

**MINUTES  
CITY COUNCIL MEETING – COLUMBIA, MISSOURI  
OCTOBER 16, 2006**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, October 16, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members NAUSER (Ms. Nauser left the meeting at 10:43 p.m.), HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON and LOVELESS 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 October 2, 2006 were approved unanimously by voice vote on a motion by Mr. Janku and a second by Mr. Hutton.

**APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA**

Mr. Loveless requested B422-06 be removed from the Consent Agenda and added to Old Business. The agenda, including the Consent Agenda with the adjustment involving B422-06, was approved unanimously by voice vote on a motion by Mayor Hindman and a second by Ms. Hoppe.

**SPECIAL ITEMS**

**Grindstone TDD – check presentation for road improvements.**

Otto Maly explained that when they requested the zoning for their Grindstone project, they agreed to pay for the improvements from Providence to Grindstone. They fulfilled their obligation by presenting a check to the City of Columbia in the amount of \$1,479,857.65. Mayor Hindman thanked Mr. Maly and noted this represented a responsible approach to a major development.

**SCHEDULED PUBLIC COMMENT**

**John Donelon – annexation problems.**

Mayor Hindman noted Mr. Donelon had withdrawn his request to speak.

**PUBLIC HEARINGS**

**B298-06A Rezoning property located on the southwest corner of North Garth Avenue and West Sexton Road from R-2 and C-1 to C-P; approving the Covenant CDC Garth & Sexton Project C-P Development Plan; approving a reduced number of parking spaces; allowing less stringent yard and screening requirements.**

The bill was read by the Clerk.

Mr. Watkins noted this was tabled at the September 18, 2006 Council Meeting and since then additional information had been provided to Council. Mr. Teddy explained they had received two revised drawings to the development plan within the last several days. The first set of changes added more underground storm water detention to the site and raised the

standard for the storm water release rate, so the site would be able to retain more storm water. They also added a four foot wide concrete service walk that connected the public walk on Sexton to the accessible apartments on the west side of the site. They added a walkway that included a speed table feature through the center of the parking lot to the commercial building that was oriented to Sexton. It took out a couple vehicle parking spaces reducing the parking count by two. They also added a couple of bicycle parking spaces, so the total number of spaces did not change. He understood there was now a pedestrian walkway to facilitate pedestrian and disabled access directly to the stores.

Mayor Hindman opened the public hearing

Dave Griggs, 6420 Highway VV, provided the Council a copy of the latest revised plat and stated he was available to answer any questions.

Mr. Hutton asked if the plan they received tonight was different from the plan dated October 13, 2006.

Matt Kriete, a civil engineer with Engineering Surveys and Services, 1113 Fay Street replied it was the same plan. He did not realize they had already received that plan. He noted the only difference between that one and the one dated October 11, 2006 was the raised pedestrian crossing with the two additional bike spaces. He explained they added of a 4 foot concrete sidewalk from Sexton Road to the accessible apartment buildings to the west side of the grocery store. They also added to the storm water detention, so the 100-year storm would be detained on site. This was beyond the requirement of the City's ordinance.

John Simon, an architect, stated they would adhere to the same standards utilized at the Kilgore's Pharmacy facility on North Providence Road or the Grindstone Wal-Mart in terms of fixture, height and character. The intent was to incorporate a high degree cutoff shoebox type pole fixture of approximately 20 feet in height above grade. They would be placed as depicted on the site plan.

Mayor Hindman asked what was wrong with the 18 foot height similar to that at Nifong and Forum. Mr. Kriete pointed out they meant Walgreen's not Wal-Mart. Mayor Hindman was appreciative of that and noted it had been very successful.

Darlene Dixon, 201 Lynn Street, thanked Ms. Crayton and the other Council Members for meeting with the neighborhood group recognized as "Residents for Neighborhood Zoning." They were asking the Council to vote on the ordinance. They felt this was about zoning and not about program outcomes. They agreed that appropriate redevelopment in this area was a good idea. They supported the creation of a mixed use building on North Garth Avenue that would provide low income housing and small commercial office space for neighborhood entrepreneurs and services. They also supported the establishment of a business incubator for new minority and small business entrepreneurs. The implementation of the incubator would no doubt help to create and solidify more black-owned businesses in the City. She noted there was a time in Columbia when its black citizens owned many businesses within the core of its living area and they welcomed the return of those times. She pointed out, however, they did not want to destroy zoned residential areas in the process. She stated they would support a new application to rezone the currently zoned C-1 land to C-P with C-1 uses and appropriate restrictions to be agreed upon. They were opposed to rezoning any residential areas on West Sexton Road to commercial zoning at this

time. They asked the Council to reject the applicant's request to rezone the R-2 land on West Sexton to a commercial use. They felt the redevelopment on North Garth was enough.

John McFarland, 903 Jewell Avenue, stated he had lived around the corner from the proposed development for 14 years and was speaking as an associate for the "Residents of Neighborhood Zoning." He explained it was an informal group of people living within three neighborhood areas, Smithton, Douglas and Ridgeway, which were adjacent to the Garth/Sexton intersection. He stated they had strived to maintain congenial relations with the leaders of Grace Covenant, The Intersection and the Covenant CDC since they settled in the neighborhood. He noted all transactions and meetings of their neighborhood associations had been transparent to Covenant. He pointed out the Planning and Zoning Commission voted 6-1 against the zoning proposal. Mr. Cady stated the "animosity created between the applicant and the neighbors in the area" recurred. Mr. Wheeler felt "the animosity seemed to be worse now than it was the last time." Mr. Rice stated "I don't see community development, I see community divisiveness." Mr. McFarland also noted that several members expressed concerns that the development was too large or too intensive for the land available. Mr. Wade commented that "it is a location that has too much going against it for more intensive commercial" and "there's just too much on that space in terms of retail." Mr. Lamb remarked "this is too much on this corner and I think there is an appropriate level of C-P use for this corner, but I am not comfortable with this load." Mr. Brodsky stated "I really just think that this development is too large." The fact the proposal did not conform to the 2020 Plan for neighborhood commercial was brought up by Mr. Rice. He stated "I recommend denial for several reasons. One is the lack of conformance with Metro 2020, which provides us with a sort of vision with the things in our neighborhoods."

Patrick Crabtree, a 23<sup>rd</sup> District State Representative candidate, stated he had worked with Ms. Crayton in talking to various individuals and trying to work out the differences in the community over the proposed grocery store. He sensed there was an overall feeling that it should go through. He asked the Council to approve the request and to allow the grocery store. He noted all he had ever seen on this corner was a vacant lot. He felt this lot was not helping crime in the area because it was dark at night. He felt this would provide a great opportunity to the community, especially with the business incubator. He stated there were really only seven people willing to stand up and speak against it. From the meetings he had attended, he had seen over 30 people that were interested in seeing it go through. He understood there was concern about CDC doing what they actually said they would do and he was concerned about that as well. He noted, however, they owned the property in question and were the ones in control of doing something with the property. They expressed an interest in doing something good for the community by having housing to help people get out of rental and into home ownership and business incubator opportunities. It was a group that was forward thinking and wanted to do something helpful for the community. He felt they would be remiss in not allowing this to go through at this time. If it did not go through, he was concerned someone else would buy it and place something on there they might not want. He understood C-1 zoning existed right now and there were a lot of acceptable uses that did not require approval of the Board. He asked the Council to approve the request and to then hold them accountable.

Pat Kelley, 1007 Grand Avenue, passed out an overhead transparency for the Council to review. She noted the dots identified people who were opposed to the development based on a review of the Planning and Zoning minutes, the City Council minutes and the protest petition. She pointed out many people in support indicated they felt like they lived in the neighborhood, but did not.

Ms. Hoppe commented that the previous speaker indicated there were about seven people who opposed it. She understood they had signatures of people that opposed it and asked for the count. Ms. Kelley replied that there were three lists. One had 35, another had 20 and the third had 11. She pointed out that in regard to the petition signed by people in favor of this, there were 117 signatures. After removing the duplicates and people living far away, however, there were only 61.

Steve Hennes, 205 E. Sexton Road, stated he lived two sites from the development and provided a list of residents that were in favor of the proposed rezoning to the Council. It included 92 residents living in the immediate area surrounding the development. There were also 15-20 people who were visiting the area.

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

Ms. Crayton stated she had met with the residents in opposition and they still did not want the development. She noted she respected that and would represent the neighborhood. In regard to the senior apartments at the end of the grocery store, she felt, with the crime in the neighborhood, they were too far back and secluded. She wondered if they could be moved forward. She understood the neighbors still had an issue with the grocery store being too big.

Mayor Hindman stated he was convinced this was a good thing. He noted this was an area that had been suffering for a long time. It was an area with suspected crime and one where people did not feel safe. He felt this was a great opportunity to get some life and activity into this neighborhood. It would bring in neighborhood stores and incubators. It included mixed use with people living there. It would generate activity and build the neighborhood. He understood some felt the grocery store was too large. He noted perfect was sometimes the enemy of good. He agreed it might be nice if the grocery store was smaller, but noted that would mean higher prices. He felt it was already a relatively small grocery store by modern standards. He commented that in order to get something like this done, one had to have the land, the zoning and a willing investor. He wondered what would happen if they said no. He was not sure they would have another investor who was willing to bring in an incubator and mixed use. He reiterated that he thought this was a great opportunity. He noted one of things he continually heard was the need for opportunities for minority businesses. He pointed out this would be a minority business. They would also have the minority business incubators. He also continually heard the need for grocery stores in neighborhoods and noted this was an opportunity for that as well. Some people felt it was a zoning issue and that they should not consider the present plans. He did not think it was that black and white and felt it was too good to pass up. He understood they would set it up to have minimal impact on the neighborhood.

Mr. Janku commented that he felt the statement indicating the perfect was the end of the good was a true and applicable statement in this situation. He wished the site was less

intense, but noted it used up all of the existing vacant property and defined the tract for the future. He stated he met with some of the neighbors and understood their concern did not involve only this commercial development, but whether it would be used to argue for future changes and expansion in the area. He noted he planned to approve this, but would not support any future expansions of commercial zoning in the area. He felt it was important to try and maintain the immediate residential character of the area. He understood there was some O-P zoning nearby for a funeral home use, but other than that zoning, which was already in existence, he did not plan to support any expansion of the commercial beyond what might be approved tonight. He noted this was a planned district. The existing property was C-1 and not planned. It could have a number of deleterious uses, which could lead to more severe negative impacts on the existing property owners than could be imagined by this development.

Ms. Hoppe stated she attended one of the meetings in 2005 as a member of the Active Living by Design group and she raised the issue of having grocery stores where people could walk to them as they brainstormed. She noted they never heard anything else after that meeting. She commented that one of her concerns was that Covenant Community Development had not consistently communicated with any one group and wondered how many people who signed in favor of a grocery store actually signed in support of this particular development. She stated she wanted to see a walkable grocery store. She also thought the neighbors that expressed concerns were in favor of the Garth development, which included the multi-use and the incubator. They wanted to see a grocery store as well, but they wanted to make sure it was done correctly. She felt this was a sensitive area and that they wanted to do something that would be a success. She noted it had been mentioned that the perfect was the enemy of the good and believed they had seen some positive adjustments from the last proposal. She felt sometimes perfect was a way to get the best product. She understood it might not be completely perfect. She pointed out the Planning & Zoning Commission also felt there was too much on that area causing the need for many variances. She agreed there had been some positive adjustments made, but noted this was across the street from residents and she was concerned about how this would affect them. There were nice homes and the area was being upgraded. She felt they wanted to keep that quality. She understood there was a good deal of crime down the street and she wanted to be sure that did not come to this area. She was also concerned about the noise and hours of operation because 10:00 p.m. seemed late. She thought the alcohol sales would attract people at that late hour. She noted the Chair of the Planning & Zoning Commission provided them a letter dated October 11, 2006, which summarized their concerns. She pointed out they were still concerned about delivery trucks getting into the site.

Ms. Nauser stated she agreed with what almost everything everyone had already said. In looking beyond this particular project, in case it was not successful, she understood the neighbors were concerned about other possible uses. They did not want a payday loan or any type of cash advance business to be placed on the site. She was hoping they could make that an exception to the planned uses for the property. She understood another concern was the lights and was glad to see the lights would be similar to the Walgreen's store because she did not think those lights were very intrusive to the area. She stated they had

been told something needed to be interjected into the downtown area to bring opportunities to people and thought this was a place to start. She did not feel it was an overly large project compared to things they had seen in the past, but agreed it would be a big change for the neighborhood. She noted she agreed with Mr. Janku and would not be supportive of continuing this trend further into the neighborhood.

Ms. Hoppe noted she would be requesting an amendment in regards to the hours of operation and the alcohol sales. She would suggest 9:00 p.m. instead of 10:00 p.m. Mr. Janku asked if she meant the overall operation would end at 9:00 p.m. or if there would be no alcohol sales after a certain time. Ms. Hoppe replied she would like to see it only open until 9:00 p.m. and not have alcohol sales. Mr. Hutton asked for clarification on the alcohol sales. Ms. Hoppe replied she was suggesting no alcohol sales at the store, but if there was a restaurant, in house alcohol would be fine.

Ms. Crayton stated she agreed with the comments made by the other Council Members and hated the fact this project had put such an ugly division in the community.

Ms. Nauser made the motion to amend B298-06A by adding payday loan businesses, cash advance businesses, pawn shops, gun shops and tattoo parlors as uses not allowed on the site. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Hoppe commented that she wanted the grocery store to close at 9:00 p.m. instead of 10:00 p.m. Mayor Hindman asked when they opened. Mr. Loveless replied 7:00 a.m. Mr. Griggs asked if the 7:00 a.m. – 9:00 p.m. or 10:00 p.m. was for the grocery store or the entire project. Ms. Hoppe replied just the grocery store since it would draw traffic with residents across the street who might go to sleep at 9:00 p.m. Mayor Hindman understood it was currently 7:00 a.m. – 10:00 p.m., so if they did not agree to 7:00 a.m. – 9:00 p.m., it would remain at 7:00 a.m. - 10:00 p.m. Mr. Janku thought it needed to be included in the ordinance either way. Mr. Griggs stated from a business persons standpoint, he would prefer to have the opportunity to operate the store as late as the consumer demand justified having the store open. He asked the Council to consider allowing the market to drive whether the store closed at 9:00 p.m. or 10:00 p.m. If there were customers wanting purchases at 9:30 p.m., they wanted to be able to serve those customers. If this, however, was a big sticking point, they would concede to 9:00 p.m. Ms. Crayton felt 9:00 p.m. was late enough for that neighborhood. She noted Moser's also closed at 9:00 p.m. She did not want anyone walking up to the store at that time of night. People were already walking up to the Break Time and she did not want that at this location. Ms. Hoppe clarified the 9:00 p.m. closure was for the grocery store, not the multi-use building. Mr. Hutton asked what the difference was between having the grocery store open at that time versus another store if they were considering safety concerns. Ms. Hoppe replied another store or restaurant would be a much smaller businesses and would not attract a large number of people. She was agreeable to extending it to the others if the Council wanted. Mayor Hindman noted one of the greatest protections against crime was to have people active in the neighborhood. If it closed at 9:00 p.m., it became a vacant spot. Ms. Hoppe stated it would still have lights and there were residents across the street.

Ms. Hoppe made the motion to amend B298-06A by requiring the grocery store operations to be between 7:00 a.m. and 9:00 p.m. The motion was seconded by Ms. Crayton and defeated by voice vote with only Ms. Hoppe, Ms. Crayton and Mr. Janku voting in favor of the amendment.

Mr. Janku made the motion to amend B298-06A by requiring the grocery store operations to be between 7:00 a.m. and 10:00 p.m. He understood they needed to include this in the ordinance. The motion was seconded by Mr. Hutton and approved by voice vote with only Ms. Hoppe and Ms. Crayton voting no.

Ms. Hoppe made the motion to amend B298-06A to prohibit the sale of alcohol in the grocery store. The motion was seconded by Mr. Janku.

Mr. Janku explained he offered the amendment regarding restricting sales to wine and beer the last time. He note Walgreen's did not sell liquor and it was one of the most successful companies in the Country. They did want the type of clientele that would come in for liquor because they felt it would be detrimental to their business. He thought this business might be better off not serving beer and wine because it might drive away other customers. He was in favor of eliminating alcohol sales in the grocery store.

The motion, made by Ms. Hoppe and seconded by Mr. Janku, to amend B298-06A by prohibiting the sale of alcohol in the grocery store was approved by voice vote with only Mr. Loveless and Ms. Nauser voting no.

Ms. Hoppe understood Ms. Crayton felt the unit to the west for senior citizens and handicapped people was too far back. She asked if they wanted to include an amendment requiring it be closer to the road. Ms. Crayton stated she thought it needed to come forward because she did not think senior citizens or handicapped people should be secluded in the back so no one could look out for them. Ms. Hoppe asked if she wanted the apartment closer to the street with parking in the back. Ms. Crayton replied yes and noted a fence was along there, so therefore, they were not visible from either side. Mayor Hindman understood something like this required a total change to the plan. Mr. Hutton thought there was an engineering problem due to the main storm sewer running through the middle of the tract, which they could not build over. Ms. Hoppe asked if there was enough room in the front to move it. Mr. Kriete replied no because it would split the site in half and would take away a lot of the parking. Ms. Hoppe asked if the building could fit. Mr. Kriete replied no. Ms. Crayton understood the apartments were for handicapped people and senior citizens. Mr. Kriete stated it was handicapped accessible. Ms. Crayton understood they would have to ride their wheelchair all of the way to the back in the dark. Mr. Kriete replied he understood her point and noted part of the idea of the fence was that the area would be enclosed to create a safe area. The fence was visible from the front and the sidewalk along the west side of the property. Ms. Crayton asked who would lock the gate and what happened if there was a fire. Mr. Kriete replied a key would be supplied and the Fire Department had bolt cutters to remove locks. Mayor Hindman asked for clarification regarding the fence. Mr. Simon replied there was a little enclosure at the end of the building to create a private yard area. They thought the residents might want privacy from the commercial development, which was the purpose of the fence. Mr. Janku understood it went across to the sidewalk. Mr. Simon replied yes. Ms. Crayton thought it was too secluded. Mr. Simon felt that depended upon

how busy the parking lot was. It was set back farther than the other residences in the area, but given the level of activity they were hoping to see, he did not believe they would be that secluded. Mr. Janku understood what they were saying about the privacy area because it would make a nice garden area. He asked if the fence would be wooden or something that could be seen through. Mr. Simon replied they wanted approval so they could define some of these characteristics of the development. They had not defined that material yet. Mr. Kriete understood the Council preferred it to be a non-opaque fence. Mr. Janku thought rod iron would be good because one could see through it and it provided a feeling of security. Ms. Crayton asked where the handicapped parking would be. Mr. Simon replied the handicapped parking would be located adjacent to those apartments. In addition, a sidewalk was added along the west edge of the lot from the public way to those units as an additional means of access. Mayor Hindman understood they also had direct access to the store. Mr. Simon stated that was correct. There would also be some reserved parking places associated with the occupancy of the apartments. Ms. Crayton asked if it was a split level. Mr. Simon replied they were on level units. Mr. Janku thought there should be some way to open the gate, such as hitting a button, so it was designed for handicapped capabilities.

Ms. Crayton made the motion to amend B298-06A by adding a condition to Section 3 requiring a transparent fence to be located on the west side of the property and for arrangements to be made for emergency access. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Hutton made the motion to amend B298-06A by changing the date of the C-P development plan in Section 3 to October 13, 2006. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

The vote on B298-06A, as amended, was recorded as follows: VOTING YES: NAUSER, HINDMAN, JANKU, HUTTON, LOVELESS. VOTING NO: HOPPE, CRAYTON. Bill declared enacted, reading as follows:

Ms. Crayton explained an individual came to her home about this issue in a threatening manner. She noted the Council was volunteer and she did not feel they should be intimidated in regard to voting. As a Council Member, they did the best they could. She did not feel it was appropriate for people to threaten them. Ms. Hoppe stated she did not think it was acceptable for someone, who was not a friend, to go to a Council Member's house at 10:30 p.m. Ms. Crayton stated she tried to do her best and felt that was low.

**B386-06 Amending Chapter 27 of the City Code as it relates to electric connection fees.**

Mayor Hindman understood there was a request to table this item.

Mr. Hutton made the motion to table B386-06 to the November 6, 2006 Council Meeting. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**B408-06 Rezoning property located on the east side of Hitt Street, south of Rollins Street (812 Hitt Street) from R-3 to C-P; approving the Baptist Student Union C-P development plan; approving less stringent screening requirements.**



The bill was given second reading by the Clerk.

Mr. Watkins explained this was a request by the Baptist Student Union to rezone its existing property on the University campus to C-P to allow for the sale of coffee shop/café related food and non-alcoholic drinks, books and music. It would also allow an ATM cash access machine and the rental of any parking spaces that exceeded the required parking. The proposed plan showed the existing conditions along with the addition of an ATM. The Planning & Zoning Commission recommended approval of the proposed rezoning and statement of intent.

Mr. Janku asked if they provided notice to the University as an adjoining property owner. Mr. Teddy replied yes and noted the Board of Curators received a notice.

Mayor Hindman opened the public hearing.

Dan Simon, 203 Executive Building, stated he was representing the BSU Ministry for Tomorrow's Leaders/Baptist Student Union and explained this came to the Council with support from the Planning & Zoning Commission and City staff. To his knowledge, there was no opposition to this. It conformed with the 2020 Plan. The University was not subject to zoning ordinances, so its recreational facility on the opposite side of Hitt Street and Brady Commons, which was around the corner, were commercial uses operating in the same vicinity in an R-3 zone.

Ms. Hoppe understood staff recommended there be some bicycle parking due to its location and the potential for high bicycle usage. Mr. Simon replied bicycle parking was already present, so they felt that requirement was already satisfied. Mr. Teddy noted they would be satisfied if there was already bicycle parking there.

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

The vote on B408-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**R227-06 Approving the FY 2007 CDBG and HOME Annual Community Development Action Plan.**

The resolution was read by the Clerk.

Mr. Watkins stated this was a required public hearing by HUD on the City's Action Plan for 2007. It covered CDBG, which was reflected in the budget that was approved during the budget process, and HOME funding. He noted the HOME Action Plan was reviewed and approved by the Community Development Commission.

Mr. Teddy explained the plan included the CDBG budget as approved by Council with the different activities that would make up part of that budget. It also included a proposed HOME Investment Partnership budget, which was another HUD program to promote affordable housing in the community. They were expecting approximately \$600,000 for the FY 2007 allocation. It described the proposed sources and uses of funds, including but not limited to the City's CDBG and HOME grants. This plan was descriptive of a lot of other activities done with or seeded by federal funds. The activities for 2007 were organized by national program objectives, which were to provide decent affordable housing, a suitable living environment and economic opportunities in the community. This year, for the first time,

there was a lengthy section on performance measures. This was a new format required by HUD to report objectives, outcomes and results. He noted there was a typographical error in the document. They described the HOME program as FY 2006, but it should have been labeled FY 2007.

Mr. Janku asked how many CHDO organizations were in Columbia now. Mr. Lata replied three. They were Habitat for Humanity, Central Missouri Community Action and Community Development Corporation. Mr. Janku asked if the Housing Authority could become a CHDO. Mr. Lata replied they were in the process of becoming a CHDO.

Mr. Janku asked if there was a way to put aside funds for the future to acquire properties that might come up for foreclosure or tax sales in order to acquire them and put them back on the market for a property owner who they had confidence in to redevelop them for good use. Mr. Lata replied in this year's budget under the demolition program, they built in that activity if it was needed. It would be part of the \$40,000 budgeted in the demolition program. He noted it was limited to vacant and dilapidated properties in the neighborhood response area. Mr. Janku asked if they could acquire the lot and not just tear down the structure. Mr. Lata replied it allowed funds to be used to purchase the lots. Ms. Crayton asked if there was any other money available to rid the neighborhoods of those vacant lots and dilapidated homes by not just tearing them down and leaving the lot vacant. She understood there might be other programs. Mr. Lata replied there were a number of programs out there, but most tied them down to a specific use of the property after they were purchased. He stated he was not aware of any program that would allow them to buy and bank roll property. Ms. Crayton asked if a CHDO could do it, if the City could not. Mr. Lata replied CHDO money was tied to affordable housing. There were a number of organizations looking for vacant lots, but a problem they ran into was the inflated price of lots.

Ms. Hoppe understood the plan did not include funding for emergency repairs because adequate funding was available from previous years and asked for an explanation. Mr. Lata replied in 2003, they received a large number of applications and spent over \$100,000 on the program. They thought they would receive that many applications the following year as well, but did not. Therefore, they had a surplus built up. At the same time, they reduced the income limit from 80 percent of the median to 60 percent because when they looked at the program, most of people in that 60-80 percent that could have paid for those improvements on their own. Those two things built up the surplus. He noted, this year, they were back up to double the amount they had last year.

Mayor Hindman opened the public hearing

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

The vote on R227-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

## **OLD BUSINESS**

### **B331-06 Vacating street right-of-way for Mills Drive, between Hatton Drive and Tremont Court.**

The bill was read by the Clerk.

Mr. Watkins explained this bill would vacate the street right-of-way of Mills. Staff felt making a decision on Mills Drive prior to the proposed plat made sense.

Dan Simon, 203 Executive Building, stated he was representing the applicant, Solitude Development, and noted he provided the Council a letter on October 11, 2006 and September 7, 2006. He commented that it appeared to him the Council would likely not close this street. They were disappointed by that because they did not feel it was fair under the circumstances. If, however, that was what they planned to do, they would request the plat be tabled for as long as it could. They would then make a decision to either go back through the zoning process to seek to amend the plan or come back with a conforming plat that had the street opened. He stated he was disappointed the situation came to this. He noted they built this from the beginning with a concept of closing this street because that was suggested to them. They thought it was a win/win situation, but understood there was now disagreement.

Mr. Janku explained they were talking about doing a test or an evaluation. Mr. Simon stated they would not go along with that. He understood it was suggested his client pay for it. They were not willing to do that. In addition, they understood it would take 5-6 months and that was not a delay they were willing to encounter. It had already encountered a substantial delay at this point and they were not willing to go any further. They would request the plat be tabled for a couple months and if the City could do something productive in that time frame, they were agreeable. He reiterated that they were not willing to pay for it. They were willing to pay \$35,000 for the street calming devices, if they approved the street closing.

Paul Coleman, 1905 Hatton Drive, stated he was present on behalf of his neighbors, who he asked to stand. About 40 people stood. They felt the tone of Mr. Simon's letter was threatening in nature. They understood Solitude's original plans included the closure of Mills Drive, but felt the plans were devised prematurely as the closure of Mills was undecided. They understood Solitude's frustration, but felt they put the cart before the horse by including the City owned property in their plans. Mr. Simon's letter indicated Solitude felt the neighbors opposed to the closure of Mills was a small percentage of the neighborhood. He noted they were the individuals who would be left to deal with this development long after Solitude left. He commented that they were not opposed to the development. They just did not understand why the developer had the right to commandeer a City street, so they would have more sellable lots to the detriment to the rest of the neighborhood. The letter stated that if Mills was to remain open, Solitude would be forced to increase the number of lots and decrease the value of homes. He asked why the loss of two lots made it necessary to decrease the quality and value of the proposed homes. He understood Mr. Simon indicated this was not a threat, but wondered how else they were to interrupt it. He noted they objected to adding unsightly traffic calming devices, such as the proposed diverter, which were not wanted or needed under the present traffic conditions. The addition of the existing speed bumps on Hatton, Limerick and Mills, the increase in turning lanes at Forum and Chapel Hill and the timing of the traffic lights at Mills and Forum had reduced the cut through traffic to tolerable levels. If Mills was closed as a result of this development, they preferred taking wait and see approach regarding the installation of any additional calming devices. In regard to the traffic poll, he pointed out the neighborhood was not given an option to choose whether or not Mills was to be closed. There were three options, the diverter, a mountable road closure at Mills

and Shannon, and a mountable road closure at Limerick and Chapel Hill. He agreed these options were the result of neighborhood meetings with and without Solitude's participation, but noted they were derived by the notion that Mills was to be closed. The results of the survey indicated the road closure was favored by the majority of respondents and the City decided the mountable road closure was unacceptable due to connectivity issues, and therefore, concluded the diverter was the most popular choice even though the diverter was the option most respondents were opposed to and eleven respondents pointed out they wanted to leave Mills open. He felt if the option of leaving Mills open was on the survey, it would have been the overwhelming choice. He understood Mr. Simon indicated the most impacted neighbors voted to close Mills and stated that was simply untrue since there was no such poll including that option. He reiterated that they were not against the development. They were only trying to protect their property values and the quality of their neighborhood.

Mr. Hutton asked if it was fair to say the complaints the City received regarding Mills cut through traffic were from Hatton/Mills east. Mr. Coleman replied there were people present that lived almost on Chapel Hill all of the way down Limerick. They also had people from Hatton all of the way around the loop. Mr. Hutton stated he was trying to understand where all of the complaints had come from. Mr. Coleman explained they had a bad cut through traffic problem over the years, but some of the things the City had already done, such as the timing of the traffic lights at Mills and Forum, reduced the problem. He noted only two cars could get through in the morning. The widening of Forum and Chapel Hill also helped tremendously. He did not think they had a huge traffic problem now. It was not enough to warrant a divider. He noted he agreed with Mr. Simon in that they did not want anything temporary. He felt that could be worse than a permanent solution. They did not want a concrete barrier or garden cutting Hatton and Limerick off because that would be detrimental to the four owners on that corner. Mr. Hutton wondered how they got this far in the process because the property had already been rezoned and the preliminary plat had been approved. Mr. Coleman stated they were told from the beginning that Mills would be closed because the City wanted it closed. He noted Solitude met with them many times, but they kept saying the City wanted Mills closed. They indicated it was a given and there would be no discussion about it. Later, this other stuff came up regarding more speed bumps and diverters. They were trying to address the cut through problem, which in the last two years had been reduced from where it was. Mr. Hutton stated he did not remember anyone being here for the public hearing for the zoning and preliminary plat. Mr. Janku pointed out they told them, they would decide this later. They deferred it so it could be resolved and unfortunately, in this case, it was not resolved.

Mayor Hindman asked if their opposition to closing the street was based on the fact there was a proposal to locate a diverter there. He understood they felt there was little cut through traffic now and asked if Mills was closed and the subdivision was built as proposed, if they would expect an increase in cut through traffic. Mr. Coleman replied they did not know that yet. Obviously, there would be more traffic because there would be houses. It would depend on where those people were going. If Mills was left open, nothing would change in his opinion. The people in the neighborhood could go down Mills in either direction. Both streets would share the burden. He felt it would affect them more if it were closed. Mr.

Coleman pointed out if they closed Mills, they would lose two lots, but they would now put more, smaller and less valued homes in the development. He did not know how to take that other than it being a threat. Mayor Hindman thought it was more of a fact because the developer would try to recover his investment. He understood it was their preference that Mills remain open and that the smaller number of lots/houses be built. Mr. Coleman replied their preference was for Mills to remain open. Mayor Hindman felt the two went together. Mr. Coleman thought they had a group of people that would rather see Mills remain open regardless of what it meant in regard to housing. He thought some did not want a diverter regardless of what it meant. He thought the majority did not want Mills closed and did not want the diverter.

Jake McMahon, 1500 W. Boulevard Court, stated he lived on a dead end street entered into from Hatton. He stated he had spoken to the Council and the Planning & Zoning Commission in support of the developer's position to vacate Mills. He also read Mr. Simon's letter and thought he had done a good job in accurately describing where they were and how they got there. He did not interpret Mr. Simon's letter as a threat. He was only saying there was an economic reality in building a development and there were trade-offs involved. From his perspective, they were proposing the best possible option under the circumstances. If Council decided not to vacate, they would put in a lower quality development, which would have more units with more cars and would increase the cut through traffic problem. He felt the developer's proposal was pretty progressive. It limited the residential to the northern part of the land and would not allow access on to Mills eliminating the cut through traffic problem. At the southern part, they received zoning for light commercial and condos, which would access Chapel Hill and further help the cut through problem for the pre-established neighborhoods. He understood taking out a portion of the street was a big decision, but felt their job was to weigh what was best for the development and all of the neighborhoods around it, not just one portion of one neighborhood.

Mr. Janku understood the minimum time to do a valid survey analyzing the impact of any traffic calming or temporary closure would be three months. Mr. Glascock replied yes and added it was because patterns did not change over night. Mr. Janku understood the implementation would also take some time. Mary Korth-Lloyd, 1909 Hatton Drive, asked if they were aware the land was for sale, so they really did not know what would come of that subdivision. In addition, they built two houses 18 months ago. The McGruder's moved into theirs about two months ago, but the other was still vacant. She thought it began listing for \$279,000, but had been reduced to \$256,000. She was concerned about how the houses would be placed, the quality of the houses and what would happen if the land was sold. She thought that would have to be part of the decision making process.

Ms. Hoppe asked if she was in favor of closing Mills Road. Ms. Korth-Lloyd replied at this time, she was not in favor of closing Mills and was not in favor of a diverter. She wondered if they were going to make a decision on what they said they would do when the land was still listed for sale. Mayor Hindman understood she was requesting they not close Mills while holding out hope for something other than what the developer indicated would happen. Ms. Korth-Lloyd was not sure she was holding out hope and agreed the unknown was scary. Her point was that they were leading them to believe they had a development

concept, but the land was for sale, so they might not have a true development concept. Mr. Hutton pointed out that if their plan was approved, it would not matter who owned it. It would be built to the plan unless someone came back requesting changes. Ms. Korth-Lloyd understood that could still occur. Mr. Hutton replied yes.

Anne Klusmeier, 1805 Limerick Lane, stated she was almost at the corner of Limerick Lane and Chapel Hill and noted Mr. McGruder and Mr. McMahon were nice people, but pointed out Mr. McMahon did not live in their neighborhood. He lived on a quiet cul-de-sac that was unaffected by these things and did not speak for their neighborhood. Mr. McGruder told them early on that the two houses they were building would be worth over \$300,000. She suspected it would sell for about \$230,000 when it finally sold. The neighborhood was excited about choice number three because these homes were already not of the quality indicated. She believed it was affecting their home prices now. She stated they did not want Mills closed or a diverter in the neighborhood. They would prefer to wait to see if they would build or sell to others. Mr. Janku asked what number three was. Ms. Klusmeier replied the third one on their list.

Ms. Hoppe understood this was a City street and asked who built it, how much it cost and what the square acreage was. Mayor Hindman thought the County probably built the street. Mr. Glascock replied he did not know. It had been there for a long time. It did not have curbs and gutters and was unimproved. It was the main arterial in until Forum was built.

Nancy Springer, 1904 Hatton Drive, explained there were some exchanges of property in 1960. She thought a B.K. Simon sold the property to Mr. Gibb for \$22,000 and, at that time, something was vacated for that road.

Mr. Simon stated he had grown up in the community and that street had been there since before they were kids. Mayor Hindman thought that was correct.

Ms. Hoppe wondered how much acreage would be given to the developer. Mr. Simon replied 100,000 square feet. Mr. Loveless understood it was about a quarter of an acre.

Ms. Nauser understood per the traffic counts in 2005, there were about 700 cars going down Mills Drive and wondered if that was when the neighborhood had high cut through traffic. An audience member indicated that was not in 2005. Ms. Nauser understood that was then normal neighborhood traffic and was what they were talking about diverting onto Limerick Lane. If Mills Drive were vacated, most of the people in the new area would continue to go out the Mills Drive that was left open. In defense of the developer, she agreed it was a matter of economics of scale. Larger lots could bring larger prices to cover development costs. When taking away lots, they took away the margin, so they had to sell more lots. The only way to do that would be to have smaller lots with smaller homes. She noted the housing market was down. What Mr. McGruder was talking about at the beginning had been conceivable, but now the market was slow and people were not getting what they were asking for. She stated she had not made up her mind on this issue. In the past, she had voted not to divert traffic into existing neighborhoods due to new developments. This, however, was already existing traffic that would be pushed to one road. The new traffic would go out on a different road and not affect the other neighbors. She noted that if they did not approve the vacation of Mills, she did not think the developer should not have to pay for

any traffic calming. The City put him in this spot and she did not think it was fair to make him redo his plan and ask for traffic calming in the future at his expense.

Mr. Janku stated when they deferred the issue of the vacation, they did that hoping there would resolution. That did not happen here. He thought that was unfortunate and felt they could have used the intervening time to do the study. He wished they still had the time to do the study. In the absence of that information, he was uncomfortable in making a decision to change the traffic flow since people had made their decisions based on what they perceived as the current traffic flow. He was hesitant in putting in a diverter, although he thought it could be somewhat attractive. He stated he would be willing for the City to incur the cost of the traffic study in order to do it right, but in the absence of the time needed, he could not see vacating the street because it could trigger undesirable consequences for another neighborhood.

Ms. Hoppe stated she understood connectivity was good, so she was very hesitant in closing a street unless there was an overwhelming public reason. She noted the neighbors were telling them that while there was a problem in the past, there was not a problem now. She stated she was concerned about public safety and having less arterial streets in terms of access for emergencies on Chapel Hill or Forum. In terms of the development, they were including two cul-de-sacs and reducing connectivity within the development. She was concerned about further reducing connectivity by vacating Mills Road. She commented that she agreed with the neighbors in that doing the smaller lots and cheaper homes seemed like a threat to her as well. She stated she would vote to keep Mills open.

Mayor Hindman stated he agreed connectivity was very important. When looking at the plan, it appeared there was proposed connectivity between lots 9 and 10 for at least bicycle and pedestrian traffic to get out to Mills Road. He was generally opposed to eliminating streets because he felt one of the best ways to spread traffic out was to have more streets. He understood, however, that whatever they did would be economically neutral for the developer. The developer could have bigger lots with bigger houses if this Mills was closed or could have smaller lots with smaller houses for the same return if Mills remained open. He noted the developer relied on information he received about the benefit of closing Mills and built the development around that. He also had neighborhood meetings to discuss the issue of cut through traffic. He thought this was a situation where they had to be careful of what they wished for because they might receive it. He believed that when they finished putting the smaller lots on the development, traffic would pick up on Mills Drive. He noted he liked the idea of connectivity, more streets, smaller lots and more houses in the central part of the City because it increased density. He commented that what they were proposing in the alternative had nothing wrong with it. It looked like a good development as well.

Mr. Loveless stated he was delighted to hear Mr. Coleman say the cut through traffic had decreased to a level that was tolerable. He noted he talked with the developer and the neighbors and the cut through traffic impact on the neighborhood had been the driver of his thoughts on configuring the development. He agreed that the cut through traffic from Mills Drive was primarily afternoon traffic because one did not save time heading that way in the morning. By the time one could see the intersection at Chapel Hill and Forum from Chapel Hill, they had already missed the Limerick turn off. That traffic did not come in the west side

of the subdivision. He thought there would continue to be people who wanted to cut through this neighborhood and the City would continue to seek ways to slow them down to make their drive such that they did not save any time coming down Mills Drive to connect with Chapel Hill. He felt that was much easier to deal with if it involved just one street. The configuration before them was going to make it easier to deal with any future traffic problems, but the neighbors were stating the cut through traffic was not bad enough for a diverter or some other type of intrusive traffic calming. He noted he was supportive of the development as proposed. He would continue to watch traffic patterns to determine whether it needed to be addressed. He never liked the way Mills Drive turned and went to the southwest because it was a serious opportunity for a spin out. He felt taking that stretch out of Mills was the right thing to do. He understood it would not be palatable to everyone, but did not think anything they did would satisfy everyone.

Mr. Hutton commented that he regretted the fact they were at this point. He thought to bring Mr. McGruder to this point by approving the preliminary plat showing Mills Drive as closed and then not closing it was unfair to him since it was the City's idea to close Mills in the first place. Mr. Janku stated he agreed with Mr. Hutton about getting to this point. He hoped they would learn from this and not defer issues at certain times.

The vote on B331-06 was recorded as follows: VOTING YES: LOVELESS. VOTING NO: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON. Bill declared defeated.

**B330-06 Approving the Final Plat of Winchester Subdivision, Plat 1 located generally south of Mills Drive and Hatton Drive and north of Chapel Hill Road; authorizing a performance contract; authorizing a development agreement.**

Mr. Simon asked that this item be table to January 16, 2007.

Ms. Nauser made the motion to table B330-06 to the January 16, 2007 Council Meeting. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**B372-06 Authorizing acquisition of property to install and operate a refuse compactor in a portion of an alley located between Ninth Street and Tenth Street.**

The bill was read by the Clerk.

Mayor Hindman explained staff recommended they withdraw this item, so B372-06 was withdrawn.

**B409-06 Approving the PUD development plan of Arbor Falls located on the north side of State Route WW, east of Cedar Grove Boulevard; approving a reduction in the number of required parking spaces.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would approve a PUD development plan for a site located on the north side of State Route WW, east of Cedar Grove. If approved, the plan would allow for the construction of a combination of two-family and multi-family residential structures for a total of 195 dwelling units. The Planning & Zoning Commission recommended approval of the proposed development plan.

Mr. Teddy noted there was a parking variance that accompanied this. There was actually an oversupply of parking, but for technical reasons, they did not count some of those



spaces, so there was a shortage. Staff was satisfied that there was sufficient parking and that the design worked.

Jay Gebhardt, a civil engineer with A Civil Group, 1123 Wilkes Boulevard, stated he was available to answer questions.

Mr. Janku stated the concept of tandem parking was one thing in a development like this, but was entirely different in a duplex development where there were unrelated people living together, which caused parking problems. Mr. Hutton understood he would not support tandem parking in a duplex development.

The vote on B409-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B410-06 Approving the Final Plat of Rocky Creek Estates Plat 2 located on the east side of Forum Boulevard, approximately 225 feet north of the intersection of Forum Boulevard and Old Plank Road; authorizing a performance contract; granting a variance to the Subdivision Regulations regarding direct driveway access on Forum Boulevard.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was comprised of one R-1 zoned lot, which was presently vacant and undeveloped, but of sufficient size to construct one single-family dwelling unit. Staff and the Planning & Zoning Commission agreed the requested variance for a direct driveway onto Forum Boulevard was reasonable.

The vote on B410-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B418-06 Authorizing an amendment to the agreement with Central Missouri Community Action for the purchase and lease of city-owned property located at 900-902 Range Line Street.**

The bill was given second reading by the Clerk.

Mr. Watkins noted Council received a progress report from Central Missouri Community Action (CMCA) at its September 18, 2006 meeting regarding the status of their efforts to restore and renovate the Heibel-March Building into a neighborhood center. Following review of that report, the Council directed staff to prepare an ordinance to extend the time frame for completion of the restoration project. This bill, as drafted, would extend the time frame for the project by six years, which was the term requested by CMCA. It would require CMCA to continue to submit annual reports to the Council as to the status of the project. Mr. Hood pointed out they requested six years if they qualified for neighborhood tax credits, but if they did not receive tax credits, they were only asking for a two year extension. He thought the amendment was drafted that way.

Dan Cullimore, 715 Lyons Street, explained he was the Project Manager for the renovation of the Heibel-March Building and Vice President and Secretary of the North Central Neighborhood Association. He was speaking in support of CMCA's request for a lease extension. He noted the building remained in need of renovation because the roof leaked and storm water was damaging the building. They had temporary electrical service,

but no plumbing, heating, ventilation or air conditioning. In January, they hired Columbia Associates Architects and CM Engineering. The construction documents were now complete and they had applied for a building permit in early July. Meetings with other people in town had produced specific benefits that had not existed for the project in September of 2005. Discussions with the sheet metal workers of Local #36 resulted in a pledge of their labor to install the heating, ventilation and air conditioning systems. It was anticipated that they would receive the equipment for that installation as a donation as well. The Director of the Convention and Visitors Bureau offered to help in marketing any tax credits they would receive in the future. He noted this was extremely significant as they had difficulty marketing these in the past. Following conversations with Job Point's Youth Build program in early August, Youth Build students worked to remove damaged plaster ceilings and the old plumbing and heating electrical fixtures. The building was now gutted and ready for construction. Koonse Glass replaced the broken windows recently. In June, the committee voted to study the feasibility of installing a green or living roof as part of a comprehensive energy and environmental conservation program. They were actively soliciting funds and had prepared a full color brochure with a letter describing the project and soliciting donations. This was mailed to over 900 local residents. To date, they had received nearly \$1,200. The volunteers staffing the new committee, which had been at work for less than one year, were Peter Byger, Betty Cook Rottmann, Carl Edwards, Sr., Carol Garman, Ruth O'Neal, Darin Preis, Linda Rootes, Steve Tatlow, Robin Williams and himself. Only Linda Rootes and Betty Cook Rottmann remained from the original board. They hoped to create a multi-purpose space to be used by community groups, social service agencies, Eugene Field Elementary School and senior and youth service organizations. He noted this vision had not changed since 2001 when surveys showed a critical need for a building in north central Columbia that could serve a range of social and civic purposes. He commented that they had already been instrumental in creating an after school art and literacy project with Eugene Field and Central Methodist University in Fayette. Oral histories were being collected and a mural depicting those histories would be painted by the students at Field and displayed in the building. The first interviews were recorded last week with the help of KOPN Radio and would be archived by the State Historical Society. He noted this was the kind of community involvement they hoped The Corner would foster for years to come. Over the next 10 months, they would be collecting donations and hoped to be in the building with an occupancy permit by the end of the summer of 2008.

Mr. Hutton asked for the square footage of the building. Mr. Cullimore replied it was 2,600. Mr. Hutton asked what the estimated construction budget was. Mr. Cullimore replied it was about \$230,000.

Ms. Crayton stated she went to the building this summer and saw a change from when they started. She thought they had gotten more serious about the building and applauded them for bringing various groups together to assist because for five years it went no where. She hoped the Council would allow them to continue since they were headed in the right direction.

Ms. Hoppe asked for clarification regarding the green roof. Mr. Cullimore explained the committee voted in June to explore the possibility of installing a green roof. Their

architect requested some engineering studies to determine if the structure would support the added weight and load needed for a green roof and those came back positive, so they were currently seeking funding to make that part of the comprehensive plan for energy and environmental conservation. Mr. Hutton asked if the green roof was in the construction budget. Mr. Cullimore replied it was.

Ms. Nauser asked if they had any firm commitments for large donations in case they were able to requalify for the neighborhood assistance tax credits. With the rate of increase in construction costs, she was concerned they would be in a downward spiral if they waited six years. Mr. Cullimore replied they did not have firm commitments at this point, but noted were in negotiations with a number of local contractors and organizations. He believed it looked promising and thought it would be good to have the tax credits, so they could be marketed.

Mr. Janku asked how much in tax credits they received for the previous application. Mr. Cullimore replied he believed it was \$106,000. Mr. Janku asked how much of that was utilized. Mr. Cullimore replied they were able to sell about \$35,000. Mr. Janku asked how they were sold. Mr. Cullimore replied he opened negotiations with their current architect to request that he accept those as part of his fee, which he agreed to do. He understood they were a 50 percent credit toward a bill, so if someone donated \$10,000, they could receive a \$5,000 credit toward their taxes. Mayor Hindman thought they could also market and sell them to a third party. Mr. Cullimore stated he did not believe the NAP tax credits could be sold that way. Mayor Hindman understood they had to get donations. Mr. Cullimore replied that was correct. Mr. Janku understood they were in the process of applying for additional tax credits, which was why they needed the commitment from the City. Mr. Cullimore explained he understood they had to show control of the property they were applicable to for five years. That was why they asked for the six year extension of the lease. Mr. Janku asked if it was for the existing tax credits or a new award. Mr. Cullimore replied a new award.

Darin Preis, 1515 Kinloch Court, stated he was Executive Director of Central Missouri Community Action (CMCA) with offices at 807 N. Providence and believed the Council had two choices. One was to approve the amendment and extend the lease. They would take on the responsibility of renovating the building and creating a positive place for neighborhood residents to convene. The other choice was to decline the amendment and end the lease. The building would then likely sit vacant for some additional amount of time and at some point it would be removed to finish out the park on that block at a cost to the City. He understood they wanted to know what would be different this six year versus the past six years and commented that he thought Mr. Cullimore had shown there had been significant progress within the past year. He noted they split the budget out between 2000-2005 and 2005-2006. The difference was him being new to the organization, Mr. Cullimore being a new project director, and having many new players on the planning committee and many new partners throughout the community who were contributing time, money and efforts to the project. In the first five years, \$23,000 was generated in revenues and there were expenditures of \$19,000, which included personnel costs. In the past year, they had generated \$32,000 in goods and services and spent \$35,000 with no personnel costs. He reiterated that all of the progress and improvements Mr. Cullimore spoke about included no

personnel costs and very little in other costs. He explained they needed to show five years of site control for the project in order to be eligible for the tax credits. They already submitted the application and the Department of Economic Development had indicated that with approval of five years of site control, they would support the application. CMCA had a 40 year track record in the community and he believed this project fit their mission to empower individuals and families to be self sufficient. They believed supporting and fostering healthy, positive community spaces to avoid the kind of growth and crime being witnesses along Garth Avenue was the way to go. This was a preventative measure that could be used in the neighborhood to support positive growth and activity. He noted there was no opposition to approving the extension of this lease. He hoped the Council would approve the request for a six year lease extension.

Mr. Hutton understood based on the financial report, they raised almost \$56,000 and spent almost \$53,000 from October 1, 2000 until now, so they had \$2,500 in the bank. Mr. Preis replied that was correct and noted a good portion of that was for services provided by Columbia Associates through NAP credits. Mr. Hutton understood they paid them \$35,000. Mr. Preis noted it was a donation. Mr. Hutton understood it was exchange for tax credits and they were counting that as revenue. Mr. Preis replied they were counting that as in-kind. Mr. Hutton understood it factored into the \$55,000. Mr. Preis replied that was correct. Ms. Nauser asked if the project was to go forward where the operating revenues would come from. Mr. Preis replied the CMCA was committed to covering the insurance and utility costs. They owned the building and would take responsibility for it.

Mr. Hutton asked for the amount of tax credits they had applied for. Mr. Preis replied they had applied for another \$100,000 in tax credits. Mr. Hutton asked if the other \$106,000 was still out there to be sold. Mr. Preis replied no. Mr. Hutton understood it went away because it was time limited. Mr. Preis replied that was correct. He noted he did not have a history of the first five years, but understood tax credits were a hot commodity and a lot of organizations took advantage of those and knew how to use them to their advantage to help complete a project. He did not believe they were marketed adequately and stated he thought they had some good strategies to make that happen.

Mr. Hutton thought Mr. Cullimore's statement in that they might have the HVAC equipment donated was a little misleading as it was in exchange for tax credits. Mr. Preis pointed that was not in exchange for tax credits. The Sheet Metal Workers Union would use that as a training program. Mr. Hutton clarified he was referring to the equipment. Mr. Cullimore explained he had been speaking with Mr. Russell Unger of the Sheet Metal Workers Local, who had been in conversation with a local heating and air conditioning supplier. They did not have promise yet, but Mr. Unger indicated there was a possible donation of that equipment.

Betty Cook Rottmann explained that for more than 50 years, her family had an address on Coats Street in the North Central Neighborhood Association and they, as a family, had been active in Columbia. She noted her heart was with the service mission of The Corner/Heibel-March Building. Its renovation to become a resource center would have a strong influence for advancing life in the neighborhood and providing new empowerment for

the residents and children of nearby Field School. She entreated the Council to be enablers to allow them to create a much needed resource center in the neighborhood.

Peter Byger, 1411 Pratt Street, stated he was a member of the reconstituted Corner Action Committee under the supervision of CMCA and was impressed with the leadership of Mr. Preis and Mr. Cullimore. He hoped the Council would renew their outstanding lease, so they might complete The Corner project vision, which began with good intentions five years ago. He stated The Corner was a symbol of what was eternal, universal and human about the original purpose of historic buildings, such as the Heibel-March Grocery/Pharmacy. Built in 1910, the Heibel-March was a place of communion within the life of the North Central neighborhood and represented a home free familiarity and friendliness. He noted The Corner was a labor of love, which required a great deal of hard work and discipline, and they encountered that in the last year. He commented that they had made progress and wished to finish it.

Donna Kessell, 715 Lyon Street, stated she was not on the committee, but was in the neighborhood. She noted the children involved were so proud of their paintings and wanted to show what they had done.

Mr. Hutton stated he thought it was a neat building and would be a shame to lose. He noted the original lease was for five years and it had been extended to six, so six years ago, they had two choices. At that time, they were building the park that surrounded the building on two sides and planned to tear the building down to build the park on the entire site. The North Central Neighborhood Association had the idea of saving the building to make a community center, so the Council gave them five years to get the project done. At the end of five years, they had nothing to show for it, so the Council granted them an additional year. He agreed they might be making some progress now since they had the plans done, which he thought cost a little above the market rate. In addition, he was concerned with the construction budget of \$230,000 for a 2,600 square foot building because he thought it was fairly low. He noted it was costing \$100 per square foot just for renovation work. He thought they were about \$130,000 short and understood they asked the City to consider funding part of it. Initially, they stated the City would not participate and he thought they still should not participate because there were other more important needs. Mr. Preis pointed out they did not ask for any money. Mayor Hindman noted they received a letter from Historic Preservation Commission. Mr. Hutton felt saving the building would be great, but commented he was concerned they would be talking about it again 5-6 years from now.

Ms. Crayton noted this was a different make up of the group versus five years ago. She had recently seen people who were willing to work on this project, unlike five years ago. The CMCA was also involved and they had a good track record. She reiterated it was a new group, who she felt should be supported.

Mayor Hindman commented that he had seen these kinds of things done in neighborhoods in other cities and were very successful. He believed they created a core for the neighborhood. He did not think they had anything like that in Columbia and thought it would be worth while to experiment to see how it worked. He noted Mr. Hutton had a point in that there was plenty of reason to be skeptical. He stated he had been supportive of this from the beginning and had been disappointed. He agreed with Ms. Crayton in that there

was new energy and new responsible parties involved. He felt the risk was worth the potential outcome since it was so good.

Ms. Hoppe stated she agreed with Mayor Hindman. It seemed as though they had a good team and the list of accomplishments for the last year showed they would continue to follow through. He noted they had involved the community. She felt it would be more than just a building. It would be a community resource. The green roof, as part of the package, would reduce costs in the long term. That showed foresight. She stated it looked like a good project and felt they deserved a chance to carry through. She noted the Council talked about making sure old communities were livable and safe and thought this was one way to do that.

Ms. Nauser commented that she shared Mr. Hutton's concerns in regard to past fundraising. She understood they sent out 900 letters and received \$1,200 in response and hoped there was more community support than this initial mailing campaign generated. On the other hand, she agreed it was a neat old building and she would hate to lose a piece of heritage to a bulldozer to extend a park. She noted she did not want to be in the same predicament five years from now. She wanted yearly updated reports, so the Council could see how they were progressing, so they would not be surprised if it was not completed in time. Mr. Janku noted a provision was already included.

Mr. Janku understood there was a risk since it had not progressed as they would have liked. He thought the new group would do better, but wondered if they would be able to do enough to accomplish an ambitious task. He noted he did not think they had an exit strategy because he did not believe, as a group, they wanted to tear down the building. As a result he thought they should push on.

Ms. Nauser asked if they had entertained the idea of using a fundraising organization to get a better grasp on obtaining more cash since this was such a large project. Mr. Preis replied a person working for CMCA was doing some fundraising tasks. They were also working with community groups and looking for anchor people who might know how to do this and could help them move along.

The vote on B418-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, LOVELESS. VOTING NO: HUTTON. Bill declared enacted, reading as follows:

**B422-06 Authorizing a PCS antenna co-location agreement with Cellco Partnership d/b/a Verizon Wireless for the lease of City property located at 3112 Chapel Hill Road (Fire Department Station No. 6).**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a co-location agreement for an existing flag pole cell tower on Chapel Hill Road at Fire Station No. 6. The agreement would provide for a lease of up to 360 square feet and would allow them to add to the existing cell tower.

Mr. Loveless explained he asked for this to be removed from the Consent Agenda because he recalled this tower coming to the Board of Adjustment, who approved it because it would not look like a tower as much as a flag pole. He noted there had never been a flag on it. The reason was because unless they wanted hire someone in the morning to put the flag up and come back in the evening to take the flag down, they would have to light the flag.

No one had made a provision to provide a light for the flag. He wondered if they could amend this to require the co-locater to provide a light that shined on the flag at night.

Cheri Edwards, Selective Site Consultants, 8500 W. 110<sup>th</sup> Street, Suite 300, Overland Park, Kansas, stated she was a contractor for Verizon Wireless and they were the ones who wanted to enter into the agreement with the City to co-locate on that tower. It was her understanding it was approved with the condition of it being a flagpole. She understood the hardware was not put on there because the Fire Station did not want it there. She stated they did not have a problem with it, but noted they did not own the tower. She commented that she would be willing to go back to the tower owner to make that request.

Mr. Loveless asked if her firm would be willing to supply the light. Ms. Edwards replied she did not know if Verizon would be the one to provide the light. They could go back to the tower owner and tell them that it was a condition of their lease and ask them to do it. She thought it would be their responsibility since they owned the tower to maintain the light and hardware. She noted they were only co-locating on the tower. She explained they paid a fee to the City to co-locate to use the ground space and also paid a fee to the tower owner to co-locate on the tower.

Mayor Hindman understood the tower was already there with someone already using it and that she also wanted to use it. Ms. Edwards replied that was correct. Mayor Hindman asked if they would add equipment to it. Ms. Edwards replied they would be adding antennas to the tower, which would be inside a cylinder that was on the tower.

Mr. Hutton understood she did not think the hardware for the flag, pulley and rope, in addition to the light, was there. Ms. Edwards stated that was her understanding.

Mr. Loveless thought it might be simpler to take the \$15,000 a year in City rental fees to put a light on the tower. Mayor Hindman pointed out it was not the City's tower. Mr. Loveless did not think the light had to be on the tower. It only had to shine on the flag. He thought the light could go on the backside of the Fire Station. He noted they had to have the hardware on the pole to allow the flag to up and down. He asked if Mr. Boeckmann had any suggestions. Mr. Boeckmann noted there was no flag there either and unless they wanted a disproportionately small flag, it would have to be large and those did not last as long and would have to be replaced on a regular basis. Mr. Loveless stated he would pursue it another way because it did not seem this vehicle would work.

The vote on B422-06 was recorded as follows: VOTING YES: NAUSER, HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B425-06 Amending Chapter 2 of the City Code to authorize the city manager to waive attorney conflicts of interest.**

The bill was given second reading by the Clerk.

Mr. Watkins noted this bill would amend Chapter 2 of the City Code to bring it into compliance with a 2004 ruling from the Legal Ethics Council to the State Supreme Court.

Mr. Boeckmann explained that before two years ago, political subdivisions were not allowed to waive conflicts of interest. He noted they currently had two situations where the attorneys representing the City wanted the City to waive conflicts. One involved the Bond

Counsel and the firm Sonnenschein, Nath and Rosenthal that was working with the City on the Stadium Boulevard Corridor. Since they were a very large firm, they at times represented the Columbia Mall although they were not representing them on this. The other involved Lathrop and Gage, which was fairly large firm based in Kansas City, who was assisting the Water and Light Department in some regulatory matters with the electric utility and from time to time they represented other clients in Columbia including the University that might have issues coming before the City. They were both asking for waivers. This amendment would delegate that authority to the City Manager. The alternative was to bring each of these to the City Council as they arose.

Ms. Hoppe stated she was concerned with doing a blanket delegation of all conflict of interest concerns to the City Manager. She explained she had dealt with conflicts for over 15 years and they were there to protect the interest of the client. She felt some might be ones the public needed to know about or have input in, so while there might not be a problem with these two, she was concerned about a blanket delegation. She wondered if they could just be put on the Consent Agenda, so they did not take up a lot of time. She pointed out they did not have to do this to be in compliance with the Supreme Court decision. It was now being allowed for cities. She noted she consulted with the Office of the Chief Disciplinary Counsel and the Legal Ethics Counsel almost weekly and believed it was a big delegation with a lot of unknowns and questions. Mr. Janku thought Mr. Watkins could avail himself to Mr. Boeckmann, who was also the Council's attorney. He could advise him and consult the same sources she mentioned. He was concerned with the potential of discussing the attorney-client relationship in public because it was a privilege. He did not know how they would put this in the public arena for discussion. He did not think she did that in her situation. Ms. Hoppe agreed she did not. Mr. Janku stated he understood her concern, but pointed out they hired a City Manager with certain confidence to make appropriate decisions. Ms. Hoppe suggested they discuss it in closed session. Mayor Hindman was not sure it could be discussed in closed session and asked under what theory it would fall. Mr. Janku thought it could be considered employment, but noted they were then defeating Ms. Hoppe's reason. He reiterated he thought it would be very unusual to have the attorney-client relationship discussed in public. Ms. Hoppe asked if there were other cities that allowed this. Mr. Boeckmann replied he did not know. Ms. Hoppe agreed she had not totally thought this through, but noted it raised red flags in her mind.

The vote on B425-06 was recorded as follows: VOTING YES: HINDMAN, JANKU, HUTTON, LOVELESS. VOTING NO: HOPPE. ABSENT: NAUSER, CRAYTON. (Ms. Crayton stepped out during the discussion for B425-06 and did not return until after the official vote was taken.) Bill declared enacted, reading as follows:

**B426-06 Authorizing the issuance of Sewerage System Revenue Bonds (State Revolving Fund Program) Series 2006.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this would authorize the utilization of the Missouri State Revolving Loan Fund for a City sanitary sewer project at the South Grindstone Outfall and El Chaparral Lagoon Interceptor. These were projects that had been approved by the voters in 2003. By



participating in this program, the City could receive a lower interest rate. The State would price the bonds on November 16, 2006. He noted the process had changed. The City was allowed to finalize all of the documents indicating a range rather than specific parameters. He noted the subsidy was generally two percent lower than what they could finance projects for on a bond market.

Mr. Hutton made the motion to amend B426-06 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The vote on B426-06, as amended, was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

**B427-06 Authorizing a sublease agreement with Williams Keepers LLC for the lease of office space located at 105 E. Ash Street for the Water and Light Department.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would allow the City to sublease from Williams Keepers approximately 22,000 square feet of office space at a rate of \$10.28 per square foot. He noted this was substantially cheaper than the market rate today. The lease would begin June 1, 2007 and end on May 31, 2010. He felt it dovetailed well into the construction schedule for the expansion of the Daniel Boone Building. The space would primarily be for the Water & Light Department and would allow the City to combine the Administration and Engineering offices, which were currently in two different buildings. It would also allow the Police Department to move into one building. They were also looking at potentially using some space for the Information Technology and Public Works people, but that still needed to be worked out. He commented that staff had done a good job in negotiating the lease.

Mr. Hutton believed this was a good example for those that still opposed to the addition and remodeling of the Daniel Boone Building. He thought it should be done because the City was paying over \$18,000 a month for the next three years for rental property. He understood they were giving up rent on another property, so it was not the total amount, but noted it was still a significant amount of money that was being paid monthly to someone else. Once the buildings were done, they would not be paying that.

The vote on B427-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. ABSENT: NAUSER. Bill declared enacted, reading as follows:

**CONSENT AGENDA**

Upon his request, Mayor Hindman made the motion that Mr. Janku be allowed to abstain from voting on B423-06. Mr. Janku noted on the Disclosure of Interest form that his wife previously worked on the grant. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

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

- B411-06 Approving the Final Plat of Broadway Farms, Plat No. 16A located on the south side of Rollins Road near the intersection of Rollins Road and Altai Drive; authorizing a performance contract.
- B412-06 Allowing a building permit to be issued to First National Bank & Trust Co. for placing fiber optic communications cables in a utility easement located at 801 E. Broadway and 16-18 N. Eighth Street; approving a waiver of claim and indemnity agreement.
- B413-06 Accepting conveyances for temporary construction, drainage, sewer, sidewalk, street and utility purposes.
- B414-06 Accepting conveyance; authorizing payment of differential costs for water main serving Quail Creek West, Plat 1; approving the Engineer's Final Report.
- B415-06 Accepting conveyance; authorizing payment of differential costs for water main serving Quail Creek West, Plat 4; approving the Engineer's Final Report.
- B416-06 Accepting conveyance; authorizing payment of differential costs for water main serving Bradley Place, Plat 1; approving the Engineer's Final Report.
- B417-06 Accepting conveyances for utility purposes.
- B419-06 Authorizing a transportation enhancement funds program agreement with the Missouri Highways and Transportation Commission relating to the extension of the Hinkson Creek Trail (Phase 2) from Grindstone Park to Stephens Lake Park.
- B420-06 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant for advanced arborist training for Parks and Recreation employees; appropriating funds.
- B421-06 Authorizing a PCS antenna co-location agreement with Cellco Partnership d/b/a Verizon Wireless for the lease of City property located at 1808 Parkside Drive (Solid Waste Utility – Storage and Mulch Site).
- B423-06 Authorizing a subaward agreement with The Curators of the University of Missouri for the Barriers to Family Planning for Hispanic Women and Men Project; appropriating funds.
- B424-06 Appropriating fire equipment sale proceed funds.
- R215-06 Setting a public hearing: construction of Cell #4 at the Columbia Sanitary Landfill.
- R216-06 Setting a public hearing: construction of water main serving Bristol Lake Subdivision (southeastern tract).
- R217-06 Setting a public hearing: construction of water main serving R.T.W. Addition Subdivision.
- R218-06 Setting a public hearing: construction of water main serving Phoenix View PUD.
- R219-06 Authorizing an agreement with the Missouri Department of Health and Senior Services for the WIC program.
- R220-06 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for the LPHA teen outreach program.
- R221-06 Authorizing an adopt a spot agreement with Kent Reid.

- R222-06 Authorizing agreements with various cultural arts organizations.
- R223-06 Accepting a grant from the Missouri Department of Transportation - Highway Safety Division for DWI enforcement.
- R224-06 Authorizing a joint funding agreement with the U.S. Department of the Interior, U.S. Geological Survey for groundwater monitoring in the vicinity of the wetland treatment units and the Eagle Bluffs Conservation Area.
- R225-06 Authorizing application to the Missouri Department of Natural Resources for a State Revolving Fund loan under the Missouri Clean Water Law for various sanitary sewer improvement projects.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU (except for B423-06 on which he abstained), HUTTON, LOVELESS. VOTING NO: NO ONE. ABSENT: NAUSER. Bills declared enacted and resolutions declared adopted, reading as follows:

### **NEW BUSINESS**

- R226-06 Authorizing demolition of a dilapidated structure located at 212 Hickman Avenue; authorizing issuance of a special tax bill against the property.

The resolution was read by the Clerk.

Mr. Watkins explained the property located at 212 Hickman had been declared a public nuisance and unfit for human habitation by the Public Works Director under the provisions of the International Property Maintenance Code of 2000 after going through a considerable process.

Mr. Glascock presented photographs on the overhead showing the condition of the property. He noted the roof was porous, the property was overgrown, the ceiling was falling in, and plumbing had melted due to burns. He stated it was not habitable.

The vote on R226-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS. VOTING NO: NO ONE. ABSENT: NAUSER. 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.

- B428-06 Approving The Vistas at Old Hawthorne PUD development plan located generally north of State Route WW and east of Cedar Grove Boulevard.
- B429-06 Approving the Final Plat of Park View Cottages Plat 1 located on the west side of Parker Street, north of Northland Drive; authorizing a performance contract; granting variances to the Subdivision Regulations.
- B430-06 Approving the Final Plat of The Villages at Arbor Pointe Plat 2 located west of Flatwater Drive, extended, west of Brown Station Road; authorizing a performance contract.
- B431-06 Approving the Final Plat of Brookside Square Plat 7, a Replat of Lot 303 of Brookside Square Plat 3 located on the northwest corner of Smiley Lane and Gladden Lane.

- B432-06 Approving the Final Plat of Auburn Hills Plat 14, a Replat of Lot 801 of Auburn Hills Plat 8 located on the south side of Brown School Road, between Derby Ridge Drive and Edenton Boulevard.
- B433-06 Authorizing an annexation agreement with Mark V. and Carol W. Flinn.
- B434-06 Authorizing construction of Cell #4 at the Columbia Sanitary Landfill; calling for bids through the purchasing division.
- B435-06 Authorizing construction of water main serving Bristol Lake Subdivision (southeastern tract); providing for payment of differential costs.
- B436-06 Authorizing construction of water main serving R.T.W. Addition Subdivision; providing for payment of differential costs.
- B437-06 Authorizing construction of water main serving Phoenix View PUD; providing for payment of differential costs.
- B438-06 Authorizing a wind generation energy purchase and transmission service agreement with Associated Electric Cooperative, Inc.
- B439-06 Accepting conveyances for utility purposes.
- B440-06 Authorizing a memorandum of understanding with the Howard County Public Health Department relating to emergency planning and preparedness services; appropriating funds.
- B441-06 Amending Chapter 16 of the City Code to add new provisions on nuisance parties.
- B442-06 Amending Chapter 16 of the City Code to add new provisions on chronic nuisance properties.
- B443-06 Accepting conveyance; authorizing payment of differential costs for water main serving Second Baptist Church of Columbia; approving the Engineer's Final Report.

## REPORTS AND PETITIONS

### (A) Intra-departmental transfer of funds.

Report accepted.

### (B) Parks and Recreation Commission evaluation of proposals for Use of City-owned property at Ash and Clinkscals.

Mr. Hutton made the motion to accept the report and to schedule the topic for a work session. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

### (C) Non-residential accessory uses in residential districts.

Mr. Janku thought this could be accomplished in a number of ways and believed the best approach could be a conditional use rather than an accessory use. For a conditional use, they would have to come before the Board of Adjustment and if it met certain criteria, the use would be granted. He thought that was preferable because he felt there was a lot of difference between the R-3 property on Old 63, which included massive apartment complexes and could support the uses, than the smaller pieces of R-3 all over the City where it might not work. The conditional use approach would allow the opportunity for review and

would allow input from the neighbors. He felt this process was more appropriate than opening up something that would be available for every R-3 district throughout the City.

Mr. Hutton suggested they write an ordinance to address this as recommended by Mr. Janku. Mr. Boeckmann agreed they could do that or they could send the whole thing to the Planning & Zoning Commission directing them to provide a recommendation on whether it should be an accessory use or conditional use. Mayor Hindman understood the normal procedure would be for this to go to the Planning & Zoning Commission and asked if the Commission needed a draft ordinance for review. Mr. Boeckmann replied they did not necessarily need it. The issue could go to them because sometimes they had work sessions where the ordinance could be drawn up. He noted he could also draw up a conditional use ordinance for their consideration. Mr. Teddy commented that they could work with the idea of calling these a conditional use versus an accessory use. They could also consider both depending on the scale of the R-3 use being considered. He thought they would generally agree a conditional use was a good alternative. He suggested allowing them to consider some means of accommodating these uses in a more streamlined process rather than stating it would be all of one or the other. Mr. Janku felt to come up with all of the different circumstances to identify whether it would be an accessory use or conditional use would be difficult. He thought the issue would be fact dependent and did not think the Council would want to discuss each situation when the Board of Adjustment could apply its fact finding skills to make the determination. He noted it also allowed some public review. Mr. Teddy agreed it was a direct process with an application, notice and one hearing and thought it was a good suggestion.

Mr. Janku made the motion that this issue as a conditional use being used to accomplish the goal be referred to the Planning & Zoning Commission for its review and recommendation to Council. He commented that if they came up with a different recommendation, they could notify the Council of that decision. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

**(D) Downtown sign/awning report.**

Mr. Watkins explained these were two ordinances in response to a Council request from earlier this year. They wanted to put these out publicly, so people could see what was being proposed early on. He suggested the Council either ask to include it in the next work session for discussion or schedule it for public hearing as an ordinance.

Mayor Hindman thought they should go ahead and put it on the agenda to hold public hearings because he was not sure what they would achieve in a work session. Mr. Janku noted staff provided a report explaining some of the issues and differences.

Mayor Hindman made the motion for staff to draft ordinances for public hearings for an upcoming agenda. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

**(E) Landfill cell 4 bioreactor.**

Mr. Watkins explained they were proceeding with work on the next landfill cell. As discussed, they were proposing the use of a bioreactor, which would be the first of its kind in

Missouri. There were others in other States, but this would be the first to go through the process in Missouri. DNR was very interested in the technology and staff believed they would provide a permit. He explained a bioreactor decomposed organic matter to produce methane and the methane was used to generate electricity. One of the ways to fuel the bioreactor to produce more methane was to put more organics into it. As a pilot project, staff was suggesting they request permission from the appropriate agency, whether it was DNR or the State Legislature, to add organics through yard waste. Staff felt it would decompose rapidly so it would not create the space difficulty people thought it might. It would also save money in terms of collection costs because they would no longer have to run a separate truck with landfill yard waste. They would be able to allow the residents to co-mingle it. They would essentially do away with the clear bags. They would still have compost facilities if people had a lot of trees limbs and etc. Before going further, they wanted to be sure the Council was aware of this and that there were no serious concerns.

Mr. Hutton understood if the City received approval from DNR, they would have to bring ordinances back amending the current solid waste disposal ordinance to allow for the yard waste and etc. Mr. Watkins stated that was correct and noted if they had to go to the State Legislature, it was likely it would not go this year. He did not think being one session behind would make that big of a difference.

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

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

Mayor Hindman explained the interpretation that had been used in the past in regard to the conflict of interest clause that affected the Community Development Commission, the Community Services Advisory Commission and the Cultural Affairs Commission for University of Missouri employees was that as long as the employee was not a member of the department that was seeking funds, they did not have a conflict. Mr. Boeckmann pointed out the conflict of interest provision used the term “agency”, which was not all that clear. As an example, he commented that if someone in the School of Medicine did not have a connection with the department requesting a grant, there was no reason to exclude them from the commission. He noted one could read it so that “agency” meant the Curators of the University of Missouri. Then any University employee could not be on any of the boards or commissions that had conflict of interest clause. Mayor Hindman thought that would be unreasonable and wondered if they needed to take official action at this time. Mr. Boeckmann explained Council could direct them to clear up the ordinance so it would not come up again or if they accepted the interpretation, staff could continue to interpret it that way. He thought it would be better to clarify the ordinance. Mayor Hindman suggested they accept the interpretation for the appointments made tonight, but also ask that the ordinance be cleared up for the future. Mr. Hutton thought that was reasonable.

### **BOARD OF ADJUSTMENT**

Hazelrigg, Dennis, 4006 Jungle Tree Drive, Ward 2, Term to expire November 1, 2011

### **COMMUNITY DEVELOPMENT COMMISSION**

Dirks, Michael, 2613 Ridgefield Road, Ward 4, Term to expire November 1, 2009

Johnston, David, 2701 Chambray Road, Ward 5, Term to expire November 1, 2009

**COMMUNITY SERVICES ADVISORY COMMISSION**

Thorpe, Cathy, 5007 Chesapeake Lane, Ward 2, Term to expire December 31, 2007

**CONVENTION AND VISITORS ADVISORY BOARD**

McDonald, Bob, 1512 Affirmed Drive, Ward 2, Term to expire September 30, 2007

**CULTURAL AFFAIRS COMMISSION**

Harris, Katherine, 2400 Topaz Drive, Ward 4, Term to expire November 1, 2009

King Ellis, Tonya, 1107 Park DeVille Place, Ward 2, Term to expire November 1, 2009

Greene, Kenneth, 6005 Gregory Drive, County, Term to expire November 1, 2009

Quiroz, Andrea, 406 N. 8<sup>th</sup> Street, Ward 1, Term to expire November 1, 2009

**INTERNET CITIZENS ADVISORY GROUP**

Turner, Charles, 916 Maplewood Drive, Ward 4, Term to expire October 15, 2009

**PERSONNEL ADVISORY BOARD**

Kinkade, Kevin, 4512 Royal Lytham, Ward 5, Term to expire September 30, 2009

Slade, Leslie, 2107 Carol Drive, Ward 3, Term to expire September 30, 2009

**SUBSTANCE ABUSE ADVISORY COMMISSION**

Lawrence, Chris, 1410 Truman Drive, Ward 4, Term to expire October 31, 2009

Priesmeyer, Joseph, 1705 Chapel Hollow Court, Ward 6, Term to expire October 31, 2009

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mr. Janku noted he saw a comment in the paper suggesting Columbia's alley be more user friendly and possibly for commercial use. This triggered his memory on the issue regarding the addresses and names of the alleys. He recalled that the issue was referred to the Special Business District, who provided a report. He thought they should keep moving forward on that issue.

Mr. Janku understood from the Stephens College paper that a couple of student had been injured by cars when crossing at Walnut and College.

Mr. Janku made the motion for staff to review the Walnut and College intersection to see if there was anything they could do to make it safer and to work with MoDOT, if necessary. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku stated he understood AmerenUE was using leftover ash to make ready mix concrete. Now that the City's ash would be without a purpose since the City would be using salt on the streets, he wondered if this would be a productive way to get rid of the leftover ash. He passed on the information to the City Manager to look into.

Mayor Hindman made the motion directing staff to change the conflict of interest ordinance as it related to the boards and commissions so that it conformed to the interpretation being used by staff. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mayor Hindman noted that during the discussion at the work session, they were talking about remedies that might be available in connection with the properties that were abandoned, vacant or did not meet code requirements. He wanted staff to investigate how they could step up remedies.

Mr. Hutton stated he thought this was part of what they asked to be included in the nuisance ordinance. Mayor Hindman thought they did as well and agreed this might be a duplicative measure. Mr. Hutton understood they introduced two nuisance ordinances tonight, but did not introduce anything to amend the ugly ordinance. Mr. Boeckmann stated that was correct. Mr. Hutton asked if they determined it did not need anymore work. Mr. Boeckmann replied they determined that what was presented was not sufficient, so they were working on some further amendments. Mayor Hindman asked if this idea could spill over to that. Mr. Boeckmann replied he was not sure. He thought that would tie into the ordinance with the demolition, which was in the property maintenance code. He understood Mayor Hindman was talking about housing that was getting dilapidated and almost ready to be knocked over and was suggesting those properties be fixed up and tax billed. Mayor Hindman stated he was worried about situations, like the ugly ordinance, where people repeatedly went to court, but did not do anything. Mr. Boeckmann asked what kind of offenses he was talking about. Mr. Hutton thought he was talking about the ugly ordinance. Mayor Hindman stated he was currently talking about the other, but also wanted the ugly ordinance included in pepping up the remedies. Mr. Boeckmann stated they were currently redefining what constituted an offense. Mayor Hindman asked if they were looking at the abatement procedures and remedies. Mr. Boeckmann thought the remedy was okay. He felt the issue involved what was defined in the ordinance as a nuisance violation. Mayor Hindman thought staff indicated they went through a long process to find the owners due to problems that existed and the issue went to court with only a fine being imposed, so nothing was happening. Mr. Boeckmann thought staff was talking more about property maintenance violations. Mayor Hindman agreed, but thought they had the same issues whether it was property maintenance or the ugly ordinance. Mr. Boeckmann explained that with the ugly ordinance, they cleaned up the yard and took away the trash. With property maintenance, they would have to fix the property/building and that was a different issue. Mayor Hindman asked if the City actually went in and cleaned up the yard. Mr. Boeckmann replied yes.

Ms. Crayton stated she wanted to know what other cities had this problem and how long a situation had to go before they could do something about it. Mr. Watkins noted he had directed staff to be more aggressive and to seek these things out. He thought staff's frustration was when it was not sufficiently to the point of pursuing demolition and was not a structure that was going to fall or a nuisance causing a health hazard. To correct the problem, they went to court and it did not seem as though they were able to get much relief because they were back doing it again pretty quickly.



Mayor Hindman stated he thought they needed remedies where they could go in and correct the problem. Mr. Janku felt the challenge with that would be how to recover the money if they went in and invested public dollars into someone's personal property. Mayor Hindman suggested they filed a lien against the property and then exercise the lien for a more timely reimbursement. Mr. Janku thought it would be significant to go into someone else's property and hire a work crew. It was different than picking up trash and hauling it off. Mayor Hindman understood why there was some hesitation, but felt if it was a problem that needed to be solved, it needed to be done as best they could. He stated he was a believer in the broken window theory and thought it brought down the neighborhood. He thought they needed to be aggressive to stop it. Ms. Hoppe understood he was suggesting they add more teeth and details to it. Mayor Hindman noted that was what he was suggesting, so if they needed an aggressive approach, they had the tools to do it.

Mr. Boeckmann believed they were talking about two things. One was the ugly ordinance type things and with those he thought the abatement remedy was sufficient. It was only a matter of making more definitions, which they were working on. The other was the building structure itself. He stated he would review the remedies. He thought the property maintenance code defined everything well enough and it involved the question of remedies.

Mayor Hindman made the motion to look at the remedies in connection with building/property maintenance issues. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Loveless wanted staff to find out what it would cost to put a flag and light on the flag at Fire Station No. 6 on Chapel Hill Road. Mayor Hindman asked what it would take to get the Fire Department to raise and lower the flag. He did not understand why they could not do that.

Mr. Loveless noted this issue came to the Board of Adjustment and the Board approved it, but they were unaware of the fact that there would need to be someone to raise and lower the flag everyday and that there would need to be hardware placed on the tower.

Mr. Loveless made the motion directing staff to provide a cost estimate for placing a flag on the tower and a light on the flag at Fire Station No. 6 at Chapel Hill Road. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Hoppe noted she had previously asked staff to provide comments on the proposed civilian review board document and wondered what the time table was for that. Mr. Watkins replied they would have a report to Council at the November 6, 2006 Council Meeting.

Ms. Hoppe stated she and the Mayor received an e-mail about a school zone sign on Audubon at Shepherd Boulevard Elementary that had not been working for a couple of weeks. Mr. Watkins noted he had looked into that and 3M, who was their partner in education, put up the system and it was different than anything the City had, so they did not have the parts to repair it. They had been trying to work with 3M to get a replacement, but were not successful, so he directed staff to get one of the standard units they had for the

other schools. He understood it would still be about a month before it was up and running. They gave up on getting a replacement donation.

Ms. Hoppe wondered if Council could be notified and be allowed to provide input before staff made any verbal commitment to closing a road to avoid a problem similar to the Mills Drive situation. Mr. Janku noted there were a lot of suggestions about road issues. Anytime there was a concept review, all kinds of issues were kicked around on the road alignment. He thought the Council messed up. He noted the developer pushed it to the end as well because they suggested the Council not to deal with it at that time and told the neighbors not to attend the meeting. He felt that was what got them to tonight. He believed there was so much discussion in concept reviews, it could get messy to involve the Council. He noted he did not think a commitment was made. Mr. Watkins pointed out staff could not make a commitment. They only looked at suggestions. Ms. Hoppe understood it was up to the developer to understand those were options to be considered. Mr. Watkins replied that was correct.

The meeting adjourned at 11:39 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk