

**MINUTES**  
**CITY COUNCIL MEETING – COLUMBIA, MISSOURI**  
**AUGUST 4, 2008**

**INTRODUCTORY**

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, August 4, 2008, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members JANKU, SKALA, WADE, NAUSER, HOPPE and STURTZ were present. Council Member HINDMAN was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

**APPROVAL OF THE MINUTES**

The minutes of the regular meeting of July 21, 2008 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Ms. Nauser.

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

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

**SPECIAL ITEMS**

None.

**SCHEDULED PUBLIC COMMENT**

**Linda Green – Tasers.**

Linda Green, 206 Anderson, stated she was speaking as a member of Mid-Missouri Women’s International League for Peace and Freedom (WILPF) and on behalf of various other groups, some of whom would also speak tonight. She asked those in the audience that supported their resolution on taser use to stand. Approximately 35 people stood. She provided and read a copy of the proposed resolution, which would limit police use of tasers only to situations involving imminent danger to the public or police, establish a public task force to study taser use and delay the deployment of newly purchased tasers until an evaluation of taser use was completed and assessed by the Council.

**Katherine Murrie – Tasers.**

Katherine Murrie, 103 Westwood Avenue, stated she was speaking on behalf of Grass Roots Organizing (GRO) and noted that the community had recently been engaged in a robust discussion of issues surrounding the safety of taser use and the role tasers played in law enforcement. She commented that a police officer’s job was not easy. Stress, conflict, tension and quick judgments were prevalent. She noted a person by the name of Aaron wrote “It’s not whether the police are good people. It’s whether the policies and culture of the police and the community that supports them guards against abusive type behavior.” on a taser blog site. In January 2007, the Houston Chronicle newspaper assessed taser use by

the Houston Police between December 2004 and August 2006, which was right after tasers had been distributed to all officers, and found the officers had used tasers more than 1,000 times. In 95 percent of those cases, there was no imminent danger and the subjects did not have any type of weapon. More than half of the taser incidents escalated from relatively common police calls, such as traffic stops, disturbance, nuisance complaints, reports of suspicious people, littering and fireworks. In 350 taser cases, no crime was committed and either the person was not charged or the cases were dropped or dismissed. They had heard a lot of people in this community indicate tasers were better than a gun, but these potentially lethal tasers were being used in situations where guns would never be considered. She noted Amnesty International indicated tasers were being used as tools of routine force rather than a weapon of last resort. Neither a gun nor a taser should be used unless there was imminent danger to the public or a police officer. All tased individual had suffered physical, mental, and emotional trauma. Tasers bred anger and fear, especially when used for minor offenses or on pregnant women, children, the elderly, the sick, the mentally ill or disabled persons. Tasers left an indelibly painful memory for those tased. They felt the Council should immediately limit taser use to only imminent danger situations to assure the public proper force was being used by the police. They were also suggesting the Council approve the appointment of a task force to conduct a thorough study of tasers, which could consist of training, past outcomes, cost, taser use restrictions, experiences in Columbia and other communities, liability and consequences of any taser abuse. They believed these task force meetings should be open to the public and encourage people to speak. They were also asking the Council to instruct the Police Department to postpone further training and arming of additional officers and to instruct officers who were currently armed with a taser to strictly follow current regulations and adhere to the resolution's imminent danger standard. She stated they supported more training for community policing and noted that tasers should not conveniently take the place of tried and true conflict and de-escalation techniques. She commented that the best crime fighting tools included the cooperation with, the trust in and the respect for police officers, and tasers did not do that.

**Janice Curran – Tasers.**

Janice Curran, 1422 Greensboro, presented the signatures of 180 citizens in support of the proposed resolution and stated she was also in support of the resolution being presented tonight. She commented that around noon on March 25, 2008, her grandson and a friend, who were walking to lunch, were assaulted by four young men in front of Hickman High School. The boys fought back in self defense and the Assistant Principal broke up the fight. Her grandson and his friend were attempting to go to his mother's house to clean up a bloody nose, but were stopped in the parking lot by a Columbia Police Officer and were told to put their hands behind their backs. Her grandson stated he was the victim of the assault. The officer grabbed his right arm and tased him. She stated her grandson was trying to get the arrow out of his chest and was told to stand still but could not and was tased again. He indicated he did not recall a verbal warning before the taser was used. She stated her grandson was a victim and not a threat to anyone. There was no imminent danger and she did not believe her grandson should have been tased. Since being tased, her grandson has

had chest pains and has sought medical attention. She noted they had requested a copy of the police report, but had been denied.

**Jeff Stack – Tasers.**

Jeff Stack, 112 Spring Valley Road, stated he was speaking on behalf of the Mid-Missouri Fellowship of Reconciliation (FOR), which was an international passivist social justice and peace group. The local chapter, which he helped coordinate, was founded in 1961. He commented that they were grateful to the other groups that were promoting the proposed resolution and urging a delay in the deployment of tasers and a limited use policy. He explained FOR felt they needed to take this stand a step further and was urging the Council to halt the deployment and use of tasers altogether. He noted tasers were inadequately and inaccurately dubbed non-lethal and had already claimed more than 300 lives. They were weapons that sent 50,000 volts of electricity in order to incapacitate an individual. He did not believe these stun guns should have a place in the community as they only added another layer to propagating a culture of violence in the community. He urged the Council to reverse its June 2<sup>nd</sup> decision to authorize the purchase of taser guns for City police officers by sending the weapons back to the manufacturer. They believed this was one grant the City could wisely pass on unless it could be used for alternatives to lethal weapons, and the taser was not such a contraption. Such grant monies, he believed, would be better spent on additional training on non-violent conflict resolution techniques and/or additional training for disciplined self defense martial arts. The spending of public funds on such weapons represented a warped sense of priorities. He felt top funding priorities should continually involve meeting the basic needs of all citizens. If they eliminated homelessness, joblessness and poverty, which he believed were achievable goals in a truly just society, there would be much less violence and less potential danger to police officers. The presence of such weapons contributed to a building of ill-will and hostility between the police and community residents. He commented that police officers were indeed stuck in the most challenging situations and were the front line in dealing with some of the most difficult individuals in society, and he appreciated the work they did. He explained he had volunteered to live at the St. Francis House for about five years and was grateful for the ongoing efforts of police officers because they had a very difficult job. They were forced to deal with individuals who had been marginalized in society on a daily basis. He noted they were concerned for the welfare of the police officers, just as they were for any global citizen. Two years ago, a coalition of 142 non-governmental U.S. organizations submitted a report counterbalancing the U.S. government's assessment of its human rights record. It was presented to the United Nations' Human Rights Committee for consideration during their semi-annual meeting. The report considered possible human rights violations including the use of tasers and other stun guns by police forces nationally. The U.S. federal and state governments were contending tasers saved lives, but the Department of Justice was unable to produce any data supporting that claim. The non-governmental report also discredited the contention that tasers were necessary to control violent individuals. The report pointed out that in 77 percent of all cases across the Country, tasers were used to subdue people who were unarmed and posed no

threat. He understood the Council had many issues facing them, but asked them to consider backtracking and rethinking this taser issue altogether.

**Carolyn E. Mathews and Dan Viets – Tasers.**

Carolyn Mathews stated she was speaking on behalf of the Mid-Missouri Affiliate of the American Civil Liberties Union (ACLU) and noted that although she was acting as a spokesperson for the ACLU, some of her remarks were her own and did not officially reflect all of the members of the Board. She explained the ACLU shared the concerns of the other groups represented here today. The ACLU's mission was to protect civil liberties as guaranteed by the U.S. Constitution as they were already under attack in many ways under the Bush and prior administrations. Citizens were under greater surveillance than ever before, including when carrying out constitutionally protected activities, such as attending peaceful demonstrations or town meetings. E-mails and phone calls were no longer private and bank accounts and other aspects of lives could be accessed on slim excuses and without a warrant. The latest law expanded this again by allowing more warrantless searches, weakening FISA laws and letting telecom companies off of the hook for breaking the law by giving away private information without authorization. The fear of terrorism had been used to rationalize severe sacrifices in civil liberties. The government's careful design of the balance of powers was supposed to protect citizens with decision making being shared among the branches of the government. This was a good idea because any branch having a disproportionate amount of power threatened constitutional freedoms. She noted states and localities also formed a necessary balancing function and had the right and responsibility to continue where other parts of the government left off. The use of tasers was one issue that had not been resolved nationally, but was an explosive issue in many states and localities across the nation. Since the standards for safe and appropriate use had been mostly engineered by the manufacturer, TASER International, there had been a time lag before careful scrutiny had reached public attention. Citizens, cities and police forces were now realizing that one corporation's monopoly was not the best source for unbiased information, analysis or legal opinion. She commented that the debate was still relatively young in Columbia and felt they should not rush the issue. She believed much of the public was still waking up to the issue and agreed they should not forget the tried and true techniques of conflict de-escalation as stated by Ms. Murrie. She felt these techniques needed to be looked into by the task force. She stated police forces had a lot of responsibilities and a lot of techniques at their disposal, but believed things that were overly dangerous for the situation should be avoided until the situation was at the level of imminent danger or another level that could be deemed a proper level. She commented that the Mid-Missouri ACLU was the watchdog for civil liberties and read their press release, which was issued on June 26, 2008. As a result of the taser incident at the Providence and I-70 overpass, they were encouraging the Columbia Police Department to postpone further expansion of taser use until a thorough study could be conducted to investigate taser effectiveness, safety and use. They were recommending the City set up a task force to conduct the study of the Thomas A. Swift Electric Rifle. She noted the ACLU had not taken a stand on banning it. They were only recommending the City set up a task force and take this problem seriously.

**Steven Tatlow – Coordinated Regional Transportation.**

Steven Tatlow stated he was the Community Involvement Coordinator for the Boone County Community Partnership, which was a non-profit agency that served all of Boone County, Missouri by empowering the community to work together to address issues and concerns of local residents. For over 15 years, community needs assessments of one form or another continually returned with transportation as being one of the top three needs, if not the first need. Comments from these studies indicated transportation was one of the greatest needs and more coordination of transportation was needed to keep elderly people living in their homes. In addition, the Boone County health report card established public transportation as a priority issue. The Mid-Missouri Transportation Alliance began about four years ago and involved funders, providers, riders of transportation services, local governments, social services, medical entities, businesses, etc. The group established trying to assess these unmet transportation needs, existing resources and the potential for significantly enhanced and coordinated passenger transportation services throughout all of Boone County as a goal. At that time, the group's effort was unique in Missouri because they were addressing the entire transportation system needs, resources and potential for coordination for the first time. In 2004, after this group determined its mission, 19 partners, to include the City of Columbia, put a cash contribution toward this study. In addition, 26 organizations put a significant in-kind contribution of resources, manpower, etc. into the study and 90 organizations surveyed the existing needs, resources and potential to coordinate. One result from the study of 2006 was the fact that 50 percent of the existing transportation need in Columbia and 51 percent of the existing transportation need in the rest of Boone County remained unmet. Gas prices, at that time, were near \$2.00 per gallon and the number one group with transportation needs was seniors, followed by persons with disabilities and families of low income. He noted energy costs and environmental concerns were now at an all time high and that affected everyone in the community. He pointed out a recommendation of the Visioning Plan was the development of a regional transportation system. In December of 2006, the Mid-Missouri Transportation Alliance made a series of recommendations with one being the development of the Mid-Missouri Transit Pilot project. He displayed a slide showing transportation needs. The group proposed connecting communities with twice daily service. One connection would be Sturgeon to Centralia to Hallsville to Columbia and the other would be Columbia to Ashland to Jefferson City. They also recommended connecting the Columbia Transit system, the OATS system, the Greyhound system in Columbia, the Columbia Regional Airport, the JeffTran system in Jefferson City and Amtrak. This would allow them to optimize the effectiveness of existing transportation services as well as begin coordinating a regional transportation solution. The annual operating expense for this system was estimated to be \$326,680. Of this amount, \$212,000 had been committed with a majority coming from renewable FTA-5311 funds. This left a balance of \$113,900 to operate this system annually. He noted the capital had already been provided. On behalf of the Mid-Missouri Transportation Alliance, he was requesting an investment from the City of Columbia in this solution. He invited members of the Council to meet with him so he could further explain.

## **PUBLIC HEARINGS**

### **B216-08 Rezoning property located north of the intersection of East Ash Street and North Fourth Street (313 East Ash Street) from M-1 to C-2.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this requested rezoning would change some downtown property from M-1, general industrial, to C-2, central business. The Planning and Zoning Commission recommended approval of the proposed rezoning request.

Mr. Sturtz noted a map from 2005 showed M-1 between Broadway and Elm, along the west side of Fourth Street, and asked if that was still the case. He stated he was surprised there was any industrial land downtown. Mr. Teddy replied there was M-1 in the area Sasaki studied. In addition, historically, there were industrial uses along Flat Branch. Mr. Sturtz asked if the zoning designation had been retained since the park was developed. Mr. Teddy replied he was not aware of any recent rezoning in that part of downtown.

Mayor Pro tem Janku opened the public hearing.

Linda Rootes, 402 N. Eighth Street, stated she was the President of the North Central Columbia Neighborhood Association and this property was within their Association boundaries. She noted it was not within the Special Business District at this time and they were happy to support the rezoning. She commented that the Board voted unanimously to support the rezoning. She explained she participated in extensive conversations with the Waters family and appreciated their cooperation in planning for downtown. She noted other members of the Special Business District were also cooperating with them and explained they were entertaining a presentation for a rezoning at St. James at their August meeting. In addition, their September meeting would include a Visioning project in the North Village area. She stated they were very happy with their relationship with the Special Business District.

Mr. Skala asked about the nature of the Association to include how many members they had and how the vote was conducted. Ms. Rootes replied they were a membership organization. Anyone who lived or had an interest in the neighborhood could be a member and had to affirm their interest every year. At the annual meeting, the people who had stated they wanted to participate voted for a Board of Directors. Throughout the year, the Board of Directors met monthly and addressed issues such as this. She noted this was addressed at a Board of Directors meeting and was approved for support.

There being no further comment, Mayor Pro tem Janku closed the public hearing.

B216-08 was given third reading with the vote recorded as follows: VOTING YES: JANKU, SKALA, WADE, NAUSER, HOPPE, STURTZ. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

## **OLD BUSINESS**

### **R164-08A Officially recognizing the North Central Columbia Business District and recognizing it as an official neighborhood organization for the area described in the by laws of the District.**

The resolution was read by the Clerk.

Mr. Watkins explained this was tabled at the last meeting and some changes had been proposed at the applicant's request. He noted this request was in conformance with the City's requirements for establishing a recognized neighborhood association and pointed out it would share portions of its boundaries with the North Central Columbia Neighborhood Association, which was allowed under the City's current policy.

Mr. Skala understood the North Central Columbia Neighborhood Association and the Douglass Park Neighborhood Association boundaries overlapped and asked if that was the only example of neighborhood associations having overlapping boundaries. Mr. Watkins replied it was to his knowledge. Mayor Pro tem Janku thought there had been another one in the past. Mr. Watkins agreed and noted it no longer existed.

Mr. Sturtz asked if Douglas was an active organization when this happened. Mr. Watkins replied he did not know.

Mr. Skala noted part of the problem was that some of the neighborhood associations, such as the new one being proposed, had a clause indicating that if they did not elect new members within a certain period of time, the association would cease to exist.

Phebe LaMar, an attorney with offices at 111 S. Ninth Street, displayed a map on the overhead showing the boundary lines of the proposed North Central Columbia Business District. As staff mentioned in their report to Council, this organization had met all of the requirements set out in the City's neighborhood organization policy adopted in 1977. The bylaws had circulated among the neighborhood and throughout the neighborhood to all of the property owners and tenants in the area. The boundaries defined an area that was an appropriate geographic size and had a population effective for planning. When the Association first submitted its request to the City for recognition, they had received responses supporting the creation of the Association from the owners of approximately 80 percent of the property in the area. Since that time, the number had increased to approximately 90 percent of the property area, which was 83 percent of the parcels in the area. They received responses from 67 of the 96 owners of the proposed area, which was nearly 70 percent of the actual individuals and entities who owned property in this area, wanting the City to recognize the North Central Business District as the appropriate voice for them in front of the Council with regard to issues that affected them. She noted Ms. Rootes sent an e-mail at 8:05 a.m. stating that recognition of this organization, as an alternative neighborhood association, would open the door to any splinter group, in any other neighborhood association, who did not want to work with an existing organization which had been recognized by the Council and that developers would love the confusion and chaos that would result from that precedent. Ms. LaMar did not agree. She noted this was not a splinter group. It was a group with a defined geographic area in which 70 percent of the people and entities that owned property in the area and 90 percent of the property area wished to have a voice in front of Council because they did not feel they had that from the North Central Columbia Neighborhood Association. She questioned how they could call it a splinter group and felt if they were going to call it a splinter group, they should equate the bylaws of this organization to the Declaration of Independence because they could technically call the United States a splinter group as well. She commented that there was a requirement that the boundaries of a neighborhood association take into account commercial patterns in addition

to a number of other factors. The North Central Neighborhood Association boundaries incorporated approximately 320 square acres of property within which, at least for purposes of the proposed overlay district, there were at least five subareas that were distinct as far as the appropriate use of the property, etc. As a result, she questioned whether the boundary lines of the North Central Neighborhood Association were actually appropriate when it was recognized. She thought this organization might be more appropriate as far as the way the boundary lines were drawn. She noted the current membership of the North Central Columbia Neighborhood Association was 46 in number and the number of people that responded to the North Central Business District was 66. She pointed out the owners of 58.6 percent of the property area located within the North Central Neighborhood Association boundary lines had expressed and/or signed written statements indicating they were opposed to the proposed overlay district that had been discussed at Planning and Zoning Commission meetings and would at some point come before the Council. She noted 58.6, a majority of the property located in the area, had expressed opposition to the proposal, but the organization who was supposedly providing a voice for these property owners was continuing to support the proposal. It was no wonder there was a group of people within the area who felt they were not being given a voice. The neighborhood organization policy resolution indicated that a neighborhood charter assuring satisfactory fulfillment of the above minimum requirements, which staff stated this organization did, shall be recognized by official Council action and be placed on file with the City Manager's office. Since this organization had complied with the requirements of the policy for recognition as a neighborhood organization and for all of the other reasons already mentioned, she asked the Council to recognize this organization.

Mr. Sturtz stated he was looking at a six page list of Business District members and asked for clarification regarding the process by which they signed up to be District members. Ms. LaMar replied a letter, which included a copy of the bylaws, was sent to each of those individuals asking them if they were interested in becoming a member of the organization to either show up to a meeting or return the letter stating they wanted to see the creation of this organization and become a member. They received responses and/or those individuals showed up at the meeting. Mr. Sturtz understood she was certifying the people on this list had sent written notice. Ms. LaMar replied she was and noted copies of those were sent to the City when they submitted their request. Mr. Sturtz stated he called three people he knew on the list and two of them stated they had never responded to the letter. Ms. LaMar asked if they were listed in blue or white. Mr. Sturtz replied they were in white. Ms. LaMar explained the people in white were not being represented as returning requests. The ones highlighted in blue were. Mr. Sturtz noted a legend had not been provided. Ms. LaMar apologized and stated it was a complete list of everyone located in the area and those highlighted in blue either returned a request stating they would like to see the organization created or were in attendance at the meeting that was held.

Ms. Hoppe stated the bylaws indicated every person age eighteen or older who resided, leased commercial premises or owned was eligible for membership, but the list appeared to be just the owners. Ms. LaMar explained that was the majority of who they received responses from although there were some business owners and others who also

returned responses as well. The letter was sent to every property owner. In addition, her office went through the list they received from the assessor's office and a letter was sent to the tenant via the property address as well as the property owner for everyone on the list with different mailing and property addresses. Ms. Hoppe asked if the letter sent to the tenant invited them to participate. Ms. LaMar replied it was the same letter that went to the property owners. Ms. Hoppe asked if they received responses back. Ms. LaMar replied they received responses from some tenants, but noted she did not have a break down of those responses.

Mr. Skala commented that when they received this two weeks ago, it was represented as a business district, which had all of the rights and privileges of a neighborhood association. Ms. LaMar pointed out it did not. Mr. Skala stated understood they felt a neighborhood association provided more in the way of what they were after than a business district application. Ms. LaMar stated that was correct. Mr. Skala asked for clarification. Ms. LaMar replied there were several things a neighborhood association was allowed to do that a business organization was not. She explained the neighborhood organization policy included a clause that allowed a neighborhood organization to submit requests to the City for purposes of having things included in the budget, but that was not in the business organization policy. There were a couple of others items as well.

Mr. Skala asked if their original application was as a business district or a neighborhood association that was changed to a business district. Ms. LaMar replied the name of the organization was submitted as the North Central Columbia Business District, but it was submitted under the neighborhood organization policy. She pointed out they did not know there was a business organization policy. She explained it was submitted with that name because of its geography and make-up. Mr. Skala understood the intention was to name it something different than the existing neighborhood association, but to have all the rights and privileges of a neighborhood association. Ms. LaMar stated that was correct.

Mr. Skala asked why, if they had this majority, they chose to create a new organization versus working within the confines of the North Central Neighborhood Association, which had been established for a long period of time. He understood there was a controversial issue, but felt they were getting into an area of internecine warfare between neighborhood associations, which was a policy issue the Council needed to deal with. He asked if there was an initial attempt to try and influence the Neighborhood Association to the way they saw things or if they just decide to go another way because they could not get where they wanted to go. Ms. LaMar replied there were several reasons they did not go that route. She explained the majority of the property in this area involved businesses, which meant they were people who tended to seek concise methods of dealing with problems and issues. The meeting they held in order to create this Association was 45 minutes long and was held at 8:00 a.m. on a Friday. Her understanding was that this did not happen with the North Central Neighborhood Association. She noted very few people in this area had the time to attend the meetings that were standard for the North Central Neighborhood Association. In addition, they did not feel they had an option of proceeding within the North Central Neighborhood Association given its desire to ignore the outstanding amount of opposition to an issue.

Ms. Hoppe understood they were envisioning people could be part of this Neighborhood Association and the North Central Neighborhood Association. Ms. LaMar

replied there was that potential. She noted they had no objection to the Council saying that could not happen, but did not believe they had the ability to get themselves out of the North Central Neighborhood Association. She felt it was something the Council would have to address if they did not want to see it happen.

Linda Rootes, 402 N. Eighth Street, stated she was President of the North Central Columbia Neighborhood Association and noted the fourth paragraph of the neighborhood organization policy, known as B404-77A and passed September 26, 1977, stated “By resolution, the City Council may approve the charter of the neighborhood organization and thus recognize it as the official neighborhood organization of a given area.” She felt if it was not Council’s intent to continue that policy, they needed to change the neighborhood policy. On March 15, 1993, the North Central charter came before the Council and those present at the meeting were Campbell, Kruse, Harline, McCollum, Schuster, Janku and Hutton. In the meeting minutes, there was discussion about the overlap with the Douglass Park Neighborhood Association and it was stated that the group had lapsed into an inactive state and that there was no contact person with the City. In addition, then Planning Director, John Hancock, explained that setting the boundary there was logical because it squared up the boundaries. She noted Mr. Campbell had inquired as to what would happen if the group became active again and the North Central Columbia Neighborhood Association indicated they would be happy to work with them. She commented that she thought their record had shown they had never opposed any kind of issue the Douglass Park Neighborhood had brought forward. In fact they had worked with them on many occasions. She wondered how they could recognize another organization as the official neighborhood organization of the area. She pointed out the staff report stated “an” organization, but the actual resolution stated “the” organization. If they had two organizations, she wondered which one a property owner would go to and which one the Planning and Zoning Commission would listen to with regard to the new assessment of how property owners would work with neighborhood associations. She explained the Smithton Valley Neighborhood Association wanted to expand and over run the Highland Park Neighborhood at one time and the Council did not let that go through. The Highland Park Neighborhood was cut out of the middle and established as a separate neighborhood in 1996. She noted Roy Dudark was the Planning Director when there was an attempt to stall or overcome an overlay ordinance in the East Campus area and he was quoted in the Tribune as saying “We wouldn’t recommend it, simply because there’s no clear group to communicate with.” Recently, the Council approved the Historic Old Southwest Neighborhood Association, but only after two neighborhood associations that were more or less inactive had sent letters stating they were disbanding. She understood the Westmount Neighborhood was in the same kind of discussion, but would not be added to the Historic Old Southwest Neighborhood Association until they voted to disband. She commented that there seemed to be no question that Columbia College and the owners of commercial and residential rental properties wanted to be part of the North Central Columbia Business District, but according to her calculations, Columbia College owned 40 percent of the square footage in that area and four extended families owned another 26 percent, so there were only 77 unique property owners rather than the 179 that were mentioned. Columbia College was counted 29 times. As a result, 6.5 percent of the property owners

controlled 66 percent of the real estate. She stated she saw no evidence of homeowners or renters signing on to this business oriented organization. Some homeowners had told her that when they received the mailing, they thought it was a business organization and did not pertain to them. She stated they had no issues with the North Central Columbia Business District being recognized as an official business organization for the area. They welcomed their future planning efforts and wanted to work with them, but did not think it was a good precedent to confuse the neighborhood association issue, especially with a group named so similarly to an existing group. She asked the Council to adopt the original resolution and not create confusion for property owners and City staff.

Scott Atkins, 3909 Daylily Court, stated he was the President of the North Central Columbia Business District and pointed out the North Central Columbia Neighborhood Association represented roughly 3 percent of the 900 parcels within the Association. He believed the Council had to ask themselves if there was something wrong with this picture. He commented that there was this issue of an overlay, which 60 percent of the property owners opposed, so 3 percent of people were driving an issue that 60 percent of the properties did not want. This was why they endeavored to form their own neighborhood association. They felt they needed an equal voice. He noted it had been tremendously expensive and difficult starting from ground zero to try to oppose something. He commented that contrary to some of the illusions that were made, the Atkins family was not driving it. He explained other people told them they needed to look into it, so they were not the ones driving the opposition on the overlay issue. He agreed they were the ones driving the neighborhood association issue because they wanted a voice in the area. He noted there had been a fair number of people from other parts of the North Central Columbia Neighborhood Association that wanted to join this. He did not believe there was any provision to allow for this expanding or contracting and was not forecasting it as an alternative, but thought it showed there was a problem with what the City currently had. He asked the Council to give them some relief.

Janet Hammen, 1416 Wilson Avenue, provided copies of a staff report from February of 2002 concerning a proposed neighborhood association that would overlap with the East Campus Neighborhood Association and noted staff had recommended Council re-evaluate the policy of allowing overlapping neighborhood association boundaries. It indicated that if the policy was to continue, staff recommended developing a memorandum of understanding to be signed by the officers of the overlapping neighborhood associations to clarify their roles in representing their respective neighborhoods. Concern had been expressed by the existing neighborhood association that approval of this request was not in the best interest of the neighborhood. Staff felt the approval of the proposed neighborhood association increased the potential for greater conflict between landlords and homeowners in this area. It would also create more confusion regarding which association officially represented the interests and desires of the overlapping territory. Staff felt this proposal did not meet the requirement of the City's neighborhood organization policy that required an association's boundaries to take into account community organizations and other historic factors. The East Campus Neighborhood had been the officially recognized neighborhood in this area for past several decades. Staff had not been able to determine the extent to which the existing neighborhood

association was involved or been given an opportunity to take part in the development of the current proposal. She pointed out that two days after this was issued, the request had been withdrawn by the proposed competing neighborhood association. She urged the Council to deny officially recognizing the North Central Columbia Business District as an official neighborhood association that overlapped with the North Central Columbia Neighborhood Association.

Ms. Hoppe asked if the Council ever followed up on it. Mr. Hammen replied the request was withdrawn and she had no knowledge as to whether the Council re-evaluated the policy.

Dan Cullimore, 715 Lyons Street, stated he was the Vice President of the North Central Columbia Neighborhood Association and commented that the Council was responsible for hearing the requests and opinions of citizens on any number of issues and deciding upon the most civic and lawful course of action. These decisions often governed what happened on or with private property. It was a grave responsibility exercised without cavalier disregard for either public good or private rights by those now serving. He stated he did not envy this responsibility and respected their dedicated practice of good sense, wise experience, and sound counsel. He felt it was unfortunate that not every request that came before them came with that same sense of dual responsibility. Too often the goal of a petition was self-interest and he believed that was the case of R164-08A, which requested approval of a new association within the current boundaries of the North Central Columbia Neighborhood Association. There were three substantial conditions that argued against adopting this resolution, as amended. It was predicated on granting legal standing to property, a fundamentally un-democratic and un-American proposition. It was also promulgated on a fictitious lack of representation within existing neighborhood processes. In addition, it had been developed by procedures that lacked good faith. He pointed out the request was supported by a list of properties and their respective owners and was accompanied by the square footage of land in each parcel. In this one person, one vote democracy, he questioned when real estate holdings received standing before the law. He commented that those petitioning the Council were some of the largest land owners and most successful developers in the area. He questioned whether they were so poor and lacking in means with regard to addressing the Council that they should be granted neighborhood association status on the basis of their accumulated size of land estate. He stated, on the surface, the proposed association sought to improve representation for a supposedly maligned group of property owners, but it really hoped to overrun the hearing of the overlay district governing zoning in North Central by establishing competing claims about representation. He commented that to accept the argument they had been and continued to be excluded from existing neighborhood processes would ignore fifteen years of their self-imposed refusal to become involved. He did not believe they lacked representation. He believed they lacked interest and care.

Sid Sullivan, 2980 S. Maple Bluff Drive, stated he was a property owner in North Central and had been invited to join North Central when he first purchased their property. He noted he had been somewhat active as he attended Board meetings periodically although he was not on the Board. He explained this neighborhood was in the Neighborhood Response

Team area, so the City had defined it as code enforcement area in terms of maintaining property. There were inspectors assigned to check lawns, property, gutters, etc. and write tickets and send notices to property owners to ensure they maintained their property. During the time they owned this property, they had property owners that did not maintain the value of their property. He noted there was a division in the neighborhood between people who bought property and made investments in hopes to improve the neighborhood and those that did not. He commented that since February, he had been discussing with the County Assessor the issue of a land owner who improved his property being immediately hit with a new assessment, but a property left to deteriorate being depreciated, not only with regard to the value of the improvements on the property, but also with regard to the value of the land itself, which he disagreed with. He felt the issue before the Council involved a group of land owners that did not want to spend more than 45 minutes on their own to develop a policy, but preferred to spend the Council's time. He thought they should elevate the debate in terms of how they wanted to maintain neighborhoods. He asked if they wanted to maintain them for speculators and businesses and noted a good deal of the businesses in this area involved speculation as the land owners were betting on the neighborhood declining. He stated he was a small property owner that was betting on the improvement of this neighborhood and had sought out a quality resident and quality owners, so they could improve the quality of the neighborhood itself.

Amir Ziv, 904 N. Eighth Street, stated he sat on the Board of the North Central Columbia Neighborhood Association and wondered where these people had been for the last year or two. He noted they had never attended a meeting. He pointed out everyone worked and was pressed for time. He stated the time restraint comment was offensive as they found the time to put toward the Association. He commented that he believed the Association cared a lot more about their businesses than they cared about their houses. He felt they had helped their businesses a lot. He wondered why they wanted to organize now when the overlay was about to be in front of the Council. He thought they needed to unite versus being divided. He felt the Business District should be a part of their organization.

Mike Martin, 206 S. Glenwood, stated he did not have a position on this issue and was neutral on whether they approved the new association or not. He noted he was not a member of the North Central Neighborhood Association, but owned a lot of property there. He commented that what bothered him was that everything he had done in the last seven years to renovate property there was a battle. It had stomped out his passion for neighborhood revitalization and he resented that. He stated he resented thinking he was coming into an area that needed his help because they were never getting any help because every person in the community that had power simply checked out and did nothing. He provided 802 Wilkes as an example as there was criminal event after criminal event on that street. He commented that by the time the nuisance ordinance, which had been designed by a couple of police officers, had gotten to the Council it did not work and was not being enforced. They had a worse crime problem after the ordinance was passed than before. He stated they relied on block grants in that neighborhood for everything. He noted Public Works had torn up one of his lots on North Sixth Street looking for a drainage box that did not exist because they missed a major connection when using a block grant to do street drainage

work. Now there were these two neighborhood associations going at each other. He reiterated that the people who had the power were checking out. He felt their moral authority could bring so much to the conditions of this neighborhood and all of the central City, and it astonished him that it had not happened yet. He was concerned that a person coming in with a passion to make a difference by turning some of the worst houses in the neighborhood to some of the best after battling every hurdle imaginable with no subsidies or help might be checking out. He did not think that was good and felt they had to turn this around.

John Clark, 403 N. Ninth Street, stated he had been active in the North Central Neighborhood Association for fifteen years and noted most of the land associated with the application before the Council tonight was College and residential, so it did not make sense to call it a business district. He thought Ms. Rootes was right in that they should not approve this application until they went through a process with multiple public hearings regarding whether they were going to change the policy to encourage the existence of multiple neighborhoods associations in an area. Currently the language stated “the” and he felt it should stay that way. He commented that similar people, many of whom were probably in this group, had tried to rip apart East Campus, but luckily a prior Council thought it was inappropriate. With respect to Douglass Park, they had done a lot of things with the people in Douglass Park, but it had been an ongoing source of hard feelings. He did not believe they should have done that. He thought it was done because City staff stated it was okay since they were inactive. He wished they had never done it and asked the Council to not do it again. He commented that the North Central Neighborhood Association had done a lot of things to help move issues along, such as the access street, COLT railroad, etc. that benefited a number of the businesses who were partly driving this. He felt there was bad faith involved. They had not participated in years, but wanted the Council to reward them. He felt it was like people who let properties deteriorate and then wanted the City to allow them to do anything they wanted to improve it. He noted this was part of a strategy to defeat the overlay district and by proxy any kind of new comprehensive planning initiative that was needed in the central City or the whole town. He did not believe the people driving this had any vision for the future. He felt they believed that the problems they had now of the central City becoming vacant and the downtown not being nearly what it should be were great problems. There were all kinds of problems due to the applicant driven process and they just wanted to be able to keep on doing things exactly the way they had done in past. He felt they did not have a vision for a vibrant downtown or a vibrant set of neighborhoods surrounding the downtown. He believed this was part of a heavily funded strategy to say they would not do it that way and he encouraged the Council to say no to it.

Brad Eiffert, 1000 Hulen Drive, stated he was a second generation business owner in the North Central Columbia area and continued to operate a 43 year old family business in the area. He noted he had been a member and financial supporter of the North Central Columbia Neighborhood Association for years, but was now urging the Council to recognize the formation of a new and separate voice for the business and commercial interests of north central Columbia. He commented that they did not choose two voices for their area. They desired one voice that was unified by their common business and commercial interests. He noted the Council had heard about the overwhelming support they had within their

boundaries for the formation for this new voice. They believed it was a critical voice to future development in the community governance process. He felt it was important for him to come forward tonight because a lot of things had been said about them. He did not deny they were one of the larger private land owners in that part of town, but noted it had been a 43 year old growth as they had developed a business in the central part of Columbia. He pointed out they had made major investments in a part of town that one would not have wanted to be in at night when he was a young man. It had been said he did not have a vision for that part of town, but that was not the case. He stated his 13 year old son was with him tonight and commented that one of these days that part of town would not be a lumber yard anymore. It would be something that was dynamic and useful and he definitely had a vision for what that part of Columbia could look like as it developed in the future. It had been said that there was a lack of interest and care, but he felt they could tell from the investments made over the years that they had a sincere interest and care for their part of the community. He noted he had been in this part of town for a long time and he saw it as the first time people were checking in. He admitted it took an issue to make people want to step forward and be part of the process, but for the first time people were checking in. He stated, as a body, the Council had affirmed the voice that common interests should have in a part of the community and he urged them to embrace this expression of these people who wanted to have a voice in the process. He thought if they looked at the boundaries and looked at the commercial and business interests within the confines of those boundaries, they had made them reasonable. The people within it had common business interests and were looking for a separate voice because they acknowledged the aesthetic and development needs of the more residential oriented part of the community were different than theirs. He asked for the Council's support. He pointed out he had worked with Mr. Clark and Ms. Rootes for years and this was not about any lack of openness or lack of vision on their part. They were completely open and always had been, but for the first time in a long time the business community was trying to check in and having a boundary that defined common interests would allow a lot more interest and checking in to happen.

Ms. Hoppe stated he had focused on business and commercial interests and asked if he had any aversion to being a business district. Mr. Eiffert replied he thought it was important for that part of the community to have a separate but equal voice in front of the Council and a neighborhood association would be needed in order to have an equal voice.

Mr. Skala asked for an explanation of the differences between a neighborhood association and business district. Mr. Teddy replied he thought the business area organization policy was created in 2003 due to a movement toward a business organization in the north side of town, but the Council was never asked to recognize them. The resolution that created the business area organization policy was similar to the neighborhood association policy resolution from the 1970's. He noted Ms. LaMar had mentioned access to budget resources and thought that might be one difference. Ms. Nauser stated it appeared items 3, 4, 5 and 6 of the neighborhood organization policy were in addition to the business district policy. Neighborhood organizations could make requests for funding of neighborhood projects for inclusion in the City's annual budget. Limited opportunities for federal funding of certain projects were available through the Community Development Commission.

Neighborhood organizations shall be notified of all proposed seriously contemplated City changes having primary affect upon traffic and streets within their neighborhood in addition to parks and recreation facilities so they could have ample time to participate. Plans for proposals submitted by a neighborhood organization could be referred by the Council to administrative staff and the appropriate established citizen advisory commission for further study and recommendation. She explained those were in addition to what was allowed by the business district policy. There were other minor differences, but those were the four primary differences between the two organizations. She thought they would essentially have more notification rights as a neighborhood association.

Mayor Pro tem Janku stated they had the right to receive notice on planning and zoning issues. He thought it was primarily the CDBG funding items where neighborhood association had an advantage. Mr. Skala asked if a business district did not have a link to information. Mayor Pro tem Janku replied they received information on planning issues. The budget issues were the main difference. They did not have the explicit authority to request funding.

Ms. LaMar pointed out with regard to the notice provisions, two to three things were included in the neighborhood organization policy, such as public parks, etc. that were not included in the business area organization policy. Ms. Nauser commented that a neighborhood association was allowed to participate in the planning process with regard to traffic, streets, parks, recreation facilities or programs within their neighborhood. Those were not listed in the business district policy.

Mr. Skala commented that this had happened before in the case of the Old Historic Southwest Neighborhood Association. There was now a Historic West Broadway Neighborhood Association as well, but those did not overlap. He thought that was the most recent example of some differences between people living in a particular area and deciding to establish their own neighborhood associations with distinct boundaries. He suspected the former Council made a mistake when they approved overlapping boundaries for the Douglass Park Neighborhood Association and the North Central Columbia Neighborhood Association, but that did not mean he did not believe this group that petitioned the Council should not have the same voice as a neighborhood association. He felt this was a policy issue they needed to discuss. He thought the name distinction, which reflected the character of the groups in question, was important. He believed two policy issues needed to be addressed. They needed to address the issue of overlapping neighborhood associations and the issue of a business district being second class in nature to a neighborhood association because he wanted everyone at the table whether they disagreed with the parent body or not. He felt both groups should have the same standing, which was incumbent upon the Council to try and provide, but also believed this group should be recognized as a business district versus a neighborhood association because it was a type of political organization that was not addressed in the text that described a neighborhood association. He stated his inclination was to not grant neighborhood association status, but to recognize this group's right to have the same rights and responsibilities as a neighborhood association. He did not think it was a good idea to allow them neighborhood association status because there were unresolved issues, but he did think they needed to move on those issues in the future. In addition, in

their upcoming arguments regarding the overlay district, he felt they should have the same status as the groups already established.

Mr. Sturtz stated this was a big mess and it pointed out the fact they needed mediation much earlier in the process, so it would not be dumped on the Council at the last minute. He thought it was a great thing that people were buying in and there was interest as Mr. Atkins and Mr. Eiffert indicated. He agreed with Ms. Hammen and others who felt this would create a lot of confusion and more conflict in the end. He hoped there could be one organization that could reflect a lot of different opinions and out of those different opinions there could be a consensus as that was what they needed as a City and out of that neighborhood. He did not believe there was a precedent through the Douglass Neighborhood because it had been established that a group was on hiatus when that happened. He agreed with Mr. Skala in that it was probably a bad decision and did not believe they should keep making those same mistakes. He believed it would be big mess to grant competing neighborhood associations rights. He commented that he wanted to recognize the good efforts of these business groups and Columbia College, but did not want to accentuate the problem by creating a similar organization with a similar name.

Ms. Nauser asked if business districts could fall within neighborhood associations. Mr. Teddy replied the 2003 resolution recognized they might overlap and indicated they should make an effort to work together when they did. Mayor Pro tem Janku noted the policy resolution stated they should communicate with adjacent or overlapping neighborhood associations and if the interest of a recognized business area organization and the interest of a recognized neighborhood association came into conflict, whether by geography or common concern, the affected organizations should work together to ensure that all issues were addressed and that the respective interests were accommodated as much as possible. He noted the business policy organization resolution anticipated overlapping between a neighborhood association and a business policy organization.

Ms. Nauser commented that because a business organization could exist within the boundaries of a neighborhood association, the issue came down to the differences outlined before, which basically allowed neighborhood associations to get involved earlier in the process than a business organization.

Ms. Hoppe suggested they also revisit PR174-03A to see if there were additional rights that business districts should have so they had two distinct organizations with sufficient rights, if that was the main concern.

Ms. Nauser thought this group clearly had a defined difference in its objective. She did not believe they had people working against each other, but they had different goals and objectives. She noted the neighborhood organization policy included as a minimum requirement differing commercial patterns and natural boundaries and she felt this organization clearly met the criteria. She understood they had met all of the criteria and there was nothing that indicated they could not have overlapping associations. She felt that by just saying they would recognize them did not give them any assurances they would be recognized in any upcoming process, so she wondered if they would reconsider being named a business district. Ms. LaMar explained they did not care what the name was. Ms. Nauser noted the rights deferred under those associations were different, so she did not know how

important that was to them. Ms. LaMar explained they came up with the name based on geography and a definition. She stated they had a group of people numbering at least 66 who had requested to become a neighborhood organization. She commented that she was not sure how discretionary this recognition was since they had met the requirements of a neighborhood association.

Ms. Nauser asked Mr. Boeckmann if the Council had any discretion. Mr. Boeckmann replied he felt both sides had a good argument. One argument involved the use of the word “the” indicating there was only suppose to be one. With regard to discretion, the language of the resolution stated “once they met the criteria....” He stated he did not know if the Council had considered overlapping districts or whether they would have discretion when they adopted this. The history of how it had been treated showed the Council would sometimes allow overlapping.

Mr. Skala stated his problem with overlapping districts was that if they allowed them, they were encouraging them. They were getting into a season where neighborhood associations felt they were more empowered than in the past. If they allowed neighborhood associations to withdraw from other neighborhood associations, it precluded the ability to sit down together to work things out. The difficulty with regard to this situation was that they knew they had two groups with differences of opinions regardless of what they decided in terms of their organization. He wondered how the North Central Columbia Neighborhood Association would resolve this because these people were still members of that Neighborhood Association. He reiterated he wanted to allow for everyone to come to the table in order to represent themselves with their own distinct interests, but feared the sanctioning of a neighborhood association to establish itself within the confines of another association would cause more problems than it would solve.

Mr. Wade stated he felt there were two very separate sets of issues. One involved the immediate issue of this specific proposal and whether they accepted the application as a neighborhood association or a business association. He felt that issue had to be resolved tonight. He thought there were far more fundamental set of questions as well. With regard to the question of a neighborhood association versus a business association, he did not have any inclination. He felt a business association was acceptable as long as they were not second class citizens.

Mayor Pro tem Janku stated the policy resolution on business area organizations indicated they would have notice of proposed zoning, subdivision, conditional use permit, planned unit development applications, all proposed, seriously contemplated City changes affecting traffic and streets, etc., so he felt if they were recognized as a business organization, they would be kept aware of all potential changes affecting their business organization. He believed that was the appropriate way to go. If the policy needed to be changed to make it more similar, they could do that. He thought this would allow them to receive notice and come forward at Council meetings for five minutes. He felt it was clearly contemplated in the policy resolution because it talked about overlapping. If it was not in there, they would have more of a reason to argue against it, but the policy resolution adopted contemplated business organizations overlapping neighborhood associations.

Ms. Hoppe commented that in terms of concern for overlapping and competing neighborhood associations, she received an e-mail from Jim Muench, the President of the Shepard Boulevard Neighborhood Association, and his comments pertained to this issue and the Crosscreek issue that would be coming up at the next Council meeting. She read part of the e-mail, which stated the idea of having overlapping and competing neighborhood associations within one set of boundaries was extremely problematic and in the end unworkable. The whole purpose of the organization should be to try to work out local political problems before they reached the Council. As such, there could only be one neighborhood association within the specific boundary. If people were unhappy with its leadership, they had to show up and vote to change the leadership. If one did like the way things were going, one had to participate. She noted this was in terms of a neighborhood association, not a business association. In terms of Crosscreek and mediation, he indicated in the e-mail that people who had not shown up before had, so he felt they were a stronger and more representative neighborhood association. Ms. Hoppe stated she felt this process worked. If they had been allowed to create a second neighborhood association, she did not think the process would have proceeded. She commented that she felt they really wanted to be a business/commercial association, but had some concern about specific rights. She felt in terms of confusion and reducing conflict, it made sense to not have overlapping neighborhood associations.

Mr. Wade stated he agreed with the arguments that overlapping neighborhood associations were problematic, but also felt the City's lack of a definition with regard to a neighborhood association had trapped them. He wondered if legally they had the right for an application to be accepted. He commented that they found themselves in another situation where the lack of focus and clarity in their own policies and definitions had created a very difficult question as to how the issue could be resolved.

Mr. Skala stated he agreed with Mr. Wade in that this was a difficult decision, but did not believe this was like a plat. He did not believe this was a ministerial decision in that because someone satisfied all of the requirements, they had to allow it without any recourse. He noted the application was subject to the decision of the Council. They did not have to approve it. It was a right for them to apply and to satisfy all of the requirements, but he did not believe it was necessarily a right that they would get their application approved. Mr. Wade stated he heard Mr. Boeckmann say it was both ways.

Mr. Boeckmann explained that if the Council wanted to allow them to be a business organization, they could do that tonight by amending the resolution to the way it was originally introduced. He understood that would leave the issue of the name. In addition, if they chose to revisit the other issues, such as the overlapping issue, at a future date, they could create a new policy resolution or merge the two policy resolutions into one depending on what they wanted to clarify.

Mr. Skala wondered if they needed more time to consider a resolution to restore the rights they were discussing and to address the issue of overlap. Mayor Pro tem Janku noted the overlap was addressed in the business organization. Mr. Skala agreed. Ms. Nauser pointed out it did not have all of the rights of a neighborhood association. Mr. Skala understood they could consider the issue of whether neighborhood associations could

overlap. Mr. Boeckmann noted those were not the issues before them tonight. Mayor Pro tem Janku agreed and stated they would have to wait to get a resolution introduced and might even want to send it to a commission for their advice.

Ms. Hoppe thought that if they approved it as a business organization tonight and revised the policy to add more rights later, it would automatically provide them the additional rights. Mr. Wade stated if they moved in that direction, he was comfortable. Ms. LaMar commented that she did not know if her clients were interested in the business organization. She explained they submitted the application to be a neighborhood organization and voted on becoming a neighborhood organization. She was not sure if the people she represented were interested in becoming a business organization. If that was the Council's intent, she was not sure they were ready for them to move forward with it this evening. She pointed out one of the issues facing this organization in particular was the fact it was so large and was purportedly representing a vast disparity of interests, which was different than the Shepard Boulevard Neighborhood Association as they were strictly representing residential property owners and had no need to represent anyone else's interest because they all had the same types of property interests. In addition, when Mr. Muench spoke about the Stadium63 development, he voiced his disagreement with what they were doing even though they voted differently, so he had the opportunity to voice his disagreement because he was the person speaking on the decision. She stated they, as members of the North Central Neighborhood Association, were in a situation where they did not have that option because their interests were not the ones that were by and large being represented by that organization. They were asking for something that matched up with the Neighborhood Association, so she was not sure they wanted to be a business organization.

Mayor Pro tem Janku suggested they table this issue so Ms. LaMar had the opportunity to meet with the group. Ms. LaMar was agreeable. Mayor Pro tem Janku asked how long they would need to meet. Ms. LaMar suggested they not table it to the August 18, 2008 Council meeting.

Mayor Pro tem Janku asked if the neighborhood association had a problem with this item being tabled in order to work on the issue. Mr. Cullimore replied they did not as they wanted an opportunity to discuss it with their organization as well.

Mr. Wade understood Ms. LaMar had stated they did not feel as though they had had an opportunity to speak and yet there had always been opportunities for minority groups within organizations to have their say on issues. Ms. LaMar stated they had taken advantage of those, but noted they did not have the ability to get out of this neighborhood organization. Mr. Wade clarified he was referring to their ability to participate in any upcoming issues. Ms. LaMar stated they had taken advantage of that, but commented that by having to do it as a minority group as opposed to an organized association, there was no mechanism in place to begin the process, which meant they were operating at a disadvantage from the very beginning. She pointed out there were no officers or organization in place to split up duties.

Mr. Skala commented that in their application for a neighborhood association, they had a provision in the bylaws which indicated that if they did not appoint officers within a given years period, the neighborhood association would essentially be decommissioned. He thought that was an interesting idea and felt there were probably a lot of neighborhood

associations that might not stand the test to that kind of clause. He thought the Council might want to look into that issue as well.

Mr. Wade made the motion to table R164-08A to the October 6, 2008 Council meeting. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

**B221-08 Authorizing the acquisition of easements for construction of the Clear Creek Pump Station and Force Main improvement project.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a sewer project that was approved by the voters in 2003. He believed it was the last major sewer project from that ballot issue. The Council held a public hearing on this project on March 3<sup>rd</sup>. This would allow the City to acquire the appropriate easements to make this project happen. He noted 13 property owners were involved.

Mr. Sturtz commented that this was the least detailed map he had seen with regard to landmarks and streets and asked why it was not more detailed. Mr. Glascock replied it was a long stretch. It went from about Rockbridge Elementary School to the University, so it was hard to put detail on the one map. Ms. Hoppe stated that occurred to her as well. They usually had a main road for identification purposes. She thought it would be great to have a better identifying map or several maps.

Mr. Sturtz asked how this project affected the development of subdivisions in that area for the future. Mr. Glascock provided a drawing on the overhead and explained the Clear Creek drainage area was outlined in pink and they currently pumped from the pump station to the drainage area. This was the most southern sewer drainage area, so anything outside of the area was pumped back into it. He noted there was no gravity to the wastewater treatment plant, so the pump station had to pump into the Hinkson Creek drainage area, which was to the north, in order for gravity flow to the wastewater treatment plant. The area being developed near Bristol Lake would gravity flow to the pump station.

Ms. Hoppe understood the exact location of the pump station was yet to be determined. Mr. Glascock stated that was correct. Ms. Hoppe asked how they knew which easements they needed. Mr. Glascock replied they knew the easements for the force main. The pump station would either be located on the north side of Gans Creek Road, extended to the west, or on the south side of that road. It was a matter of which one they thought would be the most advantageous. Staff had also presented an alternate route for 161kw electric and a need for a substation. He wanted to ensure a substation was not needed in that area as well and would talk to the Water and Light Department before determining the location of the pump station.

Ms. Hoppe stated it looked like the easements went near the Wal-Mart/Grindstone area off of Green Meadows by Gray Oak. Mr. Glascock stated they did. Ms. Hoppe asked if that would affect the tree green area that had been preserved for the development on Green Meadows and Gray Oak, on the east side of Green Meadows. Mr. Glascock replied it could. Ms. Hoppe asked how wide it was. Mr. Glascock replied it was a 20 inch force main, so it would be in the neighborhood of 18 feet to work on the force main. She understood some of the tree area would need to be removed. Mr. Glascock stated some of it would because they

had to get to the Hinkson Creek. He explained this was a force main so there would be no attachments from development to the force main. It was similar to a transmission line.

Ms. Hoppe stated she wanted staff to anticipate, as much as possible, future easements on tree preservation areas when they did developments so they did not encroach on green preservation areas.

B221-08 was given third reading with the vote recorded as follows: VOTING YES: JANKU, SKALA, WADE, NAUSER, HOPPE, STURTZ. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

**B222-08 Amending Chapter 27 of the City Code as it relates to water service line tap fees for sprinkler systems.**

The bill was given second reading by the Clerk.

Mr. Watkins noted staff was requesting this issue be tabled for one meeting. He explained he had the wrong schedule for the Water and Light Advisory Board and they had not yet seen this. He thought they should provide the Council a recommendation on this issue. Tabling it one meeting would give the Board the opportunity to weigh in.

Mr. Wade made the motion to table B222-08 to the August 18, 2008 Council meeting. The motion was seconded by Mayor Pro tem Janku and approved unanimously by voice vote.

**B225-08 Appropriating donated funds for youth programs and scholarships in the Parks and Recreation Department.**

The bill was given second reading by the Clerk.

Mr. Watkins explained this appropriated two types of donated funds. One was from the Share the Light program, which was a utility check off with an option for youth scholarship funds. The other was a reimbursement from the Voluntary Action Center for supplies purchased for this year's C.A.R.E. program.

Mr. Sturtz asked how these scholarships were advertised. Mr. Hood replied they tried to advertise it in any publication and with any opportunity they had to share information with the public about their programs. It was specifically identified in three Leisure Time publications that came out in August, December and April of each year. It listed all of the programs for the upcoming 2-3 months. He noted they also advertised it in all of their brochures, handouts, programs on television, advertisements in the paper, etc. He explained they tried to acknowledge scholarship funds available for the youth and noted they had a limited amount of funds for adult participants as well. The reason they were asking for the appropriation at this time was that the \$35,000 the Council appropriated for youth scholarships out of the City's general fund had been used and they still had two months left in the year and several applicants on hand for scholarships. They felt they would be able to use this \$5,500 this budget year. Mr. Sturtz asked if the applications were simple. Mr. Hood replied the application was based on financial need. They used the guidelines associated with the free and reduced school lunch program to set the qualification levels, so they were asked to complete a form and provide documentation of certain income. He noted it was restricted to residents that lived within the City limits as per policy adopted by the Council.

Mr. Skala made the motion to amend B225-08 per the amendment sheet. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

B225-08, as amended, was given third reading with the vote recorded as follows:  
VOTING YES: JANKU, SKALA, WADE, NAUSER, HOPPE, STURTZ. VOTING NO: NO ONE. ABSENT: HINDMAN. Bill declared enacted, reading as follows:

## CONSENT AGENDA

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

- B217-08** Authorizing Change Order No. 1 with Kevin Rackers Excavating, L.L.C.; approving the Engineer’s Final Report relating to construction of the West Boulevard/Marygene Street storm drainage improvement project.
- B218-08** Authorizing Change Order No. 1 with Lehman Construction, L.L.C.; approving the Engineer’s Final Report relating to construction of the EP-3 Trunk Sewer, an 80-acre point sanitary sewer serving the Hatton Farm property.
- B219-08** Authorizing a right of use permit with United Parcel Service to allow placement and maintenance of a drop box in right-of-way located at 700 Cherry Street.
- B220-08** Authorizing a right of use permit with Jerry Carmichael to allow maintenance of a deck within a utility and drainage easement located on Lot 218 in University Park Addition 14.
- B223-08** Accepting conveyances for utility purposes.
- B224-08** Authorizing an agreement with the Columbia Chamber of Commerce relating to the Walton Building renovation project; appropriating funds; transferring funds.
- B226-08** Appropriating donated funds to purchase uniforms for the Park Patrol Program, Youth in Action Program and Columbia Aquatic Restoration Project through the Office of Volunteer Services.
- B227-08** Accepting a donation from the Boone Electric Community Trust through the New Century Fund for a planned teen pregnancy prevention program provided by the Health Department; appropriating funds.
- R169-08** Setting a public hearing: construction of the North Grindstone Sewer Extension Phase I Project.
- R170-08** Setting a public hearing: installation of additional parking lot lighting at the Activity and Recreation Center (ARC).
- R171-08** Setting a public hearing: considering public transportation fare increases.
- R172-08** Setting a public hearing: setting property tax rates for 2008.
- R173-08** Setting a public hearing: setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2008.
- R174-08** Setting a public hearing: FY 2009 Budget for the Special Business District.
- R175-08** Setting a public hearing: FY 2009 Budget.
- R176-08** Setting a public hearing: considering sanitary sewer utility rate increases.

- R177-08 Authorizing an amendment to the agreement with The Curators of the University of Missouri for transportation services on campus.
- R178-08 Authorizing Amendment No. 1 to the agreement with TREKK Design Group, LLC for engineering services relating to sanitary sewer manhole inspections and rehabilitation recommendations.
- R179-08 Appointing a Director and Alternate Director to the Missouri Joint Municipal Electric Utility Commission.
- R180-08 Authorizing an agreement with Engineering Surveys and Services for engineering services relating to the design and construction of the North Grindstone Sewer Extension Phase II Project.

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

## **NEW BUSINESS**

- R181-08 Requesting the Columbia Area Transportation Study Organization (CATSO) to review the planned extension of Cunningham Road and to consider removing it from the CATSO Major Roadway Plan.

The resolution was read by the Clerk.

Mr. Watkins explained Cunningham Road was an incomplete road and there was a planned extension of approximately half a mile that would terminate at Rollins Road. The majority of the extension would be located in the undeveloped City park property donated by the Russell family known as Bonnie View Park. At the request of Mr. Wade, staff was providing this legislation for Council to consider. It did two things. It requested CATSO, the overarching planning organization, consider removing it from its Major Roadway Plan. He noted the Council was not bound by the CATSO Plan, but was bound by the City's Major Roadway Plan. This would also initiate the process, which was fairly extensive, of adding or subtracting a road from the Plan. It would start with the Planning and Zoning Commission, but because of its unique location, staff was suggesting the Council also ask the Parks and Recreation Commission and the Bicycle and Pedestrian Commission to look at this particular street.

Mr. Teddy commented that they were aware the Council had requested this legislation to start the process of considering removal of this from the Major Roadway Plan back in May and apologized for not getting the resolution done sooner. He noted they had initiated this by having it on the Planning and Zoning Commission work session agendas. In addition, the CATSO Technical Committee, which met later this week, would begin discussions.

Sarah Lang, 1012 Westport Drive, stated she submitted a letter to the Council in April 2005, but wanted to resubmit it as a request for Council action on Cunningham Road. She explained they were requesting the Council formerly remove the Cunningham Road extension from the City of Columbia Major Roadway Plan and the CATSO Major Roadway Plan. As the City's Roadway Plan took shape, it was logically assumed this area would remain exclusively in residential development and the need for the extension of Cunningham, as a connector, from Bray Avenue to Rollins Road was warranted. The donation of land by

the F. Garland Russell family to the City for park use, coupled with the 22 acre gift of adjoining land to the Columbia Audubon Society, made this road obsolete by eliminating hundreds of potential homes and thousands of vehicular trips. As stated in the Russell's request, their gift of land was dedicated for park use. They felt the tract was far more valuable and functional as a whole and its size presented a unique opportunity for park planners to create a community area unlike any other in the park system. The extension of Cunningham would only serve to seriously limit its potential. Public hearings over the course of several years had shown substantial neighborhood and community opposition to the extension of Cunningham. Members of both the Parks and Recreation Commission and Planning and Zoning Commission voted unanimously to approve a park plan that did not include the extension of Cunningham. The overwhelming support for these positions, both within and outside of City government, compelled them to request action by the Council to remove the Cunningham extension from both the City's Major Roadway Plan and from the CATSO Major Roadway Plan. She noted the letter was submitted on behalf of the Columbia Audubon Society, the Fairview Neighborhood Association and the Rothwell Neighborhood Association.

Mayor Pro tem Janku pointed out the CATSO process involved a public hearing, so they might want to be aware of that hearing. He hoped the City could notify the Neighborhood Association of the hearing date so they could testify at that hearing. Ms. Lang stated she would like that.

David Bedan, 2001 Chapel Wood Road, stated he was speaking on behalf of the Columbia Audubon Society and their interest in this project. The Russell family gave a beautiful piece of property to the City, which was now referred to as Bonnie View Park, and also gave the Columbia Audubon Society about 21 acres adjacent to the City property. He explained they intended to use the property for habitat protection, outdoor recreation and nature education and wanted to manage their property as a wild area with minimal development, such as foot trails, a kiosk, interpretive signs, etc. so it would be very quiet and low key with regard to management. They were hopeful the City would manage the western part of the new park property in a similar and compatible manner. While most of Cunningham Road, extended, would be on City property, a portion would have to come across their property because as they dead-ended on the north end of Cunningham Road, they would be dead-ending into the Columbia Audubon property. They felt putting a major road through there would radically change the character of both the City's property and the Audubon property and would limit their ability to manage it in the way they had hoped. He stated they continued to support its removal from the CATSO Plan and the City Plan.

Peter Yronwode, 203 Orchard Court, stated he lived fairly close to this property, but not adjacent to it. He noted it was a wonderful piece of property and deserved to be preserved with as little disruption as possible. He commented that he thought it was only fair that they took the Russell's express intention at its face value by keeping this land as nearly undisturbed as possible to preserve a portion of the City for non-human residents. He stated he used to live in the Benton-Stephens area and noticed a dramatic decrease in the bird population when Boone Hospital built on what was defacto park land. He now resided in the Spring Valley area, which was a wooded and well populated area, but also a larger wildlife

corridor that the City had preserved and the Russell property was part of it. He thought it would be nice to have another green space as the surrounding area would inevitably build up with more housing and other kinds of development. He urged the Council to remove Cunningham Road in order to preserve this area. He reiterated he felt this was an opportunity to preserve this property the way the Russell's intended. He hoped the Council would move forward with the recommendation that this extension be permanently removed from all of the relevant City transportation plans.

Mr. Wade stated changes had made this road unnecessary, so it made no sense. In addition, the last thing the Rothwell Neighborhood wanted was another road dumping onto Rollins. He thought it was time to remove this from the road infrastructure plans.

Mayor Pro tem Janku stated he was in support of this and believed the road would be a detriment to the park, although it was recognized as a possibility in the deed. If there were a road there, there would be cut through traffic coming through the park, which would adversely impact the ability to use the park and the area adjacent to it, so he agreed it should be removed from the Plan.

Ms. Hoppe stated she participated in the public sessions with regard to what they wanted to see in this park because it was around the same time as the Stephens Lake Park planning process and there was overwhelming support for not putting the road through the park.

Mr. Wade made the motion to refer the request to remove the Cunningham Road extension from the City's Major Roadway Plan to the Planning and Zoning Commission so they could hold a public hearing on the issue and that the proposal also be forwarded to the Bicycle and Pedestrian Commission and the Parks and Recreation Commission for their review and recommendations. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The vote on R181-08 was recorded as follows: VOTING YES: JANKU, SKALA, WADE, NAUSER, HOPPE, STURTZ. VOTING NO: NO ONE. ABSENT: HINDMAN. Resolution declared adopted, reading as follows:

## INTRODUCTION AND FIRST READING

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

- B228-08**     **Rezoning property located along the east side of U.S. Highway 63, on both sides of Stadium Boulevard (State Route 740) from District A-1 to District C-P; approving the Crosscreek Center C-P Development Plan; approving a revised statement of intent; approving less stringent screening requirements.**
- B229-08**     **Approving the Final Plat of Rolling Hills Road at Old Hawthorne located east of South Cedar Grove Boulevard and north of the intersection of State Route WW and Rolling Hills Road; authorizing a performance contract.**
- B230-08**     **Abrogating the Final Plat of Creasy Springs Ridge; approving the Final Plat of Creasy Springs Ridge Plat 2 located on the northeast corner of Creasy Springs Road and Proctor Drive; authorizing a performance contract.**

- B231-08 Vacating a sanitary sewer easement located northwest of the intersection of Smiley Lane and Rangeline Street (State Highway 763); accepting a conveyance for sewer purposes.
- B232-08 Authorizing substitute service agreements with the Columbia Public School District, Richard Mark Fenton and the Pednet Coalition, Inc. relating to the Safe Routes to School Grant funded by the Missouri Highways and Transportation Commission.
- B233-08 Authorizing an interconnection agreement with Boone County Regional Sewer District for property located in Sunrise Estates Subdivision.
- B234-08 Calling a special election relating to the issuance of Water and Electric System Revenue Bonds for the purpose of constructing improvements to the City's water distribution system by replacing and upgrading existing mains.
- B235-08 Accepting a conveyance for underground electric utility purposes.
- B236-08 Authorizing the installation of additional parking lot lighting at the Activity and Recreation Center (ARC); appropriating funds.
- B237-08 Authorizing the acquisition of a trail easement for the proposed Scott's Branch Trail.
- B238-08 Amending the FY 2008 annual budget to make the municipal judge position a full-time position; increasing the salary of the municipal judge accordingly.
- B239-08 Appropriating funds for cleaning of the *Martin Luther King, Jr. Memorial*.
- B240-08 Accepting a donation for the purchase of a freight storage container for the Police Department; appropriating funds.
- B241-08 Appropriating funds for the purchase of fire apparatus.
- B242-08 Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- B243-08 Setting property tax rates for 2008.
- B244-08 Setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2008.
- B245-08 Adopting the FY 2009 Budget for the Special Business District.
- B246-08 Adopting the FY 2009 Budget.

#### REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Mr. Watkins noted this report was provided for informational purposes.

(B) Statue of Liberty Replica.

Ms. Hunter explained this report was in response to Mayor Pro tem Janku's interest in seeing if they could get the sculpture back outside where it was located for many years. It was currently in the Gentry Building and had been nicely restored. She noted she had asked a conservator who had worked on it previously to provide them some general ideas if they were to place it outside.

Mayor Pro tem Janku commented that he worked in Jefferson City where they had it displayed in a public area between the Capitol and the MoDOT building. It looked very nice and stayed in pretty good shape. He hoped they could look for funds through foundations or other sponsors. He thought there might be an organization that wanted to adopt it. Ms. Hunter stated there were adopt-a-monument programs nationwide that they could look to in trying to find a sponsor. She noted she mentioned in the memo the possibility of using some Share the Light funds. The public art category in Share the Light had been very helpful to them on a couple of issues including the Martin Luther King, Jr. Memorial restoration project. It did not collect a ton of money annually, but she thought they could put it on their wish list. She agreed it was seen a lot more when it was outdoors, but noted the lobby of the Gentry Building was a busy place, so a lot of people did see it there. She felt for the time being, it was a good solution to have her there.

Mr. Wade stated he thought it was fine to leave it there for as short a time as possible. He saw this as a statue that would be delightful as downtown developed and they began to have small public spaces for public art. He thought there were a lot of patriotic organizations and noted it would take a \$20,000 endowment at five percent to fund the maintenance each year for this statue.

Ms. Hoppe made the motion to refer the placement of the Statue of Liberty replica to the Standing Committee on Public Art and the Cultural Affairs Commission for their recommendations and potential time table. The motion was seconded by Mayor Pro tem Janku.

Mayor Pro tem Janku commented that at one time they had discussed a little plaza between the Howard and Gentry Buildings, which would be a close location to where it had been historically.

Ms. Nauser pointed out security had been mentioned in the report due to copper thefts. She noted they had heard about people stealing grave markers and other historic artifacts that could be melted down. She stated she wanted to know the security costs associated with its potential locations as that was important.

Mayor Pro tem Janku explained the pedestal in Jefferson City was 6-8 feet high. Ms. Hunter understood the report from the conservator seemed pricey, but it was not as simple as placing it in a spot. They had to think about lighting, an appropriate pedestal, etc. She noted it looked more substantial than it really was because it was a very thin sheeting of copper. That was why it was so damaged before. It was not just the annual maintenance. There would also be a cost to installing it so it would be difficult to access.

Mr. Wade stated he thought the conservator's report was excellent and identified the issues and questions that had to be dealt with. Given that as a basis to work from, he hoped they could pursue ways of getting funding for maintenance, adequate security and getting the statue back out for high public visibility.

Mr. Skala stated he agreed with a lot of what was said. He felt it was sad that it had come to security issues. He noted there was another Statue of Liberty replica on West Boulevard near D & H Drugstore. He understood it was copper and was outside of the dental office. Ms. Hunter stated she was not certain it was copper.

The motion made by Ms. Hoppe and seconded by Mayor Pro tem Janku was approved unanimously by voice vote.

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

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

Mr. Skala wanted the numbers and costs associated with the Lake of the Woods swimming pool to include the decrease in numbers and its comparison with the other pools in the City in terms of its hours, numbers, etc. He thought it would also be useful if they could overlay the City's population in terms of how the pools served those populations.

Mr. Skala made a motion directing staff to provide a report regarding the Lake of the Woods pool in comparison to the other City pools as indicated above. The motion was seconded by Mayor Pro tem Janku and approved unanimously by voice vote.

Mr. Wade made a motion directing staff to provide a report indicating when the agreement was first made for the City to provide social services and activities to Paquin Towers, who the parties to the agreement were, why it was considered a City service responsibility rather than a Paquin Tower management responsibility, what exactly was being delivered by the City, how the cost had changed over the years, if providing of these services was being done through a letter of agreement, a contractual arrangement or an informal agreement and who the parties were to that agreement. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Wade commented that at the July 21, 2008 Council meeting, the Council requested that the Planning and Zoning Commission prepare an ordinance to move recommendations that met specified criteria to the consent agenda and the ordinance needed to specify how an item was moved from the consent agenda to old business. The Council then stated that the Commission should use the Council discussion to guide the development of the draft ordinance. In review, he did not feel Council provided the Commission much information. He wanted to provide more information regarding the Council's intention. With regard to the criteria to be eligible for the consent agenda, he suggested that if there were 25 percent or less in negative votes, the item would go to the consent agenda. This meant that if there were 6-7 Commissioners present, the recommendation would go to the Council consent agenda if there were zero or one negative votes. If 8-9 Commissioners were present, the recommendation would go to the Council consent agenda if there were zero, one, or two negative votes. With regard to notification to the public, he felt it was important that there be adequate notification that an item would be on the consent agenda and clear directions of how the item could be removed from the consent agenda. There were several opportunities to do that. After the Planning and Zoning Commission vote, if the recommendation was to go to the consent agenda, the Chair could state the item would go to the consent agenda and explain how it could be removed if someone so wished. At the Council meeting where the recommendation had its first reading, the agenda would have a separate section for Planning and Zoning Commission

recommendations divided into those that would go to the public hearing portion of the agenda and those that would go to the consent agenda. That would be followed by a brief statement of how a citizen could remove an item from the consent agenda. This would also be included in the Council agenda on the website and as published in the newspaper. In addition, there would be a statement of this policy on the website. With regard to removal from the consent agenda, the rules for removing a Planning and Zoning Commission recommendation from the consent agenda would be the same as for being eligible to address the Council during scheduled public comments. A person would submit either a printed or an electronic form to the City Clerk by 12:00 noon on the Thursday before the Council meeting when the Council would make a final decision of the Planning and Zoning Commission recommendation. This would include members of the Council. This would allow the item to be listed under Old Business in the printed, published and electronic versions of the agenda when posted on the Friday before the Council meeting. All agenda items under Old Business would include an opportunity for public comment between the staff report and Council discussion. With regard to notification of interested parties, it would be known that an item would be removed from the agenda by 12:00 noon of the Thursday before the Council meeting. On Thursday afternoon, the Planning and Development Department would provide an electronic notification to the stakeholders that the item would be on Old Business and all interested parties would have the opportunity to provide input. With regard to forwarding to the public hearing portion of the agenda, he suggested they consider adding the option that the Planning and Zoning Commission be allowed to make a motion for an item that meets the criteria for the consent agenda to go forward as a public hearing item, if passed by majority vote and if there was anticipated controversy or complexity within the project. With regard to staff responsibilities, he felt staff input to the Planning and Zoning Commission should include how items staff would be responsible for, including notification if a recommendation was pulled from the consent agenda and other details, would be handled.

Mr. Wade made a motion to forward his suggestions to the Planning and Zoning Commission. The motion was seconded by Ms. Nauser.

Ms. Nauser suggested the notification to interested parties not only be an electronic notification, but also a phone call.

Mr. Skala stated he thought he supported this. He understood this was just a referral to the Planning and Zoning Commission to make a recommendation and under those circumstances he did not have a problem with it.

Mayor Pro tem Janku understood this had been referred to the Planning and Zoning Commission and he suggested an item not be put on the consent agenda if a person testified in opposition of it at the Planning and Zoning Commission meeting.

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

Mr. Wade commented that with regard to the neighborhood association issue they discussed earlier, he thought they had found themselves involved in the question of what neighborhood associations were. He wondered if they were neighborhoods of place or neighborhoods of interest. This highlighted the City's lack of definition of neighborhood

associations, lack of clarity of the overall purpose and function of neighborhood associations and the City's relationship to them. It appeared neighborhood associations in this community had become primarily local issue organizations or a non-partisan political action group, which was very different than places that had strong neighborhood associations that functioned as an outreach or grass roots basis for a neighborhood as a place for local government and governance. He noted Seattle was one example of a community that had given that kind of definition and support. He stated there was a question as to whether neighborhood associations represented land or people. They started increasing the viability of neighborhood associations in their deliberations and were suddenly being faced with people discovering that and highlighting the weaknesses in their own policy and orientation to them. As they were seeing an increased involvement in citizen and neighborhood organizations, citizens were moving ahead of the Council. He questioned if the purpose of a neighborhood association was the well-being of a place or to provide an enhanced voice on City political issues. He thought those were important issues that would take some time and careful attention to address.

Ms. Nauser asked if they should put this issue on the work session list. Mr. Wade replied not at this time. He noted they had so much at this time and did not know when they would find the time. Ms. Nauser stated she concurred with Mr. Wade on this issue.

Ms. Nauser stated a couple months ago she mentioned the people who lived on Burnam Road wanted their street to be "no parking" on both sides, from Providence to Birch. They had provided her a petition signed by a majority of the property owners. She noted it would extend the "no parking" area to the other side.

Ms. Nauser made the motion for staff to proceed through the appropriate process so there would be no parking on both sides of Burnam Road from Providence to Birch Street. The motion was seconded by Mayor Pro tem Janku and approved unanimously by voice vote.

Ms. Nauser commented that as they were redeveloping the downtown, they were encouraging mixed use with regard to residential and business uses, so it would become a hub for the people of the community and a vibrant downtown. With that would come competing interests, so she suggested they ask for a staff report with regard to the noise issue in the downtown area. She did not believe it would be appropriate to have residential standards in a business district that had a completely different type of feel. If they wanted people to live downtown and have businesses downtown, they would have to commingle and the Council needed to look at these things as they moved forward with the redevelopment of downtown. She thought staff should begin looking at how they could adapt to the multiple uses they wanted to have in the downtown because she thought the noise issue would continue into the future.

Ms. Nauser made a motion for staff to prepare a report and involve the Special Business District with regard to how they could accommodate and adapt to the multiple uses they wanted for the downtown. The motion was seconded by Ms. Hoppe.

Ms. Hoppe noted the Council had received a letter some time ago by a resident on Broadway above a business who was complaining about late night noise.

Mr. Skala commented that at some time in the future, they would need to deal with the issue of highway mitigation noise as it was becoming more prevalent in Columbia. He understood MoDOT and others would have to be involved, but felt noise was becoming a factor.

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

Ms. Hoppe understood the Crosscreek development would be in front of the Council at its next meeting and noted she was approached by Mr. Lamb, the owner of the property to the north of the area. He was potentially interested in developing and selling that property and was concerned because there was no provision for a street stub into the southern portion of his property from the Crosscreek area. Section 25-42(3) of the Code stated that streets should intersect at intervals not exceeding 1,000 feet or less than 400. She was interested in obtaining information and a recommendation from staff by the next Council meeting regarding how Crosscreek not having a stub street would affect the development to the north. She stated she only had half of the Planning and Zoning Commission meeting minutes so she could not fully read it, but she did not think it had been addressed.

Ms. Hoppe made a motion directing staff to provide a report by the August 18, 2008 Council meeting with regard to the issues involved with Section 25-42(3) of the Code, there being no stub street on the Crosscreek development and how that might affect the property to the north. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe commented that someone had addressed them with regard to the Mid-Missouri Transit Pilot project and thought their recommendation was to meet with Council to discuss it further. She felt there seemed to be a growing need for mass transit between Columbia and Jefferson City and adjacent communities. It could also be looked at in terms of economic development because by providing inexpensive transportation to Jefferson City, they were allowing their residents to work in Jefferson City, but bring their money back to Columbia. It would also address costs and global warming.

Ms. Hoppe made a motion for staff to provide a report with regard to the specific transportation proposal discussed by Mr. Tatlow involving \$113,000. The motion was seconded by Mr. Skala.

Mr. Skala thought the transportation link with Jefferson City had been discussed before and one of the problems involved what happened when one got there. Since they were facing increased prices, he thought it might be a good idea to look at it again.

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

Mr. Wade commented that he remembered two failed attempts to provide transportation to Jefferson City. He hoped that what they were proposing would work, but felt it had to be carefully designed and financed. Mr. Watkins wondered how much they wanted to subsidize it. Mr. Wade stated he was not ready to answer that question. Mayor Pro tem Janku stated he did not think Jefferson City would subsidize it because they wanted everyone from Columbia to move there.

Ms. Hoppe noted that at the beginning of the meeting they had a variety of people address the Council regarding tasers and their use. They also recommended a resolution which did three things. She understood they were asking for the standard for use to be in situations of imminent danger to the public or police, a task force to review policy and training and the postponement of the use of tasers until after the task force was finished with their work and the policy was revised. She stated she was personally concerned. She wanted the police to have good community policing skills and to use the least amount of force necessary. She was not sure their present policies on tasers accomplished that.

Mr. Skala commented that there was abuse on both sides and there might be occasions when a mistake was made, which they wanted to eliminate as much as possible. He noted the report for that one incident had not yet been filed. He explained he would be meeting with Chief Dresner to talk about some of the materials he had provided. He agreed this was an appropriate topic that needed to be addressed in terms of policy and training, but was not sure the appointment of a task force was necessary at this time. He suggested they take some time to really consider this by comparing where they were now and where they wanted to be.

Ms. Hoppe understood there was a public meeting in the Council Chamber regarding tasers and planned to attend.

Mayor Pro tem Janku understood the report they had asked for was to evaluate their current policy with other communities to see if any changes needed to be made. Mr. Watkins stated that report would be provided at the next Council meeting. Mayor Pro tem Janku thought things could happen quicker than could be done during the time it took to appoint and organize a task force.

Mayor Pro tem Janku stated he was contacted by a constituent who was requesting a four way stop be installed at Smiley and Derby Ridge. There was currently only a two way stop at Derby Ridge. He understood warrants, etc. were required, but noted this location was close to a public elementary school and traffic patterns in the area were changing due to construction on 763. If a traffic study was done, he thought it needed to be done while school was in session because a lot of students occupied the duplexes there.

Mayor Pro tem Janku made a motion directing staff to provide a report and conduct a traffic study, if necessary, in review of whether a four way stop at Derby Ridge and Smiley would be warranted. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Pro tem Janku stated he hoped the issue of noise on I-70 was being addressed by the I-70 study. He noted he was contacted by a constituent who was the driving force behind the jake brake ordinance and was wondering why the signs had not been posted. He noticed one other community with a MoDOT highway had such as sign, so he thought they would be agreeable to putting these up. In addition, he wondered if they should adjust their City limits signs. On Highway 63 South, it was prior to Discovery Ridge, which was now within City limits. In addition, ABC Labs was now within the City limits off of I-70.

Mr. Wade thought there might be a major policy issue with regard to the jake brake issue. He understood there were at least a half dozen ways those signs were stated.

Mayor Pro tem Janku stated there was a remnant property in the entryway of the Broadway Shops that was falling into disrepair. It was an old gas station adjacent to the Broadway Shops property. He was not sure if it was violating any codes, but the canopy was starting to deteriorate. He suggested it be inspected to determine if they could make them bring it up to standards.

Mr. Skala understood Chief Dresner had made an announcement about the informational sessions on Tuesday and Thursday, but that he had also offered Council participation in an 8 hour training session the officers that were issued these less lethal weapons would attend. He asked if that was to be scheduled as he wanted to avail himself to that training. Chief Dresner replied it was yet to be scheduled and they would work around the Council's busy schedules. He thought they would receive a much clearer picture regarding what the taser program was about if they participated. He commented that when they first got into tasers in 2005, they looked very hard at them because they did not want to kill anyone. He noted they did that review quietly. He pointed out they were also using them in a restrained manner. He felt for the last three years, it had been a model of success and restraint, but agreed they did have the one big profile incident recently.

Mayor Pro tem Janku stated the public sessions regarding tasers would be held in the Council Chamber on Tuesday, August 5<sup>th</sup> at 7:00 p.m. and Thursday, August 7<sup>th</sup> at 7:00 p.m. It would also be broadcast on the Mediacom Channel 13 and Charter Channel 2.

The meeting adjourned at 10:29 p.m.

Respectfully submitted,

Sheela Amin

City Clerk