

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
NOVEMBER 6, 2006

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, November 6, 2006, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS and NAUSER were present. Council member CRAYTON was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the special meeting of October 9, 2006 and the regular meeting of October 16, 2006 were approved unanimously by voice vote on a motion by Mr. Janku and a second by Ms. Hoppe.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman noted B432-06 would be moved from the Consent Agenda to Old Business. The agenda, including the Consent Agenda with the adjustment involving B432-06, was approved unanimously by voice vote on a motion by Mr. Loveless and a second by Ms. Hoppe.

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

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

The bill was read by the Clerk.

Mayor Hindman explained staff was requesting this item be tabled.

Mr. Hutton made the motion to table B386-06 to the December 4, 2006 Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B434-06 Authorizing construction of Cell #4 at the Columbia Sanitary Landfill; calling for bids through the purchasing division.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize the advertisement for bids through the Purchasing Department for the construction of Sanitary Landfill Cell #4. The estimated cost

was \$2.5 million. He noted this was important to the City because it involved new technology and staff believed it was a best management practice for landfills. He commented that he thought this was similar to the wetlands where many people were skeptical it would work because the technology had not been tried in Missouri, but now knew it worked very well.

Mr. Glascock noted cells 4, 5 and 6 were currently permitted as a conventional landfill, however, they wanted to do the bioreactor. He explained the filling operation began in 1986 as a dry landfill and currently, the City had 107 acres permitted as a landfill. He showed the location of Cell #4 on the overhead and noted they would be coming back with Cell #5 and #6 if DNR allowed them to continue. He explained a bioreactor was a controlled landfill where liquid was added to the material to generate gas, which was actively managed to accelerate and enhance the stabilization of the landfill. He noted the bioreactor landfill would increase decomposition and allow them to make better use of the air space in the landfill. It also provided a lower waste toxicity and reduced the post closure cost. He explained with the conventional landfill design, they started with a bottom layer, which was the leachate collection system and what they were asking to get started with on Cell #4. With the conventional landfill, they had trash above that layer, which they tried to cap off and keep water out. If water got in, it became very strong and had a lot of material in it. With a bioreactor or wet cell, they continually recirculated the water it to try to get everything decomposed. They also installed vertical and horizontal water injection and gas extraction pipes. He pointed out the objective was to degrade and stabilize the waste as rapidly as possible. He showed a graph comparing a bioreactor to a traditional landfill and stated the methane, which was produced and reduced rapidly, allowed the City's liability to go down in environmental terms. Bioreactors took 5-10 years to stabilize, while regular dry tombs took 30-100 years. He noted they had the potential to add 10,000 tons of yard waste to the bioreactor, which would generate additional methane gas. He pointed out they had not yet asked DNR for permission, but would meet with them in the near future. He explained the disadvantages to a bioreactor were higher construction and operating costs, a greater chance of fires since they were generating gas at a higher and faster rate and the potential for instability in the landfill, which would be managed better as water was added. The advantages included providing the landfill an additional five years of life, the production of more landfill gas, the reduction of long term environmental risks and not having a projected net increase in the cost per ton at the landfill.

Mayor Hindman asked what the five year longer life meant. Mr. Glascock replied they could continue adding material to it. With a dry tomb, it did not settle as much. By adding water, it compacted at a faster rate and the landfill continually packed down onto itself. Mayor Hindman asked if that was true even when adding the biomass. Mr. Glascock replied yes and noted it also happened with a dry tomb, but took a longer time to see. Mr. Janku understood the five years applied to all of the cells. Mr. Glascock replied it would apply to Cell #4, #5 and #6. Mr. Janku asked what the total life of the landfill would be prior to this. Mr. Glascock replied the permitted area included another 17 years, but the City had more land that was not currently permitted. Mr. Janku asked if this would take it from 17 to 22. Mr. Glascock replied yes.

Mr. Janku understood he mentioned 10,000 tons of yard waste and asked if that was 100 percent of the City's annual yard waste. Mr. Glascock replied the potential was about 100 percent of yard waste, but noted it did not count anything else. It did not include wood chips, casings from Kraft or other similar items that would decompose in the compost area. He pointed out they would continue to do composting. There was just a lot of material out there that was not being used.

Mayor Hindman asked if it would take a lot of water. Mr. Glascock replied they anticipated using about 40,000 gallons. He noted there was a lake out there, which they planned to use. In addition, there was industry that wanted to give them water at one of the sites. Mr. Loveless explained for comparison purposes, the City had twelve wells in the McBaine bottoms to boost drinking water and each one produced about two million gallons per day, so 40,000 gallons was not an appreciable amount.

Mayor Hindman opened the public hearing

Norman Lenhardt, 1118 St. Christopher, stated he understood the City was taking some of the brush piles out at Capen Park to use in the wet system and noted five carbon sugars were in the wooded tissue. They did not break down very well in normal systems and needed a special enzyme. He recommended someone looking into that issue if they had not done so already. He also thought they could use the woodchips for direct energy gain for fuel for the new power plant instead of going through this long process. He noted there was a tremendous amount of energy out there, which made the same amount of carbon dioxide as burning.

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

Mr. Janku clarified, at this point, they were not including yard waste. It would only involve traditional materials until they had permission from DNR. Mr. Watkins explained all they were asking for tonight was permission to bid the bottom layer and noted there was not much difference in the bottom layer of the dry tomb technology and the bioreactor. They understood it was illegal to put yard waste in the landfill, but thought with some education, they could convince DNR that a certain amount made sense. He reiterated that they would continue to compost. They eventually wanted to eliminate the need for the second pickup of yard waste bags with grass clippings and leaves.

The vote on B434-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B435-06 Authorizing construction of water main serving Bristol Lake Subdivision (southeastern tract); providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was the standard water main differential cost provision, whereby the developer was responsible for a certain size water main to serve the development, but the City's Master Plan called for a larger main due to future development in the area or a need to interconnect this area with another. The developer would put in the larger main and the City would pay for the difference in cost. Staff felt this was a win/win

situation. In this case, the developer would put in a 12-inch main instead of an 8-inch main and the differential cost to the City was approximately \$12,500.

Ms. Hoppe understood the carrying capacity of water would be at least 2 – 2 ½ times more with the 12-inch rather than the 8-inch and asked what area this additional water would serve. Mr. Dasho replied this development was located by Bristol Lake, which was off of Gans Road and 63, and would be served appropriately with an 8-inch line. In their review, staff saw future commercial development coming into the area and wanted a 12-inch main since this would serve as a connection loop when and if the area was developed. Ms. Hoppe asked if the future commercial development was south and west of this area or south and east of the area. Mr. Dasho replied it was south and east and toward Highway 63. Ms. Hoppe asked if it was part of the Philips tract development. Mr. Dasho replied yes. Ms. Hoppe asked if it was also east of Highway 63. Mr. Dasho replied it was not east of Highway 63, but north and east of Gans Road.

Mayor Hindman opened the public hearing

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

The vote on B435-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B436-06 Authorizing construction of water main serving R.T.W. Addition Subdivision; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a standard differential cost water main project where the developer was required to provide a 6-inch line and staff was asking for an 8-inch line. This was located in northeast Columbia, off of Ballenger Lane and the approximate City cost was \$6,500.

Mayor Hindman opened the public hearing

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

The vote on B436-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B437-06 Authorizing construction of water main serving Phoenix View PUD; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a differential water main project where staff was requesting an 8-inch line over a 6-inch line in north Columbia. This was outside of the City limits, but within the City's service territory near Clearview Subdivision. The cost of the differential was about \$1,300.

Mayor Hindman opened the public hearing

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

The vote on B437-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

OLD BUSINESS

B428-06 Approving The Vistas at Old Hawthorne PUD development plan located generally north of State Route WW and east of Cedar Grove Boulevard.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would approve a PUD development plan north of WW and east of Cedar Grove Boulevard. The proposed plan would allow the construction of 100 single-family attached dwelling units. The Planning & Zoning Commission recommended approval.

Mayor Hindman noted a statement was made indicating this portion of the City was in need of additional neighborhood parkland according to the Parks & Recreation Master Plan and asked if there had been any consideration in regard to that issue. Mr. Teddy replied that since Old Hawthorne was a golf course community, some consideration was given for its private recreational amenities. As a result, staff did not request additional parkland within this development. Mr. Janku understood there would be a park on the south side. Mayor Hindman thought they might have taken that into consideration. Mr. Janku understood something was needed on the north side.

The vote on B428-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B429-06 Approving the Final Plat of Park View Cottages Plat 1 located on the west side of Parker Street, north of Northland Drive; authorizing a performance contract; granting variances to the Subdivision Regulations.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was a final plat for approximately 1.63 acres of infill development in north Columbia, near Oakland Park. It would create eight R-1 zoned lots along an existing improved street. The Planning & Zoning Commission recommended approval of the plat.

Mr. Teddy explained the two variances were technical in nature. Although the plat did not comply with the very letter of the ordinance, it did meet the intent in staff's opinion. He noted this was a minor subdivision in the sense that Parker Street was fully improved with curb and gutter and sidewalks. Five lots was the cut off for the distinction between minor and major subdivisions, so they felt it was a reasonable variance considering the condition of Parker. In addition, Parker Street was no longer a through roadway because it ended at Oakland Park, where there was a pedestrian connector. It was, however, listed in the Subdivision Regulations as one of the roadways that a new subdivision could not take direct access. Staff felt it was reasonable since the street ended north of this point.

The vote on B429-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B432-06 Approving the Final Plat of Auburn Hills Plat 14, a Replat of Lot 801 of Auburn Hills Plat 8 located on the south side of Brown School Road, between Derby Ridge Drive and Edenton Boulevard.

The bill was given second reading by the Clerk.

Mr. Watkins explained this item had been on the Consent Agenda, but was removed due to a date change on the plat. The date should have been October 6, 2006 and because the date in the agenda material was October 2, 2006, an amendment needed to be made.

Mr. Hutton made the motion to amend B432-06 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The vote on B432-06, as amended, was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B438-06 Authorizing a wind generation energy purchase and transmission service agreement with Associated Electric Cooperative, Inc.

The bill was given second reading by the Clerk.

Mr. Watkins explained that in November 2004, the City voters passed an ordinance requiring the City purchase certain levels of renewable energy beginning with two percent of energy requirements for 2008. The Water and Light Department had worked closely with Associated Electric Cooperatives, Inc., which was the generation parent for the rural electrical cooperatives in Missouri, to purchase wind energy from a new wind farm in northwest Missouri. This agreement would provide about 6.3 megawatts of total capacity, but due to the federal requirements regarding wind, the City was only allowed to obtain 20 percent. The City expected to get about 22,000 megawatt hours out of the wind farm. He noted Columbia would be the first municipal in Missouri to receive wind energy.

Mr. Janku understood this not only included the generation, but also the actual transmission, so that problem was solved with this agreement. Mr. Dasho replied that was correct and noted the system was built on Associated's transmission lines to which the City was directly attached.

Judy Johnson, 1516 McKee Street, asked if the wind in the area was sufficient to produce constant wind power. Mr. Dasho replied Associated investigated the wind regime and found that the northwest part of the State was one of the best areas in Missouri for locating a wind farm. They also believed it would be economical. Mr. Hutton pointed out the City was only counting on 20 percent because the wind did not blow all of the time. Mr. Watkins noted the wind farm was not going to be located near Columbia and people would not see wind generators in their back yards.

Ms. Hoppe thanked staff for making sure the City was part of this and thanked the voters for passing the renewable energy ballot several years ago.

The vote on B438-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B441-06 Amending Chapter 16 of the City Code to add new provisions on nuisance parties.

The bill was given second reading by the Clerk.

Steve Reichlin, with offices at 601 W. Nifong, Suite 1F, explained community members had been interested in this matter for several years per the material they reviewed. He felt this issue was based on the types of behavior that would be tolerated by the community and the people that should be held accountable. He noted the Nuisance Party and Property Task Force was provided with staff generated ordinances, which they tailored to meet the concerns presented by the public and Task Force members. They met with staff representatives from the Health Department, Law Enforcement and Protective Inspection. They also met with members of the community from organizations such as the Apartment Owners Association, the University of Missouri's Student Body Government, community activists and concerned citizens. He noted they reviewed ordinances from other municipalities, such as Portland, Oregon and Gainesville, Florida. He explained they spent several meetings reviewing and refining the ordinance hoping to address interested parties' concerns with mixed degrees of success and the documents in front of the Council were a culmination of their efforts.

Ms. Hoppe asked why they chose ten people for a nuisance party. Mr. Boeckmann replied it was chosen for no particular reason. They felt it was necessary to define it in some manner and ten seemed to be a reasonable number. He noted it could be higher or lower. Mr. Reichlin explained it created a threshold since they had to start somewhere.

Steve Scott, 201 Westwood Avenue, stated he was speaking on behalf of the Columbia Apartment Association and that although some individual members of the Association might feel differently, the official position of the Association was not to oppose the outright passage of this ordinance, but to ask Council to consider making some changes, which they did not believe would significantly weaken the enforcement tools available to the City. He noted they were not unsympathetic with the problems nuisance parties caused in the neighborhoods where they occurred. He referred to the minority report, which he helped prepare and asked the Council to recall those details and points. The first change they wanted was to delay the effective date of Section 16-304 to August 15, 2007 to better coincide with the next leasing season. This would allow landlords the opportunity to revise leases to address issues raised by the ordinance, such as clarifying they could evict tenants who caused nuisance party problems without terminating the tenants' liability to pay rent. Due to the difficulty of leasing property in the middle of a school year, landlords stood to lose a substantial amount of rent income without this. The second change being requested was to require the parties in question to involve at least one tenant in common before sanctions were sought against a landlord based on multiple nuisance parties. He understood that provision was in an earlier draft of the ordinance, but had been deleted because the Task Force felt a landlord that consistently rented to problem tenants should be held responsible for problems caused in the neighborhood. As the ordinance was now written, it was entirely possible for sanctions to be taken against landlords based on entirely different sets of tenants. They believed the Task Force was too optimistic in the ability of landlords to predict which tenants would cause nuisance party problems. If, however, a landlord left one problem tenant in place over multiple leasing periods, he felt it would then be more reasonable to impose sanctions upon that landlord. The third change they were requesting involved the proposed new offense for failure to prevent a third nuisance party. Even if landlords thoroughly investigated the background of prospective tenants, they could not guarantee they

would not end up leasing to tenants that would misbehave. He pointed out landlords had a limited amount of control over tenants and as a result, they believed to hold a landlord criminally responsible for the actions of tenants violated basic tenets of criminal law. He noted one of the basic tenets of criminal law violated by the proposal was the rule of law that a person could not be guilty of an offense unless guilt was based on a voluntary act, which in the case of an omission must be an omission that the person who was charged was physically capable of carrying out. For many reasons, a landlord was not capable of preventing tenants from holding a third nuisance party. He understood Mr. Boeckmann felt that since the principle just mentioned was contained in a different portion of Chapter 16, it did not apply. He disagreed and believed that because it was such a fundamental tenet of criminal law, it had to apply to new crimes created anywhere in the ordinances. He understood the offense was added because the Task Force wanted a less harsh remedy and that Mr. Boeckmann indicated that if the landlords preferred facing a revocation proceeding rather than a court fine, the Council could consider that. Mr. Scott noted the Columbia Apartment Association and other landlords with whom he had discussed this matter did not see this proposed offense and possible fine as a desirable or less severe sanction. He asked the Council to remove the offense from the ordinance.

Mayor Hindman understood an affirmative defense to a revocation proceeding was if the landlord was evicting or attempting to evict the tenants responsible. Mr. Scott explained that with the way the ordinance was written, the affirmative defense that the landlord had evicted or was diligently seeking to evict the tenants was a defense, not only to the administrative revocation procedure, but also to the Municipal Court charge. Mayor Hindman understood the landlord would only have to show he was evicting or attempting to evict the tenant responsible to prevent the third nuisance party and asked if that was correct. Mr. Scott replied it was.

Ms. Hoppe asked if he was suggesting they would be okay with the fine, but not the jail time. Mr. Scott replied the landlords he had spoken with would prefer not to have the possibility of the stigma involved with having a charge brought against them in Municipal Court. They were agreeable to dealing with the administrative revocation procedure if necessary.

Ben Orzeske, 507 High Street, stated he was the Vice Chair of the East Campus Neighborhood Association and a Task Force member and noted he was proud of the process the Task Force came up with to develop these ordinances because he believed they were extensive and logical. They heard from City staff as to why the current ordinances were not doing the job, listened to input from everyone they could think of that would have input on the subject and negotiated and arrived at a consensus to submit the draft ordinances unanimously for final consideration. After the final meeting, one member of the Task Force decided to file a minority report. He pointed out that everyone who served on the Task Force compromised and gave up a little bit of something they did not want to give up. In addition, each one of them could have found like-minded neighbors and filed a minority report, but chose to respect the process. He commented that he was personally offended by the minority report due to the many meetings and negotiations they had gone through. He stated he believed this ordinance would do the job they expected it to do. He noted they reviewed

an ordinance from Iowa City and the ordinances submitted were similar in the level of fines and the three step process. In speaking with Iowa City's Police Department, he understood the ordinance was enacted in early 2003 and during that time they held 33 compliance hearings. Only one of those went on to a revocation hearing where the landlord was potentially in danger of losing his license, but did not since the issue was resolved. The officer he spoke with stated they had a marked decrease in the number of nuisance complaints over time. They felt the ordinance was doing an effective job of deterring the nuisance crimes that were occurring and consequently freeing them to work on more important things.

Mayor Hindman understood one of the requests made was to change the effective date to August 15, 2007 and asked for his thoughts. Mr. Orzeske replied that from his perspective, he felt the sooner it was effective, the better it would be. He understood there was a recommendation that step three, where the rental certificate could be revoked, would not be implemented until some time next summer. Mr. Boeckmann clarified the ordinance would take effect immediately, except for the revocation provisions, which would take effect on July 1, 2007 per the draft ordinance. Mr. Orzeske stated for the revocation procedure either date was fine with him.

Davie Holt, 459 Foxfire, stated he agreed that tonight's legislation was about public behavior and what the City would tolerate, but he disagreed with the approach. He noted one of the reasons the Missouri Students Association opposed this legislation was not due to the intent, but due to the possible implications. They believed the ordinance contained a very arbitrary definition of a nuisance party. They also felt there were issues with the eleven circumstances in which a nuisance party could be defined, which took the definition too far. They did not believe a party involved ten people at a residence with a parking violation or noise violation. Those were mistakes and problems, but not nuisance parties. He noted the 50 foot noise law passed last year was also an arbitrary decision. It gave too much discretion to the police in deciding the 50 feet and was in direct contradiction to the Fourth and Fourteenth Amendments to the Constitution and substantive due process. He commented that this did not account for turnover tenants because there could potentially be a situation where within two different lease cycles, a landlord could be held responsible for two different tenants living in their property within twelve months. He also believed the compliance meetings went too far. He noted there were ways to combat the problems identified by the Task Force, but this was not the way.

Kate Akers, 1411 Anthony Street, stated she wrote and distributed a letter dated April 23, 2006 outlining details of a particularly out of control party on her street which resulted in several arrests. She expressed her frustration in that it took more than four hours for officers to respond and in the increased magnitude and frequency of large noisy parties like this since the dry campus rule was instituted. In early September, there was another party at the same house with the same tenants. It was again a large, loud and out of control party. Officers were not able to respond until after 1:00 a.m. when the noise had subsided. At that point, the responding officer stated there was not much he could do except to disband the party. He explained an upcoming ordinance would provide them with more tools to better handle large parties like that. She stated she and her husband felt this ordinance would provide officers

with enforcement tools to help effectively quell disturbances and prevent wasted or repeated trips to the same party when noise abated before they could get there. She noted she would define a nuisance party as similar to what she described in her letter. It was not just a party with a few people getting together with some loud music. There were hundreds of people and they were serving and selling alcohol. She felt this ordinance would be a deterrent to large outdoor keg parties that were widely publicized and attended by scores of students. It was especially true if the landlords would write stronger provisions in their leases and educate their tenants about the ordinance. She explained they had lived on Anthony Street between College Avenue and Williams since July of 1996 and this three block section of their neighborhood included four families with small children, three households of senior citizens and several households of single and married professionals. The rest of their neighbors were college students. She noted there were about 45 rental units in the three block area. This ordinance was a way of articulating civil code of neighborliness that in most neighborhoods would not be necessary. In the last ten years, they had seen clear patterns and in any given academic year, they knew by the end of September which houses were likely to be a problem all year. She stated this was why the chronic nuisance part of this ordinance was especially important. East Campus had a great diversity of age and ethnicity and was a good place to live, however, those with children and those that had to work early in the morning craved a little respect for social standards of neighborliness. Noisy, messy parties with crowds of people roaming the streets and yelling profanities at all hours was not acceptable. She asked the Council to pass this ordinance giving the police, landlords and residents of party prone neighborhoods the additional tools needed to raise the bar for community standards.

Ms. Hoppe asked if she felt it would be a problem to change the ordinance from ten to fifteen people. Ms. Akers replied she did not believe that would be a problem because the parties that were the real problem were the ones with so many people one could not even count them. She noted the party she was frustrated with in April was uncontrolled and that was the problem. Ms. Hoppe asked if a party occurred there afterward. Ms. Akers replied yes and commented it was in September and involved the same tenants.

Judy Johnson, 1516 McKee Street, stated there was an incident in her area where a neighbor went to an elderly lady's home to tell her they would be having a party and that they might get loud, but to not worry about it. She did not believe there were ten people involved in that party and commented that the number might be high. One could have a loud party with it being a nuisance with less than ten people.

Phil Nickerson stated he and his wife owned Philban Investments, LLC and noted this small company primarily consisted of 53 rental units in the north part of Columbia. They had been in business since 1983 and this was their main source of income. He commented that the buildings they had purchased over the years were ones that needed to be rehabilitated and updated. They did not use any urban renewal or TIF funds. They used their own money and the units were not used as tax write-off for other income. He noted he was a prior member of the Task Force and thought the other members would agree that he made several attempts to change the language. He stated some were addressed and agreed that negotiations did take place. He noted, however, there were certain areas they felt they could not reasonably live with and stated he made it clear at the last meeting that they would not

support the ordinance as it was written. In the operation of his business, they used all reasonable screening procedures, such as checking credit, residential history, employment history and criminal background information. He commented that they worked closely with the Police Department and community action teams. Although they made every diligent effort to check the backgrounds of all tenants, they still got a bad one or had someone turn bad. He stated they strongly discouraged parties, noise violations, drug activity, unlicensed vehicles and any kind of criminal activity or behavior. He noted they could and did evict for any type of illegal behavior. The current wording of the ordinance could subject him to fines, imprisonment and loss of a certificate of compliance without a tenant ever being convicted of anything and he felt this was unfair. This ordinance, in its current form, would make owners responsible and liable for tenant's actions or misbehaviors over which they had little day to day control. The perpetrator of the incidents would suffer no real hardship or monetary loss due to their actions. They could walk away, move or leave town. The owners, however, could not do that because they had too much invested to walk away.

Mr. Hutton asked if he had seen Mr. Boeckmann's response to his opinion report. Mr. Nickerson replied he had. Mr. Hutton stated he thought most of his responses were potentially sufficient and asked if there were any responses to which he disagreed. Mr. Nickerson replied yes and noted it involved the issues of being charged and not convicted and removing the same tenant being involved in subsequent parties because it left the landlords with the possibility of penalties due to entirely different sets of tenants.

Bonnie Bourne, 1503 University Avenue, stated she and her husband had lived in East Campus for 25 years and they loved living there because they could walk to downtown and to the University and because they were within bicycling distance of frequently visited places. It was a beautiful neighborhood and was diverse. She did not believe this ordinance was related to groups of people or aimed at students or landlords as a body. It was aimed at behavior. She felt that when they all lived together in close quarters, they needed rules to allow them to have a good quality of life. She noted one of the parties Ms. Akers described was a block away and still woke them up. She did not feel that was acceptable behavior regardless of where one lived. She believed this ordinance could make a better neighborhood for all that lived there. She felt the proposed revisions would get the few properties with problems into compliance with existing laws. She noted the noise parties also put an extra strain on City services because it affected Public Works with trash, Police and Fire. She thought everyone should be able to enjoy a good night's sleep and have the quality of life desired and stated she was in favor of the ordinance.

Ms. Hoppe asked if it was changed from ten to fifteen people if that would address the major problems. Ms. Bourne replied for her it was not a matter of how many people there were, but how loud the party was. Ms. Hoppe asked if it was a larger number in her experience. Ms. Bourne replied the larger parties were almost certain to have too much noise, but occasionally there were small parties that were very noisy.

Michael Goldschmidt, 507 E. High Street, Apt. C, stated Mr. Orzeske was his landlord and in the past, he was also a tenant of Delton Jacobs, who was also in attendance. The police never had to be called out for a party he held. He commented that the ordinance, as written and submitted, was very good. He understood that before the third offense, the

tenants, landlord and police were required to attend a hearing. He noted his job at University Extension involved a program called Rent Smart, which taught tenants to be good tenants and landlords to be good landlords. Communication was important and part of this ordinance solved the problem. He noted there was discussion about tenants changing, but pointed out that in East Campus, some of the houses with the problems were the same year after year. Without the part in regard to the third offense, it would start over every time there was a new tenant and those houses would perpetually be problematic. He noted he had been woken up at 3:00 a.m. due to noise at 85 decibels from three houses away. He commented that it was a problem in many neighborhoods.

T.J. McKenna, 1910 Juniper Circle, stated he was a student at the University of Missouri and was against the passage of the nuisance party ordinance. He did not believe the ordinance was fair to college students or others that wanted to socialize with each other on the weekends. He felt they were a huge source of income and this would affect them in a negative way. He agreed the parties could get loud, but noted this was a college town. He did not think they should be fined for having social gatherings. He could not believe this was being discussed. He felt the Council was taking away their freedom to choose what they wanted to do with their free time with this and the smoking ordinance. He noted they were paying for where they lived and did think they should be fined. He was uncertain of the benefits and asked the Council to consider the students.

Steve Labac, 607 S. Fourth Street, stated he was a student at the University of Missouri and noted the previous speaker embodied a lot of the potential concepts students would feel with the passage of the bill. They would feel as though it was an attack on their way of life. He commented that he believed in the spirit of the bill and agreed that some students caused problems as far as noise and other issues, but was concerned with the penalties for having a party. He thought the number ten was ambiguous. He understood ten people at a gathering could cause a social disturbance, but wanted to see more research done as to why that was the minimum number chosen. As a resident in Columbia, he sometimes had 10 guests over where they drank and watched a sporting event. He had a no parking zone in front of his house and if one of his guests parked there, he could then be subjected to a minimum \$500 fine or three months in jail. He thought that was outlandish. He was also concerned that the landlord was being brought into it. He felt the proposed ordinance was too strict. It gave police the ultimate power to do whatever they wanted when they saw any type of party and it allowed students to be attacked at any moment.

Mr. Boeckmann clarified the parking violations referred to in the ordinance were ones that obstructed the free flow of traffic. Parking in a no parking zone was not one of the offenses.

Delton Jacobs, 3800 Daylily Court, stated his main concerns fell within the administration of the ordinance. He did not believe there was any question about the intent because they all wanted peaceful cohabitation. He wondered if the landlord was the property manager, the property owner or the holder of the certificate of compliance. He thought a more detailed definition was needed because the City would be enjoining them with a charge covered by other ordinances of which there must be a violation before this would come into play. He noted he had a problem with that. He stated he was most concerned that the City

was venturing into landlord-tenant law, which was very well defined statutorily and in case law. Now the City was bringing a landlord into something that was a compliance issue with existing ordinances. He stated he wished the ordinance well regardless of whether it passed or failed, but felt there would be difficulty in how it was administered.

John Clark, 403 N. Ninth Street, stated he felt the City had a real predilection for punishment as deterrents on both of the proposed ordinances. He did not agree with the comments made as he felt that if one could go to jail, it was criminal. Both ordinances discouraged people from cooperating with police or anyone else. He encouraged Council to delete from both of the ordinances the jail stuff. He felt the ordinance was vague, passed on too much discretion and was confusing. He also thought the approach being taken was a bad idea. He felt it would have been better for both ordinances to have revocation of a certificate and closure. He felt the fine and jail time were going to cause endless trouble. He commented that he attended some of the Task Force meetings and felt no one was representing the citizens' group and its approach. It referred to working with police and citizens and using a deterrent and he did not think they could have both. He believed landlords needed be responsible for a lot more than they were. If not the landlords or the property owners, he wondered who was in a better position to begin to have an effect on controlling some of these nuisances. He urged the Council to remove the criminal elements of the fines and jail time in both ordinances.

Jerry Carrington, 3015 Meghann, stated he had been in the real estate business for 36 years and was firmly against the idea that the landlords were responsible for a lot of the problems. He explained they did quite a bit in trying to get good tenants because they made more money that way. He did not think this ordinance was based on anything that had to do with zoning. There were all kinds of categories of zoning, which had nothing to do with the landlords. It only had to do with the people that actually caused the problems. He noted nine out of ten renters were good renters, but the one that was the bad one caused a lot of problems. He believed this was oriented toward the landlord and not oriented toward the cause and effect of what the problem really was. He appreciated that they were trying to come up with an ordinance that would work and commented that he had lived here since 1958 and it had always been a problem.

Mike Keevins, 610 W. Broadway, commented that laws were only as good as the people that abided by the laws. He noted there were already laws in regard to the items that defined the nuisance ordinance, such as fighting, noise, and indecent exposure. They were already violations of the law without the nuisance ordinance. He did not believe the nuisance ordinance would solve the problem because it did not hold the culprit or the offender responsible for their actions. He commented that he had four kids and he had never gotten one of them to behave by disciplining another child. If he wanted change, he had to discipline the child that was misbehaving. He stated he wanted everyone in Columbia to have a better place to live, but felt they needed to direct the punishment toward the offenders if they wanted to solve the problem. He described an incident where there was an assault during a gathering of ten people. He noted it was not his tenant, but it would have been a violation for him under the nuisance ordinance. He wondered what would happen if the tenant did not show up at the hearing. He also wondered if it would be a violation if the

landlord called the police to break up a party. He pointed out the disadvantage for the landlord was that they could not be at the property 24 hours a day seven days a week. He explained he had signed no trespassing documents with City Police, so they could arrest anyone for trespassing at anytime and noted that landlords from a liability standpoint did not want parties on their property. He suggested Council take a closer look at some of the problems with this ordinance and the problems with carrying out this ordinance as an effective solution.

Lorie Allen, stated she had 30 rental units of her own and managed another 101 units and agreed that everyone had the right to a peaceful life. She did not think anyone wanted to be disturbed and woken up in the middle of the night. She also did not think any landlord wanted to have a large gathering of people at their property due to property damage. She believed it was the responsibility of everyone working together to solve this problem and she found a lot of flaws in the proposal. She noted she hired off duty police officers to monitor her property and paid for that personally. She also conducted background checks and rental histories on tenants. She did what she could to make sure other tenants or neighbors in the area would not be disturbed. She did not feel there any possible way for her to control what was happening at her property other than what she was already doing. She explained that when there was an issue, she would ask the Police Department to prepare her a report and would talk to the tenants or issue a letter. She noted they were stern enough for them to understand. She also encouraged the police to write tickets. She stated gatherings of five people could be too loud. On the flip side, it could be twenty people, so she had a problem with defining a gathering of ten people. She thought more time needed to be put into defining this in a more appropriate manner. She pointed out there were already people signing leases for the next rental season and approximately 95 percent of her leases were signed by the end of March, so the difference between July and August did not mean much to them.

Janet Hammen, 1416 Wilson Avenue, stated she had lived in East Campus for almost 30 years and explained it was the same properties and landlords with problems month in and month out. She thought the Police Department releasing statistics on the number of calls to certain addresses would be an easy way to find the problem units. She noted for most landlords, it would not be a problem. She agreed there were things that could be taken into account that did not go to the extreme of this ordinance, but the nuisance parties were a problem. She commented that some of her neighbors, who were also students, would tell her how annoyed they were with the loud yelling and screaming in the middle of the night, but they either did not want to call the police, did not know what to do or they did not want to make waves because they were the same age. She agreed the huge parties were a problem, but she also felt the real problem was the chronic nuisances, which was not a numbers game. She felt ten was a high number for a chronic nuisance party. She could provide examples of where only three or four people coming home at 2:30-3:00 a.m. woke them up. If the police could not respond to that without her signing a complaint, she thought it was a problem. She felt this ordinance was trying to outlaw the nuisance and by providing the police the ability to take care of the problem, it could make for more a respectful and peaceful cohabitation.

Ms. Hoppe commented that littering and trespassing were a couple of the specified activities that could kick in for a nuisance party and she would hate to have a gathering of ten people who were being quiet with minor littering to qualify as a nuisance party. Ms. Hammen stated that was the least of her worries and she had not considered that as being an objection to the number. She noted the noise aspect was her biggest problem.

James Harrington, 305 Dads Way, stated he had been a renter at his current location for over three years and there were a lot of students living in his neighborhood. As a tenant, he believed he had the right to the quiet enjoyment of his rental property and did not believe the bad apples would be bad apples for all of their life. He noted that when the police showed up and hit their rollers, the parties disappeared, so he wondered if they really needed legislation. He thought better enforcement would solve the problem. He also wondered if the University was being proactive enough in providing students a place to go to socialize.

Mr. Janku asked when the landlords were brought into the picture in terms of enforcement. Mr. Boeckmann replied that if there was a nuisance party, a letter could be sent to the property owner within 10 days after the nuisance party. If there was a second nuisance party within twelve months of the first nuisance party, it triggered the compliance meeting between the police, property owner and tenant. Mr. Janku asked if it had to be at the same unit. Mr. Boeckmann replied yes and added that if there was a third nuisance party within twelve months of the second nuisance party, prosecution of the property owner was involved. If there was a fourth nuisance party within twelve months, they could go with the administrative procedure for revocation of the certificate of compliance. Ms. Hoppe understood the landlord would not be subjected to any fine or jail time unless there was a third violation and he did not do anything to abate or discourage the problem. Mr. Hutton did not think the landlords were eligible for any fines or jail time. Mr. Boeckmann stated they were for the third nuisance party. He referred to Section 16-302 and explained that if it was a rental unit, everyone on the lease could be prosecuted, and if it was owner occupied, prosecution was the only remedy. The administrative remedy only applied to the revoking the certificate of compliance.

Mayor Hindman understood a landlord defense could be attempting an eviction. Mr. Boeckmann replied that was correct and stated that was a defense for either the revocation proceeding or for prosecution. Mayor Hindman asked if the first time the landlord could be criminally liable would be after the second nuisance party. Mr. Boeckmann replied it was after the third. Mayor Hindman asked if it was a defense if the landlord filed the eviction suit after the third nuisance party. Mr. Boeckmann replied yes. Mr. Janku understood it could be a new tenant, but if it was a third offense and the landlord could evict per the lease, it could be their defense. Mr. Boeckmann replied that was correct.

Ms. Nauser stated she had a problem with the twelve months. Since Columbia was a college town, a lot of landlords did not have a full one year lease, she thought it was unfair for a landlord to have the third nuisance party on a tenant that had only been there a couple of months. She recommended requiring the violations to be based upon the dates on the original lease. She explained she did not think a landlord should be fined or penalized for the action of someone new. She thought it should first be predicated on who had been causing the problems. She noted the tenant's time period started with a new tenant, but the

landlord's did not. Ms. Hoppe stated she thought the concern was in regard to landlords who were repeatedly not careful and rented to tenants that had parties. This went beyond the lease and was for the neighbors because the landlord would never have any repercussions if there were not three parties within the same tenancy. Ms. Nauser understood it could be the same landlords, but noted she was not sure there was a magical process where a landlord could know if a tenant was going to be a nuisance. She thought the problem was to get rid of the individuals causing the nuisance. Mr. Loveless stated he would agree if they had not heard neighbor after neighbor stating every year it was the same properties, which meant it was the same owners. He noted they had dealt with this same problem since 1989 and they now potentially had a tool that would give the landlord a chance to tell tenants they could not have parties like that and if they did, they could evict them. If they did not, the City could tell the landlords to shape up because they were not good landlords and their tenants were disturbing the neighbors. He agreed they had an imperfect ordinance, but noted they seldom wrote perfect ones. He thought this was a good place to start and that it would be reviewed as they found problems. He felt it was time to move on it. Ms. Nauser agreed it was a problem and noted she was not speaking against the ordinance. Her only concern was penalizing the mass for the actions of a few bad landlords. Mr. Hutton agreed noting a landlord could have evicted the last tenant and gotten a new one in. Mr. Loveless understood this was a potential problem, but stated he did not think it would happen very often or enough for Council to start this process again. Ms. Nauser commented that she did not want to toss this and start the process again. She thought the ordinance could be tied to a lease period or require the City to find out when the lease started. Mr. Loveless noted the Task Force discussed these issues for two years and came up with this ordinance with some disagreement. He was not sure they could improve upon it. Ms. Hoppe understood that if there was a revocation of the certificate of compliance, there were some factors to be considered by the hearing officer and asked if those were considered. Mr. Hutton thought those things were included as criteria for the administrative officer in making a determination. Mr. Boeckmann replied that was correct. Ms. Hoppe asked if it could be considered for court fines and jail time. Mr. Boeckmann replied with the court fines, the judge could consider those elements in addition to others. Ms. Hoppe asked if it could be specified in the ordinance. Mr. Boeckmann explained the ordinance set a minimum fine of \$500 for the first offense, so the judge would be determining an amount between \$500 and \$2,000 and they would have to determine where the elements fell. He noted it could be put in, but he did not think it was necessary. Mr. Loveless understood the judge could assess the fine, but suspend the imposition of it for a subsequent violation, so the judge was not bound by this. It was only a guideline. Mr. Boeckmann stated that was true, but noted a recently enacted ordinance with a \$500 minimum was sending a message, so he would probably not just give an SIS on it.

Ms. Hoppe commented that she understood there was a noise problem, but she also did not want this to be overreaching. She wanted the students to enjoy themselves while being respectful of adjacent neighbors and allowing them to enjoy a quiet neighborhood. She was concerned in regard to a gathering of ten people where they were not damaging property, fighting or making noise that would disturb the neighbors, but might technically litter

or trespass because an unreasonable neighbor might call the police. Mr. Janku agreed with her concern. He stated they had ordinances that dealt with noise, which should be enforced, but this was above and beyond that. He thought it would be a noise ordinance violation and something else that would trigger the larger fine and have other consequences down the road. He understood there were some incredible parties occurring, such as the one described in the letter provided by one of the speakers, which needed to be brought under special scrutiny. He agreed ten sounded low and some of the offenses were not things that generated big concerns, such as littering and parking violations. He felt a narrow scope of conduct along with tougher penalties worked better, so he was agreeable to trying to narrow the conduct and increase the size of the party.

In regard to the effective date, Mr. Janku suggested August 1, 2007 because the new leases would generally reflect that. Regarding the landlord liability issue, he understood if they were outside of the twelve months without a third violation, they were back to the beginning. He also understood the concern involving the nonsequential tenant, but noted they did get time off if they did a good job for twelve months.

Mr. Boeckmann explained his first draft had no number in it and the police questioned that during their review, so he inserted the ten. He noted they could change it to twenty-five, but if the police could only count twenty people making a lot of noise, it would not be covered by the nuisance property ordinance and would be unenforceable. Ms. Hoppe asked if littering could include just one bottle. Mr. Loveless stated he did not think an arrest would be made for one bottle. He did not believe the police would arrest a group of people watching a major ball game and cheering for one touchdown because that was not the intent. Mayor Hindman felt some of these criticisms were valid, but noted that for too long the neighbors had been frustrated because the police did not have the tools to help them. He thought this provided a reasonable set of tools for the police to start a process of eliminating these nuisance parties. He pointed out that in eliminating some extreme possibilities, they were in danger of taking away tools the police needed. If they were afraid of the police abusing these lower limits, he stated they could increase those limits, but noted they were then pushing it back to where the neighbors could not get the relief they needed. He commented that this was not designed to punish landlords. It was designed to give them the incentive to take as many reasonable steps as they could to prevent this from happening. The testimony heard tonight indicated they could point to several properties where this occurred over and over again. In order to deal with that, he wondered how much they could eliminate while still having an effective tool. Ms. Hoppe stated she was well aware of the problems and noted the ordinance was definitely needed. She just did not want students that were legitimately gathering and behaving themselves to feel the City was unreasonably targeting them.

Mr. Janku made the motion to amend B441-06 by changing the number in the definition of a nuisance party from ten to fifteen. He noted that when they reached that point, the people in the party were on notice to exercise more care. He explained the University previously allowed a lot of this stuff on their property, but it had now been pushed out into the community.

The motion, made by Mr. Janku, was seconded by Ms. Hoppe. She noted she also wanted statistical feedback in regards to the number of complaints and violations issued in a

year's time to see how successful this was or if it needed adjustments. Mr. Janku suggested she make that motion at the end of the meeting.

The motion, made by Mr. Janku and seconded by Ms. Hoppe, to amend B441-06 by changing the number in the definition of a nuisance party from ten to fifteen was approved unanimously by voice vote.

Ms. Nauser wondered if they could change the twelve months to something that would reflect the lease period of the tenant causing the nuisance parties or if they could add it into a determining factor as to whether or not a certificate of compliance would be revoked. Mr. Loveless asked how that would deal with a landlord who was lenient and had the property that was consistently a problem. Ms. Nauser thought that assumed the ordinance would not have any effect on the landlords. She stated they could look at it again if they continued having the same chronic landlords. She noted one of the determining factors as to whether or not a certificate of compliance would be revoked was the history of nuisance party ordinance violations on the owner's property. She did not think the good landlord should be penalized because they were unfortunate in renting to two bad people. She felt the ordinance, as written, would curb a lot of the nuisance landlords because they would be on the hook. She thought it should be tied to the tenants causing the problem. Ms. Hoppe understood she wanted them to consider whether these were the same or new tenants as a factor in the certificate of compliance. Ms. Nauser stated she would prefer to have this predicated to the term of the lease instead of twelve months. Mr. Hutton asked if her intent was that the landlord should not suffer because of the crimes of two different tenants. Ms. Nauser replied that was correct. Mr. Hutton understood the hearing officer would be appointed by the City Manager and that he had criteria to use in determining whether to revoke a license. It was not automatic. He read the criteria and stated that after looking at the five criteria items listed, he would not agree with changing it to the term of the lease as he initially thought he might.

Mr. Hutton questioned the fact of being charged rather than convicted based on the minority report. He understood it for the first nuisance party complaint or violation, but with the second one, unless it happened right away, that person could have gone to court and been convicted. He wondered how long they were talking. Mr. Boeckmann explained some cases were delayed for a considerable length of time. Mr. Hutton understood the problem was the length of time it might take between being charged and convicted. Mayor Hindman noted a defense lawyer would do everything he could to delay it. Mr. Hutton asked what would happen if they were found innocent. Mr. Boeckmann replied if they were charging someone on a third offense, they would have to prove there was a nuisance party and that one of the violations occurred. He noted a provision requested by the landlords indicated they would not just go after the landlords, but would make an attempt to go after the renters or others that had been involved. He felt those factors combined would be sufficient.

Ms. Nauser asked if it would be taken into account at the revocation hearing that the landlord did not have same tenants that created the first and second nuisance violations, so their certificate of compliance would not be revoked. Mr. Boeckmann replied it would be a factor, but would not be a complete defense. Ms. Nauser stated she still wanted to see it as an absolute.

Mayor Hindman understood they might change the effective date. Mr. Janku stated he mentioned August 1, 2007 because that was when a lot of leases as well as parties started. He asked if only the events that occurred after the effective date would be counted towards that. Mr. Boeckmann replied that was correct.

Mr. Loveless stated he saw no reason for having a three month jail term as an alternative to fines because the landlord was not going to sit in jail for three months and he did not see the point to putting a student in jail for that long. He noted he would propose a motion striking the three month jail term sections of the penalty phase.

In regard to the twelve months versus the term of the lease change requested, Mr. Boeckmann stated they could add a finding to Section 16-304(g) reading “the initial and subsequent nuisance parties involved at least one of the same tenants.”

Ms. Nauser made the motion to amend B441-06 by adding a finding to Section 16-304(g) reading “the initial and subsequent nuisance parties involved at least one of the same tenants.” The motion was seconded by Mr. Hutton.

Ms. Hoppe asked a representative of the Task Force to speak to the issue. Mr. Orzeske explained they had significant discussions as to whether or not the same tenant should be involved and as a Task Force they decided that needed to be taken out of the ordinance. He noted all of the landlords present tonight were excellent landlords and did a wonderful job of screening tenants. The issues they were trying to prevent were with about three people who were not present tonight. He pointed out the properties generally turned over every year, so if they enacted a rule requiring at least one tenant in common to be in violation for each of the years, there would rarely be three violations in the same year and no incentive for the landlords to manage their properties and screen tenants better because every year they would have a clean slate. He asked that they not put that in the ordinance.

Ms. Nauser commented that since Mr. Orzeske had spoken so highly against her offered amendment, she would withdraw it. If it began to penalize good landlords, she would ask that it be revisited.

Mr. Loveless made the motion to amend B441-06 by deleting the imprisonment of three months from the violations. The motion was seconded by Ms. Nauser.

Mr. Hutton asked if there was a compelling reason that was included. Mr. Boeckmann replied that almost all of the City’s ordinances had jail time as a potential punishment and noted that it was rare for anyone to do jail time for an ordinance violation. He did not think amending the bill to remove that would cause a practical problem. Mr. Janku asked what would happen if someone refused to pay the fine. Mr. Boeckmann stated that was a problem from time to time, but they generally did not jail people that did not pay their fines.

Ms. Hoppe asked if the Task Force had any strong objections. Mr. Reichlin commented that if they removed part of the potential penalty, they weakened the intent and spirit of the ordinance to the extent any type of penalty acted as a deterrent. If alcohol was being sold at one of these events and there was only a cash penalty involved, he felt it would lower the bar in regard to a person’s attitude towards engaging in that kind of activity. Ms. Hoppe understood they could make a lot of money off of a private party. Mayor Hindman thought selling alcohol without a license was a jailable offense in and of itself. Mr.

Boeckmann replied it was. Mayor Hindman thought the question was whether they needed the jail offense to get landlord cooperation.

The motion, made by Mr. Loveless and seconded by Ms. Nauser, to amend B441-06 by deleting the language regarding imprisonment from the violations was defeated by voice vote with only Mr. Loveless and Ms. Hoppe voting in favor of it.

Mr. Janku made the motion to amend B441-06 by changing the effective date to August 1, 2007. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Hoppe noted she proposed changing the number from ten to fifteen in the definition, but wanted to change it back since the Task Force had not been given the opportunity to speak. She understood she would have to make a motion amending the bill to change it back.

Ms. Hoppe made the motion to amend B441-06 by changing the number in the definition of a nuisance party from fifteen to ten. The motion was seconded by Mayor Hindman.

Mr. Orzeske explained the reason to keep the threshold low was due to enforcement. Currently, when the police was called to a party, they had trouble discerning who was committing the nuisance. If there was screaming in a crowd of people, unless they were able to determine exactly who was screaming, they could not issue a ticket. If someone was shooting off bottles rockets where they saw the rocket but did not see the person who lit it, they could not issue a ticket, so things like this went without being enforced even though it happened over and over again. Under this ordinance, if there were at least ten people along with a bottle rocket, they could ticket the host of the party for hosting a nuisance party even if they did not know who did it. He felt it would act as a significant deterrent and give the police an additional tool for enforcing things that they were unable to currently enforce. He pointed out this did not make it illegal to have a gathering of ten or more people.

Mayor Hindman asked for the advantages of ten versus fifteen. Mr. Orzeske replied that he thought the police had difficulty in identifying someone when it was ten people. In some cases, such as when it was dark, he would prefer it to be five. There was a significant amount of small parties with loud people, bottle rockets or some other kind of nuisances going on that would remain unenforceable if it was increased to fifteen. Mayor Hindman asked for Chief Boehm's opinion. Chief Boehm replied he did not feel strongly about it, but noted that one of the issues they had was that people tended to scurry when the police showed up. At that point, trying to determine exactly how many people were at the party could prove to be difficult. From purely an enforcement standpoint, the lower the number was, the easier it was for them to enforce. He pointed out that most of the parties they responded to had significantly more people, but it was difficult to get a hold of all of them. Mayor Hindman asked if it would be sufficient if they testified they counted fifteen people without identifying them. Mr. Boeckmann replied yes and noted they did not have to identify them. Ms. Hoppe stated she understood from some of the people present that often even parties with ten people could be very disturbing late at night and occurred frequently. She now understood changing it cause a significant problem.

The motion, made by Ms. Hoppe and seconded by Mayor Hindman, to amend B441-06 by changing the number in the definition of a nuisance party from fifteen to ten was passed by voice vote with only Mayor Hindman and Mr. Janku voting against it.

The vote on B441-06, as amended, was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

B442-06 Amending Chapter 16 of the City Code to add new provisions on chronic nuisance properties.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was also submitted by the Nuisance Party and Property Task Force and indicated that if there were three or more nuisance activities within a 60 day period involving any of sixteen violations, which included things like drugs, gambling and noise, the police had the option for abatement procedure or prosecution of the landlord.

Steve Reichlin, with offices at 601 W. Nifong, Suite 1F, stated various elements of this ordinance were already in place at the Circuit Court level. The intent of the chronic nuisance property ordinance was to make it possible for Municipal Court to handle extreme situations where it was deemed necessary to close a property down or remove people from the premises. He noted enforcement had already increased in certain parts of town and this ordinance would assist a little more.

Mike Martin, 206 S. Glenwood Avenue, stated he had invested extensively in North Central Columbia through his firm Art House Properties. The City resources already there along with the work of a lot of landlords, homeowners, neighbors and interested parties had changed the situation dramatically in four short years. He commented that he was generally in support of these ordinances, but was concerned with the number of amendments that were switched, changed and retracted at the request of the Nuisance Party and Properties Task Force on the last item because he felt the Council was vested with making amendments they saw fit during the debate process. He thought the ordinance was generally sound, but wanted the City to provide more resources, such as the neighborhood response team, increased police protection and increased funding to make the neighborhood a better place to live. He felt these types of resources were lacking in the chronic nuisance neighborhoods. He wondered how this would be enforced and was concerned with the idea of potential long term vacancies being created by an ordinance like this because it would compound problems that already existed. He felt the goal was to make sure they had happy occupants in all properties and not a lot of vacancies. He agreed they had some nuisances and felt better communication and more resources would assist. He thought they should carefully deliberate the consequences and enforcement of the ordinance.

Linda Rootes, 402 N. Eighth Street, stated her current residence was the fourth home she had lived in within the last few years in the North Central Neighborhood and noted that she and her husband had rehabilitated and sold ten houses to mostly homeowners, which she felt was positive. She commented that not all chronic nuisance properties were rentals. Some homeowners did not contribute to the quality of life in the neighborhood. They involved dysfunctional families where one could not tell who lived there and where one could see the

addresses in the arrest column often. As a result, she did not believe fines or jail time would solve that problem. Rather than punishments against elderly people who could not control what was going on in the household, she thought they needed to look at empowering these families so they would not be intimidated by people who used them and their home as a base for illegal operations. The Task Force also felt they needed to address people, such as landlords, who might need a financial incentive or the potential of losing their certificate of compliance. She noted the Task Force members were there as individuals and were not representing neighborhood associations or other groups, so their deliberations and agreements did not represent the attitude of any particular group. She was hopeful this ordinance would be a valuable tool for the Police Department and neighborhoods.

Mayor Hindman asked if there were changes she would like to see made. Ms. Rootes replied this was a compromise she was happy with. She only wanted to stress to the Council to not weaken the ability of the City to work with people in solving the problem.

Judy Johnson, 1516 McKee Street, stated she was with the Zaring Neighborhood Association and had spoken to some people in the neighborhood. They had concerns with some homes in the area and noted drug problems seemed to be prevalent in one particular area. The police had given warnings, but no tickets or summonses had been issued for license plates or abandonment violations. She understood records were not kept as to how many times the police had been called out to these homes for different incidents. She noted the ordinance indicated at least two nuisance activities would have to occur and wondered how the police would address what an occurrence was. She commented that one resident threatened an elderly woman by telling her not to call anyone because they were going to have a party. She noted people looking to rent property were deciding the area was not a safe place to live, so the landlords were renting to people who were chronic problems. She wondered if Section 8 was aware of the people that were being kicked out or knew which tenants were creating the problems because she did not think they should qualify for Section 8 and be able to move from one area to another. Mr. Janku suggested she contact the Housing Authority in regard to the Section 8 issue.

John Clark, 403 N. Ninth Street, thanked Mr. Loveless for making his motion on the previous item and commented that he hoped he would make it again as no one made an argument as to why having the criminal penalties would help. He reiterated the jail time and fines undermined the effort of getting landlords and property owners to cooperate. He stated he and others had worked on this eight years ago and that he had gone to a Task Force meeting to explain that citizen's proposals. He also thought the notion of "lawfully present on the property" was a problem because it would not hold anyone responsible unless they were invited. He felt that also undermined the ordinance. He noted vacant properties with absentee landlords were used for drugs, prostitution and gambling. He felt it should refer to any person present. He also suggested the Council use the citizen's proposal, which he felt needed work but was better than this proposed ordinance.

Mayor Hindman asked Mr. Boeckmann for clarification regarding the comments made by Mr. Clark. Mr. Boeckmann explained "persons associated with the property" under the ordinance Mr. Clark drafted did not have the element of "being lawfully present," so if a person's house was burglarized it would count as one of the offenses that could create a

chronic nuisance property. He noted Mr. Clark did raise a point regarding vacant property where people were breaking in and using the property and he felt if the Council wanted to address that issue, it needed to be done with a different ordinance. Mr. Hutton thought the City had an ordinance that addressed vacant property. Mr. Boeckmann replied it was trespassing. He also thought they had a requirement for securing vacant property. He explained the ultimate remedy under this ordinance was to close the property, which made no sense for vacant property since it was already closed.

Mayor Hindman commented that Ms. Johnson made some excellent points that worried him, but suggested they pass this and look into those issues where there was a lot of activity going on, but one could not prove it was criminal activity. He thought that activity in and of itself was a nuisance and was depriving people of the pleasure of living in their neighborhood, destroying property values and causing deterioration of property. He thought they needed to look at that issue to see if there was a way to beef up the ordinance to cover that kind of activity. He reiterated that he would recommend passing the ordinance tonight and amending it later. He also thought they needed to beef up their ordinances relating to vacant and abandoned properties in the future.

Mr. Hutton understood this was like the last ordinance in that the people were not necessarily charged with the unlawful conduct. Mr. Boeckmann replied that was correct, but noted it would have to be proved in the procedure they were following whether it was a Municipal Court charge or the administrative procedure. Mr. Hutton asked if this was different than the other situation in that they had to go through conviction. Mr. Boeckmann replied no and explained that once the Police Chief made a determination that the property was a chronic nuisance property, there was a choice to either send it to Municipal Court for prosecution or go through the administrative procedure to close the property. In whichever way they went, they had to prove the property was a chronic nuisance property, and as part of that proof, they would have to prove what made it a chronic nuisance property. They would not have to show there was a conviction or even a charge. Mr. Hutton stated he was not sure how they could do that if there was no conviction and with only someone saying it was going on. Mr. Boeckmann explained that if gambling was taking place, they would have to prove it was taking place as part of the Municipal Court action for a chronic nuisance property or under the administrative procedure. They would not have to charge someone with the offense of gambling. It could be a situation where a witness saw some gambling going on, but could not identify the parties sufficiently to actually bring charges.

Mr. Janku commented that he was going to propose a technical amendment. He understood the intent was for conduct on the property or within 200 feet of the property, so he suggested Section 16-318(a) and Section 16-318(c) be changed to reflect that.

Mr. Janku made the motion to amend B442-06 by changing Section 16-318(a) to read "...activities have occurred on or within two hundred feet of the property and that the property is in danger...." and by changing Section 16-318(c) to read "...an additional nuisance activity has occurred on or within 200 feet of the property causing the property to become a chronic nuisance property...." The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku stated he agreed with Mayor Hindman's comment regarding the need to address abandoned properties whether they had illegal activities or not. Mr. Hutton also agreed.

The vote on B442-06, as amended, was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B430-06 Approving the Final Plat of The Villages at Arbor Pointe Plat 2 located west of Flatwater Drive, extended, west of Brown Station Road; authorizing a performance contract.**
- B431-06 Approving the Final Plat of Brookside Square Plat 7, a Replat of Lot 303 of Brookside Square Plat 3 located on the northwest corner of Smiley Lane and Gladden Lane.**
- B433-06 Authorizing an annexation agreement with Mark V. and Carol W. Flinn.**
- B439-06 Accepting conveyances for utility purposes.**
- B440-06 Authorizing a memorandum of understanding with the Howard County Public Health Department relating to emergency planning and preparedness services; appropriating funds.**
- B443-06 Accepting conveyance; authorizing payment of differential costs for water main serving Second Baptist Church of Columbia; approving the Engineer's Final Report.**
- R228-06 Setting a public hearing: construction of the Lemone Industrial Boulevard extension project.**
- R229-06 Setting a public hearing: construction of water main serving Ewing Industrial Park, Plat 5.**
- R230-06 Authorizing an agreement with the Central Missouri Humane Society for animal control services.**
- R231-06 Accepting overtime reimbursement from Boone County for JCIC communications personnel assisting in the Sheriff's Office traffic enforcement grant.**
- R232-06 Authorizing agreements with various organizations for events that increase tourism; transferring funds.**
- R233-06 Authorizing an agreement with the Boone County Historical Society to operate, maintain and improve the Maplewood Home and related structures located in Nifong Park.**
- R234-06 Authorizing an agreement with the Boone County Historical Society for caretaker services at Nifong Park and Maplewood Home.**
- R235-06 Authorizing an agreement with First Night Columbia, Inc. for support of the New Year's Eve Celebration; authorizing the provision of City support services.**
- R236-06 Authorizing an agreement with The PedNet Coalition, Inc. for the Mayor's Challenge: Bike, Walk & Wheel Week event.**

R237-06 Authorizing an amendment to the agreement with Trabue, Hansen & Hinshaw, Inc. for engineering services for the F-1 Relief Sewer Phase 2 - UMC South Campus Relief Sewer Phase 2.

R238-06 Authorizing an STP-Urban Program Agreement with the Missouri Highways and Transportation Commission for the extension of Providence Road from its current terminus northward to Blue Ridge Road.

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

NEW BUSINESS

R239-06 Authorizing an amendment to the agreement with Trabue, Hansen & Hinshaw, Inc. for engineering services for the Bear Creek Outfall Sewer project.

The resolution was read by the Clerk.

Mr. Watkins explained this was an amendment to an existing agreement for the Bear Creek project, which was a 2003 sewer ballot issue. The amendment would increase the engineering contract by about \$21,000 and was a result of requests by various property owners for redesigning pieces as the City was trying to obtain easements. He stated this was well within what they would traditionally spend for this stage of engineering.

The vote on R239-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. Resolution declared adopted, reading as follows:

R240-06 Authorizing an agreement with Everett and Leah Cox for the temporary lease of space located at 1305 London Drive during renovations to Fire Station No. 2.

The resolution was read by the Clerk.

Mr. Watkins explained this was a temporary lease of a residence at 1305 London Drive for six months in order to allow the Fire Department to station a small fire vehicle in the response territory of Fire Station No. 2 while the City was in the process of remodeling. He noted staff looked at a number of options and was recommending this six month lease. They would move back sooner, if they could, but six months was the shortest lease they could negotiate. This would still allow them to provide good response in the area.

Mr. Janku asked if there were any other changes being made involving other stations in order to provide service to this area. Chief Markgraf replied they would relocate the ladder truck from Station No. 2 to Station No. 6 and divide the calls on a first alarm, so they still would have three engines. They would just be coming from a farther distance. He noted 69 percent of the calls last year were EMS calls and two people could handle most EMS calls, so by putting the unit in that location, there would still be prompt service for those types of calls and small fires. He noted they looked at all of the properties within the area to include the disbanded Wal-Mart, which was offered for two months at no charge, but the fire truck would not fit.

The vote on R240-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. 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.

- B444-06 Amending Chapter 23 of the City Code as it relates to signs in the Columbia Special Business District.**
- B445-06 Amending Chapter 6 of the City Code as it relates to building code regulation of awnings in the Columbia Special Business District.**
- B446-06 Approving the Preliminary Plat of Bearfield Plaza Subdivision located on the northeast corner of Bearfield Road and Grindstone Parkway; approving the C-P Development Plan of Tiger Express Car Wash at Bearfield Plaza.**
- B447-06 Approving the PUD Development Plan of Quail Creek West PUD located on the west side of Louisville Drive, extended, north of Millbrook Drive.**
- B448-06 Approving the Final Plat of Perry Automotive Plat 4, a Replat of part of Lots 17 and 18 of Barkwell’s Subdivision located on the southeast corner of Nebraska Avenue and Illinois Avenue; granting variances from the Subdivision Regulations.**
- B449-06 Approving the Final Plat of The Villas at Old Hawthorne Plat 1 located generally north of State Route WW and east of Cedar Grove Boulevard; authorizing a performance contract.**
- B450-06 Approving the Final Plat of The Vineyards, Plat No. 2 located south of State Route WW and west of Rolling Hills Road; authorizing a performance contract.**
- B451-06 Approving the Final Plat of Villas at Old Hawthorne Plat 2, a Replat of a portion of Lot 6 of Old Hawthorne Plat 1 located generally north of State Route WW and east of Cedar Grove Boulevard; authorizing a performance contract.**
- B452-06 Approving the Final Plat of Vistas at Old Hawthorne Plat 1, a Replat of a portion of Lot 7 of Old Hawthorne Plat 1 located generally north of State Route WW and east of Cedar Grove Boulevard; authorizing a performance contract.**
- B453-06 Vacating utility easements located within WW-63 Subdivision Amended.**
- B454-06 Authorizing an agreement for the exchange of land involving Columbia/Boone County Health Department Condominium common area and a portion of adjoining property owned by Perry Towing, Inc.**
- B455-06 Authorizing construction of water main serving Ewing Industrial Park, Plat 5; providing for payment of differential costs.**
- B456-06 Authorizing a pole attachment agreement with Sho-Me Technologies, L.L.C.**
- B457-06 Accepting conveyance; authorizing payment of differential costs for water main serving Cross Creek, Plat 1; approving the Engineer’s Final Report.**
- B458-06 Accepting conveyances for utility purposes.**

- B459-06 Amending Chapter 2 of the City Code as it relates to conflicts of interest rules for several city commissions.**
- B460-06 Authorizing an agreement with the Columbia School District for playground improvement projects at Mill Creek, Blue Ridge, Ridgeway and Russell Elementary Schools.**
- B461-06 Authorizing a memorandum of agreement with the Cooper County Public Health Department relating to emergency planning and preparedness services; appropriating funds.**
- B462-06 Accepting donated funds from the Wal-Mart Foundation and Christian Chapel through the New Century Fund for the purchase of equipment for the Fire Department; appropriating funds for the Share the Light Program.**
- B463-06 Appropriating funds for the employee recognition program.**
- B464-06 Authorizing the Crosscreek Center development agreement with Stadium63 Properties, L.L.C. relating to the construction of and payment for transportation improvements including the extension of Lemone Industrial Boulevard and Stadium Boulevard and public roadway and access improvements on property located on both sides of Stadium Boulevard east of U.S. Highway 63.**
- B465-06 Authorizing an agreement with Little Dixie Holding Company, Inc. relating to the extension of Lemone Industrial Boulevard.**

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) PedNet Project – promotion and education plan.

Mr. Watkins stated the PedNet Advisory Committee put together an extensive promotion and education plan to be paid for from the \$22 million grant. In order to implement it, they would need to come back to the Council with an appropriation ordinance. At this time, they wanted to make sure the framework made sense.

Mr. Loveless made the motion directing staff to prepare a resolution for implementation. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

(C) Recycling and yard waste bag delivery and quantity changes.

Mr. Watkins explained this report had to do with recycling and yard waste bags, which Council asked staff to look at in terms of quantity of bags and delivery systems. Staff was suggesting going to a system of coupons, so people who needed yard waste and recycling bags could trade in coupons for bags at the grocery store. After a period of time, the City would not be delivering them on a quarterly or bi-annual basis. If this was implemented, staff believed it would save about \$90,000 per year for the solid waste utility and would provide a better way of distributing the bags because they would not deliver yard bags to people who did not need them.

Mr. Janku stated he was hopeful they would get the permission for the bioreactor so they would not have to deal with the yard waste bags anymore. He felt they needed some degree of flexibility to respond to people's concerns that were getting things they did not need

or want, but that this solution would shift the burden from City operations to the individuals. They would have to go to the store to pick up the bags and keep track of the coupons until they were needed. He felt this would cause a lower usage rate, particularly with recycling, and suggested allowing people who did not want to participate to return them for a refund. He felt the burden would also be less on the stores in that instance.

Mayor Hindman stated he thought the yard waste proposal was sound, but felt a big part of the success of their recycling program was its extreme convenience and he did not want to do anything to interfere with that. He suggested this topic be discussed at a work session because he was not satisfied with the proposal. He thought they needed to keep all of the incentives in existence and that this proposal was a negative incentive. He understood it might save the City some money and that there were complaints about too many blue bags. He thought they could come up with a compromise, but did not want a compromise at the expense of the convenience of curbside recycling.

Mayor Hindman made the motion directing staff to schedule a work session to discuss this issue. The motion was seconded by Mr. Loveless.

Ms. Hoppe commented that if the City went to coupons for blue bags in July 2007 and trash bags in March 2008, she felt people would put their recycling in the trash bags. They would do what was easiest and not recycle as much, so if they did go to coupons, she thought they needed to do it at the same time versus staggering it.

The motion, made by Mayor Hindman and seconded by Mr. Loveless, was approved unanimously by voice vote.

(D) Sewer Utility Master Plan.

Mr. Watkins explained this report summarized the Sanitary Sewer Utility Master Plan prepared by Black and Veatch. The actual report was dated two years ago, but they were just now getting it to Council for approval. The Master Plan they were currently working under was more than 30 years old. It had been amended, but not reviewed comprehensively until recently. The proposed Master Plan would go to the year 2033 in terms of conditions and capacity. It also evaluated some alternatives and recommended comprehensive implementation and financing. Staff was recommending the Master Plan be adopted and used as a tool for the sewer utility to meet its future regulatory requirements. It included the plant, which was 30 years old and in need of more than just repair, and significant improvements to the collection system.

Mayor Hindman stated he saw the summary and asked if they had received the full plan. Mr. Glascock replied no because the plan was in a three-inch binder, but noted they had talked about it at the retreat. Mr. Watkins explained it had been discussed many times, but not adopted and he felt that was what needed to be done.

Mr. Glascock noted it would take 2 ½ years to get the design of the Wastewater Treatment Plant upgrades completed, so they needed to get started.

Mayor Hindman asked if staff had a presentation that could be provided at a work session. Mr. Glascock replied yes.

Mr. Janku stated that as they moved forward, there would be issues about paying for the project and balancing the cost. He noted he was not sure the inflow and infiltration

removal with existing sewers came across versus sewer extensions, so he suggested they look at the language. Mr. Watkins commented that there was an equal amount of money proposed for rehabilitation of the existing system and for extensions. He explained the plan did a good job in describing the need to keep the existing collection system in good shape and the need to expand the system to encompass areas where future growth would occur. Mayor Hindman stated it looked like there was quite a bit for infiltration prevention which was good.

Mayor Hindman made the motion directing staff to schedule a work session to discuss the Sewer Utility Master Plan. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(E) Outdoor lighting ordinance.

Mr. Watkins explained the Council directed staff and the Planning & Zoning Commission to develop an outdoor lighting ordinance and standards. This report transmitted a draft ordinance from the Planning & Zoning Commission for consideration. Staff wanted to schedule this as an item on the next agenda under introduction and first reading. Mr. Teddy noted that when this was introduced, there would be some rearrangement of content, but the substantive standards would not change.

Mr. Janku understood this would be discussed at the work session and asked when it would be introduced. Mr. Watkins replied it would be introduced at the second meeting in November.

Mr. Hutton made the motion directing staff to introduce an ordinance at the next Council meeting. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(F) Park and trail access.

Mr. Watkins explained Council requested a staff report on the issue of pedestrian trail access requirements for parks within the current subdivision regulations. Mr. Teddy stated they reviewed the existing language in the subdivision regulations relating to trails and access to trails from subdivisions and access via trail connections to public places, particularly schools. There was a paragraph in the section of street arrangement that required a certain interval of streets to be stubbed out or extended to property lines when a tract was subdivided. In some cases, this was not done, but it did give the City some authority in those cases to provide at least a trail connection. This was all they found that related to the City's ability to require the platting of trail easements in subdivisions. If Council desired, they could do a more thorough review and provide suggestions of things that could be done. They provided a few illustrations from a past report called "Walkable Columbia" showing other types of pedestrian access.

Mayor Hindman stated he was very much in favor of this. He thought they needed to consider a basic idea that they should in the long run have a goal to have a grid system. It did not have to be only streets since people would continue to build cul-de-sacs. They could complete the grid system with interconnecting sidewalks, bicycle paths or other connections.

He thought the interconnection they mentioned should be part of it, but that they should push this further by looking toward a system that was interconnected by the method he described.

Mr. Janku stated he agreed with Mayor Hindman's comment and suggested they include Planning and Zoning, Parks and Recreation, Bicycle/Pedestrian and the Energy and Environment Commissions. He asked if the commissions could receive the staff report directly or if they wanted it to come back to Council first. Mayor Hindman stated he thought it should go straight to them.

Mayor Hindman made the motion to accept the report and to direct staff to provide a report to the Planning and Zoning, Parks and Recreation, Bicycle/Pedestrian and the Energy and Environment Commissions for review. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(G) Potential revisions to bicycle parking regulations.

Mr. Watkins explained the Bicycle/Pedestrian Commission reviewed the zoning ordinances for bicycle parking per Council request and made three recommendations. They recommended an exemption from bicycle parking for uses requiring less than 50 automobile parking spaces be removed, amendments to the zoning regulations dealing with employee entrances and that staff put together a design guide for bike racks and bicycle parking layouts that could be available during review processes.

Mr. Loveless made the motion directing staff to prepare the appropriate legislation and to provide it to the Planning and Zoning, Parks and Recreation, Bicycle/Pedestrian and the Energy and Environment Commissions for review. The motion was seconded by Mayor Hindman.

Mr. Hutton asked if they would consider a friendly amendment to the motion because he thought they should also look at capping the number of bicycle spaces. It was open ended as far as the number of spaces required based upon the square footage of a building. He thought it was ludicrous for Sam's to have 50 bicycle spaces. Mayor Hindman agreed and suggested they also send this the PedNet group for review. Mr. Loveless and Mayor Hindman agreed to the friendly amendment.

The motion, made by Mr. Loveless, added to by Mr. Hutton and seconded by Mayor Hindman, directing staff to prepare the appropriate legislation to include the capping of the number of bicycle spaces and to provide it to the Planning and Zoning, Parks and Recreation, Bicycle/Pedestrian and the Energy and Environment Commissions and the PedNet group for review was approved unanimously by voice vote.

(H) Investigation of new applicants for business, liquor and other licenses.

Mr. Watkins explained one of the general standards set out in the ordinance for qualifications for applicants for City licenses was criminal history. Staff determined this was a bottleneck that could take up to two months. There were lots of businesses that could do them to include one in Jefferson City that had recently been designated by the Highway Patrol, but the City was not allowed to use them, so staff was proposing a change to the ordinance to substantially speed up the process for this application review.

Mr. Janku asked if they would investigate this company before using them. Ms. Fleming replied the City would do an RFP because more than one company could provide the service. She noted the cost would be passed on to the applicant.

Mr. Hutton made the motion for staff to prepare the appropriate legislation. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman asked for clarification on the purpose of a business license. Ms. Fleming explained that if a business operated with illegal activities, it would allow a method to shut them down by revoking the business license. If they had continual problems at certain locations, the City had the ability to revoke or fail to renew a business license. Mr. Janku asked if that meant they did not get utilities. Ms. Fleming replied it meant they were no longer able to operate a business because they could not be in business without a business license.

Mayor Hindman asked what happened if there were complaints about businesses. Ms. Fleming replied that they investigated those complaints. There was a hearing process, which involved burden of proof and the complaint had to relate to the operation of the business. She noted citizens as well as the Police Department have asked them to revoke or not renew business licenses. She pointed out not renewing the license was easier. Mayor Hindman asked if they kept a record of the complaints. Ms. Fleming replied yes. Mayor Hindman asked if that was open to the public. Ms. Fleming replied the business license records except for that related to sales was open to the public. Mayor Hindman commented that he had several people call him stating they complained to no avail. Ms. Fleming explained they would investigate the complaint, but noted they had to be able to prove it. They worked with the Legal Department in trying to substantiate the claims.

Mr. Loveless asked who had to have a business license. Mr. Boeckmann replied the Code of Ordinances had a long listing of businesses listed. He explained they could only license businesses that were listed under the state statutes for third or fourth class cities and it was an antiquated list.

(I) Street closure request.

Ms. Nauser made the motion to approve the street closure request as recommended. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(J) Civilian review boards.

Mr. Watkins explained Council had asked staff to look at a proposed ordinance provided by The Concerned Citizens of Columbia relating to a civilian review board.

Mayor Hindman stated he had great confidence in the Police Department and their procedures, but noted he had received many comments relating to concerns about the review system. He thought they might want to have the University or Justice Department look at the City's process from the outside to determine whether they agreed the process was good or if some things needed to be improved.

Mr. Janku asked if this had been looked at with the Police Strategic Plan. Mayor Hindman replied he did not believe so. He thought that discussed the needs, hiring frequency and organization.

Ms. Hoppe agreed they needed to take another look at it. She understood the people proposing the review board had provided a full blown ordinance, which was very extensive, and thought they were interested in talking to the Council at a work session in regard to something that might be less extensive, but still involve public input and review. She noted the staff report indicated one of the things that could be done was that the citizen could appeal the findings of the Police Chief to a Council Person. She asked what procedure she would take as a Council Person. Chief Boehm replied that he was referring to the fact that the City Manager was his boss and he in turn reported to the Mayor and Council, so people could make complaints to the City Manager's Office or the Mayor and Council. He noted that did occur. Ms. Hoppe understood they could through the City Manager ask for staff to take a second look at the particular complaint. Chief Boehm stated that was correct. Mr. Boeckmann pointed out that under the Charter, no member of the Council could interfere with the discipline of a City employee, so if someone complained about an officer, there was not much the Council Person could do other than telling the City Manager they received the complaint.

Mr. Janku noted the report indicated there was accountability in the Police Department. There was a procedure and people had been disciplined. Since they were not involved, they were not aware of it as they were not aware of situations in other City departments. He agreed the public needed to have some confidence in the process, but stated he was concerned about a civilian review board based on things he had read over the years. He thought Mayor Hindman's approach would provide some outside professional review, which would hopefully show they had a good process. He felt part of the challenge was that the discipline process could not be transparent because of its personnel nature.

Mr. Hutton suggested they ask the City Manager to find the proper authority to do such a thing and make a recommendation to the Council since there might be more than one option. Mayor Hindman agreed. Mr. Hutton understood they were talking about a very narrow approach. They would look at the internal review process within the Police Department. Mr. Loveless stated that was his understanding. Mr. Janku noted he did not have any expectations that they would find any problems.

Ms. Hoppe commented that if the agency decided a public citizen review board was an important factor, she would not want to tell them to not consider that option. Mr. Loveless asked for clarification. Ms. Hoppe stated she thought Mr. Hutton was saying they would limit the review to just what the Police Department could do internally. Mr. Loveless stated he thought Mr. Hutton was saying they should have a professional review of the Police Department's review process to determine it was the best it could be. Ms. Hoppe asked if that was what Mayor Hindman was suggesting. Mayor Hindman replied yes and added that if they were to say that in order to make it acceptable, they needed a citizen's review board, the Council could consider that at that point. Ms. Hoppe commented that she wanted to give them the opportunity to say that. She understood the main goal was to have public confidence and good will with the Police Department. They did not want rumors or people talking negatively about the Police Department because of experiences they felt were not being addressed.

Ms. Nauser understood in 2004, there were 254 investigations completed. She assumed that every complaint issued was investigated. Chief Boehm replied that was correct and noted the number was misleading because it included internally generated complaints, which were the majority of the complaints. Ms. Nauser asked for a rough guess on the percentage. Chief Boehm replied they had roughly 60,000 calls for service annually that officers responded to, but not all resulted in arrests. Ms. Nauser understood they could still generate a complaint, so out of 60,000, there were only 254 complaints. Chief Boehm pointed out a reason why their numbers of reviews might be higher than other departments of their size was that they reviewed every use of force regardless of a complaint or injury. Most police agencies of their size only reviewed use of force if there was a complaining party or an injury. The City's Police Department went above and beyond what the typical agency did on those reviews. Ms. Nauser asked if that was included in the 254. Chief Boehm replied yes.

Mayor Hindman made the motion directing the staff to provide options in regard to an outside, professional review of Police Department's review process. The motion was seconded by Mr. Janku and approved by voice vote with only Mr. Hutton and Ms. Nauser voting against it.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

David Tyson Smith, 3808 Panther Drive, stated he did not think it was unwise to have an outside agency look at the problems in Columbia, but noted he was not confident that it would solve the problem. He felt if there was lack of confidence with the Columbia Police Department, one way to create more confidence was to have civilians reviewing the problem. If they brought in an outside professional who indicated the internal review process was fine, the citizens would still feel as though their voices were not being heard. He thought the essence of ensuring confidence was to know citizens were reviewing the process. He felt Columbia was a unique City with unique circumstances and issues, which was why a civilian review board could help confidence.

Mayor Hindman noted he would not have confidence in looking at a civilian review board without getting some impression from outside people as to whether they thought it was a good idea.

James Robnett, 754 Demarit, stated he concurred with Mr. Smith's comment and the City's action tonight in regard to the police review board. In regard to the MKT trail, he noted he used it regularly and asked the Council to not pave it. He stated he was originally from St. Louis and used to ride the bike trail in Forest Park, which was six miles and paved. He noted he also jogged there, but he would jog on the grass next to the asphalt. He commented that when he rode the MKT trail, it was like going back to nature and getting away from the toils of everyday life. He urged the Council to review the police internal review process, support a civilian review board and to not pave the trail.

Mayor Hindman made the motion for Council to adjourn into closed session on Monday, November 13, 2006 in the fourth floor conference room following the work session to discuss pending litigation and contract negotiations and that the meeting be closed as authorized by Section 610.021(1) and (12) of the Revised Statutes of Missouri. The motion was seconded by Mr. Janku with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON.

Mr. Janku stated he understood an annexation adjacent to Perche Creek was in the process of coming to the Council. He wanted to see what could be done to get a trail easement.

Mr. Janku made the motion directing staff to pursue a trail easement through the appropriate process for the upcoming annexation near Perche Creek. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mr. Janku stated he was contacted by a constituent that pointed out some problems with parking along Smiley near the commercial area on the west side. He understood they were going to be bringing forth a no parking ordinance and bike lanes along that stretch, so he was encouraging the pursuit of that.

Mr. Janku stated he was contacted by a constituent regarding Parker Street at Vandiver. When they discussed the report about the mid-block crossing, he mentioned the possibility of a stop light at that intersection.

Mr. Janku made the motion for a staff report on whether a stop light would be appropriate at that location and if it was, to pursue it as part of next year's budget. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

Mr. Janku thought they had asked for a report about commercial connections between commercial properties for pedestrians and automobiles. Cars would then not have to go out on the main drag because the properties connected to each other internally.

Mr. Janku made the motion for a staff report regarding commercial connections between commercial properties for pedestrian and automobile access. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mayor Hindman commented that he read a MoDOT publication about entrances onto MoDOT roads and they were pushing hard for that. They felt there should be interconnections between properties, so there would be fewer entrances on MoDOT roads.

Mr. Hutton stated he and Mr. Janku had previously asked for a report, which he did not recall receiving, in regard to reuse of the Elks Club on Old 63 and the property across the street that had expanded greatly. They wanted to know the legality of those places in regard to zoning ordinances.

Ms. Nauser stated it was about 11:45 and this seemed to be their normal time to get out. She thought it was unfair to the staff and the general public to have to stay so late. She asked staff to look into alternatives to making the meetings shorter, whether it meant having

another meeting, amending the Charter or regrouping the agenda to make some meetings go faster while devoting more time towards public hearings that would be controversial. She commented that the City was getting bigger with many issues to discuss and when they crammed a lot into one evening, they could not give it the attention it needed. She thought they should look at other communities that were approaching Columbia's size to determine how they handled their Council meetings.

Mr. Hutton stated he thought it would take a Charter change, but was supportive of having three or four meetings a month. He noted, however, he still thought the meetings would go until midnight. Mr. Loveless suggested limiting Council discussion. Mr. Janku stated they had made adjustments to the agenda in the past and agreed there might be other things they could. He also agreed that if they had more time, they might talk longer. He noted they discussed having a third Monday meeting to accomplish some things. Ms. Nauser stated the whole purpose of local government was for people to speak. Mr. Janku commented that if they had a regularly scheduled work session, they might be able to do away with some of the pre-council and start earlier. Mr. Hutton commented that a half hour would not help much when the meeting went to 3:00 a.m. Mr. Janku did not think that happened regularly. It happened primarily when they discussed the budget. Mr. Hutton understood, but noted the average meeting probably went until midnight and that was unreasonable. He agreed with Ms. Nauser in that they did not do their best work late into the night. Ms. Hoppe commented that they also did not want to start the meeting before people got out of work. She thought 6:00 p.m. would be an option. Mayor Hindman agreed they should look into this, but noted there were a lot of limitations in regard to what could be expected.

Ms. Nauser stated that since Veteran's Day was coming up, she wanted to thank all of the veterans for what they had done.

Ms. Hoppe made the motion for a status report in regard to the number of warnings and violations issued on the nuisance party ordinance 3-6 months after its effective date and then continuing on a regular basis throughout the year. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Ms. Hoppe stated there was recently another accident at Stewart and Providence with a bicyclist being hit. She noted they were doing the underground pathway, but understood many people thought the crossing would still be used a lot. She asked if that was an appropriate spot for a pedestrian time light and sign alerting people of it being a high pedestrian crossing. Mayor Hindman understood that intersection was on the list for redesign although it was a MoDOT intersection. Mr. Glascock stated that was correct.

The meeting adjourned at 11:55 p.m.

Respectfully submitted,

Sheela Amin
City Clerk