this.

Mr. Watkins stated he had nothing new to add except that staff was continuing to work with the property owners in order to get this issue worked out.

Paul Ogier, Lutheran Senior Services, 418 Greenstone Drive, St. Louis, stated he was representing Lenoir Woods. He wanted to report that while they were not happy about the power line coming through, they were satisfied with the placement as it would have the least impact on their property. He noted they would continue to work with Water & Light in trying to evaluate what that impact might be. He stated they were committed to work with the City and Water & Light to make sure any further discussions would not impede the ability to get this power line done on time, as long as they stayed with what they agreed on.

Mr. Ash asked if it was safe to assume that the hold up was not with Lenoir Woods. Mr. Watkins replied that was correct and noted they were continuing to work with a property owner on the other side of Highway 63, who he thought was willing to work with them. They were just trying to get the details nailed down, so both sides would feel good about it.

Mr. Loveless made the motion to table B7-06 to the March 6, 2006 Council meeting. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

R31-06 Approving the Preliminary Plat of Forest Hills, Plat No. 1 located on the west side of Lake of the Woods Road, south of Evergreen Acres Subdivision (2331 Lake of the Woods Road).

The resolution was read by the Clerk.

Mr. Watkins explained this was a companion to B15-06, the tract just south of Evergreen Acres. He noted that with Council's disapproval of the annexation and zoning, they should not move forward on this. Mr. Boeckmann stated since the property was not in the City, they really had no jurisdiction over it.

No action taken on this resolution.

B37-06 Authorizing revisions to the Stratford Chase PUD plan located on the west side of Audubon Drive, approximately 600 feet north of the intersection of Stadium Boulevard/State Route 740 and Audubon Drive.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a proposed revision to the PUD plan at the intersection of Stratford Chase Parkway and Audubon Drive. In addition, the plan would change all of the previously approved two-family attached dwellings to one-family detached dwelling units. It was unanimously approved by the Planning & Zoning Commission.

Mr. Teddy pointed out the reason this was before Council was the due to the sign and entryway on the residential street off of Audubon. The other actions were part of a minor amendment process, but they put them in bill so they could be completed at one time.

Mr. Ash asked about the lot that would be landlocked. Mr. Teddy replied there was an access easement that ran from Stratford Chase Parkway across lot 32 to lot 33. There was a specification for a driveway that had been approved that would basically be a common driveway that would run across that access easement. He stated the call out for the easement was on lot 32 and referred to footnote #9. There was also a fire hydrant installed on the back of one of those lots so there had been some thought given to the minimum hose lay necessary in the event of a fire emergency.

Mr. Ash asked if it was the thing that ran along the back of lot 32 and cut over and connected. Mr. Teddy replied there was a note. Mr. Loveless understood it ran between lots 13 and 14. Mr. Teddy replied that was correct and added that the driveway ran between those lots.

The vote on B37-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B38-06 Authorizing an annexation agreement with I-70, L.L.C. for property located on the south side of I-70 Drive Southeast, east of Sunrise Estates Subdivision.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was request was being made with accordance with Council's policy resolution, which discussed the extension of City sanitary sewer outside the corporate limits. The subject property was located east of the City limits, south of I-70 and was approximately 140 acres in size. The zoning was the same as County zoning except that the City did not have an exact equivalent to the County manufacturing zoning.

Mr. Teddy noted this tract had a portion zoned R-S, which would become R-1. It was in the lower southwest portion of the tract. The remaining 120 acres would be M-1 according to the written agreement. While looking at existing residential environment to the west in Boone County and the R-1 that would be zoned such upon annexation, staff suggested some kind of transitional zoning such as M-C, controlled industrial district, at a depth of 200 feet. That would be about ten percent of the total acreage, so the majority of the site would be zoned M-1.

Mr. Ash asked for a summary of the differences between M-L, M-1 and M-C. Mr. Teddy noted staff provided the language for the City M-1 and M-C districts and the County's M-L districts. He stated they were difficult to compare side by side because different terms were used. He explained M-1 was the most intense and least restrictive as to uses. The proposed annexation agreement would take four of the permitted uses out of the M-1 district.

M-L would allow a lot of the same uses. As pointed out in their correspondence, both the M-1 and the County M-L districts were accumulative districts, which meant they allowed uses in less intensive districts. M-C, by contrast, was more exclusively industrial. It did allow professional offices, but would not allow retail commercial. The M-C district also had a minimum green space requirement at 20 percent, which was up from the 15 percent in the ordinary landscape chapter that would apply to M-1. It also had some screening standards for any outdoor storage required.

Mr. Ash asked if there was a more intense use than M-1. Mr. Teddy replied there was a mining district, but that was the only more intense use.

Mr. Watkins noted this was a situation where the County zoning might be a little stale, but since this was County jurisdiction, they would also be responsible for reviewing the development plan. Mr. Janku commented that it was assuming it was developed before it was annexed. Mr. Watkins agreed and believed that was a reasonable assumption because he thought it would be some time before this was annexed.

Mr. Loveless asked about if there was a County policy of grading in for heavy use zoning into single family residential that the County might enforce between Sunrise Estates and this tract if it developed before it was annexed into the City. Mr. Teddy replied that he did not know what the buffering requirements might be in an M-L where R-S was adjacent.

Mr. Hutton commented that he was a strong believer in allowing the property owner to keep existing zoning when dealing with annexation agreements. However, unless it was appropriate, he did not want to allow them to up zone as part of the process. Mr. Hutton asked if removing the four uses of automobile wrecking in junk yards, chick hatcheries, crematoriums and planning mills made the use part of the zoning comparable. Mr. Teddy replied it got pretty close. He thought it would be difficult to get it exactly comparable because different terms were used. The County ordinances tended to use more general terms while the City's ordinances listed more specific items.

Mr. Hutton stated that he understood and appreciated what Mr. Teddy was trying to accomplish with the suggestion of bordering with M-C or M-R, but he felt that was a little too restrictive.

Robert Hollis, an attorney with Van Matre, Harrison & Volkert, stated he was representing I-70, LLC and explained this was not a request for zoning, annexation or connecting to the sewer system. It was simply an annexation his client did not request, but was required by Boone County Regional Sewer District and the City via a separate agreement. He noted that in the future, if the property became contiguous, the City Manager could request annexation, but did not have to. In addition, the property owner could request annexation if the City Manager chose not to. If the City did not agree with the proposed zoning, the City did not have to annex the property, and likewise, if the proposal did not contain the terms of this annexation agreement, the property owner would not have to annex in the future. One of the binding terms would be that if the City requested, in the future, that annexation occur per these terms, the property owner would have to annex. He explained his client purchased the property in 2004 and in 2005, the City and the Boone County Regional Sewer District entered into an agreement which affected his client's property. He described the contents of the agreement and noted that if the Sewer District and the City

agree, the property must connect to the sewer system in the future if it was extended that far. In addition, the City and Sewer District must connect to the property if it was extended that far. This required the plat to go through both the City and County processes. His understanding was that the plat was being redesigned to meet the most stringent requirement. Mr. Hollis stated he did not think it was the intent of the agreement to discuss zoning at this point. He felt staff's recommendation would effectively rezone the property since the zoning set now would be the zoning when the property came into the City. In regards to fairness, he reiterated his client did not ask for City sewer facilities. He understood there was a facility at the south part of the property, which he thought was being upgraded by the Boone County Sewer District and would provide sufficient capacity for his client to purchase. Therefore, they would not need City services in any way. He stated Sunrise Estates would not be surprised by the uses because that was what existed now. He also pointed out that as long as the property owner used the City address system, if a building permit were pulled in the future for that property, Protection Inspection would be notified of the existence of the annexation agreement and the limited uses. He noted his client was only requesting his plat be approved in the County.

Mr. Ash asked if they had considered doing the annexation agreement without specifying the zoning. Mr. Hollis replied he had, but felt that would be irresponsible on his part because they had no idea what would happen in the future. At least now, they knew the status quo would remain. Mr. Ash felt they were, in effect, deciding zoning then. Mr. Hollis thought the only decision being made was to not make a change and that was their intent. The property should stay exactly as it was per policy. Mr. Ash pointed out that was the policy when there was an equivalent. This fell between two zonings.

Mr. Janku thought Mr. Hutton summarized it well. He understood the City's goal or plan was to extend sewer to this area for many reasons, to include environmental reasons. Part of the agreement stated the City would not rezone property, but they did want the property to come into the City because it would eventually be an urbanized area and would benefit from the surrounding area in the City limits.

Mr. Hutton commented that he took exception Mr. Hollis' statement indicating this was unfair. He did not believe it was unfair because his client wanted sewer. The sewer system his client was going to use until the City sewer system was extended out there was currently polluting Grindstone Creek. It was the City's obligation and responsibility to provide sewers to get rid of these sewer substations that were polluting the creeks. He noted they had to look at the best interest of the City as well. From his perspective, it was not unfair.

Mr. Ash thought County M-G was equivalent to City M-1. He felt City M-C was closer, but the negative for that was that it did not allow pyramid zoning underneath. If they came in with M-P and requested a simplified zoning due to a hardship, he would be agreeable to waiving some of the requirements. He thought going with an M-P that was customized to M-L would truly be equivalent zoning. He stated he could not agree to M-1 zoning because he felt this was up zoning.

Mayor Hindman felt it to be a very awkward situation and wished they would move forward in looking at policy requiring everything come in as planned zoning. He was not a fan of having to adopt the zoning that was out in the County when it came into the City.

The vote on B38-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HINDMAN, CRAYTON. VOTING NO: ASH. Bill declared enacted, reading as follows:

B46-06 Approving the Final Plat of Forest Park South Plat 1 located on the east side of Rock Quarry Road, south of Nifong Boulevard; authorizing a performance contract.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would approve the final plat of Forest Park South, which was located on the east side of Rock Quarry Road, south of Nifong. It was about a 25.9 acre tract and would create about 79 lots. He noted it met the Rock Quarry Road scenic road district requirements.

Mr. Ash stated there were some concerns made to him in regards to the trees being removed near Clear Creek. He encouraged them to come to the meeting to express their concerns and wished they had.

The vote on B46-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B58-06 Authorizing an intergovernmental cooperation agreement with the Conley Road Transportation Development District.

The bill was given second reading by the Clerk.

Mr. Watkins noted this ordinance would authorize the City's standard intergovernmental cooperation agreement with the Conley Road TDD. The Conley Road TDD was formed in December, 2005 and contained over 80 acres of commercial property including the Super Wal-Mart, Lowes, Sams Club and Staples. The District was formed to extend Conley Road north and west to intersect with Business Loop 70 East. The District planned to issue bonds within the next two months. It levied a one-half cent sales tax, which went into effect on January 1, 2006. Under the proposed agreement the City would administer and collect this sales tax for the district.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, stated he was available to answer questions.

Mr. Ash understood, when it was first discussed, that this would solve some storm water problems in the area. He thought there was a large pipe behind Wal-Mart that was causing some erosion. He asked if this TDD addressed some of those problems. Mr. Van Matre replied yes and added that they had an agreement to purchase six acres on which, with the cooperation of the Public Works Department, they would cause the TDD to build a stormwater detention area to collect the stormwater that would come off the various roadway services and parking lots in the area. Mr. Ash asked if that would happen in the parking lot itself. Mr. Van Matre replied it would be where that ditch was, behind the Center and behind the fence.

Mr. Ash asked if it would be a stretch to put some landscaping along the sea of asphalt that currently existed while calling it a stormwater improvement. Mr. Van Matre asked if he was talking about putting the landscaping behind the center where no one would see it. Mr.

Ash replied no and clarified he meant in the front where it was all open asphalt. Mr. Van Matre stated he did not think that a TDD, which was collecting tax revenues and spending it on things related to improving transportation and ancillary benefits, such as stormwater detention, could be used for purely aesthetic purposes. He felt he would have trouble convincing the bond attorneys, who would help sell the bonds, this would be a proper purpose comprehended by the transportation development law. Mr. Ash agreed they were more aesthetic than stormwater, but felt they would offer some stormwater benefits.

Mr. Ash asked whether the TDD had the power of condemnation to acquire what it needed to put the road through or if the City had to do it for them. Mr. Van Matre replied that under the law, a TDD had condemnation or eminent domain authority. However, it could only exercise that power with the consent of the transportation authority, which in this case would either be MoDOT or the City. MoDOT announced a policy that it would not grant the authority to a TDD to condemn on its name on its behalf. It would either condemn it or not on its own. The Circuit Judge, which allowed the creation of this TDD required, as a condition precedent to the creation of this particular District, that this District not condemn any property except with the consent of the City of Columbia by special resolution adopted by the Council. The only way this District could exercise condemnation authority would be with the express consent of the Council in each instance. Mr. Hutton thought they would need MoDOT's authority as well. Mr. Van Matre noted they would not need MoDOT's authority if they received it from the Council if it related to this particular roadway project.

The vote on B58-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B60-06 Authorizing an agreement with Columbia Public Schools to provide a crosswalk guard at Grant Elementary School; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize the City to enter into a crossing guard agreement with Columbia Public Schools. He stated they already had one crossing guard at Grant Elementary School. This would provide a second one. The total reimbursement would be about \$1,575.

Mr. Boeckmann noted there was an amendment sheet in the packet that would change one of the numbers in the appropriation.

Mr. Hutton made a motion to amend B60-06 per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on B60-06, as amended, was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B61-06 Amending Chapter 16 of the City Code as it relates to policies for enforcing marijuana ordinances.

The bill was given second reading by the Clerk.

Mr. Watkins stated this bill would make changes to the City's marijuana ordinance and was the result of negotiations between the Columbia Police Officers Association, the County Prosecutor Kevin Crane and a local attorney, Dan Viets.

Randy Minchew, 2603 Chelon Circle, noted he spoke to the Council regarding this issue because he questioned the wisdom of having that law in place. He created a petition to bring the issue back up for vote in order to change the law from the way it existed. After talking to Mr. Viets, they came up with a compromise. He felt it was nice to see City government actually worked and things could be done without going from one extreme to the other.

Sterling Infield stated he was representing the Columbia Police Officers Association (CPOA) in favor of the amendment. Four years ago, a change to the marijuana ordinance was voted on and failed, but two years ago the votes exceeded. Since that time dangerous offenders such as rapist, drug dealers and other previously convicted persons received nothing for possession of marijuana. Approximately two weeks ago, he personally wrote a City ordinance ticket to a convicted murderer, who was in possession of marijuana. He felt prior offenders should be referred pursuant to State law and go to the County Prosecutor. With the help of Dan Viets, Randy Minchew and Kevin Crane, the CPOA had negotiated over the last several months to resolve this problem. We were in agreement to amend the current ordinance, so there would be no more deferments and dangerous offenders would go to State court. The CPOA was requesting the Council amend the current ordinance.

Amber Langston, stated she was a Columbia Alliance for Patience in Education Board Member, the group that was responsible for the November 2004 propositions. In April 2003, there was an election where they tried to pass a similar marijuana decriminalization ordinance which did not pass. She had been on the Board for four years and was involved in the election, but did not have any input on the wording of the initiative. She understood why many members of the community felt they could not support the first proposition. Since then, they tried to incorporate ideas from community members into what they were trying to do. She felt that was a very important thing to bring into the next proposition which passed. She noted there were still community concerns regarding public safety and the way this proposition was playing out in the community. The response from the CPOA was that there were still unmet concerns. As a result, they worked to collaborate with the CPOA on a compromise they felt would address concerns, while still retaining the things they felt were important and their original proposition. On behalf of the Columbia Alliance for Patience in Education, she offered their support for the proposed amendments to the ordinance.

Kevin Crane, Boone County Prosecutor, Boone County Courthouse, stated he supported the amendment because it recognized a critical area of law enforcement, which was that there should not be a one size fits all standard when it came to offenders. The person with a significant criminal history should be treated differently than the first time offender with no criminal history. He pointed out this did not suggest the amendment would create a situation where everyone was being locked up because the jails were crowded. Not every prior offender would receive a jail sentence, but they would receive some consequence. They were talking about people on parole for serious crimes such as child molestation, rape and murder. He explained that if someone was beating their wife or

girlfriend, under current ordinance the Columbia Police Department would refer the marijuana case to the City where it was deferred and nothing would happen and the assault on the female would go to his office. He felt it was an inefficient system. The amendment would be a written memorialization of what Chief Boehm and he had agreed to do before it passed. People with no significant criminal history and possession of less than 35 grams of marijuana would be referred to the City and people with a significant criminal history would be referred to the County. Dan Viets, Columbia Police Department and he were in agreement, which in and of itself was a big deal in his opinion. He felt they reached an agreement that would hopefully end the controversy on this matter and would be a good workable solution for everyone in the community.

Jonathon Coleson, 402 S. Ninth Street, stated he was in favor of the amendment. He understood officers were collecting signatures in their off time over the last years. When law enforcers acted willfully against the expressed intention of voters, he saw an affront to the concept of democracy. He voiced these concerns on the CPOA message board and received only attacks. Soon after, the message board was taken down altogether. He encouraged the CPOA to put the discussion forum back up and reminded them that if the freedom of speech did not apply to ideas in which they disapprove, it did not apply at all. He requested the Council consider this a settled law with any further suggestions being put to the voters and citizen driven.

Dan Viets, 15 N. Tenth Street, stated he was in support of the amendment, but wanted to correct a misconception. He was a Board Member of the Columbia Alliance for Patience in Education and the negotiations which had gone on were not between him as an individual, but as two organizations. The Columbia Alliance for Patience in Education initiated the ordinance, campaigned for it and succeeded in persuading a strong majority of the community to endorse the ordinance on the books now. He stated that was significant because if were not for the fact the group that initiated and campaigned for this ordinance was the one coming to the Council suggesting it be amended, he felt it would be improper for the Council to do so. He was not insensitive to the criticisms questioning the propriety of the Council acting to amend a measure passed by the voters. He stated he would be among those protesting if the amendments were not endorsed by the very group that initiated the ordinance in the first place. He felt that created a reasonable exception to the general rule, which was that the Council should not tamper with things the voters had passed. He noted prosecutors always had the discretion to defer prosecution. The ordinance in its present form did not mandate deferral take place and even after the amendment, the prosecutors would still retain the authority to defer prosecution.

Ms. Crayton asked for clarification regarding deferment stating she was anti-drug, but wanted the law to be distributed equally to all. Mr. Viets stated from their point of view, one of the most important purposes of this ordinance was to ensure that people who were charged with this offense did not also lose eligibility for federal student aid. He also thought it put the offense in the proper perspective. Ms. Crayton felt it should also address public housing and other types of government programs. Mr. Viets stated he represented many people who were threatened with eviction from public housing because of an offense like possession of marijuana and would continue to do that. He agreed it was unjust for people to be evicted

from their homes for this type of offense, but noted they could not change that rule at the local level.

Mr. Boeckmann noted the City Prosecutor's current policy was to defer prosecution on all cases and asked what his expectations were if this ordinance passed. Mr. Viets replied he expected the Prosecutor to stop deferring on most cases, but noted she had the discretion to change her mind. Mr. Boeckmann stated the City Prosecutor was doing that because this ordinance would remove deferred prosecution as one of the preferred dispositions of these cases. He asked what Mr. Viets thought the Council would be saying by adopting this ordinance. Mr. Viets replied they would be saying what was exactly in the ordinance and no more or no less. In other words, they were not telling her to stop deferring prosecution nor were they telling her she had to defer prosecution. Mr. Boeckmann asked if she continued that policy if Mr. Viets would have a problem with that. Mr. Viets replied he did not and hoped that she did continue deferred prosecution. He noted he did not speak for CPOA. He assumed CPOA would prefer she resume prosecuting. He felt deferral had been an excellent program. It had saved the City a lot of money and provided a real incentive for people to stay out of trouble. If they did get in trouble again in that one year period, they were prosecuted on both the new and old offense. He thought the deferral prosecution the City implemented since this ordinance came into effect was a good program and he hoped the City continued to do it. He understood the chain of command could ask her to do otherwise, but if that did not happen she would have discretion to continue deferring or not.

Tony Menenger, 508 S. William, stated he was a law student at the University of Missouri and that he had participated in some of the early CAPE meetings planning for the citizens initiative. A lot of the interest behind that was to create a loop hole in the federal law that would protect students from losing financial aid. He stated his personal interests were not threatened by the amendments. He was concerned about equal protection of the laws and particularly that these amendments would inevitably have a disparate racial impact. He felt that prior convicts would include a high proportion of young, black men. He did not believe the voters intended for that state to use marijuana laws to further trouble these people's legal lives. If they could not nail them for the crimes they did do and if the parole people felt they should be free, that was the way it should be. He did not feel that the voters wanted marijuana prohibition to affect these people's lives. He reiterated his problem was with the underprivileged people and how it would affect them. He felt this was an insult to democracy. He did not feel the Police were experts in this because they had bias. Mr. Menenger provided a letter from James Robnett, Jr, 754 Demaret, #2 to the Clerk. Mr. Robnett felt they should keep the marijuana ordinances as they were passed by the voters. He stated the City needed to have the Police Department focus their resources on more serious drug offenses as crack, cocaine and meth. He felt more crime was tied to crack and meth and if the Columbia Police Officers Association examined the Columbia and Boone County crime statistics, they would see that.

Ms. Nauser asked when someone bought marijuana, if they were not participating in illegal activity by purchasing it. Mr. Menenger stated he thought that was the current law in America, but noted he was not sure the voters of Columbia intended the consequences of the negotiated compromise being presented. Ms. Nauser wanted to be sure she understood by

purchasing marijuana, they were still participating in an illegal activity. She thought that when the police officers were going after persons possessing marijuana, they were in fact working on the drug problem in this Country. Mr. Menenger stated he would not agree and added that he did not believe this was something that the voters of Columbia intended by the ordinance.

Paul Larem, Route 1, Box 10B, Arcadia, stated he worked with NORMAL and that if the prosecutors were still allowed to defer prosecution, it ought to be written as such in the ordinance. He also stated he felt there was a wall between the people who used marijuana and the Police community, which was caused by this difference of opinion. He thought marijuana use was a common thing. He did not have an issue with anything else in the ordinance.

Ms. Crayton asked Mr. Crane about deferment. Mr. Crane stated he had always been an advocate of drug court and with drug court they deferred prosecution if the offender decided they were willing to go through a rehabilitation program for 12-18 months. When they successfully completed it, they did not have a conviction. That was an alternative to incarceration. The City and State Prosecutor had the discretion whether to file, not file or defer. He noted that was not mandated in this current ordinance. He clarified that anyone under the age of 17 with a misdemeanor amount of marijuana would go to State court because under the Juvenile laws, those individuals were referred to Juvenile Court in the State system. They were really talking about adult offenders, 17 years or above, that had a prior significant criminal history.

Mr. Boeckmann asked for clarification on Mr. Crane's position regarding the change in the ordinance and deferral. Mr. Crane felt it would depend on the individual prosecutor. Mr. Boeckmann stated his question was more to someone who participated in the change of the ordinance. He wanted to know what he thought he was doing when that phrase was stricken. Mr. Crane replied his personal view was that there would be more filings than deferrals.

Mayor Hindman commented that he agreed to sponsor this after talking with both Mr. Viets and Kevin Crane. When it came to the voice of the people and making changes with respect to what was voted on, he noted the Charter specifically provided for that. After six months, the Council was allowed to make changes to any ordinance that was passed by an initiative. When it came to voting on an ordinance, it had to be worked out well in advance and there was no flexibility once the petition was filed. Often it was found that some degree of change was needed. He felt that was what happened in this situation. There were people who were for and against it that got together and agreed this needed a little bit of a change. He stated it was still up to prosecutor discretion whether to defer. It indicated they would like the prosecutor to consider the idea of suspended imposition of sentence, but it was not a requirement that these cases be prosecuted with suspended imposition of sentence. As a sponsor to this bill, it remained the discretion of the prosecutor. He felt they were doing the proper thing to accept this compromise because not accepting the compromise would mean another initiative petition. He urged the Council to vote favorably on this amendment.

Mr. Ash stated the concern that this change would lead to more work for the prosecutor was not a concern of his. If this did pass, he hoped there would be fewer deferments. He pointed out he was not in favor of these ordinances when they came before

Council and personally voted against them in the election because he felt they sent the wrong message to the youth. He was also uncomfortable with modifying an ordinance the people voted on. He understood the Charter allowed it, but felt if the people voted for it, they should be the ones to change it. He wanted to be very clear that although he was not in favor of the compromise, it did not mean he wanted to keep the status quo. He agreed there was an inherent problem with someone being treated the same way on their twenty-first offense as they were on their first offense.

Ms. Nauser stated she had mixed feelings and noted she found it ironic that they were decriminalizing an illegal activity and in another month or so they would possibly bring more punishment upon people who participate in a legal activity, smoking in public places. She felt the public might have been speaking out in regards to the drug laws maybe being a little antiquated. She commented that she had a problem with local government enacting laws that appeared to be contrary to State and Federal laws. She noted the only reason she would be drawn to this was because it would give the Prosecutor a little more teeth to go after more hardened criminals because she disagreed with the entire ordinance.

The vote on B61-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HINDMAN, CRAYTON. VOTING NO: ASH. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B39-06** Approving the Final Plat of Quail Creek West Plat 1 located at the western terminus of Rainbow Trout Drive; authorizing a performance contract.
- B40-06** Approving the Final Plat of Quail Creek West Plat 2 located at the intersection of Whitefish Drive and Louisville Drive; authorizing a performance contract.
- B41-06** Approving the Final Plat of Quail Creek West Plat 3 located along Dolly Varden Drive, west of Louisville Drive; authorizing a performance contract.
- B42-06** Approving the Final Plat of Quail Creek West Plat 4 located along both sides of Louisville Drive, north of the city limits; authorizing a performance contract.
- B43-06** Approving the Final Plat of Quail Creek West Plat 5 located on the southwest corner of the intersection of Louisville Drive and Smith Drive; authorizing a performance contract.
- B44-06** Approving the Final Plat of Spring Creek Plat 3 located on the north side of Vawter School Road, east of Scott's Boulevard; authorizing a performance contract.
- B45-06** Approving the Final Plat of Farley's Plat 3 located on the southwest side of West Sexton Road, northwest of Mikel Street; authorizing a performance contract.
- B47-06** Approving the Final Plat of Springdale Estates Plat No. 9 located on the northeast corner of Thornberry Drive and Oakland Gravel Road.

- B48-06 Calling for bids for the Woodside/Nazarene Drainage Improvement Project.
- B49-06 Calling for bids for sidewalk construction on portions of Edenton Boulevard, Derby Ridge Drive and Interstate Drive within Auburn Hills Subdivision.
- B50-06 Calling for bids for construction of sidewalks along portions of Bluff Creek Drive, Catalpa Court, Snowberry Circle, Campusview Drive, UMC Drive and Norman Drive.
- B51-06 Appropriating FTA grant funds for the Wabash Station refurbishment project.
- B52-06 Authorizing a Right of Use Permit with Garry and Brenda Lewis to allow the installation of landscaping, an irrigation system, lighting, electrical conduits and water service lines within a portion of the Corporate Plaza Drive right-of-way.
- B53-06 Accepting conveyances for drainage, sewer, access rights, street and utility purposes.
- B54-06 Accepting conveyance; authorizing payment of differential costs for water main serving CenterState, Plat 4; approving the Engineer's Final Report.
- B55-06 Accepting conveyance; authorizing payment of differential costs for water main serving CenterState, Plat 7; approving the Engineer's Final Report.
- B56-06 Accepting conveyance; authorizing payment of differential costs for water main serving CenterState, Plat 8; approving the Engineer's Final Report.
- B57-06 Accepting conveyances for utility purposes.
- B59-06 Appropriating grant funds for the purchase of emergency radio equipment for the Fire Department.
- R32-06 Setting a public hearing: special assessments against property specially benefited by public improvements made to Sanitary Sewer District No. 156 (Edgewood Avenue and Westmount Avenue).
- R33-06 Setting a public hearing: special assessments against property specially benefited by public improvements made to Sanitary Sewer District No. 157 (Rollins Road and Burnam Avenue).
- R34-06 Setting a public hearing: special assessments against property specially benefited by improvements made to Rollins Road and Altai Drive.
- R35-06 Setting a public hearing: construction of water main serving Mill Creek Manor, Plat 3.
- R36-06 Setting a public hearing: improvements to the Smith-Manhasset Neighborhood Park located at the western terminus of Manhasset Drive, adjacent to the east side of the proposed Louisville Road extension.
- R37-06 Setting a public hearing: improvements to park roads, parking lots and outdoor basketball courts at various City parks.
- R38-06 Authorizing an agreement with Boone County for animal control services.
- R39-06 Authorizing an agreement with Boone County for public health services.
- R40-06 Authorizing an agreement with Western Center for the Conservation of Fine Arts for restoration of murals located in the courtroom of the Howard Municipal Building.

R41-06 Transferring funds for Grissum Building improvements.

R42-06 Authorizing CDBG and HOME agreements with various participating homeowners; authorizing the filing of a “Request for Notice of Foreclosure” for various CDBG and HOME funded loans.

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

NEW BUSINESS

R43-06 Authorizing an agreement with Walker Parking consultants for engineering services relating to the construction of an additional parking elevation to the parking garage located between Seventh Street and Eighth Street on Walnut (The Plaza).

The resolution was read by the Clerk.

Mr. Watkins explained this resolution would authorize the City Manager to execute an agreement with Walker Parking Consultants in an amount not to exceed \$148,000. This would be for consulting services associated with the planning and construction of an addition to the City parking garage directly behind City Hall. The parking utility enterprise revenue fund would be used for this expense and was appropriated in the current fiscal year capitol improvement program.

Mr. Janku understood when originally built, the garage was anticipated to have an additional level. He asked if there was a possibility for more than one additional level if the consultant evaluated it and it was structurally possible. Mr. Glascock replied he doubted it would. Since they changed building codes, they had to take into account a heavier seismic activity than they did in the past with BOCA codes. With phase one, they were going in to see if they could actually do this. He explained the University had trouble adding levels to their garages. They were going to add two levels, but due to the seismic activity, it was cost prohibitive.

Mr. Ash asked about the additional costs. Mr. Glascock replied the columns had to be substantially bigger.

The vote on R43-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R44-06 Approving a plan for the installation of two bronze sculptures in Flat Branch Park.

The resolution was read by the Clerk.

Ms. Hunter explained this was the second time they had the opportunity to implement their policy on accepting gifts of works of art. First National Bank was proposing to make a gift to the City with the stipulation that the funds be used to commission Larry Young, a local artist, to create two large bronze works to be placed in Flat Branch Park. Using the overhead, she showed the image of one of the sculptures titled Marathon Man. She stated

that the Commission on Cultural Affairs recommended acceptance of the gifts. They would work with the Parks & Recreation Department and the artist to implement the project if it was approved.

Mr. Janku noted Larry Young not only had an international reputation in art, but was a bronze metal winner at the Olympics. He understood he was, in effect, giving the City the second statue, Marathon Women. Ms. Hunter replied that was correct. She stated it was a double donation in that First National Bank was giving a very generous gift as was Mr. Young by giving these two works at a reduction.

Mr. Janku was hopeful they could acknowledge that at the site with a plaque or something. Ms. Hunter noted that could be done.

The vote on R44-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R45-06 Approving amendments to the 2003 HOME Action Plan to reallocate CHDO funds; amending an agreement with Central Missouri Community Action.

The resolution was read by the Clerk.

Mr. Watkins stated this resolution would amend the 2003 Community Development Action Plan to reallocate \$25,000 in CHDO funds to the Central Missouri Community Action, which was formally the Central Missouri Counties HDC, from the Columbia Enterlight Ministries, an organization that was essentially defunct and did not meet the requirements as set out by HUD.

The vote on R45-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R46-06 Expressing support for capital improvements on the University of Missouri-Columbia campus to enhance the life sciences research mission and the addition of a new Health Sciences Research Center.

The resolution was read by the Clerk.

Mr. Watkins stated the Governor recommended an \$87.5 million allocation to the University for a School of Medicine Health Sciences Research Center. This project was being debated in the State legislature. It was requested that Council consider indicating its support for the project. The County Commission had done likewise earlier.

The vote on R46-06 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

PR48-06 Establishing a policy on requests for variances to subdivision regulation requirements for construction of sidewalks along unimproved streets.

- B62-06 Voluntary annexation of property located on the west side of Wellington Drive, approximately 850 feet north of Mexico Gravel Road (3551 and 3631 Wellington Drive); establishing permanent R-1 zoning.
- B63-06 Rezoning property located at 1504 Bass Avenue from R-4 to O-P.
- B64-06 Approving the PUD development plan of Winchester Villas located north of Chapel Hill Road and southeast of Mills Drive.
- B65-06 Approving the Final Plat of Missouri Manor, Plat No. 1 located on the west side of Ashland Road, approximately 1,300 feet north of the intersection of Ashland Road and Stadium Boulevard (State Route 740); authorizing a performance contract; granting a variance relating to sidewalk construction.
- B66-06 Approving the Replat of Creek Pointe Subdivision, Plat No. 3 located on the east side of Glenstone Drive, south of I-70 Drive Southeast; authorizing a performance contract.
- B67-06 Amending Ordinance No. 18873, which approved the Final Plat of Mill Creek Manor, Plat No. 3 located at the intersection of Funderburg Mill Drive, extended, and Ballard Mill Drive, extended, east of State Route KK, to correct the date of the plat.
- B68-06 Vacating a utility easement located on Lots 103A and 103B within Woodland Springs Plat 3.
- B69-06 Approving the Engineer's Final Report; levying special assessments; appropriating funds for the Sewer District No. 156 (Edgewood Avenue and Westmount Avenue) project.
- B70-06 Approving the Engineer's Final Report; levying special assessments for the Sewer District No. 157 (Rollins Road and Burnam Avenue) project.
- B71-06 Authorizing change Order No. 1 to contract with Emery Sapp and Sons, Inc.; approving the Engineer's Final Report; levying special assessments for the Rollins Road and Altai Drive improvement project.
- B72-06 Authorizing Change Order No. 1 to contract with C. L. Richardson Construction Company, Inc.; approving the Engineer's Final Report relating to the B-20 Trunk Sewer, an 80-acre point sewer serving Settlers Ridge Subdivision.
- B73-06 Calling for bids for construction of the F-1 Relief Sewer Phase 2 – (UMC South Campus Relief Sewer) and Maryland Avenue and Richmond Avenue Drainage Project – Phase 2.
- B74-06 Calling for bids for construction of the EP-3 trunk sewer, an 80-acre point sewer serving the Hatton Farm property.
- B75-06 Calling for bids for reconstruction of State Route PP (Ballenger Lane) from approximately 430 feet north of Aztec Boulevard to 280 feet south of Aztec Boulevard.
- B76-06 Calling for bids for reconstruction of two culverts on Rock Quarry Road, between Nifong Boulevard and Gans Road.
- B77-06 Appropriating funds for the installation of fiber optics at the parking garage located at Eighth Street and Cherry Street.
- B78-06 Accepting conveyances for drainage, sewer, street and utility purposes.
- B79-06 Authorizing construction of water main serving Mill Creek Manor, Plat 3; providing for payment of differential costs.

- B80-06 Accepting conveyances for utility purposes.
- B81-06 Calling for bids for improvements to the Smith-Manhasset Neighborhood Park located at the western terminus of Manhasset Drive and adjacent to the east side of the proposed Louisville Road extension.
- B82-06 Authorizing acquisition of property at the western terminus of Manhasset Drive for park purposes.
- B83-06 Calling for bids for improvements to park roads, parking lots and outdoor basketball courts at various City parks.
- B84-06 Amending Chapter 6 of the City Code as it relates to canopies in downtown Columbia.
- B85-06 Amending Chapter 16 of the City Code as it relates to noise.
- B86-06 Appropriating funds for certain public safety projects authorized at the November 2005 election.
- B87-06 Approving the Final Plat of Fairview Marketplace located on the north side of West Broadway, between Park De Ville Drive and Fairview Road; authorizing a performance contract; authorizing a development agreement; granting a variance from the Subdivision Regulations.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Commercial lighting report.

Mr. Watkins explained the Planning Department prepared a rather lengthy report on options for commercial lighting regulations. They would recommend that Council consider holding a work session on these items at a convenient time.

Mr. Ash asked that they keep it simple initially. He agreed with the concept of having a third party be the one to figure out if they were complying or not. He noted he liked the simplicity of their noise ordinance because it did not matter how it was accomplished. It was the end result that was important. He saved all of the information from the EEC. He thought it seemed to be very complicated and appeared as though they were trying hard to get it perfect the first time. He thought it should be done in baby steps and recommended they go with the most egregious things to begin with. They could always add to it later.

Mayor Hindman stated they would schedule a work session.

(C) Red light report.

Mr. Watkins stated the Council previously asked staff to look at the possibility of installing cameras to enforce red light running. Because there were a number of questions, they were recommending that they continue to study the issue and noted it might be prudent to wait until they received clearer direction, if any, from the legislature.

Mr. Boeckmann commented it was that and also the fact they had not been able to study it much. There were conflicting reports on the merits of red light camera systems. Some studies were showing that the accidents did not decrease and others were arguing there might be an increase in rear end collisions because people stopped short, but a

decrease in people getting broadsided. He also noted that if they went to a system that took a picture of the driver, which he understood they did in California, it would be much more time consuming to determine who the actual driver was, if it was not a registered owner.

Mayor Hindman felt the purpose of this was to save lives and reduce serious accidents that occurred at intersections. He stated people were complaining all of the time about people running red lights. He thought there was a lot of evidence that these systems did a tremendous amount of good. He noted the City of Arnold already had them installed, Springfield voted to put them in, St. Peters decided to put them in and Kansas City was studying whether or not to put them in. He thought Columbia should be obtaining evidence on how well these things worked. He did not believe they should stop at this point because someone had a bill in the legislature.

Mr. Boeckmann commented that he was not saying they should wait. He was only saying the issue had not been studied yet.

Mayor Hindman stated he thought they would be getting a report from the Police Department or Public Works looking at what had happened in other cities and whether this worked well or not. He thought this was the thing to do, but felt they needed a report based on staff's study of the issue.

Mr. Ash commented that he agreed with the Mayor. He did not feel the need to be cautious because there would not be a financial investment. He understood the company would install the equipment and take a percentage of the tickets with no financial investment from the City. He felt it was worth trying out and did not see the risk. He thought they could negotiate escape clauses in the contract. In regards to the picture issue, he thought they should take the picture of the driver, send it to the registered driver and let the owner of the vehicle determine who was driving the car.

Mr. Boeckmann stated the prosecutor had to prosecute an individual. They could not place that burden on a defendant. He explained that would establish a presumption that the owner was driving the car. He did not believe that would withstand court scrutiny. That could be done with parking tickets, but this did not have the same consequences as parking tickets. Running a red light was a much more serious offense. He did not believe they could have a statute saying the owner of a car was responsible for drive-by shootings. He felt it was the burden of government to prove who the offender was.

Mayor Hindman stated he disagreed. He agreed with Mr. Ash in that the company took the risk. He noted an e-mail he received regarding someone whose daughter was almost killed and who was in support of this.

Mr. Janku asked if he wanted a further report. Mayor Hindman stated he would like to have researched material as to where this had been done, if they were effective and what a proposed ordinance would look like. He was looking for a report in which the Council could make an intelligent decision as to whether or not to vote to put this system in Columbia. Mr. Loveless asked if he wanted a draft ordinance. Mayor Hindman replied he thought a draft ordinance would be a good idea.

Mr. Janku thought if they were going to ask for a report, they should try to identify what the priority intersections were as well. Mayor Hindman stated he would be glad to ask staff for suggestions. They could look at the accident rates and the volumes through the

intersections. Mr. Ash felt the company could provide some sort of data analysis. Mayor Hindman agreed stating they had experience picking out intersections. Mr. Watkins noted the company would come in, do a study and recommend specific intersections where they felt this would be cost effective.

Ms. Nauser thought that while they were looking at this, they should look how other community ordinances addressed concerns of businesses that had couriers and drivers. Mr. Boeckmann noted he had not seen one in Missouri that addressed it.

Mayor Hindman commented that Chicago had them at thirty different intersections. They took a picture of the license plate and light. Many of them showed a movie, so you could see when the light changed. The company did the research to find the owner of the car from the license plate picture. They would prepare all of the information and send it to the Police Department. The Police Department would then go through. If they were good cases, they would send them on to the prosecutor, who would decide which cases to prosecute. Notices were sent by mail to the address that was provided by the company. They give the people an opportunity to pay the fine. He understood under Missouri law, this situation did not result in points. Mr. Boeckmann thought it would result in points if it was a moving violation. Mayor Hindman stated the company represented that there would be no points, but he was not sure whether there would be or not. The people could send in the fine or if they felt they had a defense, they could let them know. He noted one of the defenses was that they were not driving. If they used this defense, it would then ask who was driving the vehicle. He did not know what happened if they did or did not provide a name at that question. That was the basic way it worked and a lot of the work was done by the company with the Police Department and the Prosecutor's Office making all the decisions exactly as they did now.

Mr. Loveless understood they did not treat it as a moving offense somewhere, but he did not know where. He thought there were a lot of options out there.

Chief Boehm explained they had been working on a lot of the things they were discussing and had Arnold, Missouri's ordinance and the proposed ordinance from Springfield, Missouri. They also had a number of studies. One of the issues they were running into right now was that there was no one other than Arnold in Missouri that actually had it implemented and Arnold had not had it in place long enough to have any statistics on what it was or was not doing. They were looking at other states that had it in place for a considerable amount of time to see what their statistics showed and that was where they were running into some conflicts. Some were saying it was working well and others were saying it was not. He noted they were still interested, as a Police Department, but it was more complicated than it seemed on the surface. They had a lot of work to do to study this issue. He pointed out he was active in the Missouri Police Chiefs Association (MPCA) and MPCA was trying to work with the Representative who first put this bill together. They thought would be something they could work with, but he noted the bill had been rewritten seven times and the legislative session was a long way from being done, so they did not know what it would look like in the end. He noted the initial bill banned the idea of red light camera violations in the State of Missouri. It did not now, but did have a lot of criteria. He was concerned this was not how it would look like at the end and he would hate to

recommend moving forward with an ordinance that, in 30 or 60 days, turned out to be an issue.

Mayor Hindman felt if staff continued to study the other communities that by the time they would be in position to pass an ordinance, the legislature would probably be over because they got out in early May.

Mr. Janku stated that although everyone present seemed to be in favor of it, he thought there would be some opposition and it would be good to get information together to be able to make the case clearly rather than just assuming it was going to pass without public discussion.

Mayor Hindman made the motion that staff continue research on this in regards to what had been done in other cities and what the results had been, and that they prepare a proposed ordinance while also keeping them up to date with what was going on in the legislature. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

Human Rights Commission

Cole, Randall L., 2205 UMC Drive, Ward 6 – term to expire March 1, 2009.

Snell, Valeta M., 925 Cooper Drive North, Ward 6 – term to expire March 1, 2009.

Mayor's Committee on Physical Fitness

Warner, Max M., 3 Kipling Way, Unit C, Ward 3.

Parks and Recreation Commission

Jones, Mike, 5304 Sandstone Drive, Ward 3 – term to expire May 31, 2007.

Special Business District Board of Directors

Vangel, Michael T., 3511 I-70 Drive SW, Ward 2 – term to expire January 1, 2009

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Janku stated he wanted to follow up on Sunflower even though they did not have the final vote. Mr. Janku made the motion that staff be authorized to work with and talk to the neighborhood about the traffic calming issues and also to see if there was something they could do to address the tree loss issue for those who had a loss of trees. He thought the Water & Light Tree Power Program might fit there. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku noted he received correspondence about a long time nuisance property, which had been vacant for a period of time and had gradually deteriorated. Some cities like Springfield had imposed fines and penalties if one did not utilize a property over time. He made the motion that the Nuisance Property Task Force take a look at this situation and

provide a recommendation. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku commented that they received a preliminary report on the Business Loop Sidewalk. He felt they needed to move forward on that. Mr. Glascock stated the bid call legislation would be introduced at the next meeting.

Mr. Janku stated he went to a meeting regarding adopt-a-spots and was glad that Leigh Nutter followed up with the recommendation to help fund the annual flowers with Public Works donating the compost. He noted a lot of people were providing out of pocket costs along with their time to make them work well.

Mr. Hutton commented that at pre-council, they talked about the potential CDBG expenditures for the next year. One item discussed was unimproved roads. They generally had one on the projects list every year, but currently did not have one. Mr. Hutton made the motion that staff develop a list of the top 8-10 unimproved streets for the Council to prioritize to add to the CDBG list. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

In light of the Sunflower Street improvement, Ms. Nauser suggested staff provide lists for all future tax bills of properties that have changed hands since the work had been completed. This would assist them in not continually having to table the item to obtain the correct information. Mr. Hutton asked if the ordinance passed at the last meeting caused tax bills to be recorded for all projects out there now or just from this point forward. Mr. Janku noted he asked that was told it was only for future projects. He did not think there were many projects out there. Mr. Hutton stated they were provided a list and there were about eight under construction and eight that had not started yet. Mr. Glascock suggested they record the ones that had a public hearing, but were not under construction. He thought there were eight. He did not think it would do much good for the ones that were pending after construction, but noted they could see which property owners had changed on those projects. Mr. Nauser made the motion that they move forward per Mr. Glascock's suggestion. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mr. Ash asked if the Nuisance Property Task Force was getting close to coming back in regards to an ordinance. Mr. Boeckmann stated at the last meeting, which was last Wednesday, they started going over the nuisance party ordinance and he thought they would finish that at their next meeting and would then start going over the chronic nuisance ordinance, which would be more difficult.

Mayor Hindman made the motion to notify the State legislature with our position of being opposed to the bill as it stood right now with respect to the telecommunication franchise bill. The motion was seconded by Mr. Ash and approved it unanimously by voice vote.

Mr. Janku asked if they wanted to advise the Legislature as to their interest in the red light camera bill and the hope that something workable would be passed. Mr. Loveless made

the motion that the Mayor write a letter to the State legislature in regard to red light cameras. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman noted some of our busiest street in town had people driving by a lot of back yards where people did not pay a lot of attention to, but was the scene from the road. He wanted to try to encourage that the streets be more attractive. He thought they might encourage alleys, so the houses could face the main street while the access to the house would be in the back. He understood this was done in Nashville and Houston. Mr. Hutton stated he was not sure he agreed that was a good thing because visitors would have to find the alley. Mayor Hindman noted they could park on the street. Mr. Loveless agreed with the intent, but commented that he was not sure he would want his house facing an arterial street. Mayor Hindman suggested Council think about it.

Mayor Hindman made the motion for the City Council to go into a closed session immediately following the work session beginning at 6:00 p.m., February 27, 2006 in the 4th floor conference room in the Daniel Boone Building to discuss pending litigation and contract negotiations as authorized by Section 610.021(1)and (12) of the Revised Statutes of Missouri. The motion was seconded by Mr. Hutton with the vote recorded as follows:
VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON.
VOTING NO: NO ONE.

The meeting adjourned at 11:42 p.m.

Respectfully submitted,

Sheela Amin
City Clerk