

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**JUNE 18, 2007**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, June 18, 2007, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members JANKU, SKALA, NAUSER, HOPPE, HINDMAN and CRAYTON were present. Council Member WADE was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of June 4, 2007 were approved unanimously by voice vote on a motion by Ms. Crayton and a second by Mr. Skala.

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

Mayor Hindman noted B209-07, which involved the Blue Ridge Centre, would be added to the Introduction and First Reading section of the agenda and reports involving the assessment of special tax bills for the Sixth Street improvement project and a street closure request for the Second Baptist Church would be added to the Reports section of the agenda. The agenda, with the addition of B209-07 and the two reports, to include the Consent Agenda, was approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Hoppe.

**SPECIAL ITEMS**

**Department of Conservation Check Presentation - T.R.I.M. (Tree Resource Improvement and Maintenance) grant check.**

Ann Koenig of the Department of Conservation stated this was the third year the City received a T.R.I.M. grant. The City had been working on habitat projects on streams and glades. This year the City brought in an internationally recognized tree climbing business, who provided City staff and other arborists with safe tree climbing practices. Mayor Hindman thanked Ms. Koenig and stated the City was proud to be a participant of the program. He noted the check was in the amount of \$7,545 and would reimburse those expenses.

**SCHEDULED PUBLIC COMMENT**

None.

**PUBLIC HEARINGS**

**B169-07A Voluntary annexation of a tract of land located between Bethel Church Road and State Route K, south of Old Plank Road; establishing permanent R-1 zoning.**

The bill was given third reading by the Clerk.

Mr. Watkins stated this bill was held over. The applicant, originally, requested a zoning that was not recommended by the Planning & Zoning Commission. The Commission

recommended R-1 and the applicant agreed to R-1 at the previous meeting. As a result, they were required to hold it over for one meeting.

Mr. Teddy pointed out Tract C was being proposed for annexation in R-1. The other tracts had already been annexed.

Mayor Hindman opened the public hearing.

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

The vote on B169-07A was recorded as follows: VOTING YES: JANKU, SKALA, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

**B184-07 Approving the Copperstone Commercial C-P Development Plan located on the south side of Vawter School Road, approximately 1,000 feet east of Scott Boulevard.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this proposal would allow construction of a street off of Frontgate Drive to provide additional access to adjacent Lots 101 and 102A. The Planning & Zoning Commission recommended approval of the development plan subject to future C-P development plans for Lots 101 and 102A meeting the same street design standards as would be required for a public street. He noted there was an amendment in regard to the date of the plan.

Mr. Teddy stated the Planning & Zoning Commission agreed with staff's recommendations, but also felt the street should be curbsless. Staff was of the opinion this would be better served by a full curb on a street in a commercial environment.

Ms. Hoppe asked why staff wanted curbs. Mr. Teddy replied it was basically due to wear and tear. Mr. Glascock explained delivery trucks had a hard time staying in the curbs. If there were no curbs to direct them, there were liable to go anywhere. Ms. Hoppe suggested they allow openings or indentations so stormwater was able flow through the curbs. Mr. Glascock stated they were agreeable to that suggestion.

Mr. Janku referred to item (b) of the staff report where it stated, "...an access easement, which will encompass the entire area of the common lot C103, shall be granted to the owner(s) of the adjacent C-P property to the west upon request ..." and asked if that meant that tract would have the right to access this drive to Vawter School Road even if it was under different ownership. Mr. Teddy replied yes and noted it was a condition that would create a future ingress/egress easement over that private street in favor of the property to the west. Depending on the site plan or development plan for this larger C-P area, they thought it might be beneficial to have secondary access from Frontgate. He clarified this would not remove the opportunity to have that. Mr. Janku asked if the nature of that street would be sufficient to handle traffic from the fourteen acre development. Mr. Teddy replied it would be built according to a City cross section, so it would be a wide street. Mr. Janku asked if it would be subject to the same standards in terms of streetscape. Mr. Teddy replied the idea with the conditions was to have it look like a public street. The sidewalks would be eight feet off of the back of the curb. In addition, if a parking lot was built within a certain number of feet of the street and was of a certain length, they would be required to have a landscaped yard there. That language was similar to language in the zoning ordinance, which required this if it

was within 20 feet of the nearest edge of adjacent sidewalk. The requirement for this was 21 feet as it recognized the walk would be an additional foot away. Mr. Janku asked if there was a question as to the legal enforceability of requiring the streets to serve two or more lots or property in multiple ownership. Mr. Boeckmann replied if it was planned, he thought it was okay, but noted he did not know if it was planned.

Mr. Skala stated he appreciated the inclusion of the gap as suggested by Ms. Hoppe and asked if it required any other considerations, such as swales needing to be provided. Mr. Glascock replied yes and pointed out they did not want them to be flat. They needed to provide an area for water to flow when it rained, so the street did not flood. Mr. Skala asked if that was readily doable. Mr. Glascock replied yes.

Mayor Hindman opened the public hearing.

Jay Gebhardt, an engineer with A Civil Group, stated he was representing the owners of Copperstone and noted the reason they were doing this was to meet their contractual obligation with Commerce Bank, who wanted to purchase the north lot (Lot 102A) and wanted to ensure this road could be built since they did not have access off of Vawter School Road and only had limited access off of Frontgate Drive. The only way to guarantee that was to obtain Council approval of a C-P plan. He pointed out the people doing this had first right refusal on the 14 acres to the west, so it was in their best interest to provide access in order for them to get through to Frontgate and for this developer to get through them to a future right in/right out that would be across from the gas station and to the access they might have on Scott Boulevard. He stated this cross easement was mutually beneficial. He noted he brought up the curb and gutter issue at the Planning & Zoning Commission meeting in order to have the option where it made sense. He did not want it to be an absolute, so he did not have a problem with that or the conditions approved by the Planning & Zoning Commission or recommended by staff.

Mayor Hindman asked why they wanted this to be a private street. Mr. Gebhardt replied there was a question as to what a private street was. When looking at the Biscayne Mall redevelopment, there was a right in/right out off of Stadium and a main drag that ran through the development. He asked if that was a private street, a thoroughfare in the parking lot or a private driveway. He noted there was no definition for a private street. He stated they wanted a private street here for the flexibility it provided. They were not doing it in order to get away from meeting a standard, landscaping, sidewalks, etc. If they wanted to sell the lot to the south, widen the street, allow parallel or pull in parking or do something else that was not allowed on a public street, they had that flexibility with the private street. With the public street standard, they would not have the flexibility needed. He noted it was also common to have private streets in commercial developments. Mayor Hindman wondered what might happen if they had a huge influx of private streets. He thought they had a situation recently where their hands were tied due to a private street. Ms. Nauser stated she brought up an issue in regard to on-street parking on a private street where access onto the private street was difficult due to employees of the businesses parking on the street. She did not believe emergency vehicles could get through. She asked if they would have restrictive covenants or if they would prohibit on-street parking on this private street. Mr. Gebhardt replied it would be handled internally by the owners and he thought it would be similar to the outer road at

Columbia Mall, which had curb and gutter and worked like a street but was private. He commented that private streets were everywhere and seemed to function fine. He was unaware of a private street being a problem in a commercial area. He was aware problems in residential areas due to maintenance expectations and etc., but not in commercial areas. Mr. Skala understood he was suggesting the commercial interests of the owners would cause them to take care of the streets in an appropriate manner and this was not something the City needed to worry about. Mr. Gebhardt replied that was correct. He stated it was very common to have cross easements with deeds and leases on commercial property. This not only included the right to drive on other people's property, but also the responsibility to pay to maintain that access. He understood, as part of these leases, money was being paid to establish a fund to maintain these streets. Mr. Skala stated the advantage to the City was that they were not responsible for those streets.

Mayor Hindman understood they were agreeing that this street would give access to the next property, so there would be no issue in regard to refusing to provide public access along there. Mr. Gebhardt replied that was correct. He noted the only problem that might occur was if they refused to provide them access through their parcel. He explained that since they were providing an easement to the property to the west for access to Frontgate, they were expecting one in return to get to their accesses to public streets.

Ms. Hoppe understood at the Planning & Zoning Commission meeting, Mr. Gebhardt commented that there were no private street standards and it might be better if the City had some standards in place. Mr. Gebhardt replied that was correct. The planned districts referred to private street standards, but he was unaware of any. Mr. Janku noted that if they had standards, the flexibility they currently had would be gone. Mr. Gebhardt agreed and pointed out it was a difficult issue.

Mayor Hindman asked for clarification on the curb and gutter issue. Mr. Gebhardt explained he originally proposed not having curb and gutter where it did not make sense. He wanted the flexibility to make that decision and work it through with staff. Mayor Hindman asked if he wanted the flexibility due to the environment, stormwater or something else. Mr. Gebhardt replied from an engineering point of view, it was expensive to put in an inlet when he could sheet drain something across into another driveway and down into another parking area, but from an environmental standpoint, it might be something they wanted to use to make a better plan and meet the new stormwater regulations.

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

Mr. Janku stated he was concerned about the cross access because they had plenty of examples of multiple access points in commercial areas, such as Clark Lane, Nifong and Grindstone, where they struggled with getting interconnection in those commercial areas. He wanted to ensure they were not creating a problem here. He understood they had protections in place and control over the plan for the area to the west to ensure they included interconnections and limited access on Vawter School Road and Scott Boulevard, so his major concern had been addressed.

Mayor Hindman stated he understood there were times when it made sense from a stormwater standpoint for the streets to be curbless and gutterless and asked if staff was holding out for curb and gutter in all places. Mr. Glascock replied no and explained they were

holding out for the typical presented, which was a curb and gutter typical. They were not shown what was planned with curbless. He pointed the street standards were street standards. They were not specified as being public or private street standards. They were just identified as street standards. Mayor Hindman asked for staff's position in regard to this situation. Mr. Glascock replied they would work with Mr. Gebhardt, but curbless streets in commercial areas was a touchy subject as they ended up with ruts along the edge lines and drainage areas being blocked, which prevented water from getting away from the pavement and caused a danger to anyone driving the street.

Ms. Hoppe asked what the new stormwater standards said in regard to commercial areas and curbless streets. Mr. Glascock replied it was a possibility as long as setback, the radius for turning, etc. were addressed. If they allowed parallel or infill parking around it, it restricted what could be done. Mr. Janku understood they did not want front end parking into a curbless street. Ms. Hoppe understood it was possible in commercial areas, but needed to be reviewed.

Mr. Janku made the motion to amend B184-07 per the amendment sheet. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

B184-07, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: JANKU, SKALA, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO:  
NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

**(A) Voluntary annexation of 32 lots within Prairie Hills Subdivision located on the east side of Creasy Springs Road, generally west of the City limits.**

Item A was read by the Clerk.

Mr. Watkins pointed out they received a request from one petitioner to remove his property, so they were looking at 31 lots now instead of 32 lots. The applicants were requesting R-1 as permanent City zoning, which was the equivalent to their zoning in the County. The Planning & Zoning Commission recommended approval of R-1 as permanent zoning. He stated the map on the overhead showed which lots in the subdivision had petitioned for annexation and noted there were holes. Current state law required a petition to be signed by all of the owners of a property before it could be considered. He understood a number of those residents worked with City staff in petitioning and getting signatures from people in the area. The Council authorized acquisition of the property to the west for corridor preservation as they moved forward with Creasy Springs Road. One reason for the neighborhood wanting to participate in annexation was for stronger community involvement in terms of road planning, etc.

Mayor Hindman opened the public hearing.

Larry "Bo" Bossaller, 909 W. Prairie View Drive, stated he was one of the people involved and wanting to be annexed into the City as he believed it would be a win/win situation for the City and the subdivision. All around the subdivision was the City and the majority in the subdivision wanted to be in the City. He pointed out the lots to the left of Lots 31 and 43 were in the City, so the City was already in the subdivision. He noted this had been going on for over a year and thanked the City for working with them as he believed it was important. He pointed out he lived on Lot 11 and was in the City once he stepped onto

the street. He commented that as a realtor he told people this was one of the best cities to live in and wanted to be able to say he lived in the City.

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

**(B) Voluntary annexation of property located on the north side of Thompson Road, approximately 200 feet east of Spring Cress Drive (5701 Thompson Road).**

Item B was read by the Clerk.

Mr. Watkins explained this was an island within the City in northeast Columbia. The applicant was requesting R-1 as permanent zoning, which was equivalent to their zoning in the County. The Planning & Zoning Commission recommended approval of R-1 a permanent City zoning.

Mayor Hindman opened the public hearing.

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

**(C) Voluntary annexation of property located on the southeast corner of Roosevelt Avenue and Lenoir Street.**

Item C was read by the Clerk.

Mr. Watkins stated this involved the voluntary annexation of land that was about a half of an island in the southeast part of the City. The applicant was requesting C-P, which was planned business district, as permanent zoning. The existing County zoning was R-M, which was moderate density residential development, and roughly equivalent to the City's R-3 zoning. The current use of the property was a mobile home park. The Planning & Zoning Commission recommended approval of C-P zoning subject to some traffic considerations, which the applicant concurred with. City staff, with a few exceptions, saw it as infill development and agreed it probably would not remain as a mobile home park in the long run. He pointed out a report was provided with B197-07 regarding the calls for service from the Boone County Sheriff's Department.

Mayor Hindman opened the public hearing.

Mike Martin, 206 S. Glenwood, stated he was supportive of this project if it was immediately converted to commercial use and not left in its current residential form. He noted the Tribune recently illustrated the problems out there. He pointed out the City's Police Chief and officers had brought up concerns in regard to the property and was disconcerted by the fact it had been largely dismissed as additional work for the Police Department when they were jeopardizing their lives whenever they went into the kinds of situations that had taken root at this development as it currently existed. He urged the Council to listen to them when they were saying they did not have the resources or the ability to deal with it as it was now. He understood the owner was uncertain as to when he would convert it to a commercial use and stated that he intended to leave it as it was. Mr. Martin believed that was a problem for the City as it had a spiraling crime rate. The Police Department did not need to be stressed with this additional concern. He did not believe the property should be annexed into the City until it changed as it did not send the right message to the community. He also felt it did not send the right message regarding the chronic nuisance property ordinance that was passed a few months ago. He believed they needed the commercial use the owner intended for it to be down the road right now.

Ron Netemeyer, 4803 Cody Court, stated he was one of the partners of Whirlwind Properties, the owner of the property in question. He noted his partner, Jason Schupp, was also present. He thanked the Council for considering their request for annexation and commended staff for their thorough and professional job in helping to process the request. He explained they acquired Ed's Mobile Home Park, which was the smaller tract of the proposal, in May of 2005 and acquired Sunset Mobile Home Park, which was the larger portion of the tract, in April of 2006. The two properties combined consisted of a little over 20 acres. All of the pad sites were rented. He noted they did not rent any of the homes. The trailers were all owner occupied. Whirlwind Properties owned the raw land and the pad sites were then rented to the owners of the individual mobile homes. He understood there was no other opposition to the annexation other than by the Columbia Police Department (CPD). He explained they sent out an information mailer to all of their tenants and had only heard back from one resident who was concerned about their taxes going up as a result of the proposed annexation. That resident also agreed there were a lot of benefits for them by being annexed as well. In regard to the CPD's opposition, he thought it was interesting that they were not opposed to any other annexations. He commented that Bristol Lake had been annexed into the City and would have numerous homes and townhomes. Anytime the City incorporated additional territory, a greater burden was placed on the Police Department in regard to staffing and resources. He believed the opposition was based solely on the socioeconomic status of the residents of the Park and felt that was unfair and not becoming of the City.

Mr. Netemeyer felt the report by the CPD, which was compiled from data provided by the Boone County Sheriff's Department, had been misinterpreted and misreported by the media. He explained the report went back sixteen months and with regard to the Sunset Mobile Home Park, that predated his company's ownership of the property. He noted there were 724 alleged calls, but many of those were "watch in passings" and not calls. The "watch in passings" were when an officer patrolled through the Park and in the sixteen month period, 259 of the 724 calls or 36 percent of the calls were "watch in passings." Those were not situations where the Boone County Sheriff's Department received a call about a crime or emergency. In addition, 56 calls or 8 percent were due to the Sheriff's Department serving ex-parte or civil summonses and the Sheriff's Department would still have those duties even if the property was annexed into the City. Another 26 calls or 3.5 percent were due to abandoned vehicles. When they assumed ownership, there were a number of vacant and abandoned trailers and unlicensed vehicles, so many of those calls, if not all, were made by him. He noted they spent a lot of their own money getting rid of or cleaning up the vacant trailers. There was, currently, only one vacant trailer that could not be remodeled. He pointed out they had filed numerous lawsuits to get rid of bad characters in the Parks and would continue to do so. They were also cooperating with law enforcement and would continue to do that.

Mr. Netemeyer pointed out this was basically an island within the City and when looking at the long term development of that area, it only made sense that the property be annexed to participate in the growth of that area. It made no sense to have this island of County there with Discovery Ridge to their south and the Lenoir Retirement Facility to the

north. He also felt that if the City was right, the best way to solve the problems was by working with them in applying City resources.

Mayor Hindman understood the statistics were a year old. Mr. Netemeyer replied he did not think they were old. They went back sixteen months. Mayor Hindman asked if the calls had dropped off. Mr. Netemeyer replied he did not know. He commented that the City had a Crime-Free Multi-Housing Program and they planned to send their manager to that program whether this was approved or not. He also noted that when one started an effort to clean up an area, there would be an increase in calls. He pointed out the previous owner of Sunset Mobile Home Park lived in Texas and the on-site manager did not have any support. He explained they evicted a lot of people and had torn down a lot of trailers. With the neighbors realizing they would not have to put up with this anymore since someone would be taking action, they understood they might have an increase in calls. If they successfully completed the program, he was told that would happen. He stated they wanted to take advantage of every resource they had and pointed out it might go up again if they did some of the things taught through that program.

Ms. Hoppe understood they were seeking C-P even though it was currently the equivalent of R-3. She believed this was in a prime commercial area and they would soon be receiving offers, so the Parks and residents would be gone and asked Mr. Netemeyer to speak to that issue. Mr. Netemeyer replied he was not sure they would be getting offers and pointed out there were currently no offers or a contract waiting to be signed once this was approved. His company had not made any plans to develop it nor had they coordinated with another company to do so. Ms. Hoppe thought if it was an extra burden on the Police Department, it might be a short term burden. She wondered how these statistics compared to others with this population. Mr. Netemeyer replied he understood a sheet was circulated that had comparisons with other mobile home parks, but he was not sure if those numbers included the “watch in passing” figures and it did not include numbers associated with civil summonses and ex-parte as that was done by the Sheriff’s Department. He thought if they removed the “watch in passings” and the civil service items done by the Sheriff’s Department, it would be similar to other existing mobile home parks within the City. Ms. Hoppe reiterated she felt this might be a short term lease problem for the residents since it was across from commercial and was in a prime area for commercial development. She was sympathetic with the residents in that there was a need for more low income housing. Mr. Netemeyer stated they had no immediate plans to do anything commercial with the property, although at some point down the road that was what it needed to be and was the reason they applied for that type of zoning.

Mr. Skala commented that in a normal situation, people usually voluntarily annexed to gain an advantage, such as City sewer connection. In addition, they generally annexed with zoning that was roughly equivalent to what they had in the County. In this case, that would be multi-family residential. Although he agreed this was a candidate for commercial designation in regard to land use, there was an increase in property value when one upzoned to a commercial designation and the question, regardless of whether or not there were any immediate plans, was what would happen to the people who lived there since at some point in time its use would change from residential to commercial. If the Council decided to grant

the commercial designation, he asked what their plans were for dealing the people living there. He noted there was an affordable housing issue in the City. Mr. Netemeyer replied that was a legitimate concern which he did not take lightly. He stated there were a lot of good people living there with some families being there for over 30 years. He noted his company owned another mobile home park in the County that had some additional capacity. In addition, not all of the land was occupied, so they could ask the County for a permit to increase the number of mobile homes in that park. He commented that they might also look for an opportunity to try to acquire another property in the County or just outside of Boone County to develop another park. He stated they took their commitment to the tenants very seriously and wanted to do everything they could to find a place for them to go. Mr. Janku noted the Council passed an ordinance to guarantee certain notice to tenants and at that time, it was beyond what the State law required. Mayor Hindman thought the State passed a law recently. Mr. Janku commented that certain notice requirements were in place and would apply to those individuals.

Mr. Skala asked why they were seeking a commercial designation that might fit with the land use plan instead of a residential zoning designation that would accommodate the mobile home parks if they were seeking annexation for a certain advantages the City had to offer over the County. Mr. Netemeyer replied with Discovery Ridge to the south and the commercial development on the west side of 63, it made sense for this to be a commercial use. He thought City staff would agree and believed that was the vision for that particular area of Columbia.

Ms. Nauser wondered if that was really explained to the tenants. She noted the letter dated April 25, 2007 framed it positively by indicating they would get law enforcement, access to transit and trash service from the City. The comment regarding planned commercial in the letter seemed like an afterthought. She asked how far they went in explaining the situation to tenants as there was no tenant opposing the annexation. She did not think the letter looked at the long term of what could be coming down the road. Mr. Netemeyer replied that fact was not lost to the tenants. From the first day they purchased and combined the properties, the tenants were asking them if they would sell and try to develop the land. He did not believe it was a situation where they were oblivious of it being a possibility down the road. With the indication in the letter of the request for commercial zoning, he felt they would understand that was a future possibility. He commented that the manager had talked to a number of the residents and they realized that could happen at some point. He pointed out that even if they stayed in the County, it could happen at some point. He thought they could switch from a mobile home park to apartments, condominiums or residential housing. The threat to the residents was not limited to them being annexed and rezoned to commercial.

Ms. Crayton recalled a previous situation when the owners of two mobile home parks indicated they would not do anything and then displaced the people in those parks. She understood many people lost everything they had. She asked that he be honest with the residents if he planned on doing that. She noted some of those people had to move twice. Mr. Netemeyer stated he was not being dishonest. He believed this site would be a commercial area in the future whether it was today or sometime down the road. At some point, the residents would be moving. He understood there were statutes they would have to

comply with. He commented that he did not know what happened with the last situation and whether that developer had another site available for people. He noted he was not saying they could accommodate everyone, but they planned to try to make a new home for as many as they could. Mayor Hindman thought the mobile home park near Ashland Gravel had to be closed due to a sanitation situation. It was not a situation where the developer found a new opportunity.

Ms. Hoppe commented that the letter dated April 25, 2007 that went to the tenants stated the proposed zoning was planned commercial, but it followed with a statement indicating the zoning would not change the ongoing operations of Ed's and Sunset Mobile Home Parks and the words "would not" were in bold and capitalized. She felt that was a very strong statement to the residents and implied that although this rezoning was commercial, it would not change their status. She wondered if they really understood what the rezoning was about. Mr. Netemeyer replied if that was misleading, unclear or ambiguous, he apologized. His intent was to let them know that if this was approved, they were grandfathered in and it did not mean they would need to cease operations as a mobile home park and they did not intend to. He stated the people in the mobile home parks were aware of the possibility. The manager was being asked regularly as to whether it was being sold. He understood the rumor was that it was going to be a parking lot. He did not believe his tenants were naive of the fact some future commercial development was ahead of them. The question was when it would happen and how it would be done.

Mr. Skala asked what they intended to do to alleviate the situation that was part of the objection by the Police Department since there were no immediate plans for a commercial use. Mr. Netemeyer replied he believed they had come a long way in slightly over a year. He noted it was not as easy as evicting someone from an apartment. They owned their home and it cost money to move the home. Since they were just renting the pad site, it was tougher to evict people. He noted they had evicted a lot of people. He commented that there were only six calls in that time period involving a call originating from a tenant at the mobile home park. All of the others were due to the officer patrolling and driving through. In addition, of those six, four were from the same two units and they were evicted. He pointed out he was an attorney, so it was easy for his company to take legal proceedings to evict tenants who were breaking the law or not paying rent, when necessary. He stated if the Council had seen it 16-18 months ago, they would understand it was much better now. He noted he had a wife and eight year old daughter who he would not put in harms way and they went out there on the weekends to pick up trash. He did not believe their safety was at risk.

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

Ms. Hoppe asked Chief Boehm for his comments regarding whether he thought this would be an extra burden on the Police Department. Chief Boehm replied it was true that a number of the calls were "watch in passings," but they took those out when they looked at the calls for service to those trailer parks compared to other trailer parks in the community and still found it to be on the high end. A comment was made indicating the Police Department had not objected to many annexations in the past. He agreed that was true and explained most annexations were of undeveloped areas, so they did not know what kind of impact it would have and did not have anything to measure it against. They did not make any

comment, if they felt they could not judge what the impact might be to any great extent. In this case, since it was a developed area and the Sheriff's Department currently responded, they had data available. They wanted the Council to be aware of the fact that it would have an impact on staffing due to the number of calls for service and due to its location at the far southeast end of the City as it would take officers away from other beats. He stated he was not saying they could not handle it, but was saying it would have an impact on staffing if it stayed as it was now. He commented that they had already met with Mr. Netemeyer and if it was annexed they would continue meeting with him to try to solve some of the issues. As it was now, he believed it would have a significant impact on their operation.

Ms. Hoppe asked if there was a trailer park within the City it could be compared with. Chief Boehm replied he did not have those numbers with him, but noted they had compared it to several other trailer parks and the calls for service were higher for that trailer park. He commented that there were other trailer parks with a significant number of calls for service and pointed out 80 percent of their calls to service involving residential were in rental properties versus owner occupied properties. He understood a comment had been made indicating they might be looking at economic factors and he wanted to assure them they were not looking at that at all. While economic factors were sometimes tied to crime rate, they were only looking at calls for service in regard to how many times officers would be called to that location and how much time would be involved with those calls.

Ms. Nauser understood the visibility of police officers was a concern to people in the community based on the citizen survey and from her calculations an officer would have to make at least one trip a day. She wondered how many officers it would take to handle it. Chief Boehm replied it was difficult to say. He explained that when the City annexed areas, it meant that particular beat was getting bigger and the officers working that beat would have more calls to respond to and less time to do other proactive activities. He noted they looked to see if they needed to restructure beats annually in order to get the best use of the staff available. He could not say how many officers it might take, but when they added that number of calls for service to a beat, it meant those officers would be busier than they were today. Ms. Nauser asked what they would need in regard to personnel in order to accommodate this type of growth and activity. Chief Boehm replied he did not know if he could tie officers directly to that one annexation. He explained annexations were like mosquito bites. The first few did not hurt that bad, but as they continued they began to be painful and this one was a little more painful than some in that it was already developed and they knew what the workload would be. He could not tell them they would be asking for a lot of additional staff due to that one annexation, but that annexation combined with others had an impact and they would be assessing their staffing needs related to that.

**(D) Construction of the H-21B Sewer – Lake of the Woods Mobile Home Park Lagoon Interceptor.**

Item D was read by the Clerk.

Mr. Watkins stated this involved the construction of about 1,140 feet of sanitary sewer at a cost of about \$155,000. It was originally included in the 1997 sanitary sewer ballot issue

and would eliminate a nonfunctioning lagoon that had come under fire from DNR and other folks.

Mayor Hindman opened the public hearing.

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

Ms. Hoppe asked if the property the sewer line went through was undeveloped. Mr. Glascock replied he believed it was undeveloped.

Ms. Hoppe asked if it were to be developed if the developer would pay for the sewer line going through the property. Mr. Glascock replied there would be tap fees associated with each lot developed. Ms. Hoppe asked if it was not put in now and was developed later, if the developer would pay for the sewer. Mr. Glascock replied it depended on whether this was an 80 acre point or not. They did not determine that since it was part of the ballot issue. Wherever the 80 acre point would lie was where they would build it to.

Mr. Janku asked for an explanation regarding how the project came about. Mr. Glascock replied they had been working with the Department of Natural Resources (DNR) to get the lagoon taken out because it was not up to either DNR or City standards. It drained into the creek causing some issues. It was put in the ballot issue for DNR, but they refused to annex. Now that they had annexed and with DNR pressuring them, they saw the reason for it. He pointed out this was not a Boone County Sewer District customer. They would be City customers.

Ms. Hoppe asked if they knew if owner of this large property was coming forth with any development. Mr. Glascock replied no and noted an easement would have to be purchased. Ms. Hoppe understood they were not coming to the City with any development plans for the property at this point. Mr. Glascock stated not to his knowledge. Ms. Hoppe wondered if it was something that would be provided soon or could be provided soon by the developer.

Mr. Janku pointed out it was polluting the creek. Ms. Hoppe understood and agreed that was important. She was wondering whether there was something eminent in terms of development at that spot. Mr. Watkins believed this was an issue discussed at the Council Retreat in that they needed a way to greenline a sewer line, so they could recover sewer costs with a special tap fee or connection fee when it went through undeveloped property. Currently, the City's policy did not provide for that. The City recovering a portion of the cost when and if the property developed was something they had been talking about internally and was brought to the Council at the Retreat. Mr. Skala understood right now the advantage was getting rid of the lagoon and cleaning things up and ultimately the City might recover some of those costs with a connection fee. Mr. Watkins stated the City did not have a policy right now. Mr. Glascock pointed out they would recover some costs through tap fees. Mr. Watkins agreed and thought they would probably recover a fairly significant amount through tap fees, but since they did not know what it would develop as, he did not want to say how much they would get back as he did not know.

Mr. Janku understood some communities, like Jefferson City, charged for those extensions. They would put sewers across people's property and tax bill them. He commented that the property owners were very upset because at that point they did not want development. In this situation, they were cleaning up a pollution source, but if it was not done right it promoted development ahead of its time. He thought they needed to make sure

they did not trigger that. He was hopeful the proposed policy would postpone payment until there was development versus triggering development.

Ms. Hoppe commented that she was just looking for more way to have funds to do what needed to be done.

Mr. Janku made the motion for staff to proceed with the H-21B Sewer – Lake of the Woods Mobile Home Park Lagoon Interceptor. The motion was seconded by Ms. Nausser and approved unanimously by voice vote.

**(E) FY 2008 Capital Improvement Project Plan for the City of Columbia, Missouri.**

Item E was read by the Clerk.

Mr. Watkins explained they started making changes and improvements to the capital budget and planning process last year and were about 95 percent done. They received input from the Planning & Zoning Commission and also asked for comments on the City's website. They were holding this hearing in order to obtain public comment prior to beginning the actual capital budget process.

Mayor Hindman opened the public hearing.

Phebe La Mar, 111 S. Ninth Street, stated she was representing Bob Lemone, the developer at Concord Office and Industrial Plaza, in regard to the extension of Lemone. She noted, in November of 2006, staff had done an excellent job in pointing out the number of employees that worked in the Industrial Plaza and the number of people who were backed up for a substantial period of time at Lemone and Grindstone as a result of the number of people trying to exit and enter through the one entrance into the Park. There were a number of others who were served by that intersection, such as people carpooling. She stated there were a number of advantages of continuing to keeping that project on the CIP Plan.

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

Mr. Skala understood they were taking public comment on the CIP Plan and would discuss the comments made in the course of budget discussions. Mayor Hindman replied that was correct.

**OLD BUSINESS**

**R32-07 Approving the Preliminary Plat of The Overlook located along both sides of West Broadway, extended; setting forth conditions of approval.**

The resolution was read by the Clerk.

Mr. Watkins explained this was a preliminary plat that would create 141 R-1 zoned lots. Four of those lots were proposed to be used for something other than single-family residential development. The Planning & Zoning Commission recommended approval subject to some traffic conditions, which he thought had been worked out. The developer came up with a proposal, which City staff supported, at the last Council meeting. It would require the developer to construct Stone Valley Parkway, which was a street on the Road Plan. There were some advantages to using Stone Valley Parkway as opposed to extending West Broadway in terms of how traffic would enter onto Scott Boulevard using Smith Drive rather than putting traffic at bad intersection on a curve at Broadway.

Mr. Teddy pointed out staff was now recommending three conditions they believed would formalize the arrangement proposed by the developer. The first condition of plat approval would be a development agreement to build Stone Valley Parkway at the developer's cost as a neighborhood collector street. Second, the street system should be modified to consist of traffic calming measures or the redesign of streets to introduce curves. He noted that was a recommended condition in the original report to the Planning & Zoning Commission. The third condition was that the alignment of West Broadway would be adjusted to the north approximately 19 feet so when Broadway was improved as an arterial as shown on the Major Roadway Plan, it would have a lesser impact on the four residences that were part of unincorporated Boone County by providing them a minimum 25 foot setback from the right-of-way of the four lane facility. He noted that was far into the future.

Mr. Janku made the motion to amend R32-07 per the amendment sheet. The motion was seconded by Ms. Hoppe.

Mayor Hindman opened the public hearing.

Frank Jindra, 4514 West Broadway, explained his property was at the dead end on Broadway and that 19 feet would not save the tree line he requested be saved. He noted he had been before the Council during the 1999-2000 timeframe asking for consideration as he understood the thoroughfare would go through and wanted to keep it away from his home. He stated the tree line went from his front door to his fence line and was about 73 feet. He noted he, Tom Howard and Vicky Ridgeway were the three people who would be affected as Broadway turned into their homes and then turned back to the left. He commented that the traffic lights would be in his bedroom windows. West Broadway was currently 51 feet from his door and the tree line was 73 from his front door. He understood they were discussing an extra nineteen feet and thought that would still affect the trees in front of their yards. He pointed out he had communicated with the Boone County Commissioner with no response yet. He stated they also wanted arbor pine trees planted in order to provide them privacy and quiet from traffic when it became a four lane thoroughfare. He noted some of the existing trees were 100 feet tall. He reiterated he did not think 19 feet was enough. He wanted West Broadway built about four feet after the tree line as that would provide enough room to plant the arbor trees. Since his computer was not working, he stated he would e-mail the photographs and asked Council to table the item in order to drive by and look at his property and the tree line.

Ms. Hoppe understood Mr. Jindra did not believe 19 feet was enough and that he was currently 51 feet from Broadway. She also understood with the 19 feet, it would be at 70 feet, but the tree line was 73 feet from the house. Mr. Jindra understood Mr. Watkins was going to have someone send him an aerial photo to assist him in understanding where the 19 feet actually put him. He noted Mr. Bondra from Planning & Development tried to help him. He pointed out they found the pin to his property in the middle of West Broadway, so it was not as the aerial showed. The road was already on his property. He understood the right-of-way was deducted from his property pin and asked if another 19 feet would then be added. He reiterated he was not sure where the road would be, but wanted it four feet from the tree line in order to keep the trees and provide room to plant more trees. Ms. Hoppe asked how many

more feet he wanted. Mr. Jindra replied he did not know as he was not sure where the 19 feet put the road.

Mr. Janku asked how far it was from his house to the street. Mr. Jindra replied 51 feet from the gravel to the front door. Mr. Janku understood the trees were another 20 feet beyond that. Mr. Jindra replied yes. Mr. Janku asked if the tree line was on the other side of Broadway. Mr. Jindra replied yes.

Ms. Hoppe asked which he would prefer if he had a choice of leaving the trees there with the road closer to the house or losing the trees with the road farther from the house. Mr. Jindra replied he wanted to put dirt and grass seed over the one lane gravel road that was there now. He stated they also wanted their lawn to go to the tree line and the road to be on the other side of the tree line where it was currently an empty field. He questioned why it could not be placed in the empty field. He understood it was previously proposed to be that way, but that had changed and he was not sure why. He commented that he was not notified when the plat changed and asked who was to provide notice. He became aware of this when he was asked to let the surveyors through the gate as he was the one with the padlock key. He felt some sort of notice should have been provided as a major thoroughfare was going through their front yard.

Mayor Hindman asked staff about the procedure for providing notice. Ms. Nauser thought he would have received notice in regard to the Bellwood Subdivision. Mr. Teddy explained notices were sent out in regard to The Overlook when that tract was rezoned several years ago. They did not mail out notices to adjacent property owners for subdivisions. He noted there would be a future process in regard to notice for West Broadway during the Public Works public improvement process when the road was designed as a major roadway. Currently, however, it was being designed as a local street and would not significantly impact these homes. He understood The Overlook was indicating the main access to the subdivision would be Stone Valley Parkway with a secondary access to one of the Bellwood streets when built. For future planning purposes, the Bellwood Subdivision had provided the City with a 55 foot half-width of right-of-way. The relocation of the future alignment of West Broadway any further north would require additional right-of-way and staff was comfortable with 19 additional feet because the developer of Bellwood indicated they would work with the City. To go farther north would be a significant change and would require abandoning the existing West Broadway because the alignment would be completely north of the existing roadway. Mr. Watkins stated he understood they were not connecting the existing West Broadway to Stone Valley Parkway. Mr. Glascock stated that was correct. Mr. Watkins understood they were not proposing to construct or change any part of West Broadway in the near future. The only thing they were proposing at this point was to buy, at City expense, additional right-of-way from the developer of Bellwood so West Broadway could be moved to the north when it was built. He noted he did not know when the road would be built and pointed out it was currently not in the CIP Plan. He stated it was really not a beneficial road to build until Scott Boulevard was improved and the interchange to the north was built so they could make it a full four way interchange. He believed it was many years away from happening. He noted this was a half in the City and half in the County road and he had talked to the County Commission about it at their last meeting. They agreed there

was really no reason to build that road until they improved Scott Boulevard and built the interchange. He felt they were doing the right thing and were not changing anything Mr. Jindra was living with right now. They were not touching the road or connecting it to the new road system at this time. He stated Mr. Jindra would continue entering and existing his property from Scott Boulevard. Mr. Jindra understood in about 10 years he would not have a front yard or privacy and the trees would be bulldozed. Mr. Watkins agreed it could be 10 years from now. He noted he did not know exactly where the trees were. He explained they were acquiring enough right-of-way to do four lanes, but was not sure they would build the four lanes right away. He thought they might build two unless traffic demanded it and he did not believe traffic would demand it unless a bridge was built across Perche Creek. He commented that with two lanes, they could likely build the north part of the two lanes first, so they would still be a significant distance from his house.

Mr. Skala understood in the future Mr. Jindra would have 19 more feet than the current plan provided. Mr. Jindra asked if that would make it so that was on the other side of the trees. He also asked to be involved in the secret meetings. Mr. Janku replied there were no secret meetings. Mr. Jindra commented that he had to do his own research. Ms. Nauser explained the Bellwood Subdivision was annexed last year and it was rather controversial due to some stormwater problems involving Strawn Road, so it was highly publicized. She understood that at the time of an annexation request, the neighbors were notified. Mr. Teddy replied that was correct. Ms. Nauser explained they also posted a sign on the property indicating a there was rezoning application in the process. Citizens were allowed to speak at both the Planning & Zoning Commission meeting and the City Council meeting. After that, there really was no other notification except for what was in the newspaper. She noted all of the agendas were publicized, so when the preliminary plat for the Bellwood Subdivision was up for discussion, he would have been more than welcome to come down and explain to Council the distance of his driveway in comparison to where the future extension of West Boulevard was proposed. She stated they did not have secret meetings and it was highly publicized. She understood The Overlook was brought to his attention due to discussions with Mr. Tosini and was something in the newspapers. She pointed out this was discussion on the preliminary plat and the City did not send notification to the adjoining property owners for this situation. Mr. Jindra stated he thought it would have been nice to have been notified and asked if they would take a look at where the 19 feet would put the road.

Dave Bennett, an engineer with Engineering Surveys and Services, 1113 Fay Street, stated he was representing the developer and they agreed with the conditions identified.

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

Mr. Janku commented that the developer's plan to take access out of Stonecrest was an important improvement and would benefit the public. He stated he intended to vote in favor of this proposal.

Mr. Skala pointed out they had considered Mr. Jindra and that consideration was one of the reasons why all of the work was done to get the additional 19 feet. He noted this was a long way in the future and believed this as a reasonable compromise. He stated the people who were affected by this had been duly considered and he intended to support it as well.

The motion made by Mr. Janku and seconded by Ms. Hoppe to amend R32-07 per the amendment sheet was approved unanimously by voice vote.

The vote on R32-07, as amended, was recorded as follows: VOTING YES: JANKU, SKALA, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: WADE. Resolution declared adopted, reading as follows:

**B189-07 Authorizing acquisition of an easement for construction of the extension of Chateau Road.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize the acquisition of about a quarter of an acre of property that would be used for a cul-de-sac for Honeywell International. They had made attempts to acquire this property from a Kansas company without any response. In order to promote safety, staff felt the City should step in and acquire the small amount of property necessary for the cul-de-sac. Honeywell would pay for the construction of the cul-de-sac as well as any cost to acquire the property.

Ms. Hoppe asked how many times in the past they had done something similar. Mr. Glascock replied more than a dozen in the last four years.

Ms. Hoppe asked if Mr. Ewger had been given notice of this action. Mr. Glascock replied he doubted it. He explained they would work with him so they would not have to condemn him.

Mayor Hindman opened the public hearing.

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

Mayor Hindman stated he believed it clearly needed to be done from a safety point of view. Honeywell was a significant employer and needed this for safety purposes.

B189-07 was given third reading with the vote recorded as follows: VOTING YES: JANKU, SKALA, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

**B191-07 Amending Chapter 14 of the City Code to prohibit corner cutting to avoid traffic control devices.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this would amend the City's ordinances to prohibit corner cutting to avoid traffic control devices. He noted this was a problem they were hearing about from both residents and the Police Department.

Mr. Janku asked who, if anyone, enforced the speed and traffic laws on a private street. Chief Boehm replied they did not enforce speed limits on private streets.

Ms. Hoppe understood this was a particular problem by Patricia's and wondered if it was really City-wide problem that needed a City-wide policy or if they just needed specific postings at problem spots. She wondered if there was a traffic accident or something congesting the main artery if this would allow for the ticketing of people. Mr. Janku provided an example of someone cutting through the City's parking lot in order to avoid waiting to turn on Broadway and stated he believed it was a City-wide problem. He did not think they wanted different ordinances for different intersections. He thought it needed to be applied

everywhere. Ms. Hoppe stated she thought of it as being similar to speed limits which were tailored to streets or specific spots, so she was raising the question.

Mr. Skala commented that he thought of this as a public safety issue. He assumed one was supposed to stay on the streets and not cut through parking lots. He noted they could be endangering pedestrians. He stated he had seen this type of occurrence in many places to include Old 63 and East Broadway. He reiterated that he saw this as a public safety issue and thought it was a good idea to ensure people understood they should not do this.

Ms. Nauser asked if a fine had been set. Mayor Hindman replied he thought it would come under a general set of fines. He explained a certain class of an offense had a range. Mr. Janku understood the Judge could impose a fee within a range. Mr. Boeckmann clarified the maximum was three months or \$500. The fee range was between \$1 - \$500. Ms. Nauser asked what the fine was for running a red light. Mr. Boeckmann replied that was the general rule with some exceptions. He noted, generally speaking, it was not a good idea to have a separate offense with its own range. Ms. Nauser stated she wanted ensure there would be a substantial fine to deter the activity. Mr. Boeckmann explained that was up to the Judge. Mayor Hindman clarified it was up to the Judge within the range and pointed out they could change the range if they wanted, but that change would apply to all ordinance violations of this class. Ms. Nauser commented that sometimes just the passing an ordinance did not deter behavior and felt there was a limit where one's actions would be deterred by the fine imposed. Mayor Hindman explained it was up to the Judge's discretion for the most part, but if they did not believe the Judge's fines were high enough, they could do different things to include increasing the range.

Ms. Hoppe understood the survey indicated citizens were concerned about the lack of enforcement of traffic laws and asked what kind of effect this would have on the need for more police if they were going to enforce it. Chief Boehm replied if it passed, they would first do some public education, which usually resulted in a great deal of voluntary compliance. He explained they would issue a press release, make businesses who had called in complaints aware of it so they were able to make their customers aware of it and would follow up with enforcement in places with high complaint rates. He reiterated they usually had a great deal of voluntary compliance. He did not believe it would have a substantial impact from a staffing standpoint as it was not something they received complaints regarding daily. They did, however, receive complaints from time to time and did not have an ordinance to specifically address the issue.

Ms. Hoppe asked if businesses could acquire a sign to put on their property and if the City paid for it. Chief Boehm replied the City would not pay for those signs because they were posted on private property. He assumed if a business wanted to post something the same as they did with trespassing signs and it met all of the sign ordinances, they could in fact do that.

B191-07 was given third reading with the vote recorded as follows: VOTING YES: JANKU, SKALA, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: WADE. Bill declared enacted, reading as follows:

**CONSENT AGENDA**

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

- B185-07 Approving the Final Plat of The Gates at Old Hawthorne, Plat No. 1 located north of State Route WW, east of South Cedar Grove Boulevard; authorizing a performance contract.**
- B186-07 Approving the Final Plat of Bay Hills, Plat No. 2A, a Replat of Lot 84 of Bay Hills, Plat No. 2 located on the southwest corner of Grace Lane and Pebble Beach Drive.**
- B187-07 Authorizing a grant agreement with the Mid-Missouri Solid Waste Management District for the purchase of an Eddy Current Separator for the Material Recovery Facility; appropriating funds.**
- B188-07 Authorizing an agreement with Black & Veatch Corporation for engineering services for a Conceptual Design Study for the Columbia Regional Wastewater Treatment Facility; appropriating funds.**
- B190-07 Accepting conveyances for utility purposes.**
- B192-07 Appropriating funds for the Memorial Tree and Bench Program and the Stephens Lake Park Development Project.**
- B193-07 Extending the term of the cable television franchise held by MCC Missouri, LLC (Medicom).**
- B194-07 Extending the term of the cable television franchise held by Falcon Telecable, a California limited partnership (Charter Communications).**
- R138-07 Authorizing Amendment No. 6 to the agreement with the Missouri Department of Health and Senior Services for the Local Public Health Agency Consolidated Contract.**
- R139-07 Authorizing an agreement with the Missouri Department of Health and Senior Services relating to West Nile Virus Mosquito Surveillance.**
- R140-07 Authorizing a HOME agreement with Bethel Ridge L.P.**
- R141-07 Authorizing an amendment to the CDBG agreement with Phoenix Programs Inc.**
- R142-07 Authorizing an agreement with URS Corporation for engineering services for the design and reconstruction of Clark Lane from Route PP to St. Charles Road.**
- R143-07 Transferring funds to finalize and close out the authorized improvements made to Garth Avenue from Thurman Street to Bear Creek.**

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

**NEW BUSINESS**

None.

## INTRODUCTION AND FIRST READING

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

- B195-07 Voluntary annexation of 31 lots within Prairie Hills Subdivision located on the east side of Creasy Springs Road, generally west of the city limits; establishing permanent R-1 zoning.**
- B196-07 Voluntary annexation of property located on the north side of Thompson Road, approximately 200 feet east of Spring Cress Drive (5701 Thompson Road); establishing permanent R-1 zoning.**
- B197-07 Voluntary annexation of property located on the southeast corner of Roosevelt Avenue and Lenoir Street; establishing permanent C-P zoning; setting forth conditions of approval.**
- B198-07 Approving the Final Plat of Copperstone Plat 3 located generally south of Vawter School Road and east of Scott Boulevard; authorizing a performance contract.**
- B199-07 Vacating a portion of a drainage easement located north of the intersection of Beechwood Drive and Thompson Road within Gold Star Farms, Plat 2.**
- B200-07 Authorizing acquisition of property located at 3545 North Creasy Springs Road to preserve the roadway corridor for the Creasy Springs Road Improvement Project.**
- B201-07 Confirming the contract with Wilcoxson Excavating and Construction, LLC for construction of Louisville Drive from north of Whitefish Drive to Smith Drive.**
- B202-07 Authorizing application for FY 2008 transit planning, operating and capital assistance grants.**
- B203-07 Authorizing Change Order No. 1 to the contract with Emery Sapp & Sons, Inc. for construction of a 36-inch water transmission main from the McBaine Water Treatment Plant to Scott Boulevard; authorizing a settlement agreement and release with Jacobs Civil Inc.**
- B204-07 Accepting conveyance; authorizing payment of differential costs for water main serving Steeplechase Estates, Plat 1; approving the Engineer's Final Report.**
- B205-07 Accepting conveyance; authorizing payment of differential costs for water main serving Bristol Lake Subdivision (southeastern tract); approving the Engineer's Final Report.**
- B206-07 Amending Chapter 14 of the City Code as it relates to failure to exhibit proof of motor vehicle liability insurance.**
- B207-07 Authorizing an agreement with CxE Group LLC for engineering services to perform fundamental and enhanced commissioning for the City Hall/Daniel Boone Building expansion and renovation project; appropriating funds.**
- B208-07 Accepting a donation from the Wal-Mart Foundation for the purchase of the SentryKIDS Finger Tips Identification System; appropriating funds for Share the Light Program.**
- B209-07 Approving the C-P and O-P Development Plan of Blue Ridge Centre located south of the intersection of Blue Ridge Road and Providence Road; authorizing a development agreement.**

## REPORTS AND PETITIONS

### (A) Intra-departmental Transfer of Funds.

Report accepted.

### (B) Applications Fees.

Mr. Watkins explained several volunteer commissions, such as the Building Construction Codes Commission, Board of Electrical Examiners, Board of Plumbing Examiners and the Board of Mechanical Examiners, held hearings and currently no deposit was required. Recently they had situations where the volunteers would post a notice and meet, but the applicant did not show up. In some cases, they had to have a court reporter to create a transcript of the hearing. Staff was suggesting an application fee for these boards and if the applicants showed up, they received their money back. It was not a cost item. It was only to ensure people showed up as requested.

Mr. Janku understood the City charged for apartment inspections because it was a benefit to the person moving in and was an attempt to recover costs. He asked why they did not try to recover part of their costs for some of these hearings. Mr. Glascock replied the hearings were a result of people questioning staff's interpretation of the Code and was a cost of them doing business as they had to take time out of their day. He noted they would be happy to charge a fee, but the reason for the hearing was due to them asking the Commission to interpret the Code as they felt staff's interpretation was wrong. Mr. Watkins stated the philosophy was that they did not want to put a cost burden on people appealing City staff's interpretations of the Code. Mayor Hindman thought that was a reasonable philosophy, but noted if the court system charged for the privilege of going to court. He commented that another option would be for the cost to be paid by the loser, so if the applicant did not prevail they paid and if the applicant prevailed, the City would cover the cost. Ms. Hoppe thought the downside was that it might give the Commission an incentive to have the applicant lose. Mr. Skala believed it was dependent upon the volume of traffic in terms of the amount of fees. He noted if they could, it was a good idea to try and foster an incentive for people to come and discuss issues for resolution rather than to trying to recover a cost unless the cost was substantial.

Mr. Janku made the motion to direct staff to prepare an ordinance to enact the application fees as suggested in the report. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

### (C) 2005 Energy Policy Act – Public Utility Regulatory Policies Act.

Mr. Watkins explained this was a report regarding how the City was meeting the 2005 Energy Policy Act. The Water & Light Advisory Board, at Council direction, held a series of public hearings on five federal standards and completed their report. The five standards were interconnection, net metering, fuel diversity, fossil fuel generation efficiency and time based metering and communications.

Mr. Janku made the motion to accept the report. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**(D) Proposed North Central Columbia Neighborhood Association Urban Conservation Overlay District.**

Mr. Watkins explained the North Central Columbia Neighborhood Association engaged a planning consultant in 2005 and recently finished and provided the City with a copy of their proposed overlay for the neighborhood. Council could take two potential actions. One option was to send it immediately to the Planning & Zoning Commission for review, comment, public hearing, etc. and the other option was to schedule it for a work session to become more familiar with it prior to sending it the Planning & Zoning Commission for review.

Ms. Hoppe asked how soon it could be scheduled for a work session if that was what was decided. Mr. Watkins replied it probably could not be scheduled until October.

Mr. Janku stated he was afraid that would be the answer. He suggested scheduling a brief report at a pre-Council work session just to obtain an overview with staff's prospective. He felt a work session implied a lengthy discussion of the pros and cons of the issue and they would then need to decide if they wanted changes made based on the discussion or if they wanted to send it to the Planning & Zoning Commission as it was. He thought it would be unlikely they would make changes without public input, so in reality it would be sent without changes. He also believed it would take the Planning & Zoning Commission a long time to work through this with a couple of work sessions and a lot of input. He reiterated that he wanted a brief presentation before getting started and wanted to point out they were not endorsing it by sending it forward. Mayor Hindman agreed they needed to get a briefing on it, but suggested they also go ahead and send it forward to the Planning & Zoning Commission.

Mr. Skala stated he concurred with Mayor Hindman. He noted it was always helpful to understand the circumstances, but felt this would take a considerable amount of time even with the Planning & Zoning Commission being involved and doing to research and legwork. He commented that Council still had the ultimate purview and it was appropriate to go ahead and send it to the Planning & Zoning Commission.

Ms. Nauser understood there were two options provided in the report. One was for Council to initiate the process and the other was initiation by a petition of at least 50 percent of the owners. She noted they had so many things on their agenda and, personally, this was not an item of high priority for her. She commented that she was neither for nor against it. It was an area where some people wanted to self-regulate themselves, which she was fine with as that happened with sign and awning ordinances. She suggested that before going into a lengthy investigative and public hearing process they find out what kind of support it had in the North Central Neighborhood by letting the North Central residents initiate the process. Ms. Crayton understood the Planning & Zoning Commission would still have to review it so it was still a long way off before it came back to Council. Ms. Nauser stated she would prefer them show they had at least 51 percent of the owners in the area agreeable to this before scheduling a work session or forwarding it to the Planning & Zoning Commission.

Mr. Boeckmann asked if this had already been initiated by the Council. Mr. Teddy replied it had been in a sense. He explained in 2001, some Block Grant funds were given to North Central to carry out a planning study. At that time, it was described more as a neighborhood plan versus a zoning overlay district, but there were discussions leading to that early on. North Central used the funds to hire a consultant to put this together. They also

matched the \$15,000 they received. He stated it had been a long time in the making. He thought it really started with the consultant in 2005, but noted he could be mistaken as planning work could have started sooner. He explained they had indicated they were ready to bring this to a more public forum as they had been doing a lot informally. He understood they had taken the ordinance itself as far as they wanted without obtaining input from groups like the Planning & Zoning Commission.

Mr. Skala asked if the Benton-Stephens overlay and the East Campus overlay were Council initiated. Mr. Boeckmann thought they were Council initiated.

Ms. Hoppe stated she had been aware of this plan for quite a while and it was her impression that it had been circulated through the neighborhood and was generally supported. She would be surprised if they could not get the 51 percent, so she thought by moving forward they could save some time. She asked if that was Mr. Teddy's impression as well. Mr. Teddy replied a lot of the ordinance content was discretionary. "Should" was used a lot rather than "shall." There were a lot of design principles and other things that were not precisely defined, but well defined with illustrations. It was essentially an ordinance that created an advisory procedure the leadership of the Neighborhood Association believed could be decisive in some zoning cases. It would provide for a mostly concurrent process in that when the City received plans, zoning requests, development permits and building permits, they would coordinate a notice to the Neighborhood Association, who would then meet and issue an advisory opinion. There was nothing in the ordinance that would require someone to change their plan because of something the Neighborhood Association stated. He understood they were very interested in getting a dialogue going. He noted this would give them an approved document to reference in achieving consistency. Mr. Janku understood as it moved forward, it would receive more public review and comment.

Mr. Janku made the motion to refer the draft North Central Columbia Neighborhood Association urban conservation overlay district document to the Planning & Zoning Commission with the understanding that prior to beginning the Planning & Zoning Commission process, the Council would receive a staff briefing. Mayor Hindman stated he did not think it needed to be prior to the Planning & Zoning Commission process, but suggested it be early on. He was afraid they might hold things up due to their schedule. Mr. Janku amended his motion to refer the draft North Central Columbia Neighborhood Association urban conservation overlay district document to the Planning & Zoning Commission with the understanding that Council would receive a staff briefing early in the Planning & Zoning Commission process. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

**(E) Street Closure Request - Second Baptist Church.**

Mr. Watkins stated this street closure request was made by Second Baptist Church for a ribbon cutting on their new addition. He noted a copy of the report was distributed to the Council at the pre-Council work session.

Ms. Crayton made the motion to approve the street closure request as requested. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**(F) Assessment of Special Tax Bills for the Sixth Street Improvement Project.**

Mr. Watkins stated this was follow-up to a report at the last Council meeting in regard to the assessments of Sixth Street. Council asked them to review whether some of the tax bills should have been waived. He noted Ms. Nauser provided some researched information and staff was suggesting the bills be waived for three properties per the criteria discussed.

Ms. Nauser explained she researched the Boone County Recorder's Office records to determine the dates people acquired title. She felt anyone that owned the property during any portion of the process could have seen the notifications in the newspaper. She stated failure to read it did not dissolve their obligation to know. She believed the people who purchased the property after the road work was completed should be the ones that received reimbursement. She felt those that owned their property during the process should have to pay their tax obligation. She noted there were many people in the community that had been tax billed for road improvements and she did not feel some should not be obligated to pay.

Ms. Nauser made the motion proceed with option two, which was to relieve the tax bills for the three properties purchased after the July 24, 2004 acceptance dates, by directing staff to prepare an ordinance. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

**CULTURAL AFFAIRS STANDING COMMITTEE ON PUBLIC ART**

Elias, Paula, 201 S. Garth, Ward 4, Term to expire July 1, 2010

**DISABILITIES COMMISSION**

Buckley, Matthew, 31 N. Cedar Lake Drive W, Apt 208, Term to expire June 15, 2010

Rosenholtz, Sandra, 4700 Brandon Woods Street, Ward 5, Term to expire June 15, 2008

Zeterberg, Dawn, 118 Redwood, Ward 1, Term to expire June 15, 2010

**LIBRARY BOARD**

Gerding, Rosalie, 101 S. Fifth Street, Apt #1, Ward 1, Term to expire June 30, 2010

Richards, Thomas, 1810 Valley Vista Court, Ward 4, Term to expire June 30, 2010

**MAYOR'S COMMITTEE ON PHYSICAL FITNESS**

Kitzi, Laura, 4 Kipling Way, Ward 3

**WATER AND LIGHT ADVISORY BOARD**

Baumgardner, Tom, 6009 Dornagh Court, Ward 5, Term to expire June 30, 2011

Gaeth, Ernie, 1106 Willowcreek Lane, Ward 5, Term to expire June 30, 2011

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Ms. Crayton stated she received a two letters in regard to why the Twilight Festival activities were moved away from the courtyard in front of the Boone County Courthouse. She

noted one letter was from a business owner who felt the patrons were being divided by socio-economic factors. She asked for staff to provide a reason for the change so she could get back to the people asking about the change.

Ms. Crayton asked what could be done to lower fees so more children could swim as some could not afford the current fee. She did not necessarily want to put the financial constraint on the City. She wondered what other organizations or programs could assist. She felt children needed positive activities and they needed a way to allow all children to access those activities. Mayor Hindman understood the City had a scholarship program. Ms. Crayton commented that someone without money and with four or five kids could not afford \$2.00. Mayor Hindman did not believe the cost was \$2.00. Ms. Crayton asked how much the cost was to swim. Mr. Watkins replied he thought it was about \$2.00. Mayor Hindman asked if that was the cost under the scholarship program. Mr. Watkins replied no. Mayor Hindman explained the scholarship program was funded substantially every year. Mr. Watkins thought Ms. Crayton was talking about people that were not in scholarship program and were just walking up to swim. Ms. Crayton agreed. Mayor Hindman suggested making them aware of the scholarship program. He understood it was essentially automatic. Mr. Janku noted there were certain family income guidelines. Ms. Crayton asked about the child that was \$1.00 over the income limit. She was suggesting finding another way to fund these activities. Mr. Watkins stated staff would provide a report in terms of how many kids were on scholarship, how much money was taken in for the pools and the percentage of the operating revenue that came from gated admissions. Mayor Hindman stated if there were children who should be getting the scholarship, but were not, it might be helpful to know the reason. Mr. Skala thought the report could provide an assessment and perhaps enhancement as well.

Mr. Janku asked if Fun City was essentially at lunch. Mr. Watkins replied they had a number of daycares who used the pool at a reduced rate particularly in the morning. He asked if the rate was still \$2.00. Mr. Hood replied he believed it was \$2.25 for youth. It had been \$2.00 for many years and was increased a couple years ago. He explained youth could qualify for a scholarship for swimming passes for the pool if they applied. The 20-pass admission to the pool, which was good for 20 different visits, was sold at a 25 percent discount to everyone. If they qualified for a scholarship, they could get 75 percent off of that, so it got down to a small amount. He noted they did have to apply for the scholarship to receive the discount. Mayor Hindman asked if there was a sign. Mr. Hood replied they promoted it through all of their publications. He noted they could put a sign up at the pool as he was unsure if there was one. Ms. Hoppe asked if they could apply for the scholarship at the pool. Mr. Hood replied no and added that the parents had to apply at the downtown office. Mr. Janku asked if there was a way to work with Fun City since they were a group that was in the park on a daily basis. Mr. Hood replied they worked with them in the past, but was not sure of the arrangement this year. He stated they could look at that in the report as well. Mayor Hindman commented that there was no point in having the pool if the people were not using it.

Mr. Janku stated he was watching the Board of Adjustment meeting last week and they had a very contentious issue regarding cell towers. It seemed that both staff and the Board of Adjustment Members agreed that the City's ordinances needed to be tweaked.

Mr. Janku made the motion for a report from staff and the Board of Adjustment in regard to a review of City ordinances relating to cell towers.

Mayor Hindman asked if it was about the notices. Mr. Janku replied that was a separate issue. Mr. Skala asked if it was about the specifications. Mr. Janku replied one of the issues involved the definition of a disguised tower versus a disguised support structure. Ms. Amin agreed that was one issue. Mr. Janku understood it needed to be clarified. Ms. Amin commented that another issue involved the equipment. With the way the ordinance was worded, the equipment had to be within the tower or underground, which was infeasible per many people's opinion. Mr. Janku stated there was also the issue with the disguised tower in that they wanted a flagpole without the flag because a flagpole with the flag required a light if flown at night and they made noise. He pointed out a 100 foot flagpole with a big flag flapping in the wind made a lot of noise.

The motion made by Mr. Janku for a report from staff and the Board of Adjustment regarding a review of City ordinances relating to cell towers was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Janku stated he had received a number of complaints about the cleanliness of the parking structures, particularly the one at Tenth and Cherry. He understood due to the late night crowds, it went through a lot of use under less than optimum conditions. He asked if they could look at the maintenance schedule and if more resources were needed, he thought that could be provided through either the Central Business District or the City since it affected people's downtown experience.

Mr. Janku asked if a decision had been made about the final location of the Statute of Liberty. He noted it had been in front of the Parks & Recreation building for many years, but had started to deteriorate. It was now refurbished and inside of the building. He commented that he would personally like to see it displayed outside because it received more attention. There was a pedestal in Jefferson City between the Highway Department and the Capitol which was nice. If a final decision had not been made, he suggested asking the Cultural Affairs Commission to make a recommendation.

Mr. Janku made the motion for a recommendation by the Cultural Affairs Commission regarding the permanent location of the Statute of Liberty. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Skala stated he and one of his constituents discussed the issue of PUD's versus open zoning. He understood, as the ordinances specified, PUD's were established to deal with creativity and unique typographical features and that the Planning & Zoning Commission and the City Council both had the tendency to lean toward PUD's. From a developer's point of view, they were expensive and some would be happier if they could rely a little more on open zoning provided open zoning took care of some of the concerns the Council had, such as landscaping. He commented that they were primarily talking about infrastructure and how

to pay for it. PUD's were often designed so there could be some negotiations in regard to off-site road infrastructure improvements and he thought the negotiation process was what a lot of people did not like. He realized, on the other hand, it was nice to have the some leverage. He noted the Planning & Zoning Commission took up the issue of revising C-P's several years ago, so the plans themselves would be sent back down the line and the statement of intent would be increased in an effort to reduce the cost somewhat. He thought they might want to look at revising some of the open zoning ordinances. He understood there had been support from Council to periodically go back and update them, but they had not been updated in a long time. He thought they might want to incorporate some novel approaches toward infrastructure financing along with some of the open zoning categories. He believed it was possible, if designed properly, for them to get the good open zoning they needed without the added expense of going through the PUD process. At the same time, he thought they might want an assessment of some sort in terms of tract size for the amount of off-site improvements that might be necessary because of traffic generated from the development. He stated he was throwing it out there in order to get a feel as to whether they might want to send some of these questions to the Planning & Zoning Commission for their consideration or set up a stakeholder's group to make recommendations to the Council in terms of where they might find some common ground for Council to consider in terms of infrastructure, cost and how they might be paid for along with open zoning as this would save the developers some up-front money for the expensive plans necessary for a PUD development.

Mr. Janku asked if when using the term PUD, he meant both residential and commercial. Mr. Skala replied he was particularly talking about residential because the infrastructure costs associated with those were the hardest to recover, but noted it could include commercial as he was not excluding it. He reiterated he was particularly thinking about residential open zoning.

Ms. Nauser stated she liked that idea as she did not think everything needed to be planned zoning for the cost factor. She noted when they had disgruntled neighbors, those neighbors were not necessarily opposed to the residential zoning. They just did not know what was going in. With R-1, Council did not know what was going in. They wondered if they would be putting in the maximum amount of homes or if it would be a range somewhere in between. She pointed out there were places with the infrastructure and roads in place where they might not need extra off-site improvements, but as they got further into the County, the infrastructure was not always in place. When allowing a subdivision with a high density in an area with unimproved roads, she thought it was only be fair to look at some contributions to move road projects up. She agreed with Mr. Skala in that they should look at more ways to acquire more off-site improvements in residential areas without having to go through the laborious process associated with planned zoning.

Mayor Hindman commented that he had been promoting the idea of making everything planned, but understood what they were saying. He agreed one of the inequities was that they had no off-site improvements with open zoning, so with the present situation, the fairest thing to do was to make everything planned. He agreed they should be looking at the zoning ordinances for a lot of reasons. He noted there was an interesting tension in regard to planned versus open zoning. With open zoning, they never knew if it would be the

maximum number of small lots or large lots and that was a real disadvantage. He pointed out that once zoning was given, the person holding the zoning had a tremendous amount of power regardless of what it was. He understood both the neighborhoods and developers agreed there was something comforting with open zoning because they knew the minimums. He thought one of Council's goals was to encourage innovation, mixed development and various other things open zoning clearly discouraged since the easy thing to do was to get open zoning and lay it out to meet the minimum requirements. The tension was between wanting to encourage creativity and mixed uses versus people being scared of the creativity and the mixed uses. He agreed the only way to handle it was to review zoning options developed in other places and to review the City's own zoning code, but believed they should wait to do that until the Visioning process was complete. He was guessing that they would be getting some ideas like this from that process.

Mr. Skala stated he was not in a big hurry for this as they had been doing it for years. He noted there were abuses on both sides. PUD's encouraged creativity, but they also allowed for a density credit in an area of steep topography, so there was a very dense area close to a road. He agreed the negotiation with planned zoning was very useful as well. He commented that he thought they needed to come to some sort of an accommodation with all of the various interests within the City in terms of expense. He also believed there was a place for open zoning if the ordinances were designed properly. He agreed the Visioning process would contribute a great deal. He only wanted to bring it up for discussion as something he thought was a good idea.

Ms. Hoppe noted Mr. Teddy did a presentation regarding annexation and zoning last year and stated he thought the zoning regulations needed to be updated. She thought staff had been thinking about it and might have some proposals. She asked if they should proceed by looking at their recommendations rather than waiting as they did not know how long they would be waiting. Mayor Hindman thought it was difficult to ask people to devote time to the Visioning process in that case. Ms. Hoppe asked if they were looking at specific zoning recommendations. Mayor Hindman replied he did not know because he was not participating. Mr. Watkins stated he was not sure. He noted he and Mr. Teddy had discussed the issue and it was his inclination to try, if they could afford it, to include funds for a total review of the zoning ordinances in the budget. They agreed it was something that was due. Mr. Watkins also concurred with Mayor Hindman in that they might not want to start until they saw what the Visioning process brought up. As they went through the budgeting process, there would include some money if they could afford it. He noted there were a lot of needs this year and their first goal was to try and maintain where they were rather than add new projects and programs. He commented that the most recent sales tax numbers were not encouraging. Ms. Hoppe stated there was probably a cost if they did not do it as well. Mr. Watkins pointed out staff shared Council's concerns regarding the issue. They agreed it was needed, but it was a matter of how and when and creating a process they could afford.

Ms. Hoppe stated she wanted staff to look into the possibility of streaming the City Council meeting and perhaps others on the web. Mr. Janku stated he had previously asked about that and received a report. Mr. Watkins explained he recently asked about that as well

because technology was continuing to change and as fewer and fewer people subscribed to cable, they did not have a way to reach those people. He noted they were looking at the technology. He understood it was much more cost efficient than it was when Mr. Janku asked for it a couple years ago. He stated they would provide a report to Council. Mr. Janku commented that they were dependent on their cable television provider supplying sufficient band width to accommodate it.

Ms. Hoppe stated she would like a staff report showing the increase in population and size of the city compared to the police force for the last 15 years. Mr. Watkins noted they did that a couple years ago and could update it. Mr. Janku thought they needed to take into account, not only Columbia Police, but also the University Police as they provided services as well and part of the population was the student population.

Ms. Hoppe noted the comment was made earlier that the City did not have any private street standards and Mr. Glascock responded by indicating the street standards applied to both public and private streets, so she wanted clarification in regard to whether that was sufficient or if they needed private street standards. Mr. Watkins asked if she just wanted a report. Ms. Hoppe replied yes.

Mayor Hindman understood the stream buffer ordinance was passed in January, but they allowed six months before compliance. Mr. Glascock clarified the stream buffer ordinance went into effect immediately. The stormwater ordinance would not go into effect until September 4, 2007. Mr. Janku asked when the stormwater ordinance passed. Mr. Glascock replied he thought it was in March. Mayor Hindman understood all plans had to comply with the stream buffer ordinance. He stated he read in the paper that there was a tremendous amount of activity in the building community to get plats filed before the stormwater ordinance went into effect. Mr. Glascock stated that was correct. Mayor Hindman thought the purpose of postponing the effective date to September was for those people who had already committed to having designs done so there was not an undo hardship. He did not believe the purpose was not to allow those people who did not want to take the new stormwater ordinance into consideration to beat the deadline. He did not think they should approve plats and plans that did not comply with the new stormwater ordinance where there was no hardship. He thought they needed to be informed as to whether there truly was a reason that justified not complying with the new ordinance as these came in. They could then decide what to do about it.

Mr. Boeckmann pointed out they would need to amend the stormwater ordinance they passed by moving up the effective date. He noted that could be introduced at the next meeting making it effective the second meeting in July. Mr. Janku thought that was what they originally proposed. Mr. Glascock stated June 4, 2007 was the original proposal.

Mayor Hindman made the motion to introduce legislation to change the effective date of the stormwater ordinance. The motion was seconded by Ms. Hoppe. She noted that was her concern with the original six months. If there was a true hardship, Mayor Hindman thought they could waive the requirement, but would prefer to have the ordinance protect them. Ms. Nauser pointed out they would then have more people with a hardship if they

moved up the timeframe. Mr. Skala stated there would be a hardship one way or another. Either the people making the application would have a hardship or the citizens of the City would have a hardship because some people were taking advantage of it. He felt they were just evening up the hardships. Ms. Nauser stated she did not believe they changed the effective date to September for the potential hardship alone. It was also so staff and people in the community could get a handle on what the ordinances would require. In addition, they were going to conduct the proposed study to see the cost-benefit, which they ended up not doing. She thought there was more to it than the hardship issue. She stated she did not like the idea of going back and changing the effective date on an ordinance that had already passed.

Mr. Janku understood Mayor Hindman was free to introduce an ordinance if he wanted and noted if it was introduced at the first meeting in July, it would be voted on in the second meeting in July. Mayor Hindman stated he would not be at the second meeting in July.

Ms. Hoppe noted if there were a lot of these, there would be a lot of existing residents who would likely have more stormwater problems in the future. Ms. Nauser felt that was making an assumption. Ms. Hoppe stated it was an assumption on past performance. Ms. Nauser noted that was assuming every subdivision had a stormwater problem. Ms. Hoppe clarified she was not saying every subdivision, but thought there were a lot, which was part of the reason for passing the ordinance.

Mr. Glascock stated he would make every attempt to ensure the stormwater ordinance was met on plans until September 4, 2007. He would also provide Council their opinions on what could be done. While there would be some hardships in trying to implement it, there were certain things developers could do to attempt to comply. Ms. Nauser noted they were already seeing more people come in with innovative ideas. Mr. Glascock stated they were seeing a lot of plats with issues possibly due to the rush. They had items needing more attention than normal. He thought the developers were getting frustrated with trying to hurry them on. Mayor Hindman understood they were trying to beat the deadline. Mr. Glascock replied that was correct.

Mayor Hindman stated he was going to ask that a bill be introduced at the next meeting. Mr. Janku commented that he did not believe it was a good idea. He thought it would be a major community issue and they would be struggling to come up with a response. He noted it might not pass as well. It would also put those that would be in attendance in a difficult spot. Mayor Hindman understood staff had no leverage as it was now. Mr. Glascock pointed out that was true with open zoning, but with planned districts, Council had discretion. Mayor Hindman asked if there were quite a few open zoning districts headed their way. Mr. Teddy replied there were a few plans in currently, but he did not have a count. Mr. Glascock noted the commercial areas made the biggest impact on stormwater and a lot of those were C-P. Mayor Hindman stated he did not want to do this if it was not a problem, but he was afraid it was. Mayor Hindman stated he planned to ask for it and they would then find out what the reaction would be.

Mayor Hindman noted he received a call regarding the notice given for the Board of Adjustment cell tower case. He understood notice was given to the homeowners association

and not the neighborhood association. Mr. Janku stated he thought it was the exact opposite as the Highlands was not a recognized neighborhood association, so they were not notified under the City's present structure. They were a homeowners association. Ms. Amin explained the parties in interest list was submitted by the applicant for everyone within 185 feet. She thought there was some sort of association on that list. Mr. Boeckmann asked if she was referring to Highlands Properties. Ms. Amin replied yes. Mr. Boeckmann stated that was not the association. Ms. Amin noted they also provide the agenda to the Neighborhood Specialist who notified any neighborhood association, if there were any affected. Mayor Hindman stated he needed to be able to respond to this person. Ms. Amin understood there was also concern about the amount of time in regard to the notice, but unless the deadlines changed, there was no way to provide notice any earlier. Mayor Hindman stated they were looking at that in connection with zoning. Ms. Hoppe agreed and noted she previously brought up the issue of homeowner associations registering with the City for notification. Mr. Watkins stated they were currently looking into it.

Mayor Hindman stated he was interested in forming a Tree Board for the purpose of examining ordinances, policies and administrative procedures with respect to preserving the tree canopy of Columbia. Mayor Hindman made the motion for Council to give him the authority to organize a Tree Board. The motion was seconded by Mr. Janku.

Mr. Janku suggested they look at the landscaping requirements in the zoning ordinances. He understood there were choices as to the types of trees that could be selected and thought that could be tweaked to provide more canopy trees. He understood there was also going to be an RFP in regard to the development of landscaping plans throughout the City and wondered if this could be incorporated into their work. He also recommended that this not be created as a permanent board unless it decided it wanted to be with a defined role. He did not want to end up with a board without responsibilities and with members that were upset because there was nothing for them to do.

Mr. Skala thought it was a good idea to proceed, but stated he did not want to undercut the contribution of the Environment & Energy Commission (EEC) whose enabling ordinance actually covered some of these things. He noted they were currently working on recommendations regarding this as it was referred to them by Council. He commented that in 2004, when he was a member of the EEC, they provided six recommendations of which three were approved by Council. He thought the three that passed involved acreage assessment, penalty phase and clear cutting. If this board was formed, he suggested some sort of working relationship or a liaison with the EEC as they had done a lot of work and had a good deal of expertise. Mayor Hindman stated he agreed, but in talking with urban foresters, they had convinced him of the fact the City really needed a Tree Board, which became the expert on that issue. He noted there were good programs in Columbia and the City was ahead of the game in a lot of ways, but believed this was something the City needed. He commented that Columbia was amazingly blessed with its trees and they needed to pay attention to it. After looking at aerial photos taken some years ago, he believed there had been some dramatic mistakes made. He thought this needed to be a priority.

Ms. Nauser wanted to caution the Council in that they had a lot of things on their agenda that would likely add costs. She pointed out one of the concerns discussed at the Council Retreat was the lack of affordable housing in the area. With more regulation came more costs causing property to be more expensive. She noted she had the opportunity of flying over Columbia recently and the City had a lot of trees. She agreed there might have been mistakes in the past, but felt they were discussing more and more fees. Mr. Skala noted trees reduced energy costs. Mayor Hindman pointed out there was no cost for the Tree Board. Ms. Nauser agreed but noted there was a cost to future residents. Ms. Hoppe stated those were factors to be considered. Ms. Nauser commented that she did not think they were considering those factors in their decisions as they continued to come up with regulations that accrued more fees. Mr. Janku stated that was why he suggested tweaking the tree area in the zoning ordinance.

The motion made by Mayor Hindman and seconded by Mr. Janku to give him the authority to organize a Tree Board was approved unanimously by voice vote.

Ms. Hoppe pointed out they passed the Mayor's Climate Protection Agreement and preserving urban forests was part of that plan. She felt this was a step toward accomplishing that goal as well.

Mayor Hindman stated there was a speed hump at the Paxton Keeley School to slow the cars down, but then the neighbors complained because the hump was too high so they lowered the speed hump. On the radio today someone called to complain that the cars were now speeding due to the lowered hump.

Mayor Hindman made the motion for the Council to hold a closed meeting on Monday, July 2, 2007, at 6:00 p.m. in the fourth floor conference room of the Daniel Boone Building, 701 East Broadway, to discuss personnel matters and that the meeting be closed as authorized by Section 610.021(3) of the Revised Statutes of Missouri. The motion was seconded by Mr. Janku with the vote recorded as follows: VOTING YES: JANKU, SKALA, NAUSER, HOPPE, HINDMAN, CRAYTON. VOTING NO: NO ONE. ABSENT: WADE.

The meeting adjourned at 10:24 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk