

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**JUNE 4, 2007**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, June 4, 2007, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE and HINDMAN were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF MINUTES**

The minutes of the regular meeting of May 21, 2007 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Ms. Hoppe.

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

Mayor Hindman stated R137-07 would be added to the Consent Agenda. The agenda, including the addition of R137-07 to the Consent Agenda, was approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Crayton.

**SPECIAL ITEMS**

None.

**SCHEDULED PUBLIC COMMENT**

**Charles Nilon and Al Plummer - A resolution from the Minority Men's Network concerning the proposed Citizen Review Board for the Columbia Police Department.**

Charles Nilon, 1303 Parkridge Drive, stated he was the President of the Minority Men's Network, a Columbia organization which had been in existence for about 15 years, and noted they passed a resolution in May asking the City to start the process of developing a civilian review board for the Columbia Police Department. He commented that this issue was advocated by a number of organizations to include the NAACP, the Frederick Douglas Coalition and Concerned Columbia Citizens. He reiterated the purpose of the resolution was to ask Council to take this issue seriously and to begin the process of starting a discussion on how this might be brought about. They understood there had been a proposal in the past for task force to discuss the issue. They hoped a task force would be brought forward and that it would engage City residents and the police in the discussion. They also hoped the resolution would be a start toward the development of a civilian review board.

Al Plummer, 1901 E. Northwood Drive, stated he was the Secretary/Treasurer for the Minority Men's Network and noted they recognized that law enforcement had a tough job. He commented that although the resolution was passed unanimously, it was not a decision that was taken lightly. It was thoroughly discussed and reviewed. He stated they were requesting Council consider looking into the issue of a civilian review board. He was hopeful they would not get bogged down with issues such as "us against them" because he felt this was a

community issue, which involved everyone to include law enforcement. He believed this was an issue where the community could come together to create a positive outcome for both the community and local law enforcement.

## **PUBLIC HEARINGS**

### **B497-06 Rezoning property located on the west side of Rock Quarry Road, north of Rolling Rock Road from A-1 to PUD-3.**

The bill was read by the Clerk.

Mr. Watkins noted this proposed rezoning was tabled at the last meeting so the residents and developer could work out final details. He understood an agreement had been reached.

Mayor Hindman opened the public hearing.

Dan Simon, 203 Executive Building, stated he was representing the applicant, Delta Roads Developments, LLC, and the details negotiated with the neighborhood association were included in the second amended statement of intent, which would be part of the zoning ordinance. He explained they started with a request for PUD-3 zoning, which would have allowed 33 dwelling units. The request was now for a PUD-2.5 with a maximum of 25 dwelling units. They provided a conceptual plan and a conceptual landscaping plan to show their intentions. He noted a caveat in the statement of intent indicating the conceptual plan, while a part of the statement of intent, did not bind or lessen the discretion of Council in approving, disapproving or requiring changes of the final development plan. He explained there were a number of specific criteria for the plan itself. There was an increase in the buffer for Rock Quarry Road from 50 to 75 feet. They agreed to work with the City arborist to either maintain natural buffer vegetation within that or to thin and replant with the appropriate natural species as determined by the neighbors and arborist. They agreed to provide additional natural vegetation on the east end of the street that would run into Rock Quarry Road. They agreed to work with the neighbors and arborist to preserve large trees and natural vegetation along the north boundary line. He noted the large trees would be preserved throughout the development. After the centerlines of the roads and the prospective building sites were staked out, they would notify the neighborhood association and arborist so those that wanted could meet with them to identify any trees they felt were worthy of protection. If the arborist felt they were healthy trees worthy of preservation, they would be required to use every effort to try to preserve them. He explained that up to that point, there could be no more than three attached units. If they had to preserve a tree or another feature causing a unit to be deleted, the developer could move that unit to another building having four attached units. They had to provide a PUD plan that included both the present and existing development to the south to ensure the new landscaping per the conceptual plan and the attached specifications was installed, the new trash facilities serving that area were installed and the additional parking in the existing development was installed. They would also form an association of property owners, so that both developments were under common control and had use restrictions as described in the statement of intent. In addition, they were required to provide accommodations for trails and walkways. The

statement of intent also described development criteria and architectural criteria for each building.

Mr. Janku understood, when the final plan came forward, Council had discretion in terms of approval. He noted he was interested in neighborhood connectivity. Mr. Simon stated the conceptual plan bound the applicant to produce something that was equivalent, but it in no way lessened the discretion of Council.

John Clark, 403 N. Ninth Street, thanked Ms. Hoppe and Mr. Wade for taking the lead on this issue and the other Council Members for not insisting on being the final deciders. He believed the role of government was to facilitate the decisions of others about issues impacting their lives when it did not affect the budget, destroy public safety or affect public health. He hoped money would be put toward recruiting and training a core group of facilitators, so Council was not required to be facilitators. He also suggested cross training City staff with some of the same skills.

Julie Youmans, 2101 Rock Quarry Road, stated she was the President of the Rock Quarry Road Neighborhood Association and that they had participated in mediated conversations with the developers regarding this issue. She explained they were happy the zoning went down to 25 units. She noted discussions in regard to the buffer and landscaping took up a great deal time and they did not get to all parts of the plan, but felt a great deal of partnership and trust with the developers who had indicated they would come back to the neighborhood at various points in the development of the plan. They hoped, if things moved quickly this summer, they would take into account the fact a lot of people would be gone during the summer. She noted they wanted all of these details in the letter of intent due to the precedence in the neighborhood. They were happy that the Plan would develop according to the Special Area Plan and the Rock Quarry Road Scenic ordinance. She explained most of the discussion involved landscaping since this would take a large part of the buffer.

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

Ms. Hoppe complimented the developers and neighbors for working together. She stated it was a pleasure to see discussions regarding concerns and the arrival of reasonable agreements. She thought many aspects involved win/win situations. She believed this honored the Rock Quarry Road Scenic Plan and the Special Area Plan. She stated it was a pleasure to participate and thought it was a good foundation for the neighbors.

Mr. Skala stated he was also appreciative to the developer and the neighborhood association as this was the way it was supposed to work. He noted they had taken great weight off of a very difficult situation.

Mr. Wade made the motion to amend B497-06 per the amendment sheet. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

The vote on B497-06, as amended, was recorded as follows: VOTING YES: CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B168-07 Voluntary annexation of five tracts of land located between Bethel Church Road and State Route K, south of Old Plank Road; establishing permanent R-1, R-2 and PUD-5 zoning.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this request involved the annexation of five tracts of land totaling approximately 12 acres. The tracts were currently developed and located in the south part of Columbia. He noted they had been the subject of much discussion by the Health Department and the Regional Sewer District in terms of resolving some sanitary sewer difficulties. It was agreed that the best way to do that was to bring them into the City and form a sewer district to take care of the sewage. The Planning & Zoning Commission recommended approval for these five tracts.

Mayor Hindman opened the public hearing.

Tim Crockett, Crockett Engineering Consultants, 2608 N. Stadium Boulevard, stated he was representing Carol and Edward Berendzen, the owners of Tract F, who were requesting PUD-5 as permanent zoning. He noted Tract F currently had one four-plex building on its site. The intent was to have PUD-5 in place in case they ever needed to substantially renovate that piece property. They wanted to be able to re-build what they had now. They understood they would have to come back to Council with a plan if that were to happen.

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

Ms. Nauser noted they recently denied R-2 in the same vicinity due to the condition of Bethel and Old Plank Road. She understood there was a mobile home park at this location. Mr. Bondra stated there was a small mobile home park consisting of about ten trailers on the north side of Tract A. There was also a duplex on the south part of the tract. He thought the mobile home park was old and was being phased out. Ms. Nauser felt they needed to be consistent with their previous decision, but did not know of another comparable zoning. Mr. Wade pointed out the previous zoning request was for R-3, not R-2. Mr. Janku noted the previous zoning request was not already developed to an R-3 level, while this was already developed for R-2 zoning. If they changed it to R-1, it would be nonconforming and would cause problems. Mayor Hindman believed if they removed the mobile homes and replaced them with duplexes, the density would not be much different. Ms. Nauser stated she only wanted to bring it up for discussion to try to be consistent. Mr. Skala believed the intention was to bring the nonconforming uses into compliance without opening up any other opportunity. Ms. Hoppe noted the previous zoning request only had one house on the property.

B168-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B169-07 Voluntary annexation of a tract of land located between Bethel Church Road and State Route K, south of Old Plank Road; establishing permanent R-2 zoning.**

The bill was given second reading by the Clerk.

Mr. Watkins noted they had received a letter from the applicant requesting their zoning be changed from R-2 to R-1.

Mr. Boeckmann suggested amending the language in the title and in Section 7 from District R-2 (Two-Family Dwelling District) to District R-1 (One-Family Dwelling District).

Ms. Nauser made the motion to amend B169-07 by changing the language in Section 7 stating "...District R-2 (Two-Family Dwelling District)" to "...District R-1 (One-Family Dwelling District)" and the language in the title from "...District R-2..." to "...District R-1..." The motion was seconded by Mayor Hindman and was approved unanimously by voice vote.

Mr. Wade asked if they needed to table this item so the applicant had a chance to accept the changed zoning as part of the annexation. Mr. Boeckmann replied that per the zoning ordinance, if zoning was changed, it had to be held over for one meeting.

Mayor Hindman opened the public hearing.

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

Mr. Skala made a motion to table B169-07, as amended, to the June 18, 2007 Council meeting. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

**B170-07 Rezoning property located on the south side of Stadium Boulevard (State Route E), approximately one-quarter mile west of Sunflower Street from A-1 to R-1.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a request to rezone from A-1 to R-1 in order to correct an earlier error. At the time of preliminary platting, the subject site was believed to have been zoned R-1. He noted the legal description of the original R-1 zoning request inadvertently excluded this piece of property. The Planning & Zoning Commission recommended approval.

Mayor Hindman opened the public hearing.

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

B170-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B176-07 Authorizing the upgrade of a water main along East Broadway, between Garth Avenue and Second Street.**

The bill was given second reading by the Clerk.

Mr. Watkins explained the 2003 water ballot issue included funds for improving water mains downtown. Last year, the Water & Light Department started testing each fire hydrant to assure adequate fire flows. They were coming to Council with suggestions of increasing the size of lines or making improvements to old cast iron lines where difficulties were found. They felt this one was a high priority because it impacted Grant Elementary School. The estimated cost was \$192,500. The project would replace about 1,100 feet of an old four inch cast iron main with an eight inch PVC main on East Broadway between Garth and Second Street.

Mayor Hindman stated he thought East Broadway was east of First Street. Mr. Watkins believed East Broadway was east of Garth. Mr. Janku agreed and stated Garth was the center point.

Ms. Hoppe asked how old the pipe was. Mr. Dasho replied he thought it was from the 1940's.

Mayor Hindman opened the public hearing.

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

B176-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B177-07 Authorizing construction of water mains serving Monterey Hills, Plat No. 2; providing for payment of differential costs.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this involved the differential cost of constructing approximately 2,800 feet of twelve inch main and 2,300 feet of eight inch main. The City's cost was about \$41,700, which was a small percentage of what it would cost to build the oversized lines. He noted this was in an area northwest of Columbia off of State Route E.

Mayor Hindman opened the public hearing.

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

B177-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B178-07 Authorizing construction of water mains serving Bellwood, Plat No. 1; providing for payment of differential costs.**

The bill was given second reading by the Clerk.

Mr. Watkins stated this involved the differential cost of about 260 feet of twelve inch water main. The cost to the City was approximately \$3,700. The project was located in west Columbia.

Mayor Hindman opened the public hearing.

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

B178-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B180-07 Calling for bids for construction of improvements to the tennis court complex at Cosmo-Bethel Park and Gentry Middle School; authorizing an agreement with the Columbia Public School District; appropriating funds.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this involved the repaving of the Cosmo-Bethel Park and Gentry Middle School tennis courts and an agreement with School District to reimburse half of the cost since they used the tennis courts as well. The total project cost was about \$50,000 with a net cost to the City of \$25,000 after reimbursement from the School District.

Mr. Hood pointed out the complex was built as a joint project between the School District and the City in 2000/2001 and that the agreement had worked well. He noted that although four courts were located on school property and another four courts were on park property, they functioned as one complex.

Ms. Hoppe asked if a six year period was the standard for resurfacing tennis courts. Mr. Hood replied it depended upon each tennis court. They would normally resurface the color coating in about a 4-6 year period depending on how it held up. In this case, they were

doing more than color resurfacing. He explained there were a couple of seams that were not as smooth as they should have been and the low areas held water. Those items would be fixed at the same time.

Mr. Skala understood they used to outfit tennis courts with boards with a painted line for people to practice and asked if that amenity would be included. Mr. Hood replied that was an amenity at for the four courts to the north. It was also being added to the new courts at Cosmo Park.

Mayor Hindman opened the public hearing.

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

B180-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

## **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 would create 141 R-1 zoned lots. Four of those lots would be proposed for something other than single family residential development, such as buffers or green areas. The Planning & Zoning Commission recommended approval of the proposed preliminary plat subject to some conditions involving location and traffic on West Broadway. This item had been tabled so the developer could work out arrangements with adjoining property owners in regard to the location of West Broadway. He understood those negotiations had not progressed to the point where an agreement had been worked out.

Dave Bennett, Engineering Surveys and Services, 1113 Fay Street, provided a handout to the Council and stated they had met with City staff and the affected developers several times. They were at a point where they could not reach an agreement in regard to the West Broadway portion of the development. He noted the preliminary plat before Council met all City requirements. They were now proposing to extend Stone Valley Parkway from its current terminus to Broadway and that portion of Broadway would be built as part of this development. He noted they could not reach an agreement to go through east of where they would be building Broadway. The extension of Stone Valley Parkway, which was a neighborhood collector, was on the Major Thoroughfare Plan and would benefit the City. He commented that it would be difficult to construct, but the developer was agreeing to do it as part of the development. Another advantage of the extension was that they would be going down a neighborhood collector to Smith Drive and Smith Drive to the east of where it met Broadway was slated to have a signal improvement around 2009. Mr. Janku understood it was part of the Scott Boulevard project. Mr. Bennett replied he believed it was. He noted they were only at the preliminary plat phase and by the time they were building houses, the signal would likely be in. Bringing it out West Broadway brought it into the intersection with State Route ZZ and Strawn. They also offered, through a letter to Mr. Teddy, to move the right-of-way for West Broadway 19 feet to the north if the City desired. This would allow a 25 foot building line to the nearest building.

Mr. Janku asked if the Public Works or Planning staff had been able to evaluate their suggestion for the connection with Stone Valley Parkway in terms of how it would impact traffic. Mr. Bennett replied it had been discussed, but had not been formally submitted.

Mr. Janku understood they still had to acquire the right-of-way. Mr. Bennett replied a 33 foot half-width was dedicated as part of the Stoneridge Estates Plat. They would have to obtain the other half-width of right-of-way from the Christian Fellowship Church property. Preliminary discussions had taken place and they seemed to be favorable. He was hopeful they would formalize an agreement soon. He noted since they were in the preliminary plat phase, they would not be able to move forward with the final plat until that was acquired.

Mayor Hindman understood they would not be using West Broadway. Mr. Bennett replied they were not planning on it at this point. He noted it was gravel where they connected to West Broadway and that was where negotiations fell apart. They were being asked to improve everything. Mayor Hindman asked who they were negotiating with. Mr. Bennett replied the developers of Bellwood.

Mayor Hindman asked where the access to Bellwood would be. Mr. Janku stated it had access off of Strawn and West Broadway. He noted Mr. Bennett was stating they would not be connecting to West Broadway. Mr. Bennett commented that they could, but they would be connecting to a gravel road.

Mayor Hindman understood that without the Stone Valley Parkway extension, they would have less than adequate infrastructure. He asked how many lots there would be. Mr. Bennett replied there were 143 lots in The Overlook. Mayor Hindman asked if all of the lots would access Stone Valley Parkway. Mr. Bennett replied they would access out off of Stone Valley Parkway. There was also a connection to Bellwood on the north end of The Overlook. He understood Bellwood was required to stub streets in on the west side towards Perche Creek, along the north property line of The Overlook and the south property line of Bellwood. Mayor Hindman understood Bellwood might use Stone Valley Parkway. Mr. Janku stated they would not if West Broadway was not connected. They would if and when West Broadway was connected. Mayor Hindman understood the Bellwood Subdivision might not build West Broadway. Mr. Janku thought they could use it as interconnection with the subdivision. Mayor Hindman agreed they could interconnect, but wondered where it would come down.

Mr. Wade understood The Overlook was planning to meet their responsibility for the portion of West Broadway that was in their project. Mr. Bennett stated that was correct. Mr. Wade understood they would meet that responsibility for a two lane. Mayor Hindman noted it would not connect to anything. Mr. Bennett pointed out it was modeled to a gravel road.

Mr. Skala asked who was responsible for that improvement. Mayor Hindman explained the Council accepted the access for Bellwood to be further to the north. Mr. Janku stated Bellwood connected when it was still a hard surface road. The frontage that turned into gravel along Bellwood was what the developer of Bellwood wanted The Overlook to improve. They were now deciding to do their off-site improvement by going south along Stone Valley Parkway. Mr. Skala understood if that section were to be improved, the City would have to improve it.

Mr. Wade believed they had an unusual situation where this project was trapped in a road issue not of their making. The question of Broadway, he felt, was between the City and the developer of Bellwood. This developer had come up with an alternative with a collector the City would need to build anyway. In addition, the plat met the zoning regulations. He believed the West Broadway issue was an issue outside the framework of this project except for the part of West Broadway that was in their development, which they committed to doing and would need anyway. He noted this preliminary plat met the zoning regulations and felt they needed to move it forward. He understood there might be some questions in regard to a final agreement with the Planning & Development Department and the Public Works Department.

Mr. Janku stated they needed to ensure the proper language in regard to conditions was put into the resolution since there were contingencies involving the acquisition of right-of-way and other issues. He commented that he never thought the Stone Valley Parkway connection would be built because the developer stated right-of-way acquisition was required from another private party and it was not a priority in regard to funding it. He thought it was significant that this developer might be putting it in. He noted this would provide access to the Tosini development on Scott Boulevard. He pointed out it was an important infrastructure piece. Mr. Wade commented it was a major north/south road being the next one west of Scott Boulevard. It was also the last north/south road before crossing Perche Creek.

Mr. Skala agreed it was a necessary piece and believed it was wrong to hold this developer hostage since he had gone the extra mile in terms of the alignment of the rest of West Broadway. He noted it was a problem the Council would face due to decisions made in the past since they would eventually want to connect the piece that was a gravel road. He commented that the acquisition of the right-of-way and the connection of Stone Valley Parkway would cost a substantial amount of money.

Ms. Nauser stated she concurred with comments made, but wanted to point out they discussed the condition of West Broadway when they reviewed the Bellwood Subdivision. It was an asphalt strip with no shoulders or amenities and was identified as a problem then. She believed this pointed out the inadequacies they continued to pass on. She understood they did not have a mechanism to address it at that time and believed they needed to start looking at these issues more closely. She noted the passing of the Bellwood Subdivision caused the issue involving the gentleman at the end who would eventually have West Broadway in his front yard when extended to the proper width. That was also the decision that put the burden on The Outlook Subdivision as they had to solve the problem the City caused with the first annexation. She thought they needed to take a closer look at infrastructure and roads in the future.

Mr. Wade asked if they could frame a motion that approved the preliminary plat subject to conditions. Mr. Janku stated he thought they needed specific language and suggested tabling the item. He noted they needed language regarding the right-of-way, alignment, condition of Stone Valley Parkway, etc. He asked Mr. Bennett for the conditions mentioned for clarification purposes. Mr. Bennett noted, originally, there was a condition they would work on the development agreement on West Broadway, extended, which would be framed similarly to what was done at Vanderveen where they would build half of two lanes for

a future four lane road. He understood they might want to impose a condition about obtaining the additional right-of-way for Stone Valley Parkway. He noted they could not move forward anyway since this was at the preliminary plat stage and explained with the final plat, they would have to submit the roadway improvement plans, which they could not do without the right-of-way. Mr. Janku understood he had mentioned an alignment change as well. Mr. Bennett stated they left the alignment change up to the City in correspondence with Mr. Teddy. They had offered that alignment with the adjacent developers. They were offering to slide the right-of-way 19 feet to the north to accomplish a 25 foot building line. The right-of-way was about six feet from his building now. He explained they did not know what the City's intentions were for West Broadway, so it was at the City's discretion. He noted the change would make it so it was not aligned with Bellwood. Currently, they were in alignment with Bellwood and were proposing to leave it that way. He pointed out they would entertain moving it if that was the desire of the City. Mr. Janku thought that would be appropriate to be fair to Mr. Jindra. He understood they would still have to deal with Bellwood. Mr. Bennett stated he was not sure what they needed as far as the conditions on Stone Valley Parkway.

Mr. Glascock suggested allowing the Public Works staff to meet with the developer of Bellwood. He explained the lots were deep along there and believed they could use preservation funds to preserve the right-of-way Mr. Bennett discussed shifting to the north. Mr. Wade commented that he believed that was a separate issue. Mr. Watkins agreed it was a separate issue, but noted staff was supportive of the Stone Valley Parkway alternative as they believed it had a lot of value. He pointed out they recognized that someday the City would have to come back and connect Broadway. He suggested they use their persuasive powers to acquire the right-of-way before it was developed. He commented that they believed this was a reasonable and fair trade. Mr. Glascock noted they wanted Stone Valley Parkway built.

Mr. Skala stated this seemed like the wise thing to do. He thought the driver would be the amount of traffic that was funneled down to Stone Valley Parkway once this was developed as that might be problematic and might be the reason to deal with West Broadway.

Mr. Wade stated he believed this preliminary plat could be approved as proposed. Mr. Skala wondered if anything was irreversible. Mayor Hindman explained he understood there could be issues with approving a preliminary plat without having these other things nailed down. He noted the preliminary plat created rights with respect to the final plat and the best way to avoid any issue was to make sure they anticipated to the best of their ability any final plat issue at the time the preliminary plat was approved. He stated Mr. Wade's comments made sense, but the issue of having an approved preliminary plat without spelling out the exceptions or requirements could create a very difficult situation for them, which they had experienced before.

Mr. Janku made a motion to table R32-07 to the June 18, 2007 Council meeting in order to work out the final details. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**B179-07 Amending Chapter 27 of the City Code as it relates to small scale solar generators; authorizing the City Manager to execute agreements for interconnection and net metering for solar powered electrical facilities.**

The bill was given second reading by the Clerk.

Mr. Watkins stated staff reviewed existing City ordinances for net metering and was proposing an amendment to the ordinance that would include specific language for small scale solar applications. He noted a full report required by the Federal Energy Regulatory Commission for compliance with the Energy Policy Act of 2005 had been posted on the web. He commented that approving this change would bring the City into compliance with that Act. This would allow customers to install small scale solar systems and connect to the Water & Light distribution system for a net metering arrangement where they were generating power during the day and taking power at night through small scale solar.

Mr. Dasho stated this program was being done to make it easier and to enhance the possibility of customers installing solar.

Lana Jacobs, 901 Rangeline, stated they installed a solar hot water heating system in their house in 1985. She explained they offered 40-50 showers a day to homeless people and they had never run out of hot water. She noted it had occurred to them about six months ago that their system was also an active solar system and they were wasting electricity. As a result, they started looking into the battery banking of their solar panels. She understood this would enable them to still use what they could from the City while using the active solar panels that were currently going to waste. She noted they envisioned fitting their other three properties with the same solar system they were currently using on their main property.

Ms. Hoppe thanked the staff for working on this and understood there was a potential of adding one percent of their energy needs if all of the customers that could use it took advantage of it. She believed this was a good step forward.

Mr. Skala commented that he believed it was a good plan to involve the entire community. It reminded people to be energy conscience and also provided the incentives to give back some of the extra energy they were conserving in order to take advantage of the system. He believed it was a good deal for everyone involved.

Mayor Hindman asked who the public needed to contact if they were interested in pursuing this. Mr. Dasho replied they should contact the Water & Light Department, who would put them in touch with the right people to talk about their systems and how it could work for them.

B179-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B182-07 Amending Chapters 22 and 27 of the City Code to establish time limits for back billing residential utility customers.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this ordinance would establish a formal policy for the back billing of utility customers. If the City made an error and owed the customer, they would agree in the policy to go back as long as they could, but if the error was the City's and the

customer owed the City, they were agreeing by policy to only go back six months, except in a few unusual circumstances. He noted they currently did not have a formal policy.

Ms. Fleming believed establishing this policy would allow the City to provide better customer service since they would have clear direction. It would allow the customers to feel confident they were applying the policies consistently as they would be able to point to the ordinance where it was stated.

Ms. Hoppe understood the first paragraph on page 2 of the staff report indicated if the time period for which there were incorrect readings was greater than 12 months, an average monthly usage would be used to calculate the amount owed and asked for an explanation. Ms. Fleming replied if the meter had malfunctioned, they would not know the exact readings, so they would go back to the best of their ability and use averages. They might have a beginning and ending point and use averages if that was the only information available. Ms. Hoppe asked if the customer could discuss that with them or if there was an appeal process if they disagreed. Ms. Fleming replied they discussed items, such as if there was a change in the usage, with the customer. They had to know the specifics, but if they could show where they drastically changed the usage for one reason or another, they had the ability to adjust that average.

Mr. Wade believed this was an operational procedure item versus a Council policy item. Mr. Watkins stated he agreed it was operational, but felt the Council should provide input in regard to how far back they went. He noted their recommendation was six months. Mr. Janku noted staff was potentially forgiving City revenue, so he agreed Council should be involved.

Ms. Hoppe understood this involved only residential and asked how commercial customers would be treated. Ms. Fleming replied they involved the Water & Light Director and the Public Works Director when dealing with a commercial customer since it might involve varying circumstances and amounts of money that could be quite significant. She provided an example of a customer who owed the City \$35,000 which went back one year. They did not want to forego those revenues with a formal policy. The business understood they used it and owed it. They would prefer to give them time to pay it. She explained they wanted flexibility due to the dollar amounts involved. Ms. Hoppe asked for the maximum amount that had been forgiven for a commercial customer. Ms. Fleming did not recall forgiving anything at that point in time. Mayor Hindman understood K-Mart was one. Mr. Boeckmann pointed out that involved a bankruptcy. It was not forgiven on the City's part. Mr. Dasho explained when working with commercial customers, it was clear they had used the utility but were not billed properly. They went back as far as necessary to get that revenue. He noted the commercial customer recognized they had used it and had benefited from it. They essentially adjusted the time period for payment.

Ms. Crayton asked if they ever came across instances where a resident moved out and the next resident still had a high bill showing it was not really usage, but a lack of insulation or inefficiencies at that house. Ms. Fleming replied she was sure they billed inefficient houses. When finding those types of houses, they sent them to the Water & Light Energy Audit Division. She noted they did an excellent job of working with the customer to try and find inefficiencies. She pointed out there was also a loan program that allowed

customers to get low interest loans to replace furnaces. She commented that they considered any use going to the house as usage and billed to those customers even if their homes were inefficient. They tried to help customers reduce inefficiencies, but billed the customer if it went through the meter. Ms. Crayton noted the customer did not always have control of inefficiencies even though they were paying the bill. She wondered what kind of incentives there were for landlords to assist with inefficiencies. Mr. Dasho agreed the landlords did not have an incentive since they were not paying the bills. He pointed out they were trying to figure out how to lower the cost to the renter while the landlord was getting the benefit. He understood it was difficult for the renter to make improvements when they would not come with them as they moved to a different location. He noted they were talking to landlords about the kinds of programs that would work. They were also trying to determine the locations of the houses they really needed to work with in regard to improving efficiencies. Mayor Hindman understood staff recognized the extreme value of better insulation and efficiency in homes and were looking for ways to provide incentives to owners. Mr. Skala stated this had also been a topic of interest with the Environment & Energy Commission in the past.

David Mitchell, 415 Nancy Drive, wondered how they came up with six months and if they were taking into consideration abnormal seasonal temperatures. He noted they had an unseasonably cold winter this past year and wondered if that would affect the assessment of the evaluations. He questioned whether it should be based upon a three month seasonal average over a three to five year period as opposed to an abnormal winter or summer where the costs might be exorbitant. Mayor Hindman explained the City had a program where people could agree to a level billing. Ms. Fleming noted it was their budget billing program. Mayor Hindman explained this would deal with situations where there was a meter problem and the customer was not billed accurately. Mr. Mitchell asked how they came up with the six month period as opposed to two or three months. Mr. Watkins stated it was arbitrary, but noted they believed six months was generally a median time in regard to how long it took their system to make sure there was a meter error. If the mistake was the City's, they would go back as long as possible to make it right. He understood most errors were not the fault of the City. They were usually meters that had gone bad or an error on new construction where the meters were crossed. They believed six months was a good average time. They sometimes were not aware of a problem within two to three months. Mr. Mitchell believed if it was a three month limit as opposed to six, it would get the City and landlord on board to identify broken or problematic meters to be fixed. Mr. Watkins stated from their perspective six months was the right amount. Mr. Janku commented that he was not sure how the three months would give the landlord any incentive because the landlord was not responsible for the utility bill.

B182-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B183-07 Authorizing an agreement with Jeffrey L. Bruce & Company, LLC for professional landscape architectural services relating to the City Hall Plaza and Streetscape Project.**

The bill was given second reading by the Clerk.

Mr. Watkins explained Jeffrey L. Bruce, LLC, was a professional landscape architectural firm who did the Avenue of the Columns. As they moved forward with the streetscape and plaza area for the new building, he wanted a second review and professional opinion in terms of what it would look like. He noted he did not have any problem with what Chiodini might provide, but believed bringing in the experience of someone else was a plus. He noted a review team, which was composed of staff, members of the Public Building Advisory Committee, the Avenue of the Columns group, and a representative of the New Century Fund, interviewed three consultants that submitted proposals and recommended Jeffrey L. Bruce, LLC. He explained they negotiated a two phase contract. The first phase was for planning and assistance in selecting the art for the plaza. If Council elected to go forward with that plan, they would bring forward a construction documents phase. They did not want to do that, however, until they knew what they would build.

Ms. Hoppe asked at what point this would come back to the public and Council for review. She understood Section 2.3.2 of the agreement indicated there would be a design report and asked if it would be provided to Council for review. Mr. Watkins replied they planned to provide it to a number of advisory committees and could include the Council. He explained it normally went to the Standing Committee on Public Art, which would be driving the art component and much of the design of the plaza. They would also involve the Public Building Committee in terms of design since they were the touchstone on the building. He noted they could either bring it to Council before they went to bid or at an earlier work session for input and feedback. He noted there would be opportunities for public input and explained they would seek comments on the Committee's proposal.

Mr. Skala asked when it came to referring items to Commissions and Committees, such as the Standing Committee on Public Art, if they routinely had a public input component or if it went to the Council for public input. Mr. Watkins replied the Standing Committee on Public Art had a good process for getting public input and since they were driving this process, he believed they had a good opportunity for input. The New Century Fund normally did not have public input opportunities. Mayor Hindman explained the New Century Fund really only decided whether or not it wanted to raise money for a particular project. Mr. Skala asked, if the public was interested, if it would be appropriate for them to get in touch with the group driving the process. Mr. St. Romaine stated the RFP would be going out later this week and responses would be due around the first part of July. Depending on the number of proposals received, the Standing Committee on Public Art would do some prescreening and bring in the top qualified candidates for presentations and a review of their qualifications. They would have some public input and forward it to Council for an eventual award.

Mr. Wade understood there were two Committee's that worked for the Council and his preference would be to not be a third Committee. He would prefer to hear from them since that was what they were there for. He wanted to use the volunteer committees they already had. Mayor Hindman noted that was pretty standard in regard to art.

Ms. Hoppe noted Section 2.3.2 of the agreement indicated the owner, being the City, would review the report to select alternatives, re-define the project scope if needed, and

critique cost estimates and construction schedules and asked who would be doing that. Mr. Watkins replied it would be staff with the advice of the Public Building Committee and the Standing Committee on Public Art. They would come back to Council with any contracts and the final review authorization when bidding the plans. If the Council disagreed with the proposed art selected, they had the right to not approve the contract. In addition, if the Council wanted changes to the streetscape, they could require that. If the budget was too high, the Council could also request modifications. Mayor Hindman explained a lot of the decision making on public art was a matter of taste and past Councils generally did not feel they were qualified in making those decisions. Ms. Hoppe stated she was not thinking in terms of the art, but more in terms of the streetscape. Mayor Hindman noted the Council had a final say and if they felt it was not right, they could require changes.

B183-07 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

## CONSENT AGENDA

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

- B171-07 Approving the Final Plat of Howell Subdivision located on the west side of Strawn Road (State Route ZZ), approximately 750 feet north of West Broadway (101 Strawn Road); authorizing a performance contract.**
- B172-07 Vacating unused street right-of-way for West Ash Street, between Park De Ville Drive and Orleans Court; accepting grants of easements for underground utility purposes.**
- B173-07 Vacating two drainage easements located on the north side of State Route WW, east of Cedar Grove Boulevard within Old Hawthorne, Plat No. 2.**
- B174-07 Vacating an electrical easement located on the north side of Nifong Boulevard, east of Bethel Street within the Replat of Lot 3, Rockbridge Subdivision Block V.**
- B175-07 Accepting conveyances for temporary construction and temporary access purposes.**
- B181-07 Amending Chapter 4 of the City Code as it relates to consumption of alcohol by minors.**
- R126-07 Setting a public hearing: voluntary annexation of 32 lots within Prairie Hills Subdivision located on the east side of Creasy Springs Road, generally west of the city limits.**
- R127-07 Setting a public hearing: voluntary annexation of property located on the north side of Thompson Road, approximately 200 feet east of Spring Cress Drive (5701 Thompson Road).**
- R128-07 Setting a public hearing: voluntary annexation of property located on the southeast corner of Roosevelt Avenue and Lenoir Street.**
- R129-07 Setting a public hearing: construction of the H-21B Sewer - Lake of the Woods Mobile Home Park Lagoon Interceptor.**

- R130-07 Authorizing a memorandum of understanding with the Missouri Department of Corrections to provide tuberculosis screening and education services and Hepatitis A, Hepatitis B, Twinrix and Flu vaccines.
- R131-07 Authorizing an agreement with J.W. Broadcasting, LLC (KMIZ-TV) for funding for the annual Fourth of July celebration.
- R132-07 Authorizing an agreement with The Curators of the University of Missouri for the annual Fourth of July celebration.
- R133-07 Authorizing CDBG and HOME agreements with various community agencies.
- R134-07 Authorizing an agreement with Shafer, Kline, and Warren, Inc. for engineering services relating to reconstruction of Hunt Avenue from Worley Street to I-70 Drive Southwest.
- R135-07 Authorizing a grant agreement with American Public Power Association relating to the Demonstration of Energy-Efficient Developments (DEED) program; authorizing a letter of agreement with PA Government Services Inc. for revisions to "A Practical Guide to Energy Services" document.
- R137-07 Setting a public hearing: FY 2008 Capital Improvement Project Plan.

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

#### NEW BUSINESS

- R136-07 Authorizing a Memorandum of Understanding with Sustainable Farms and Communities relating to the development and operation of a farmers' market community center to be located on property adjacent to The ARC on West Ash Street.

The resolution was read by the Clerk.

Mr. Watkins stated the Council had previously directed the Parks & Recreation Commission and staff to come back with recommendations in terms of potential uses for property at the ARC. The recommendation was to use part of it as a youth basketball facility and part of it as a farmers' market facility. At Council direction, staff negotiated a Memorandum of Understanding (MOU) with the Columbia Youth Basketball Association and provided a similar outline of a MOU with Sustainable Farms as a report in May. Sustainable Farms was agreeing to raise \$900,000 for donation to the City to build a facility. He believed the facility would have multiple uses and would not just be used for the farmers' market.

The vote on R136-07 was recorded as follows: VOTING YES: CRAYTON, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

#### INTRODUCTION AND FIRST READING

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

- 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.

- 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.
- B189-07 Authorizing acquisition of an easement for construction of the extension of Chateau Road.
- B190-07 Accepting conveyances for utility purposes.
- B191-07 Amending Chapter 14 of the City Code to prohibit corner cutting to avoid traffic control devices.
- 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 (Mediacom).
- B194-07 Extending the term of the cable television franchise held by Falcon Telecable, a California limited partnership (Charter Communications).

## REPORTS AND PETITIONS

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

Report accepted.

### (B) Street Closure Request - Courthouse Addition.

Mr. Watkins explained they received a request from the County Commission to close Ash Street from Seventh Street to Eighth Street from September 30 to October 13 from 7:00 a.m. – 5:00 p.m. to allow the setting and erection of structural steel for the addition to the Courthouse. Staff was supportive of the proposal with the provision the City ordinance that specified the contractor hoods for the thirteen parking meters be upheld.

Mr. Janku made the motion to approve the street closure request with the condition involving the parking meter revenue. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

### (C) Safety Work Zones.

Mr. Watkins noted Council asked staff to look at programs similar to MoDOT's in order to enhance the safety of workers working in work zones. Staff's recommendation was to accept the report.

Mr. Janku believed it was important to do the training suggested, but wondered if they could also increase penalties for speeding in work zones. He thought information asking

people to look out for City employees doing street work would also be beneficial and asked if they could further explore those items. Mr. Glascock explained MoDOT had speed reductions in their work zones from about 70 mph to 50 mph. The City did not normally put up different speed limit signs because the speeds on City streets were normally 30 mph. Mr. Janku asked if they could increase the penalty for speeding if it was clearly designated as a work zone. Mayor Hindman thought the same could be applied to school zones. Mr. Skala commented that it might be significant to increase the penalty to some degree. He also thought it might be symbolic to have a temporary sign for 20 mph in a normal 30 mph zone. Whether anyone followed the speed limit was another question, but he thought it would at least bring attention to the fact there were construction workers in the speed zone.

Mr. Skala made the motion directing staff to look at placing a temporary speed limit sign while he workers were on duty. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

**(D) Green Meadows Road Tax Bill Assessment.**

Mr. Watkins stated they were in the process of finalizing the project of Green Meadows Road from Grindstone Parkway to Providence. As part of the original financing plan that was approved by Council and as was standard policy, they would tax bill a small amount of the project to the adjoining property owners. He thought they would tax bill approximately \$45,000 of a \$1.5 million project. Subsequent to the financing plan being approved by Council, the City entered into a development agreement whereby the Wal-Mart TDD reimbursed the City the cost of that road. Prior to bringing Council the engineer's final report closing the project out, they were asking if they still wanted to tax bill even though they received reimbursement for the vast majority of the project from another source. Staff's recommendation was to consider not tax billing this road because they had already received the money.

Mr. Wade stated by his calculations they were reimbursed for all except \$25,575. Mr. Watkins replied that was correct. Mr. Wade asked from what pot that \$25,575 would come out of and if the return of the other monies to their pots made any more money available to the City for infrastructure. Mr. Watkins replied yes. Mr. Wade asked what pot the \$25,575 would come out of if they decided not to tax bill. Mr. Watkins replied he believed it would come out of the capital improvement fund. Mr. Glascock noted it would come out of one of the funds listed for the project. He suggested they take it from the county road rebate fund because the rest was STP funds which could be used for other streets.

Mr. Skala believed the fair approach would be to try to recover the \$25,575 balance. Mr. Watkins noted a good piece of the abutting front footage was already paid for. Mr. Skala understood it was all paid for except \$25,575. Mr. Watkins agreed. Mayor Hindman stated he thought Mr. Skala was suggesting they prorate it. Mr. Skala agreed. Mayor Hindman understood they could tax them all, but at the lower rate. Mr. Janku noted the \$1.4 million would pay a majority of the tax bill. Mr. Skala asked if he meant the TDD. Mr. Janku replied yes. Mr. Skala understood the TDD was being paid for by people who did not live there. Mr. Watkins stated all commercial property was paid for by the shoppers at that property. Mayor Hindman asked if they could be given credit for their front footage. Mr. Skala noted if they

were prorating to recover the rest of the \$25,575, those people would be getting a credit through a lower cost since they had already contributed to the TDD. Mr. Watkins pointed out they contributed approximately \$1.4 million.

Mr. Wade noted there were a large number of commercial and multi-residential properties that had substantially benefited, but were not a part of the TDD. He commented that he was comfortable with having the money paid out of the county road tax rebate fund, but he was also comfortable in tax billing the properties that had benefited substantially and had not paid anything.

Mayor Hindman noted tax billing brought in a parade of unhappy people, was a complicated process and fairly expensive to administer. Mr. Watkins pointed out they planned to bring up the issue of doing away with some tax billings at the Council Retreat because it sometimes cost more than it brought in.

Ms. Hoppe noted she previously raised a concern regarding a traffic problem at Green Meadows and Gray Oak Drive. It was difficult to make a left turn off of Gray Oak due to all of the traffic. She understood there would be a light at Green Meadows and Gray Oak once Gray Oak went through to Rock Quarry. She asked if funds were available for that. Mr. Glascock stated he believed the agreement indicated that once Gray Oak went through, the light would be moved from its current location to Gray Oak Drive. Mr. Watkins stated that was correct. Ms. Hoppe asked how much it would cost to do that. Mr. Glascock replied the TDD would pay for it.

Ms. Hoppe made the motion to not include the special assessments with the ordinance providing the engineer's final report. The motion was seconded by Ms. Crayton.

Mr. Skala understood the motion was to eliminate the \$25,575 difference in terms of tax billing. Mr. Watkins stated that was correct.

The motion made by Ms. Hoppe and seconded by Ms. Crayton was approved unanimously by voice vote.

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

Mr. Janku understood some people were reimbursed by their title insurance companies and if that was the case, he wondered if the City should try to recover what they recovered or if they were entitled to recover twice since a third party paid the tax bill. Mayor Hindman believed that would be between them and their title insurance company. If they made a claim and settled with their title insurance company and the City settled with them, the title insurance company might have grounds for saying they should not have paid the bill. That was between the two of them. Mr. Janku asked if they would notify the title insurance company. Mayor Hindman noted they would not know who the title insurance company was as that was not reported to them.

Mr. Wade stated he believed the cost of doing that would be counter productive as the City would lose money because it would take the time of their legal staff without much return. Mayor Hindman noted he did not think they had a claim.

Ms. Nauser asked if they planned to forgive all of these. She noted some of these people had owned their properties throughout the whole process. The first owners had owned their property since 1999. She agreed it was a problem in that it took from 2001 to

2005 to assess these people, but some of them had owned the property throughout the duration or purchased the property in time to have paid attention to the calling for bids or the award of contracts for the street work.

Mayor Hindman asked Mr. Janku to explain what they agreed to with the tax billing situation on Sunflower. Mr. Janku explained those people bought their property after the street was improved, so when they bought their property the additional value was paid for in the purchase price. They paid an increased value to the seller for the property. Mr. Skala wondered if they should look at some type of time cut off in order to address this issue in the future. Mayor Hindman stated they fixed the problem. Mr. Janku pointed out this came up in the middle and it was suggested this was not treated like Sunflower. Mayor Hindman explained they now required a filing of a notice at the Records Office so one was aware. Ms. Nauser added it was done after the first public hearing when it was decided to move forward, which was very early in the process.

Ms. Nauser stated the first property owner on the list had owned the property since 1999 and the third property owner purchased their property in August 2002. While they might have missed the first public hearing, easements would have had to be acquired and they would have known a road was going in. She did not feel they could state they purchased it after the road went in. She noted the Parks Trust had owned their property since 1988 and the Owen Trust had owned their property prior to the records going on-line. She believed this discussion should only be for the people who had purchased their properties during the intervening period. Mr. Janku agreed noting it would be the ones who bought it after it was improved. Ms. Nauser stated that was how she felt they should proceed. Mr. Janku noted that would be consistent with what was done for Sunflower. Mayor Hindman stated they did not want people to pay twice. Ms. Nauser agreed.

Mr. Wade asked if she was proposing they remove the “same owners” from the list of those who would be considered to have their tax bills waived. Ms. Nauser replied yes as a beginning. Mr. Glascock explained the ones on the May 25<sup>th</sup> memo were the ones that did not live there at the time the street was constructed or had bought their property after the street was constructed. He asked what fund they wanted the money taken from if they forgave the \$6,750. Ms. Nauser stated she did not believe they would be forgiving the whole thing. She noted that list included people who bought in August 2002 and the street was not complete then since they were acquiring easements in October 2002. She pointed out Ms. Troyer purchased her property in July 2003 and the City was calling for bids in 2003. Mr. Glascock clarified the initial public hearing was in 2001 and these were the people who had purchased their properties after that. Ms. Nauser understood and stated she believed their intent was to forgive those who had bought their properties after the work was done. Mr. Janku agreed. Ms. Nauser explained they were the ones that did not have notice. The others knew something was going on due to all of the steps taken after that hearing.

Mayor Hindman asked which of these they should forgive. Mr. Janku understood the contract was awarded in 2003 and asked if the project pre-final meant it was essentially complete. Mr. Glascock replied yes. Mr. Janku believed that should be the approximate date. If one bought after that date, they were paying value to the person they purchased from because the street was better. He suggested using the pre-final date. Mayor Hindman

asked what that date was. Mr. Janku replied April 29, 2004. He noted they started working around September 2003. Ms. Nauser noted the property that was owned by Mr. Smith had since sold again in June 2006. She wondered who would get relief in that case.

Mr. Wade thought they should waive the tax bill for anyone listed on this sheet as a new owner as \$6,750 was not a lot of money. Mr. Janku pointed out, over the years, a lot of people had paid tax bills and in fairness they should pay it unless there was a reason they double paid. Ms Nauser agreed. Mr. Skala agreed with Mayor Hindman in that they needed to determine if the pre-final project date was a fair date.

Mayor Hindman made the motion to table this report to the June 18, 2007 Council meeting for further staff review in consultation with Ms. Nauser. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**(F) Naming of Downtown Alleys.**

Mr. Watkins stated the Historic Preservation Commission and the Special Business District had been talking about naming alleys because some property owners were considering using alleys as entrance ways to businesses, which would require a name for addressing purposes.

Mr. Janku stated he believed this was an important public safety issue as well because if one tried to describe one's location in relation to an alley, it was almost impossible.

Mr. Janku made the motion to refer this issue to the Planning & Zoning Commission. The motion was seconded by Ms. Crayton.

Mayor Hindman stated he thought the idea of developing in the alleys was good. He showed the Council photos of Springfield where they had signs above the alleys. He believed it was a nice feature and would add to downtown.

Mayor Hindman commented that he believed they needed to have mid-block pedestrian crossings where the alleys were located on streets such as Eighth, Ninth and Tenth. He believed they wanted downtown to be a highly concentrated retail area with easy pedestrian access and by naming the alleys and encouraging people to cross at mid-block, it would direct more traffic into the alleys and encourage the development of retail in alleys. He asked if they would add the idea of mid-block pedestrian crossings at the alleys to his motion. Mr. Janku stated he would and noted it had been done in Jefferson City and worked well. Mayor Hindman noted High Street in Jefferson City was much more of a through traffic street than Eighth, Ninth or Tenth. Mr. Janku agreed those were logical places as there were physical indicators there. Mr. Skala stated he also believed it was a great idea and would dress up the alleys. He pointed out people crossed mid-block anyway, so it might provide some safety.

Ms. Hoppe understood they were recommending the Planning & Zoning Commission hold a public hearing for the suggested names recommended by the Historic Preservation Commission in 2004. Mayor Hindman stated he did not think they would be bound by just by those names. Mr. Janku thought they could make their own recommendations like they did with the Nifong Connector and Southampton.

The motion, made by Mr. Janku, amended by Mayor Hindman and seconded by Ms. Crayton, to refer the issue of naming downtown alleys to the Planning & Zoning Commission

along with having mid-block pedestrian crossings at the alleys on streets such as Eighth, Ninth and Tenth Streets was approved unanimously by voice vote.

**(G) Roots N Blues Festival Signage Plan.**

Mr. Watkins stated they provided, as a report, the complete request of the festival organizers in terms of temporary event signage. He noted there were a couple of banners that would be up for a longer period of time than two days. He commented that a presentation was made at the pre-Council work session earlier in the evening.

Mr. Janku made the motion to approve the plan as requested. The motion was seconded by Mr. Skala.

Mr. Janku noted some of this was out of the City's hands. MoDOT would be ruling on the directional items for the major roadways. He agreed the signage for the festival was necessary. He was hopeful they could come up with a way this could be done by others without the Council making that decision in the future. He noted there would be many types of downtown events, such as the bike races, etc. and he did not think they should be deciding whether or not a detour sign was needed on a particular block. He believed it was their responsibility to sign off on streets closures as they could be controversial from time to time. The issue of the banners over the bank might reoccur, but he was not sure if they were concerned with that. He believed they needed to obtain input for future decisions from the Central Business District.

Mr. Skala stated that since the bank was one of the sponsors, it was reasonable. He noted it was all temporary, although they would be put up in June, which made for a longer temporary timeframe. He believed the organizers were on top of it in terms of details for the roads, detours, etc. He agreed they might want to comment on some of the big items, but it appeared it was pretty much under control and a great idea.

Mayor Hindman understood the only significant issue involving the sign ordinance was the banner. He did not think the directional signs were an issue. The banners involved a significant exception to the sign ordinance and asked if they were the correct authority to make that decision or if it should go to the Board of Adjustment. Mr. Wade noted as they moved more toward high profile festivals, banners were a critical part. He believed they needed a way to deal with banners since they would always be in violation of the sign ordinance, which was for a very different purpose. He asked if they needed to think about a special handling of banners. He understood they also needed to ensure Council was not involved in the final decision regarding signs as it did not seem appropriate. A more appropriate place would be within operations, such as with Police or Public Works. Mayor Hindman noted they needed to have some kind of guideline. Mr. Wade understood they needed to set a policy and not make decisions on each specific instance. Mayor Hindman commented the problem was that they had set policy, but that policy did not cover this situation. Ms. Hoppe understood Mr. Wade was suggesting this might become a standard exception so they might want to set policy for that exception. Mr. Skala stated they needed to look at the ordinance. Mayor Hindman agreed, but noted they did not have time to do that with this instance. Mr. Skala understood the question was that if they wanted to make this an exception until such time they could deal with the ordinance, how would they do that. Mr.

Janku asked if they could approve the exception legally. He asked if it needed to go to the Board of Adjustment instead. Mr. Boeckmann commented that he would not send it to the Board of Adjustment because if they applied all of the principles they would likely say no. He believed the Council could make the motion to direct staff to allow the items requested even though some of it was in violation of ordinances and was not the right way to do things.

The motion made by Mr. Janku and seconded by Mr. Skala to approve the plan as requested was approved unanimously by voice vote.

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

## **COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Mayor Hindman stated he had met with the various citizen groups that had been active in the discussion of a Citizens Review Board and had also talked to a representative from the Justice Department. He thought it was more appropriate to look at it as a citizen oversight of the Police Department at this stage without defining what the oversight would be since that was a major question which would involve a significant amount of input. He commented that he was convinced that enough issues had been raised for Council to consider looking at some possibility of citizen oversight of the Police Department. He noted there was already some citizen oversight of the Police Department now. He thought they needed to determine if what they had now was what the community felt was needed. He explained the City Manager worked for the Council and the City Manager hired the Police Chief and so forth. The Police Department had an internal system for dealing with complaints, which had been reviewed with suggestions made for improvement. He believed they could assume changes would be made pursuant to those suggestions, so things would be different and improved. He explained that when the internal review system was complete, it was subject to review by the City Manager who worked for the Council, which was the ultimate citizen oversight. He noted the groups he had spoken with were asking for a broadened citizen oversight of the Police Department. After speaking with those groups and listening to suggestions of the Justice Department, he was proposing the formation of a committee with the idea of looking over the present system, becoming well aware of the Police Department and the feelings of the Police Department and the various interested groups, getting general citizen input and studying the various systems of citizen oversight that were available, which were broad in range. He suggested the Council allow him to put together a committee subject to Council approval of membership and to charge the committee with the idea of reviewing what they had and studying what should be done in the way of citizen oversight. If they came to the conclusion Columbia needed a Citizens Review Board, they could make recommendations with respect to that. He noted this would be a time consuming and difficult process for the committee and if they did not get a lot of citizen input, it could be contentious. If it was done right, they might be able to improve the situation. If Council agreed, he suggested they advertise to see if people were interested in serving. They would make it clear that application was not the only way one could get on the committee because they might want to

reach out to people who might not apply. He stated he would try to put together a list to present to Council.

Ms. Hoppe asked if there would be a suggested timetable. Mayor Hindman replied he did not like to have timetables when putting together committees. Ms. Hoppe clarified she was asking about a timetable for the work process. Mayor Hindman stated he thought it would be difficult to assign a timetable to something like this because they did not know what they would be getting into. Ms. Hoppe stated she did not think it would take more than a year. Mayor Hindman agreed, but wanted it to be done well.

Mr. Skala stated he liked this idea and assumed the make up of this committee would include representatives of the Police Department. Mayor Hindman noted he had appointed quite a few committees over the years and believed his record was good at being fair and balanced. He explained he believed a couple theories could be used to develop this committee. One was to try to get people from the Police Department and people who were anxious to have this done to sit face to face with a mediator. He thought a better way for this situation would be to get Police Department type people, neighborhood type people, and a jury of interested people who did not have a predetermined goal or interest with respect to the outcome. He noted they also had the University of Missouri and Columbia College who studied issues involving Police so they might have some incredible talent there to draw upon. He noted he would seek suggestions. He explained that the ACLU, the NAACP, the Douglas Neighborhood Coalition and the Minority Men's Network were all asking to have representatives. He did not believe they could include all of those groups because they would then need to find four individuals with Police interest. They needed to try and make it a workable committee. He noted he discussed that issue with those groups and believed they understood.

Mr. Skala stated he believed this was a great idea and noted he was in favor of some sort of oversight group. He understood this was incredibly complicated and would take a great deal of time. Although there was some degree of civilian control over the Police Department because of the nature of the City Council and City Manager, it approached the analogy of the military with civilian control over it. He believed it was good to have oversight and believed it benefited both groups involved - those with complaints and those complained against. Mayor Hindman noted it took the right balance. Mr. Skala agreed. Mayor Hindman pointed out they could come back and say the current oversight was appropriate. He reiterated he had no predetermined ideas.

Ms. Nauser wondered if this was premature. She noted they had just asked the consultant to come in and redraft some of the internal affairs and procedures because they were told they were not for the times. She did not think they were giving that change or process time to solve some of the kinks and problems that had arisen. Mayor Hindman stated he thought about that as well, but believed there was a sufficient amount of community concern to cause them to act. He felt this committee should be made aware of the recommendations made by the consultant and the changes that would be and were made so that would all be taken into consideration. He did not believe this was premature. He noted his instincts were telling him the timing was right.

Mr. Janku stated he believed this issue would continue and they needed to find a way to address it. He noted he agreed with Mayor Hindman's approach. He commented that the report was focused on the internal procedures in terms of discipline and structure and would make improvements to that aspect. It did not address how the public would learn about that process of improvements and have confidence in it. He thought giving the public a greater confidence was important and believed this committee would help address that.

Ms. Nauser stated she had a philosophical problem with the people being policed having authority over the police in a direct sense. She noted the analogy was made in regard to civilian control over the military and she believed the civilian aspect of that control was too involved. Mr. Skala stated he considered it an imprecise analogy.

Ms. Hoppe felt "control" might be too big of a word for what a Civilian Review Board was. She recalled asking Mr. Thompson about him not being asked to do a citizen review and understood he normally did that. She commented that an internal review did not exclude the need for the civilian review. She understood he normally recommended that. Mayor Hindman pointed out he was not recommending they have a committee to study civilian review. He was looking at civilian oversight of the Police Department, which could involve civilian review of cases, but might not. Ms. Hoppe agreed and noted it took that extra step to create dialogue and enhance confidence. She believed this was a good democratic step.

Mayor Hindman stated he felt it was an opportunity for the groups to get together. He commented that being a police officer was a tough job. They had to make incredibly difficult, dangerous and frightening decisions. He noted he attended a Police Academy as a volunteer and learned a lot. He stated he would not want their job. He believed people needed to learn to appreciate both points of view. They needed to know what it was like to have difficulties with the police and what it was like to be a police officer. He hoped this group would be exposed to both situations.

Mr. Skala stated his daughter was graduating from Ohio State and had been accepted into the Police Academy for the Columbus Police Department. There was a great deal of concern on both sides of this issue and he believed by just getting the discussion started and relatively open ended within the framework of oversight would go a long way to create confidence within the Police Department and within the community at large.

Mayor Hindman made the motion for Council to give him the authority to put together a list of people for a committee with the charge previously described. The motion was seconded by Ms. Crayton.

Mr. Janku suggested they might want to have a resolution authorizing the Mayor to appoint the committee and for staff to provide resources at the time the committee was ready to be appointed. Mayor Hindman agreed.

The motion made by Mayor Hindman and seconded by Ms. Crayton was approved unanimously by voice vote.

Mr. Skala stated he believed the resolution of the Rock Quarry issue was great and was the way things should happen. He noted one of the issues involved desirable trees and the compromise was to walk the property and to be able to attach an extra unit to a two- or three-unit townhouse for flexibility. He commented that he believed that was a great

compromise as it was a benefit for both sides. He pointed out there was an issue of clustering, which many people seemed to be favor, and was used a lot on property with severe topography that would normally not be developed. There was usually an allowance for that density in that the density could be increased for the part of the parcel that could be developed to the extent the entire tract allowed due to the severe topography. He thought they might want to look at that issue to determine whether it should be a one to one ratio or if they should recognize that some parts of the property were not developable. He was not sure it was fair to dump all of the density onto the part of the property that was developable. He thought it would depend upon how it fit into the neighborhood. He thought they should just start thinking about this issue. He understood everyone liked clustering, but did not want to pile a lot of density together near a road.

Mr. Skala asked if the growth management planning document and the EEC letter regarding land disturbance would be included in the Retreat materials or discussions. Mr. Watkins replied they were not included in the Retreat materials, but were subjects that would fit in during topic discussions. He understood they would discuss land disturbance and tree preservation. Mr. Skala asked if it would be useful to include those documents as background. Mr. Watkins replied he would see if they could get them in, but noted they were limited in time. He pointed out they pulled a couple of issues, such as stormwater. Mr. Skala understood it was overloaded. Mayor Hindman noted there was time set aside for Council to discuss whatever they wanted. Mr. Skala asked if it was a proper approach to move some of these things to work sessions. Mr. Watkins replied one of the first things they would discuss was how Council wanted to organize getting those things they wanted accomplished done.

Mr. Wade made a motion directing staff to prepare an ordinance on temporary banners. Mr. Watkins understood that needed to be referred to the Planning & Zoning Commission. Mr. Janku agreed and suggested allowing the Special Business District to weigh in on the issue before sending it to the Planning & Zoning Commission. Mr. Wade commented that another option would be to request the Planning & Zoning Commission and the Special Business District to each appoint a small work team to work together prior to the Planning & Zoning Commission's review and recommendation. Mayor Hindman thought that decision should be up to them. Mr. Wade agreed it should be up to them, but noted it had not been a part of their normal operating procedures. He hoped it was apparent per this conversation that it was an approach they could take. He agreed the Special Business District needed to be included. He referred to the third suggested Council action associated with the signage plan and stated he would hope that process would be moved away from the Council and into a standard operating procedure, so the only time they would have to deal with those issues was when it was a unique situation. He did not believe the Council needed to approve signage on a festival by festival basis.

Mr. Wade restated his motion as directing the Planning & Zoning Commission and the Special Business District to prepare an ordinance in regard to temporary banners for special events. The motion was seconded by Ms. Hoppe.

Mr. Janku noted this was wider than the Special Business District and could be applied throughout the City. Mr. Wade agreed.

The motion made by Mr. Wade and seconded by Ms. Hoppe to direct the Planning & Zoning Commission and the Special Business District to prepare an ordinance in regard to temporary banners for special events was approved unanimously by voice vote.

Ms. Hoppe commented that off of Old 63 going east, Bluff Road went up steeply and turned sharply at a 95 degree angle to the right as it continued up. Many of the cars crossed the centerline as they turned each way and people were backing out of driveways in the area. She thought it was a dangerous situation and wondered if staff could look into it and make recommendations. She understood the residents thought a short yellow line in the center of the street might assist in indicating the sides of the road.

Ms. Hoppe made the motion directing staff to review and make recommendations regarding the situation on Bluff Road. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Hoppe noted she previously mentioned the East Pointe Neighborhood Association wanted to uniformly reduce its neighborhood speed limit to 25 mph from the standard 30 mph and asked about the status of that report. Mr. Watkins replied it was on staff's to do list and they were looking into it.

Ms. Crayton stated they would be celebrating Juneteenth Days on June 16 in Douglas Park. She explained it was a national celebration and wanted it to be a special event in Columbia this year. She believed Columbia was the largest City in mid-Missouri to get involved. She explained it was a celebration of heritage for the African American community and involved several events such as story telling and music. She encouraged the City to rally around the event. She also thanked the Parks & Recreation Department for the work that had been done at the Park.

Mayor Hindman commented that he believed the meter cards needed to be more widely distributed and suggested allowing the merchants to sell them for more accessibility. He thought it would help the downtown if it were more convenient to use the meters. He noted he was talking to a high school graduate who had a job downtown and was complaining about the difficulty in having to leave the job to feed the meter. He explained that if she used the meter card, she could overpay and when she was finished, she could get the unused portion of her money back. He thought they needed to make the meter cards readily available to people.

Mayor Hindman commented that when looking at pictures of the Daniel Boone Building, he found there were skylights in the lobby of the original building. He felt the lobby was dark and dreary and believed that while they were re-doing it, they should also look at restoring those skylights. He thought it could be done on the energy efficiency theory. If they lightened the lobby, they would not need as many lights. Mr. Skala pointed out the color rendering index of the lights in the lobby was not good and thought natural light would be a great fit.

Mr. Watkins commented that staff thought they were gone and would have to be re-established. He understood the architect was looking into the issue and would be providing

them a price. He noted that would be included in Phase 3 of the project, which was when they renovated the entire building. It would not be included in Phase 1 when they were just doing the utility billing part. Mayor Hindman understood he did not want to do it now. Mr. Watkins stated they would want to do it when they did the exterior renovations. He agreed it would be a great thing, but noted he was concerned about adding things onto the price because at some point that would have to stop. Mr. Skala stated the skylights would be great in terms of historical preservation, but might also be a good as a budgetary item. He noted round skylight type lenses would allow natural light into the lobby as well.

Mayor Hindman stated he received a complaint about automobiles and motorcycles with the loud exhausts and boom boxes. He was told the Police Department was not really enforcing the exhaust aspect because it required too much labor. He thought they should try to pay more attention to that. He understood people at intersections dealt with that issue more than others.

Ms. Hoppe complimented the Columbia Art League for the Art in the Park event. She thought it was bigger and better and believed it was a great community event.

Mr. Janku made the motion directing staff to advertise for the associate judge position. The motion was seconded by Ms. Crayton and approved unanimously by voice vote.

The meeting adjourned at 10:04 p.m.

Respectfully submitted,

Sheela Amin  
City Clerk