

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
NOVEMBER 3, 2008

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, November 3, 2008, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members STURTZ, 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 THE MINUTES

The minutes of the regular meeting of October 20, 2008 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Skala.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

The agenda, including the Consent Agenda, was approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Skala.

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

Ray Magruder – Hickman High School Incident.

Ray Magruder, 1821 Tremont Court, explained Diamond Thrower and her sister, LaKisha Houston, would not be speaking tonight as recommended by their attorney. He noted he would be speaking about the event that took place on October 15, 2008 at Hickman High School. He commented that he had recently been present in front of the Council on two topics. Those were a multi-purpose building as a member of a committee and the solar one project, which was an initiative he helped spearhead. The two objectives of those topics involved the development of Columbia's future and doing what was right for Columbia for the right reasons. He was concerned with how things were handled at Hickman High School, how the Columbia Police Department had been less than honest and how the lack of appropriate follow-up steps had been taken with regard to the issue. He stated Ms. Thrower was attempting to break-up a situation at Hickman when she sustained injuries. He noted she had only been to school one day since the incident as a result of injuries sustained. He commented that he had been Ms. Thrower's mentor for six years and she was a wonderful person. She was on the A+ program and on track for graduating high school early with goals of attending college for medical purposes. He felt Officer Mark Brotemarkle had used excessive force and hoped the Professional Standards Unit would do a thorough investigation. He explained when he called Bill Watkins on Friday, October 17, he had no knowledge of it although it happened at noon on October 15 and stated he would have Chief Dresner contact him. Chief Dresner called him that evening and stated the Police

Department had been in contact with Hickman and that Officer Brotemarkle would not be reassigned to Hickman High School pending the investigation. As a result of the dialogue between the Columbia Public Schools and the Columbia Police Department, Hickman High School sent an automated voice mail message on Saturday, October 18. On Monday, Chief Dresner requested a meeting with him, Ms. Thrower and her family, and reassured them Officer Brotemarkle would not be back at Hickman, but he was back. He felt that was dishonest. He was informed by Hickman that the Police Department made the decision as to where the SRO's were assigned. He did not believe this was the way to build a relationship and confidence in the community. He felt an oversight board was needed as this was a concrete example of why the Police Department needed someone to oversee their actions. He commented that he knew Stanley Harlan of Moberly and excessive force was used with a taser causing him to die. He hoped the Council would help with the processes to ensure the community and youth were safe.

PUBLIC HEARINGS

(A) Voluntary annexation of property located on the east side of Bethel Church Road, south of Poplar Hill Drive.

Item A was read by the Clerk.

Mr. Watkins explained this involved the voluntary annexation of about 1.5 acres of property south of the City limits off of Bethel Church Road. The request for zoning was R-1 and was consistent with the current Boone County R-S zoning.

Mayor Hindman opened the public hearing.

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

(B) Voluntary annexation of property located south of I-70 Drive Southeast, northwest of St. Charles Road.

Item B was read by the Clerk.

Mr. Watkins explained this involved the voluntary annexation of about 3.21 acres. It also involved a proposed rezoning of about 1.96 acres already within the City limits. The applicant was requesting C-P as permanent zoning for both parcels.

Mr. Skala understood the area to the north was A-1 and asked for the County designation of the area to the east, outside of the City limits. Mr. Teddy replied it was general commercial. There was some Boone County R-S to the south. There was also some CGP, which was the County's planned commercial district.

Mayor Hindman opened the public hearing.

Erick Creach, an attorney with offices 1103 E. Broadway, explained he was representing the applicant and offered to answer any questions.

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

R235-08 Considering amendments to the 2008 Community Development Action Plan as it relates to Neighborhood Stabilization Program Funding (NSP) through the Missouri Department of Economic Development; authorizing City staff to submit a Neighborhood Stabilization Program application.

The resolution was read by the Clerk.

Mr. Watkins explained this resolution did two things. It authorized the City Manager to submit a grant application for one time funding of Community Development Block Grant money as part of the Economic Stimulus Program created by the Federal government. The application was due to the State within a few days and the State had to forward it to the Federal government by December 1. Staff was asking for the ability to apply for up to \$1.2 million rather than \$800,000. The resolution would also amend the Community Development Action Plan so it incorporated this additional program and funding. The rules of the program were becoming a little clearer, but they still had questions. He noted this money had to be used in census tract number 9 as it was the only eligible area in the community. It roughly included I-70 Drive to Wilkes, and Sexton to Paris Road. Quite a bit of the area was commercial, but this was a housing program dealing with foreclosure. They were proposing to work on the acquisition of unsafe property foreclosed upon. They had 18 months to commit the money and 4 years to spend the money. They were proposing demolition of substandard structures, acquisition of property, the rehabilitation of substandard houses, some new construction and land banking so they could acquire larger parcels of property that could then be redeveloped with cottage housing or something else. The law also allowed for 10 percent to be used for administration.

Mr. Teddy reiterated it was one time, supplemental emergency funding. Missouri was receiving \$42 million state-wide. The Department of Economic Development was making \$22-\$23 million available as category one funding. St. Louis, Kansas City and St. Louis County had received direct allocations, but were eligible to apply for more funding. The notice for the public hearing stated the Action Plan would be amended indicating the intent to apply for an amount not exceeding \$800,000. Upon further review, they wanted to amend it upward to \$1.2 million. Staff was inventorying property that appeared to be distressed, foreclosed upon or in a vacant, dilapidated condition, and had several properties identified.

Mr. Skala understood this involved only residential property, but wondered how it interacted with zoning. He asked if this would only affect areas already zoned residential. He assumed it would not impact commercial tracts in any way. Mr. Watkins replied it did not impact commercial tracts, but would not preclude someone going through the rezoning process.

Mr. Janku understood this would only involve property that was in foreclosure, even when discussing land banking. Mr. Teddy stated the acquisition for a land bank was limited to abandoned property and property which had been in the foreclosure process for at least 90 days. He had asked if arms length transactions could be considered as well and understood the City would have the ability to acquire properties for inclusion in a land bank as an arms length transaction if there was a plan in place to produce affordable housing. Generally, the program was aimed at distressed properties.

Mr. Janku understood if they were in foreclosure, a financial institution would theoretically have control over them. Mr. Teddy stated they were sometimes owned by individuals.

Mr. Janku wondered what would happen if the seller was not a willing seller. Mr. Watkins stated they talked to three of the local bankers today, who indicated the vast majority of foreclosures had occurred through internet banking or lending agencies outside of the

community, so it would be difficult to get a handle on the foreclosures. They were now tracking it through the newspapers, which was one of the reasons they wanted to increase the dollar amount. They had identified a significant number of properties that would meet the other requirements in terms of blight or properties in bad shape. About half of the area was in the NRT, so they had an excellent analysis of the area.

Mr. Wade noted if they were successful, there would be a substantial amount of additional work involved. He asked if the money allowed the addition of staff capability. Mr. Watkins replied there was a 10 percent administrative allowance. They would add administrative staff, hire consultants and work with other organizations in the community. He pointed out it would not be additional full-time permanent staff at this time.

Mr. Janku made a motion to amend R235-08 per the amendment sheet. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mayor Hindman opened the public hearing.

Linda Rootes, 402 N. Eighth Street, stated she was the President of the North Central Columbia Neighborhood Association and about a third of the neighborhood was in census tract number 9. She thanked the City for taking the initiative and effort to get this put together quickly. She hoped they would be successful in obtaining more resources for housing in the area. As a member of the Downtown Leadership Council, she was also interested in a wider area than just North Central to include housing that was close to the downtown and the residential areas that supported the other activities downtown.

Darin Preis, 4803 Chilton Court, stated he was representing the Central Missouri Community Action at 807 N. Providence and noted their offices were in the area. He explained they provided many services to families and children throughout the area and recognized the deep need for these types of community development services in the area, so they were a strong supporter of this plan. He appreciated the City moving quickly. He felt it would fit well with the Affordable Housing Task Force recommendations and would serve the community in general.

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

The vote on R235-08, as amended, was recorded as follows: VOTING YES: STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

(C) Considering the final engineering report submitted by Jacobs Engineering Group Inc. relating to a Long Range Water System Study.

Item C was read by the Clerk.

Mr. Watkins explained this involved the Long Range Water System Study commissioned about a year ago and noted there had been two work sessions on the issue. He pointed out this was the basis of some of the structural water improvements proposed in the ballot issue being voted on tomorrow.

Mr. Kahler stated this study involved a 20-year planning horizon and looked at water demand, system improvements, capital expenditures, etc. He reiterated that this had been presented to the Council on two occasions and due to minimal comments, they had not

modified it. He pointed out this was the impetus behind the \$39 million bond issue on the ballot.

Mayor Hindman opened the public hearing.

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

Mr. Skala made a motion to accept the Long Range Water System Study. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

OLD BUSINESS

B318-08 Authorizing construction of Fire Station No. 9 located at the northwest corner of Blue Ridge Road and North Providence Road; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Watkins explained the 2005 capital improvement bond issue approved by the voters included the construction of three fire stations. One was a replacement of Fire Station No. 7 in the Green Meadows area, which would be completed in January. A second fire station had been sited for the corner of Providence and Blue Ridge and the property had been acquired several years ago. They contracted with Peckham and Wright Architects, who had also designed Fire Stations No. 7 and 8. The estimated construction cost was about \$1,768,000 and the total estimated cost was about \$1.9 million. This was to be paid for with sales tax money approved by the voters in 2005. This would approve the station and authorize staff to go out for bids.

Chief Markgraf noted Mr. Miller from Peckham and Wright would provide a presentation tonight. In addition, they presented this at a neighborhood meeting several months ago and found no objections or substantial problems.

Erik Miller, the project manager with Peckham and Wright Architects at 15 S. Tenth Street, stated Fire Station No. 9 was located at the northwest corner of N. Providence and Blue Ridge. They were scheduled to construct a 7,900 square foot station with site specific amenities. It would be a LEED certified project. They had met and exceeded the stormwater standards set by the City. They worked hard to provide screening from the residential neighborhood to the north and had set the site down. This was also in keeping with the proper grade for the trucks. As a result, there was some water retention and they would use two different rain gardens to help comply with the stormwater regulations. In the design of the station, they were limited by a couple factors. One factor they would see some cost from was the utilities because those would need to be lowered. In addition, existing stormwater utilities would have to be relocated. He reiterated they had participated in a neighborhood meeting where a few concerns with regard to visual lines and visibility were discussed. He showed the Council some drawings for proposed Fire Station No. 9 and noted they were looking forward to working with Ms. Hunter in order to institute the public art. He stated this station was similar to Fire Station No. 7, but pointed out they had added a Police Substation to this structure.

Mr. Skala noted the lighting at the fire station on Nifong had human-scale cutoff fixtures and asked if this would have something similar. Mr. Miller replied yes. He thought they had more light available to them with this parcel, but it would be the same.

Ms. Hoppe understood it would be LEED certified and asked if it would also be an Energy Star building in terms of energy efficiency. Mr. Miller replied a fire station was different than other buildings in terms of power usage. The types of controls necessary for the emergency side of a station were different. They had put in controls where they had the ability. They were looking at natural daylighting for over 90 percent of the interior spaces, which would allow them to have the lights off during most of the day. Ground source heat pumps would be used and should reduce energy usage over time. Ms. Hoppe understood it was not necessarily passive. Mr. Miller pointed out they had the ability to add solar panels as technology became better and more affordable.

Mr. Janku noted he attended the public meeting and stated he appreciated Mr. Miller and staff for keeping this project going. He hoped it would be completed in about a year.

Ms. Hoppe commented that Lee School provided art for Ragtag and the museum and asked if it was possible for a school to make application for the percent for art program. Mr. Watkins replied he was not aware of any prohibition with regard to a school submitting an application.

Mr. Janku stated there was discussion of the interaction of the Fire Department with Derby Ridge, and potentially Parkade, at the public meeting. Chief Markgraf noted they participated in a reading program with Derby Ridge.

Mr. Wade stated he liked the fact there would be two rain gardens in a visible public space as he felt rain gardens would be an increasing feature in the community due to stormwater management.

B318-08 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, 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.

- B316-08** **Authorizing Safe Routes to School Program Agreements with the Missouri Highways and Transportation Commission; appropriating funds.**
- B317-08** **Approving the Final Plat of Broadway Trio Subdivision, a Replat of part of Lots 164 and 165 of the Original Town of Columbia, Missouri, located on the south side of East Broadway between south Ninth Street and south Tenth Street; granting a variance from the Subdivision Regulations regarding street right-of-way width.**
- B319-08** **Accepting a conveyance for utility purposes.**
- B320-08** **Authorizing Supplemental Agreement No. 2 with HNTB Corporation for engineering services for the design of the Hinkson Creek Trail between the Grindstone Nature Area and Stephens Lake Park.**
- B321-08** **Accepting and appropriating donated funds for Parks and Recreation Department programs.**
- R236-08** **Setting a public hearing: construction of the Providence Road Trail South Project from Green Meadows Road to Rock Bridge Elementary School.**

- R237-08 Setting a public hearing: development of the Eastport Neighborhood Park.
- R238-08 Setting a public hearing: construction of tennis and basketball courts at Rock Quarry Park.
- R239-08 Authorizing Amendment No. 5 to the agreement with the Missouri Department of Health and Senior Services for the WIC Supplemental Food Program.
- R240-08 Authorizing an agreement with First Night Columbia, Inc. for support of the New Year's Eve Celebration; authorizing the City Manager to provide City support services.
- R241-08 Authorizing an agreement with The Curators of the University of Missouri under the Tourism Development Program for the UMC Concert Series.
- R242-08 Authorizing an agreement with the Missouri Symphony Society under the Tourism Development Program for the Missouri Theatre Center for the Arts renovation project.
- R243-08 Authorizing an agreement with the Boone County Historical Society under the Tourism Development Program to add three components to the Boone Junction History Village.
- R244-08 Authorizing an Amendment of Declaration of Condominium of the Columbia/Boone County Health Department Condominium with the County of Boone.

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

NEW BUSINESS

R245-08 Amending the FY 2009 Community Development Action Plan to expand the geographic area of the homeownership assistance program.

The resolution was read by the Clerk.

Mr. Watkins explained a public hearing was held on the 2009 Action Plan at the last meeting and Council had asked staff to look at expanding the geographic limits of the homeowner assistance program to the entire community. They were proposing a change to the Action Plan that would allow up to 40 percent of the homeowner assistance program to be used outside of the CDBG eligible area. This would have two impacts. It would allow moderate income home buyers to have a wider selection, but would also dilute the emphasis of trying to rebuild some of the older areas of the community.

Mr. Teddy noted the actual amendment was just changing a sentence in the Action Plan to indicate applicants for homeownership assistance could find a home anywhere in the City. It currently indicated the home had to be located within the CDBG eligibility area.

Mr. Sturtz asked if there was a fair amount of funds that were not being used due to constricting it to the CDBG area. Mr. Teddy replied activity had slowed down in general. They were not certain if it was due to the economy or if there was a constraint the eligibility area put on it. He thought expanding the area would enable them to reach more households. Mr. Sturtz asked if he could provide a ballpark percentage of what was being used or not

being used. Mr. Lata replied they had about \$220,000 in 2008 and \$145,000 was projected for 2009. In addition, they had about \$20,000-\$30,000 in 2007 money.

Ms. Hoppe stated she thought she had asked that question at the previous meeting and the numbers were going down with the money not being used.

Mr. Skala felt expanding the area would only be a positive because the decision making could still be the same. It would only provide more flexibility. Mr. Sturtz noted it would de-emphasize a certain geographic area. Mr. Watkins explained once they determined others were eligible, it was a first come, first serve situation. Mr. Sturtz did not think there was protocol allowing them to exhaust everything in the traditional CDBG eligible area first. Mr. Janku stated he was sensitive to the point Mr. Sturtz was making and suggested they re-prioritize or re-allocate funding if the demand increased.

Mr. Sturtz felt 40 percent was liberal and wondered if there was a more moderate percentage they could use in expanding the area. Mr. Teddy noted a number of other cities that had CDBG entitlement did not specify any geographic area. It was very often a city-wide program. They were looking at this as a transition and 40 percent was the previous years funding.

Mr. Wade stated he did not see this as de-emphasizing the traditional CDBG area. He saw it as recognizing changes taking place in terms of other areas starting to have similar kinds of needs, but being in isolated pockets throughout the City. If those areas could be addressed, it would prevent them from going too far down the road in terms of deterioration.

Mr. Janku suggested asking staff to periodically provide a report so they understood how the funds were being spent. They could then re-allocate funds if they were coming up short.

Mayor Hindman thought this would be a good experiment as they were not using all of the money now.

Mr. Sturtz asked if there were different efforts in terms of advertising or marketing to bring a higher percentage for CDBG eligible area. He wondered if the word was not getting out. Mr. Teddy replied he thought realtors and bankers were aware of the program. He recently became aware of the fact the realtors and lenders felt the inspection requirements were onerous. According to the HUD rules, the City was responsible for the inspections and the sellers would have to make repairs, in many cases, prior to the transaction being complete. He thought they needed to find a way to streamline the process while still protecting the consumer.

The vote on R245-08 was recorded as follows: VOTING YES: STURTZ, 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.

B322-08 **Voluntary annexation of property located on the east side of Bethel Church Road, south of Poplar Hill Drive; establishing permanent R-1 zoning.**

- B323-08 Voluntary annexation of property located south of I-70 Drive Southeast, northwest of St. Charles Road (5304 I-70 Drive Southeast); establishing permanent C-P zoning; rezoning adjacent property from A-1 to C-P.
- B324-08 Amending the Major Roadway Plan, a part of the 2025 Transportation Plan.
- B325-08 Approving the Final Plat of Regional Catholic High School Plat 1 located on the north side of Gans Road, east of Bearfield Road; authorizing a performance contract.
- B326-08 Establishing Columbia, Missouri Sanitary Sewer District No. 163 along Ballenger Lane and Aztec Boulevard.
- B327-08 Establishing Columbia, Missouri Sanitary Sewer District No. 165 along Maple Bluff Drive.
- B328-08 Establishing Columbia, Missouri Sanitary Sewer District No. 167 along Timberhill Road and Timberhill Street.
- B329-08 Authorizing a right of use permit with American Plaza, LLC to allow construction, improvement, operation and maintenance of a sign within a sidewalk drainage and general utility easement located on Lot 7A in North Woods Plat 1.
- B330-08 Accepting conveyances for drainage and temporary construction purposes.
- B331-08 Authorizing Changer Order No. 1 to the agreement with Burns & McDonnell Engineering Company, Inc. for engineering services for an Integrated Resource Plan as it relates to power supply needs and alternatives.
- B332-08 Accepting conveyances for utility purposes.
- B333-08 Amending Chapter 2 of the City Code relating to the attendance policy of the Boone County Community Services Advisory Commission.
- B334-08 Amending Chapter 4 of the City Code to allow expungement of records pertaining to alcohol-related offenses by minors.
- B335-08 Authorizing development of the Eastport Neighborhood Park; calling for bids through the Purchasing Division.
- B336-08 Authorizing construction of tennis and basketball courts at Rock Quarry Park; calling for bids through the Purchasing Division.
- B337-08 Authorizing an agreement with Boone County for Joint Communications clerical services.
- B338-08 Accepting a Youth Community Coalition Grant from the Missouri Division of Alcohol and Drug Abuse; appropriating funds.

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Mayor Hindman noted this report was provided for informational purposes.

(B) Costs associated with Community Improvement Districts.

Mr. Watkins explained they had a couple of CID formation petitions and although the last one was not valid, they expected it to come back. There was a fair amount of advertising

and other costs associated with the formation of a CID and the City did not have a policy. Staff was suggesting Council consider directing staff to bring back a policy whereby out of pocket costs would be billed or provided as a deposit.

Mr. Janku asked if the CID allowed the City to capture any of the revenue stream like a TDD. Mr. Boeckmann replied that was not mandated by statute. It was an agreement between the TDD and the City indicating the City would collect the sales tax and charge a fee for it.

Mr. Janku noted this would provide for direct costs, but not indirect costs, such as staff time. He wondered if that could be recovered. Mr. Watkins stated the Clerk's Office put in a substantial number of hours in reviewing the petitions. Ms. Amin pointed out other staff members also contributed to the review or notification, and included Planning, Public Works and the Law Department. Mr. Skala suggested they might consider a modest fee structure to account for time.

Mr. Wade stated he did not believe the City should subsidize the creation of a community improvement district to a great extent.

Mr. Wade made a motion directing staff to prepare the appropriate legislation to recover the direct and some indirect costs associated with the creation of community improvement districts. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(C) Proposed RFP for Heibel-March Building.

Mr. Watkins explained the Heibel-March Building, which was at the corner of Wilkes and Range Line, was owned by the City Parks and Recreation Department. There was a long history of groups attempting to bring it back to some historical resemblance and to put it to public use without any success. Staff was proposing to make it available to anyone who would bring it up to historic appearances while utilizing it consistent with the C-P zoning in place. They would have the opportunity to obtain some of the tax credits for historic preservation, which was not available to the City. He commented that he had discussions over the last couple of months with the Historic Preservation Commission as they were interested in putting a non-profit group together, so this was something they might be interested in. He felt the fairest way would be to put it out there to see who might be interested. He noted staff had done a good job in explaining all of the risks.

Mr. Sturtz commended staff for a well written report and had a couple suggestions on other provisions they might want to insert. He wondered if they wanted to include a provision requiring a certain amount of progress after a certain amount of time, such as 12 months. Mr. Hood wondered if that should be included in the RFP or if it should be in the actual agreement entered into once someone positively responded and the City selected the proposal. He noted it could be done either way and agreed it should be done. Mr. Sturtz thought it would be nice to provide fair warning in the RFP. He also wondered if they wanted staff to give extra weight to proposals with LEED standards. Mr. Hood stated that could be included. Mr. Sturtz thought it should be standard for any RFP from now on.

Mayor Hindman stated it seemed as though they were aiming at a developer coming in and bringing it up to historic standards. He thought it might be an office or commercial use.

He noted he was at a Boys and Girls Club event over the weekend and they were interested in obtaining more space for teenage activities. He mentioned this as a possibility and they showed some degree interest. They were a struggling not-for-profit, but were providing a significant service to the community. He asked if they would be eligible. Mr. Hood replied he thought they would and explained, as he was writing this, he was anticipating it could be a not-for-profit, a social service-type business or a private business. He did not intend to exclude anyone. He noted some of the not-for-profits had substantial funding issues and a key would be whether they had the resources to restore and use the building. Mayor Hindman wondered if it was possible to subsidize some of the funding if a proper one came along, and if someone could make a RFP proposal that way. Mr. Watkins thought the policy, when it was first acquired, was that there would be no City subsidy of the building, but noted Council could change that. He thought one of reasons the initial groups were not successful was because the City did not put any money into it. If they wanted to consider putting money toward it, staff needed to know.

Mr. Sturtz stated he was glad to see the RFP included a statement indicating they must maintain the goal of servicing the citizens of the City because it seemed to favor a publicly-minded development.

Mr. Skala agreed there were worthy causes with regard to some of the non-profit organizations, but wondered if they wanted to provide a subsidy at this point due to the budget situation.

Ms. Nauser suggested they proceed as recommended to see if there was any interest. If not, they could reassess the situation. If they could get it fully funded on its own, she felt most citizens would prefer they take that route in light of the budget situation.

Mr. Janku asked if they would be willing to consider the sale of the land as well. Mr. Watkins replied he thought they might end up having to sell the land, donate the land or participate in a long-term lease for the right proposal. Mr. Sturtz recalled Mr. Watkins saying they should hold on to it for a couple years as leverage. Mr. Watkins stated he would definitely want to see the project completed prior to deeding the land over. They would probably want a provision indicating they did not want it torn down as well. Mr. Janku thought it might affect financing. Mr. Watkins understood they could do a lease to assist with financing or tax credits if necessary.

Mr. Janku noted the development community was saying planned development was expensive and asked if this would be eligible for a simplified C-P process. Mr. Watkins replied he thought it could be eligible and noted a statement could be added indicating it was a possibility since they would not be changing the structure.

Mr. Sturtz thought a few weeks would be needed to allow groups to come up with a plan. Mr. Watkins agreed and stated they felt they should at least provide four weeks. Mr. Janku pointed out most boards met once a month. Mayor Hindman thought four weeks might not be enough time. Mr. Skala agreed. Mr. Watkins commented that part of the difficulty involved the holidays. If it was not done in 4-5 weeks, it would end up being 8-9 weeks. Mr. Skala thought they could leave it the same and extend it if necessary. Mr. Wade agreed.

Mr. Wade made a motion directing staff to begin the RFP process as outlined in the report.

Mr. Sturtz stated he hoped the Historic Preservation Commission would be able to weigh in on any of the proposals submitted prior to the Council voting on them. Mr. Watkins noted there could potentially be a conflict of interest, which was why this had not been sent to the Commission from the beginning. If the non-profit group was established, there might be an appearance of a potential conflict of interest. Mr. Sturtz asked if they could condition it upon them not being an applicant. Mr. Watkins replied yes.

Mr. Wade revised his motion to direct staff to begin the RFP process as outlined in the report and to consult with the Historic Preservation Commission regarding the proposals prior to providing them to Council for a vote as long as the Commission was not an applicant. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

(D) Tasers.

Mr. Watkins explained this was an informational item requested by the Council.

Mr. Skala understood some of incidents requested were confidential, so those could not be released. Chief Dresner stated that was correct. Mr. Skala understood as the information was compiled they were redacted as necessary if any personal information was involved. Chief Dresner stated that was correct. He explained the smaller of the two requests dealt with all of the incidents involving actual application of voltage to people. It did not include all incidents involving just the threat of it. There were about 69 total and 20 were held back. He noted if a person was not charged or found not guilty in court, it was a completely closed record due to the rights of that person.

(E) Private Funding for Cosmo-Bethel Winter Trout Program.

Mayor Hindman noted this report was provided for informational purposes.

(F) Demolition Fees for a Historic Preservation Fund.

Mr. Watkins explained this was a report from the Historic Preservation Commission in regard to considering fees for demolition. He noted he was not concerned with the fees, but thought the fees should come back to the Council to be appropriated. He did not think any fees should go directly to a board or commission for them to decide the use. He thought all money needed to go through the Council and City accounts.

Ms. Hoppe understood they were recommending it go into the Historic Preservation Trust versus directly to the Commission. Mr. Watkins agreed, but felt it needed to be included in the annual budget for Council to appropriate as part of the budget process. He thought the Council should decide the usage of all funds. Mr. Skala thought that made sense as they were the legislative body.

Mr. Skala asked if they were expected to make some sort of decision tonight or if this would be relegated to a work session for discussion. Mr. Watkins replied he thought they had three alternatives. They could accept the report and do nothing, they could accept the report and request it be placed on the work session list or they could ask staff to prepare legislation based on the report.

Mr. Janku suggested this be discussed at a work session. Mr. Skala agreed.

Mayor Hindman thought they might want to create a fee structure that would encourage recycling of the demolition materials versus being dumped in the landfill, but noted some demolition was done for productive purposes and the Council wanted other demolitions to occur, so they needed to take that into consideration in the fee structure as well.

Ms. Hoppe suggested they invite representatives of the Historic Preservation Commission to the work session to provide input. Mr. Watkins noted other groups might want to weigh in as well and suggested input from the Commission and these other groups be allowed at a public hearing. Mr. Skala thought they needed to work out the details at a work session prior to holding a public hearing. Mr. Wade agreed.

Mr. Janku made a motion directing staff to continue to review this issue and to put it on the work session schedule. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(G) Community Housing Options.

Mr. Watkins understood the Council had been contacted by a citizens group known as Community Housing Options and explained they were attempting to secure HUD funding to develop up to 10 units of special needs housing. They had identified ground the City owned near the corner of Oakland and Vandiver and were inquiring as to whether. The City would make it available to them as part of their application. Special needs housing was identified as a high need in the Affordable Housing report. He suggested they go through a RFP process to allow anyone who was willing to do special needs housing to make a proposal for Council to consider. If they were not inclined to provide the ground at all, they should express that.

Mr. Janku stated he did not have a problem with preparing an RFP, but before anything was introduced for formal Council action, he wanted to have a neighborhood meeting so the neighbors would know what was going on. Since it was City-owned property, he hoped staff could organize the meeting and invite this and other organizations so they were available to answer questions. Mr. Skala agreed this would be useful.

Mr. Janku made a motion directing staff to prepare a RFP and to organize a neighborhood meeting before bringing it to Council for formal action. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mr. Wade stated he was supportive of the use of surplus City land for this type of purpose.

(H) 2005 Ballot Issue Update.

Mayor Hindman noted this report was provided for informational purposes.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ed Berg, 1215 S. Fairview, stated he wanted to talk about the information provided as part of the taser report as certain items were missing. He asked that taser use forms be attached. He assumed there were more showing some supervision as to the use of the taser. He also asked for the force continuum from 2002. Pages 1 and 3 were provided, so

he thought it was accidentally omitted if double-sided. He suggested the Council review the taser regulations before reading the documents in the report as that would help determine compliance by the employee. In his review, he determined racial factors, the aggressor and whether there were any violations of the regulations. He felt they could receive documents that were confidential for research purposes or public interest as long as identifying factors were redacted.

Ms. Hoppe asked what was not in the packet that he requested. Mr. Berg replied the report sent to the supervisor to determine compliance when a person was tased. It was similar to the forms in Section 55. It was the supervisory taser use report and the compliance report.

Mr. Sturtz stated he felt the work the Parks and Recreation Department was doing with regard to Paquin was terrific as it showed what proactive collaboration could result in. He thought it was a well done report.

Mr. Sturtz understood Dr. Thompson's report had made a lot of recommendations for the Professional Standards Unit and wondered if a report could be provided from staff regarding the issue of continued service by an officer who was under internal investigation at the site they currently worked. Chief Dresner stated they could try to do that, but he did not think it was that specific. He did not believe there was a specific rule on a situation involving an alleged misconduct that would call for removal or suspension. With respect to this situation, he noted he did not put out a formal press release as to why they left him in the school until the following Thursday and it detailed the relative difficulty with taking someone out of a school setting. They had a number of things to balance, to include the incident, the perception and the relative difficulty of taking a dedicated officer out of the school and replacing him with another officer as they only had eight that were specially trained for that setting. He stated he did not believe there was anything in the report referred to by Mr. Sturtz that provided a recommendation as to what might happen to an officer between the alleged incident and the outcome of the investigation. If there was, he would be happy to provide a report.

Mr. Sturtz stated he was surprised to see the letter from Mayor Hindman to AmerenUE expressing personal support of the proposal to build the second nuclear powered unit in Calloway County. In his mind there seemed to be contradiction in expressing personal support on letterhead. He asked for clarification with regard to these types of communications on controversial issues. Mayor Hindman replied he was the elected mayor and in his capacity as the mayor, he felt it was his duty to express his personal opinion as long as he separated it from the position of the Council.

Mr. Sturtz made a motion for the Council to weigh in on this issue at a future work session. Mayor Hindman noted they could do that, but he would continue to do what he felt he could. He explained they could not silence him. Mr. Skala pointed out any Council Member could do the same thing. Mayor Hindman agreed. Mr. Sturtz understood they could use City letterhead to do personal letters of support for project they supported. Mayor

Hindman stated he thought they could as long as they made it their own. He likened it to a Congressman or Representative.

Mr. Janku noted they received requests from time to time for projects in particular wards. He commented that he questioned the boards and commissions using City letterhead for these types of items as there were perception issues.

Mr. Skala felt it was incumbent upon the person offering their opinion to ensure that was clear in the body of the document versus an official action of the City.

Ms. Hoppe asked how they had access to City letterhead. Ms. Amin explained she had letterhead at the office. Ms. Hoppe asked if it could be e-mailed to them. Ms. Amin explained it was not electronic. It was pre-printed on paper kept at the office. She explained the Council could provide her what they wanted to be placed on the letterhead and she would then print it out.

Ms. Hoppe agreed nuclear power was an issue that necessitated some community-wide discussion and the IRP did not address the pros, cons, costs, financing, etc., so she felt a work session and discussion as a community would be beneficial.

Ms. Nauser commented that she thought they had a standing rule of not getting involved in state and federal issues and felt the nuclear power plant was more a State and Calloway County issue. She understood they were consumers of electricity, but felt it was up to individual citizens versus a consensus of the Council.

Mr. Janku stated if they were entering into a contract with AmerenUE to purchase power, it would be discussed. Ms. Hoppe noted the letter indicated the Mayor's support was contingent upon AmerenUE supplying power to the City, which implied the City was interested in purchasing power.

Mr. Sturtz understood there was a timeliness issue in that the legislature would be discussing the rules with regard to not being able to bill rate payers for construction costs until they were supplying power. Mr. Skala noted the argument could be made that it impacted the City due to the economic development involved in the possibility of a large construction project. He thought a work session was necessary to talk about these issues. He understood the Chamber of Commerce had taken up this issue with a presentation by AmerenUE. He thought that would benefit the Council as well.

Mr. Wade commented that it would be a unique contract with AmerenUE if they could obtain power from them while telling them how they could provide it. The contract with AmerenUE would involve buying the electricity. It would be AmerenUE's decision regarding where that electricity would come from. Mr. Janku thought one of the contracts between the City and AmerenUE indicated they were getting power from a coal plant versus the power plant.

Mr. Sturtz made a motion directing staff to put this issue of the proposed second nuclear power plant in Calloway County on the work session list for discussion within the next few months because it had local relevance. Although it was the Mayor's intent to express his personal support, he thought it could be construed as a City endorsement. As a result, he felt it should be debated in some fashion.

Mr. Skala thought they could invite a representative of AmerenUE to the work session. The motion made by Mr. Sturtz was seconded by Ms. Hoppe.

Mr. Wade felt that was a different issue than the issue of the perception of speaking on behalf of the City. Mr. Sturtz understood and thought it had been clarified that any member of Council could write a personal letter on letterhead. Mayor Hindman did not think they could pass anything that said they could not.

The motion made by Mr. Sturtz and seconded by Ms. Hoppe was approved by voice vote with Mr. Janku, Ms. Nauser and Mayor Hindman voting no.

Mr. Janku commented that they had a lot of fee increases as part of the Parks and Recreation budget, but one thing that was not included was shelter fees. He wanted an evaluation of those fees because there were on-going costs associated with shelters. He noted there were other programs where they set aside a portion of the fees for maintenance and capital replacement and wanted staff to look into doing the same with shelters. Mr. Watkins stated that was scheduled for the December 8 work session.

Mr. Janku commented that when Blue Ridge was built, trees were not included as part of the project and he was not certain why that was the case. In addition, when the project was closed out, over \$200,000 was returned. He thought they should complete the street, which would include the trees.

Mr. Janku made a motion directing staff to provide a report regarding the placement of trees on Blue Ridge. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman suggested a two second delay from the time intersection lights changed from red to green for easier clearance.

Mayor Hindman made a motion directing staff to provide a report regarding the feasibility of building a two second delay into the timing of the stoplights at intersections.

Mr. Skala understood some communities had instituted a countdown timer on the yellow light and suggested information regarding that be included in the report. Mayor Hindman stated he would include that in his motion and noted some of the newer intersections in China had countdown timers on all of the lights. He understood there were pros and cons to it.

The motion made by Mayor Hindman directing staff to provide a report regarding the feasibility of building a two second delay into the timing of stoplights at intersections and countdown timers on yellow lights was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Skala understood a sidewalk was scheduled for East Walnut and asked about its status. Mr. Watkins replied he would provide that information to Mr. Skala.

Mr. Janku asked if they had looked into doing it on the south side due to the Boone Hospital property as opposed to the other side. Mr. Skala recalled discussion and controversy surrounding that. He was not sure how it was resolved.

Mr. Skala stated he was not prepared to unilaterally disarm the police with regard to tasers and wanted to focus any improvements on policy and training. He noted there were several suggestions early on in the conversation. One was the release of materials, which

had occurred, and he was satisfied with the answer that some of the records had been closed. Another was the issue of cooperation between the Columbia Police Department in their training protocols and programs and the mental health assets of the University and hospital community because there seemed to be a large number of incidents involving mental health issues. He saw it as a way for the City to communicate with the public, which might solve some problems. He understood there would be a regular monthly download of taser information rather than the occasional and uncertain download of information, and felt that was important, especially if there had been a deployment. He felt discussion in the community involved multiple tasings and the drive stun technique. He understood the Police Department policy had to be sufficiently vague to allow officers to make decisions based on the facts on the ground, but thought minimizing multiple tasings was an area they needed to explore. With regard to the drive stun technique, he felt it was clear there were punitive intentions. Abuse tended to involve multiple tasing or the drive stun technique and he thought focusing on those ideas was important. The one thing he missed in the training session he participated in, which he felt was particularly good in the informational sessions, was the decision-tree in a particular circumstance. He stated the training session was very technical and felt the decision-tree should have been stressed. He thought it would have been beneficial to reinforce decision making. In addition, he understood a taser would conduct electricity as long as the trigger was pulled. He thought it would be more appropriate to require that decision to be made every five seconds in cases of multiple tasings, and recommended they forward that suggestion to the manufacturer. He noted he was expecting a report at some point that would consider the items emphasized and suggested. He appreciated the fact the Police Department was taking on the issue of accreditation as it was an important component of where they needed to be. He thought they could improve the relationship between the Police Department and community by just going a little further down this road.

Chief Dresner noted the Crisis Intervention Team, with regard to mental illness, was going forward. They were approved for the grant and were sending people to training to begin the process of forming that team. He pointed out that issue was larger than tasers. It involved how they interacted with the mentally ill across the board. With regard to the comments made by Mr. Magruder earlier in the evening, he noted Mr. Magruder was passionate about Diamond Thrower, was a reasonable person and was very angry with the Police Department, so he was not sure there was much they could do that would satisfy him at any level. He commented that some of the things said were inaccurate. With regard to Mr. Watkins not knowing about the situation until Friday, Chief Dresner stated he had been out of the office, so he had not known about it either. He agreed there was miscommunication, but noted they never said Officer Brotemarkle would not go back to the school at that meeting. In addition, they had really wrestled with that decision. He stated he did not know anything about the automated message that went out on Saturday, so he spoke with the Hickman High School Principal earlier in the evening and was told one went out on Friday indicating there was an incident at Hickman and that they did not know if the officer would be back or not. Mr. Magruder made it seem as though they had been sitting in a meeting on Monday knowing Officer Brotemarkle was at Hickman and deceiving them by saying he was not being put back

there, which was not true. He reiterated he did think Mr. Magruder would be happy with them regardless of the result of the situation, but did not want to see the strides made in transparency lost by this situation. In addition, Mr. Magruder tied this in with the idea of a citizens review board. He noted they would welcome a citizens review board depending on the power it would be provided. He thought a situation where the board overruled the decision of a police chief with regard to how he administered the punishment or non-punishment based solely on the emotion of an event was a recipe for disaster and hoped the Council would consider that. He reiterated the Police Department wanted a citizens review board because they ran up against the sunshine law and privacy concerns causing them not to be able to provide detailed information. He thought the board would be able to assist.

Mr. Skala noted the coffee shop he had been holding his office hours at had gone out of business, so he was moving his office hours to the Cherry Street Artisan on the Saturdays before Council meetings from 8:30 – 10:30 a.m.

Mr. Wade explained yard waste bags came up during the last office hours he held and those involved in the discussion indicated that the people that picked up the bags would sometimes throw the whole bag in the truck and would other times dump the bag and put the bag in the side of the truck. He wondered if there was any reason those bags could not be recycled by being left at the side of the yard if not tied up.

Mr. Janku thought they were getting rid of yard waste bags. Mr. Watkins stated they were and thought it would be done sometime this winter. Mr. Wade asked if all of the yard waste would be going into the landfill. Mr. Watkins replied yes. Mr. Wade understood bags would still be placed in the landfill. Mr. Watkins stated yes, but noted they would be black bags, green bags or normal bags. Mr. Wade understood there was no value to thinking about how they recycled yard waste due to the change.

Mr. Wade asked if there was any reason they could not move all of the agenda items where they conducted active business up to the beginning of the meeting. He explained he was thinking they should move new business so it was handled immediately after old business. Mr. Boeckmann replied the order of the agenda was in Chapter 2 of the Code of Ordinances and the Council could amend it.

Mr. Janku suggested they discuss it at a work session as he had ideas involving the scheduled public comment as well.

Mr. Wade made a motion directing staff to add ways to improve the agenda and the flow of Council meetings to the work session list. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Wade thanked the Public Works Department for the speed table on Rainbow Trout as it was working.

Ms. Hoppe asked if the Professional Standards Unit would develop criteria for when an officer would be left in normal duty or removed due to an investigation. Chief Dresner replied it was not on the table at this time. At this time, an officer involved in a shooting was removed from the streets if there was an allegation of misconduct. The difficulty was

identifying and outlining all of the different scenarios. Ms. Hoppe asked if other communities had general criteria involving this. Chief Dresner replied he did not know. He thought it was generally outlined with respect to criminal allegations. This particular situation was complicated by the fact it was not another street officer on duty who could be replaced by someone else. There were only eight school resource officers and all were working in their own schools. He stated he would provide additional information that would address her question definitively versus speculating.

Ms. Hoppe understood one of the questions on a form in the taser report asked if the taser was effective, but noted she did not see anything asking if protocol was followed. Chief Dresner asked if she was referring to the form provided by TASER that they adapted. Ms. Hoppe replied it was a form in the report. Chief Dresner explained the determination of whether the use of it was proper and protocol was followed would not be contained on that form. It would be contained in the internal investigation that came afterward, which was generally done by the supervisor, and would be in the narrative of the internal system. Ms. Hoppe understood the officer would not indicate whether the procedures were followed. Chief Dresner stated an officer could not determine whether his own use was proper or not. That was the supervisor's responsibility. Ms. Hoppe asked if the officer would indicate whether he gave a warning. Chief Dresner replied that would be contained within the narrative of the police report.

Ms. Hoppe commented that with regard to the discussion of the emergency phones at Stephens Lake Park, they had decided to install signs versus installing another emergency phone. She noted there was only one sign on the gate going into the beach area, but the discussion involved other signs as well. She asked when and if the other signs would be installed. Mr. Watkins replied he would check and provide a status report.

Ms. Hoppe stated B323-08 involved the rezoning and annexation of property off of I-70, but did not include a good topographical map of the area, so they could see the elevations. She thought those should be provided for all rezonings and noted they used to receive them more regularly. In addition, now that they had the GIS system, she wondered if it was possible to have view of the area from that system. Mr. Watkins replied he needed to check.

Ms. Hoppe stated they dealt with the issue of residential parking with regard to the Grasslands and discussed staff providing options. She wanted to ensure staff would look into parking restrictions of 24 hours and less, such as 8:00 a.m. to 5:00 p.m., etc.

Ms. Hoppe made a motion directing staff to look into parking restrictions of certain time frames, such as 24 hours or 8:00 a.m. to 5:00 p.m., for residential areas. The motion was seconded by Ms. Nauser.

Mayor Hindman asked if this was something more than what had been asked for at the previous meeting. Mr. Wade thought this had been included in the previous motion. Ms. Hoppe did not recall there being any detail.

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

Mr. Skala noted Clark Lane was now open and wanted everyone to know it was open.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Sheela Amin

City Clerk