

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
DECEMBER 15, 2008

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, December 15, 2008, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU and SKALA were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of December 1, 2008, were approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Skala.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Wade made a motion to move R284-08 from the Consent Agenda to New Business. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

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

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

Ed Berg – Tasers.

Ed Berg, 1215 S. Fairview, thanked the Council for their effort in obtaining the 48 taser records and commented that after reviewing those records, he felt the Columbia Police Department was acting inappropriately by tasing people they should not be tasing. He believed there was a systematic failure of the Police Department in the use of the taser. If they removed the cases yet to be disposed and the cases involving juveniles, suicides and people with mental problems picked up by the police with no criminal charges from the total cases filed involving criminal charges, they would find 52 of the 69 cases from January 2006 through September 2008 involved people being tasered. Four cases were returned by the grand jury without the filing any documents against the person and nine cases were nol pros, which meant there was no prosecution. These 13 cases represented 25 percent of the criminal cases. They involved filings in court and decisions made by the court where people were tased who did not commit a crime or where sufficient evidence was not found indicating they had committed a crime. He did not believe this was acceptable and felt the problem came from the three areas of regulation, training and the lack of oversight. He found there were two sets of regulations on tasers and believed there should only be one because although they were similar, they provided for conflicts. There was one set of regulations in

the force continuum and another with the standard operating procedures for tasing. In addition, the regulations were vague and included terms that were not understood by the police or public. He felt this needed to be corrected. In his review of the 48 files, he found 15 cases where people were tased while lying on their stomachs after falling down from being tased. They were dazed and lacked all kinds of abilities. The training was based upon what had been provided by TASER International and indicted tasers were safe and could be used for any purpose. He thought they should have an in-house training manual. With regard to oversight, they believed audit oversight was needed. He did not think a misuse of the taser should be an appeal. He felt all of those cases should be reviewed for a determination as to whether an officer acted appropriately or not.

Katherine Murrie – Tasers.

Katherine Murrie, 103 Westwood Avenue, commented that according to the National Alliance on Mentally Ill, more than 450,000 people with a recent history of mental illness were incarcerated in U.S. jails and prisons. Twenty-four percent were in state prisons and twenty-one percent were in local jails. Nationally, the Criminal Justice/Mental Health Project of the Council of State Governments indicated 5-7 percent of police responses involved the mentally ill. Since the 1970's, there had been a mandate to keep mentally ill people out of institutions and hospitals. This had been a positive development for citizens who could voluntarily access community mental health services and support systems. She noted there was a sizable population who did not access these services, and the agent of intervention with these people was sometimes the police. In evaluating the 48 cases of people who had been tased, 13 were categorized as mentally ill with eight being suicidal. She thought it was interesting that 19 individuals were under the influence because many people under the influence were also mentally ill and substance abusers. They were concerned about this population because a lot of these people were homeless. The mentally ill and duly diagnosed presented significant challenges and complexities for police, who often lacked the skills and techniques to deal with them. They wanted to see a more humane treatment of this population and believed there could be structural changes within the Police Department that would make dealing with these people better. She recommended a crisis intervention team made up of mental health professionals who could facilitate the police with some of these situations and help people receive mental health services instead of going to jail. She also recommended training in de-escalation techniques for all police and for the City to review all cases where tasers were used on mentally ill people.

Lorenzo Lawson – Tasers.

Lorenzo Lawson, 2301 Shamrock Drive, stated 56 percent of the 48 cases of people who were tased involved African Americans, and African Americans only made up approximately 11 percent of the population in Columbia. As a result, it seemed as though there was an overuse of tasers on specifically young African American males. He commented that he was the Executive Director of the Youth Empowerment Zone, which worked with young at-risk people. Although they were teaching them to respect and honor the authority of the City and to assist if possible, he felt they were giving conflicting messages

to young people due to this tasing situation. This caused them to be scared and frightened of authority and he did not believe they wanted to promote that. He asked the City to look at the situation and to regulate the use of tasers. He commented that he was also disturbed by an account in the Columbia Daily Tribune where an officer indicated this was a game and another officer stated it was fun. He did not think a taser, which was something that could possibly take a life, should be in the hands of these types of officers. He thought the City should seriously contemplate the banning of tasers. He stated he was told a young man in the Boone County Jail was tased and did not understand why that would happen when he was already constrained inside the jail. He reiterated he was concerned with the young people being taught to disrespect authority due to the use of this force. He noted another concern was that most of the occurrences had happened within the First Ward. He asked the Council to consider banning the use of tasers or placing stricter rules and regulations on them. He also felt every case should have some type of review.

Ken Green – Tasers.

Ken Green, 206 Anderson, stated his interest in the taser situation began about nine months ago. At first he thought tasers were playing a positive role in keeping peace and combating crime. They were called a life saving blessing to suspects and police officers alike as a less lethal option to guns. As he continued to study the issue, he came to the conclusion that tasers were much more dangerous than the taser manufacturer had led them to believe. They were insufficiently tested and insufficiently controlled in Columbia, and many communities all across the United States were struggling with this same problem. The Chief of Police in Newark, California stated “I can’t imagine a worse circumstance than to have a death attributed to a taser in a situation that did not justify lethal force. It’s not a risk I am willing to take.” He commented that unfortunately they were taking risks in Columbia by having insufficient regulations and oversight on taser use. After studying several of the 48 cases, to include the summary of police use of tasers, he found evidence of inappropriate and, in some cases, abusive use of tasers. The current lack of adequate police taser training, confusing and inconsistent regulations and the lack of meaningful oversight had raised the possibility of another taser death or serious injury in this City. He thought they needed to act soon by putting into place an imminent danger standard for taser use. He believed there was a workable solution and noted they were not trying to ban tasers. They were seeking to bring tasers under control with appropriate regulations and training and strict oversight and accountability. They were asking the Council to be leaders in preventing tragic consequences, to act soon to form a citizen oversight board and to adopt the necessary taser regulations. Proper taser oversight benefited everyone, to include citizens, the City as a whole and the police.

Mayor Hindman explained that when they approved the agenda, they failed to add B378-08, which would modify the Vision Commission, to the Introduction and First Reading section of the agenda. Mayor Hindman made the motion to add B378-08 to the Introduction and First Reading section of the agenda. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

PUBLIC HEARINGS

R295-08 Authorizing agreements for FY 2009 Public Communications Program funding; transferring funds.

The resolution was read by the Clerk.

Mr. Watkins explained that earlier this year, Council approved the formation of a Public Communications Program and budgeted \$75,000 from gross receipts taxes from Mediacom to be used for various projects involving the delivery of public communications services.

Ewell Lawson, 109 Gondolier Drive, stated he was Chair of the Public Communications Resource Advisory Committee (PCRAC) and explained they were tasked to allocate the money for this budget year in a short time frame. Three applications were received. The Committee held about six meetings and a public hearing. The application review process included community education, the effectiveness of the mediums, project management and outcome measures. The Committee was recommending three contracts of \$20,000 each. The addendums to the contract were included to assure the City would receive the communication services. The projects were the Eco-School House documentary, which involved communicating the importance of ecological building practices, a community perspective on child and adult obesity through CAT-TV and the web-streaming of City Council meetings.

Mr. Janku commented that the Council had previously received reports indicating the cost of web streaming would be much higher. He wondered what kind of access would be available and whether this was the total cost. Ms. Hertwig-Hopkins replied the total project cost was estimated at \$26,000, but there would also be an on-going operational monthly fee. This would fund part of the start-up costs. Ms. Messina noted City staff had talked to a vendor without making any commitment and what set this proposal apart from some of the things they had looked at in the past was the ability of the vendor to provide unlimited bandwidth rather than the City having to purchase the band-width capacity. She understood the cost had been over \$20,000 to service twelve users in the past. She stated this was in effect in other cities in Missouri and across the nation. Mr. Janku understood it was typical web-streaming and not restricted. Ms. Messina stated it would provide web-streaming and the ability to archive meetings. Users could click on an agenda item and go directly to that portion of the meeting to watch the dialogue. Mr. Skala understood this would provide real time and indexed views. Ms. Messina stated that was correct.

Ms. Hoppe stated they all sounded like good projects and looked forward to them.

Mayor Hindman opened the public hearing.

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

The vote on R295-08 was recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU, SKALA. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

B369-08 Approving a petition requesting the formation of the North 763 Community Improvement District consisting primarily of property within Auburn Hills Subdivision located on the east side of Highway 763 immediately north of Brown School Road.

The bill was given second reading by the Clerk.

Mr. Watkins explained property owners in the Auburn Hills subdivision, which was roughly in the area of Highway 763, Brown School Road and Edenton Road, had filed a petition for the formation of the North 763 Community Improvement District (CID) under Missouri statute. The petition was requesting the Council establish a CID which would consist of about 40 acres of land on the east side of 763. The purpose of the district was to fund approximately \$1 million in public improvements, to include streets, storm sewers, sanitary sewers, utilities, landscaping and signage. Revenues to finance the project would be generated by a half-percent sales tax and potentially real estate taxes and special assessments. This was the first time a petition had come before the Council for a CID. He noted this was similar to a TDD in that it would be a tax in addition to the current authorized local sales tax. The real difference was that instead of funding only transportation related public improvements as was allowed by a TDD, this CID would allow the funding of other public infrastructure.

Mr. Wade noted the staff memo indicated a developer could create a TDD and fund both internal and external transportation and associated improvements, but recalled a Council resolution indicating that since a TDD was funded with sales tax, only external improvements could be funded. He thought the Public Works Director was responsible for looking at the list of improvements and assuring they were external improvements. He asked if his memory was incorrect or if the policy had changed. Mr. Janku replied he thought it was a policy, but State law allowed them to go beyond the City's policy. The initial TDD, which was Centerstate, had agreed to it, but subsequent TDD's were not bound by it because they could go to the Circuit Court for approval. Mr. Wade understood State law allowed internal and external improvements for TDD's. Mr. Watkins stated that was correct.

Mr. Wade stated in reading the petition, there was nothing indicating compensation for the board of directors and asked if they would be compensated and how that decision would be made. Mr. Watkins replied he did not know and suggested he ask the applicant.

Mr. Sturtz asked when the sunset of the sales tax went into effect. He wondered if it would end after the \$1 million was raised or if it would continue past that point. Mr. Teddy replied he thought the petition stated 25 years was the maximum term, but that it could terminate earlier if the principle sum was raised. Mr. Sturtz asked if the property owners could decide to keep the sales tax going after the \$1 million was raised. Mr. Teddy replied he did not know. Mayor Hindman thought they could keep it going for certain things, such as maintenance of the driveways. Mr. Janku understood it was like a business association, similar to what they had in the downtown. It was a type of organizational structure that would promote events, etc. Mr. Sturtz asked if they would have to come back to the Council for further approval at that point. Mr. Boeckmann replied he thought the petition limited its existence for 25 years, so that was the longest the sales tax could be in effect. It also limited how the money could be spent. Mr. Janku understood if they wanted to go beyond that, they would have to come to Council to amend it. Mr. Skala understood it was the time limit or amount raised if it matched what they had proposed and the option then would be to extend it or reorganize.

Ms. Hoppe understood a TDD and CID would allow funds to be appropriated for mass transit purposes even if it was not included in the petition. Mr. Watkins stated he thought a CID was limited to what was in the petition. Ms. Hoppe understood it could be added. Mr. Watkins stated he thought so. Mr. Wade pointed out the petition indicated the CID could be extended by a majority vote of voters in the district.

Mayor Hindman opened the public hearing.

Rob Wolverton, 2504 St. Regis Court, stated he was representing the applicant, was a member of North 763 Lands and WWB Development Company, who were petitioners of the CID, and was available to answer questions.

Mr. Janku commented that the staff report discussed the possibility of foregoing a TDD if they were authorized to be a CID so they could not layer another tax upon the property, and asked if they were agreeable to that. Mr. Wolverton replied they were amenable.

Mr. Wade asked whether the board of directors would be compensated. Mr. Wolverton replied they did not anticipate any compensation for the board of directors and were willing to put that in the petition if the Council desired.

Mayor Hindman noted there was a miscellaneous/contingency category in both phases and asked for clarification on how those funds would be spent. Mr. Wolverton replied they viewed the CID as giving them a level of flexibility that was not allowed in a TDD. Five different property owners would be within the CID and it was difficult to get five different developers to agree on anything relating to maintenance or security issues, so they intended to use it as something similar to a property owners association that could work in conjunction with the surrounding homes association with regard to security related issues, maintenance of properties, snow removal, etc. It would be a communication source with the surrounding homes association. He pointed out they had discussed having the president of the local homes association as an advisory member. They would not be a voting member due to State law, but could be an advisory member.

Mr. Skala asked if the improvements to the roadway and transportation network would be restricted to improvements outside of the development area or if they intended to use some of these funds internally. Mr. Wolverton replied they intended to use most of these funds internally. He explained the original development was done by his development company, WWB Development Company, so the surrounding roads, which were Brown School Road and Edenton Drive, had already been improved by his development company. The other road that bounded this property, Highway 763, was being improved by MoDOT. In addition to building those roads, they had installed a traffic signal Brown School Road and Highway 763. The property owners in this petition had also already donated property to the 763 improvements without compensation. As a result, there was not much outside of the development that needed to be improved.

Ms. Hoppe understood most of these things could be done through a TDD and asked what could not be done through a TDD. Mr. Wolverton replied he understood things such as landscaping, maintenance, security and some signage within the area could not be done. His understanding was that internal directional and informational signage would be allowed under a TDD, but a Moser's Grocery Store sign would not be allowed under a TDD. Mayor Hindman understood the Council did not have to agree to allow that type of signage and

explained that was something he was concerned with. He thought there were certain advantages of a CID, such as allowing security, landscaping, maintenance, etc., which were things the Council wanted to see. He believed allowing the taxpayer to pay for the signage was going a bit far and recommended it not be included.

Mayor Hindman commented that normally when people made application for things that require advertising and notices, the City required the cost to be paid up front. He understood that had not been done for in this case and suggested the ordinance be effective on the payment of \$293.04. Mr. Wolverton stated they were notified of the amount due and apologized for overlooking it.

Mr. Wolverton pointed out the Council had a higher level of control with a CID versus a TDD, and the CID provided the developer a higher level of flexibility. He understood that with a TDD, they could have a sales tax surcharge of up to one percent. They were willing to limit their sales tax surcharge to one-half percent, leaving the other half percent available in the event the City needed to raise sales taxes for a City related project. After the initial board of directors' terms were up, the replacement board of directors would be appointed by the Mayor and approved by the City Council. He noted they were amenable to the City having a higher level of control because it provided the developer a higher level of flexibility.

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

Mr. Janku commented that he would like to amend the ordinance to not allow a TDD, to include an advisory public member as was mentioned by the applicant and to state the board of directors would not be compensated. Mayor Hindman pointed out there was also a technical amendment regarding the date the CID petition was submitted.

Mr. Janku made the motion to amend B369-08 by adding "this approval is subject to the condition that no transportation development district shall be formed that includes any portion of the property included in the North 763 Community Improvement District" to Section 1. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Janku made the motion to amend B369-08 by adding "this approval is subject to the condition that the City shall be allowed to appoint an advisor to the board who shall be entitled to speak at all meetings of the board" to Section 1. Mr. Janku understood the City appointed and approved the board. Mayor Hindman noted the statute provided that the next board would be appointed by the City, and this would be the non-voting advisory member. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Janku made the motion to amend B369-08 by adding "this approval is subject to the condition that board members shall receive no compensation other than compensation for reasonable expenses" to Section 1. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mr. Skala stated one could construe this CID as a public subsidy that could put other commercial developments at a disadvantage in terms of what tenants were charged and asked for a response. Mr. Wolverton commented that he had never participated in a TDD, so he was not an expert on how those funds could be used. He understood internal improvements had been made using TDD funds in some TDD developments. Mr. Skala understood that was legitimate per the State. In this case, he understood it could be that way but did not have to be that way since the Council was the body that decided. Mr. Wolverton

commented that with regard to the competitiveness issue, he felt there were two layers. There was competition with other commercial developments within Columbia, but there was also competition with people looking to locate a business from outside of Columbia to Columbia. If CID's were allowed in areas outside of Columbia, such as St. Louis, Kansas City, Springfield and Jefferson City, and a business owner had the right to go to one of those places, he wondered if they would be handcuffing themselves by not allowing it in Columbia. He thought that would put them at a disadvantage compared to other cities. He commented that it was a double edged discussion and he did not have a good answer other than noting the expenses listed were ones allowed by State statute.

Mayor Hindman stated he wanted to limit the expenditures on signage to the same expenditures that would be allowable under a TDD. Mr. Janku asked if he knew what that was. Mayor Hindman replied no. Ms. Hoppe noted Mr. Wolverton indicated they could do directional signs within a TDD, but not signs on the buildings for the businesses. Mr. Boeckmann pointed out that might or might not be allowed under the CID statute. He stated TDD's were governmental entities and were subject to the State constitution, which indicated they could not spend public funds for private purposes. He did not know how a sign for an individual business would be justified under that constitutional provision. A CID was a political subdivision subject to the constitution just like a TDD. Mayor Hindman understood he thought it might be unnecessary. Mr. Boeckmann stated he was not indicating it was unnecessary. He was only indicating he did not think it was proper. Mayor Hindman stated he wanted it included because he did not think it was proper.

Mayor Hindman made a motion to amend B369-08 by adding "this approval is subject to the condition that signage shall be limited to signage allowed by transportation development districts" to Section 1. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mayor Hindman noted there was an amendment sheet that dealt with the date the petition was filed. He understood the date should be November 5, 2008.

Mayor Hindman made a motion to amend B369-08 per the amendment sheet. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mayor Hindman made a motion to amend B369-08 so that the ordinance would be made effective upon payment of the advertising, mailing and printing costs. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Wade commented that when they had held a work session on this topic, he had expressed having a great deal of concern about CID's for commercial development and his concern had become more intense. He felt this was bad public policy and did not believe the CID should be approved. He believed this was a step in the wrong direction for Columbia and its citizens. He stated a TDD was an entity of the State and did not believe the City should create a mechanism to pay for private commercial developments with public taxes. He felt internal improvements were normal costs of developing property and should be paid for by the developer, subsequent lot buyers and tenants. This practice in this case would be maintained only if the CID allowed the use of property taxes or special assessments, and not the use of sales tax. If sales taxes were allowed, the internal development costs would be passed on to consumers and would create an unfair playing field for all existing commercial

developments as lot prices or building rents could be lower. If CID's were allowed for the development of commercial areas and the continued maintenance of commercial areas, they would end up increasing overall land costs because a developer could pay a higher price for the land since they would then be able to pay the costs of some of the internal improvements by passing it on to consumers. They would be able to enable a higher land cost to be a part of the total project cost, while still being able to move forward with a project. This was already a problem with TDD's. It impacted non-commercial properties, such as residential and office developments, which could not collect sales tax for the financing of internal or external improvements. He did not believe this was the original intent of a CID, when it was created by the State. He thought the original intent of a CID was to allow residences to create a mechanism to fund their own infrastructure. He believed this would be a big mistake that could not easily be undone once they started down this path.

Mr. Janku stated he supported this project in part because of the restrictions they put into effect. He was concerned about the possibility of a TDD on top of this CID causing the sales tax to be higher than in surrounding areas. Since the developer was willing to agree to forego that possibility, the City was able to cap it. This was unlike TDD's as they existed under State law outside of the City's control. The Council had more control and oversight with this mechanism, so he wanted it available for the people in the community as he felt it would then not force people to go through a TDD, which was largely outside of the Council's control. He agreed this was being used for a new development, but noted the developer had made substantial infrastructure improvements prior to this development occurring. They had incurred a lot of up-front costs, which would be included in the cost of the land and would be born by the property purchasers. He did not think they wanted to penalize someone for putting in infrastructure improvements up-front because it was something they had great difficulty with in the community. Improvements were usually done when the property was being built out. The major road involved with this development was put in years in advance. He commented that if this was a vote to prohibit CID's in Columbia, it could have serious consequences. He understood the downtown area was considering a CID and did not think they wanted to prohibit them. He noted this mechanism could be used to revitalize older business areas and shopping centers that might need money for refurbishment and new infrastructure. It could be used for things this community was struggling with in regard to dead areas that existed or might exist. He thought CID's could be done properly with the right types of controls and believed this group had agreed to those controls and the capping of costs by foregoing the TDD, which was why he was willing to support the request. He pointed out that when Mr. Wolverton began this project he had an excellent relationship with the neighborhood association. It was demonstrated by the group's willingness to allow them to participate on the board. He came to the neighborhood early on and did everything the right way, which was why they were not present tonight with concerns. He reiterated he would support it and noted he thought CID's could be approved on a case by case basis. He pointed out he would not be in agreement to them in all cases, but believed this one was appropriate.

Mr. Sturtz commented that he had done some research on where some of these had been used around the Country and understood they were not popular. Downtown Atlanta

used a CID to push forward a mid-town blueprint. He felt that could be replicated in downtown Columbia because part of the City's vision was to revitalize the downtown. He did not see this project springing out of that process. He felt it needed to be used carefully since it was such a powerful tool. He thought voting in favor of it might set a precedent causing a lot of developers to come before the Council asking for a CID. Mr. Janku suggested they require forgoing a TDD, which could allow for higher costs. He felt City control was an important trade-off. Mr. Sturtz agreed it made it better, but stated he did not think the Council was excited about TDD's to begin with. He felt this was just a better version of something they did not like. In a practical sense, they could apply for a TDD and City could do nothing about it, but he believed since this was something they had full purview over, they should exert full control. After attending the Rotary Club a few months ago, he was blown away by the amount outcry there was involving TDD's.

Mr. Skala stated he did not disagree much with Mr. Janku's comments and certainly agreed with the statements made concerning Mr. Wolverton and the fact the infrastructure was put in place prior to this, but was concerned with the controversy of using public sales tax for commercial developments, which would give them a distinct advantage over other developments. He understood TDD's allowed internal development. The City's rule of thumb on most planned developments was for the developer to take care of all of the internal transportation needs and to satisfy some of the off-site improvements if contiguous with their property. He believed that policy should be extended and saw this as a way to get away from a level playing field. It would provide an advantage due to sales tax by way of increased property values and additional services offered to the tenant. He stated he was not willing to support this from the perspective of not wanting to set a precedent. With regard to a CID in the downtown, the infrastructure already existed, so they were not really talking about the internal and external dichotomy. He believed that was a different case, which had to be decided on its merits. He stated he was not willing to set this type of precedent as he felt it would provide a disadvantage to some commercial developments.

Ms. Nauser stated she concurred with Mr. Janku's comments. She agreed the Council did not like TDD's and would much rather have a CID process available to people developing in the community since the Council had more control and oversight. She wondered when it became the government's objective to make everything an equal playing field and stated there was no equal playing field. Whenever anyone came into a market, there were specific conditions. Rent and product prices fluctuated depending upon location in the community. She did not understand why they felt they needed to arbitrarily devise an equal playing field in this situation. Since the Council had more control with a CID and because they could approve a board in the future and set requirements, she preferred people applying for CID's versus TDD's and hoped this would be the beginning of that transition. She noted irregardless, the consumer would pay, whether up-front with sales tax or through product and service prices. She stated she supported the project.

Ms. Hoppe commented that she was initially concerned with a CID paying for internal infrastructure and additional items not allowed within a TDD. She noted she shared the concerns and reluctance voiced with regard to using sales taxes for those purposes, but pointed out TDD's existed. What was persuasive to her was that the developer had already

paid for the roads, which was a substantial cost. In addition, the Council had more control and there would be a citizen representative on the board. She believed CID's should be used very selectively. She stated she planned to vote in favor of this one, but noted it was not an indication that she would unilaterally approve others. Her decisions would be made on a case by case basis.

Mr. Wade stated he had a problem with TDD's because of the use of public taxes for purposes that should be internalized in development costs. As a result, he was uncomfortable with the Council extending that to a similar tool. In listening to the State Legislature, he continued to think they would see some kind of adjustment to TDD's and was uncomfortable in creating more ways to make private costs public and public decisions private.

B369-08, as amended, was given third reading with the vote recorded as follows:
VOTING YES: NAUSER, HOPPE, HINDMAN, JANKU. VOTING NO: WADE, STURTZ, SKALA. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the south side of Richland Road, along both sides of Rolling Hills Road, extended.

Item A was read by the Clerk.

Mr. Watkins explained this was the required public hearing for the voluntary annexation of five tracts of land totaling about 271.5 acres. The property was south of the present City limits in the east part of the City. The Planning and Zoning Commission tabled its recommendation on zoning to its January 8, 2009 meeting at the request of the applicant. He pointed out the applicant had submitted a development agreement that would accompany the zoning. This hearing was to obtain public input with regard to whether or not this property would become a part of the City. It was the annexation hearing only.

Ms. Hoppe noted the Council had made a motion at its last meeting asking the Planning and Zoning Commission to look into a sub-area plan for this area and understood they had asked for clarification but did not see the request in writing. Mr. Teddy explained that was a topic of discussion at the zoning hearing at which time they were considering a request to table the item. At that time, there was a request to clarify it. They indicated they did not have the minutes for the meeting and would provide it when they did. They had not put any additional effort into clarifying the Council's motion since then. He thought the Commission was looking for direction with regard to how that assignment would relate to this request, which was fairly large in scale and had a number of different zoning components. He felt additional information regarding the scope, the corridor or special area for the study to entail, etc. would be helpful.

Mr. Skala understood the zoning process itself would proceed independently even though the annexation was linked by contingency. Mr. Teddy replied yes. He explained the annexation petition stated the annexation was requested with specific zoning, and if the Council did not grant the zoning districts, the petition was invalid. Mr. Watkins stated they would provide that ordinance after the Planning and Zoning Commission made their recommendation.

Mayor Hindman opened the public hearing.

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

OLD BUSINESS

B361-08 Authorizing acquisition of additional easements for construction of Mexico Gravel Road from the Vandiver Drive Connection to the intersection with Ballenger Lane/Route PP.

The bill was given second reading by the Clerk.

Mr. Watkins stated the improvement of Mexico Gravel Road to Route PP was one of the projects the Council elected to do after the 2005 capital ballot issue. At the October 6, 2008 meeting, Council directed staff to begin the acquisition of easements. Since that time, they had determined they needed three additional temporary construction easements to accommodate some utility needs. The three temporary construction easements were needed from three separate property owners. They had come back to Council in order to ask for permission to acquire these three easements.

Mr. Skala stated he was in favor of the project.

B361-08 was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B362-08 Amending Chapter 22 of the City Code as it relates to deferred tax bills for sanitary sewer projects.

The bill was given second reading by the Clerk.

Mr. Watkins explained this ordinance would amend Chapter 22 of the City Code, which established the policy for deferred tax bills among other things. The policy had been originally approved by Council in 1998. It established a \$5,000 maximum cap for a tax bill and a total amount of \$500,000. In the last ten years, Councils had approved about \$250,000 as additions to the tax bill and had about \$430,000 in projects in various forms. On his recommendation, the Council had recently increased the sanitary sewer engineering staff in order to move forward with a number of projects that had been languishing for a number of years. He noted they were at a point where they would bump up against the \$500,000 total pool. If approved, this ordinance would extend the pool to \$1 million.

Ms. Hoppe noted subsection (a) of the ordinance referred to undeveloped lots and asked if this only applied to undeveloped lots. Mr. Boeckmann replied this ordinance only showed subsections (a) and (d). Subsections (b) and (c) were not shown and subsection (b) dealt with developed lots. Mr. Glascock noted they tax billed anyone that benefited.

Mr. Janku stated the phrase “pilot program” was no longer applicable because it was now an established program and understood the cap was for bonding purposes.

Mr. Janku made the motion to amend B362-08 by deleting “deferred tax bill program provided for in this section is a pilot program and the” from subsection (d). The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B362-08, as amended, was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B363-08 Amending Chapter 14 of the City Code to establish an all-way stop at the intersection of Derby Ridge Drive and Smiley Lane.

The bill was given second reading by the Clerk.

Mr. Watkins explained staff had previously prepared a staff report at Council's request that recommended the institution of a four-way stop at the intersection of Derby Ridge and Smiley Lane in north Columbia. This was simply the enabling ordinance to put that into effect.

B363-08 was given third reading with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B355-08 Vacating a portion of a utility easement located within Bluff Creek Office Park Plat 4D.**
- B356-08 Vacating sewer and utility easements located at the southwest corner of the Scott Boulevard and the MKT Trail intersection.**
- B357-08 Vacating excess cul-de-sac right-of-way at the southern terminus of Crow Court, generally located northwest of the Providence Road and Blue Ridge Road intersection.**
- B358-08 Vacating utility, sanitary sewer and drainage easements located at the northwest corner of Providence Road and Blue Ridge Road.**
- B359-08 Vacating a water utility easement located southwest of the Worley Street and Stadium Boulevard intersection, within Biscayne Heights Subdivision.**
- B360-08 Authorizing construction of the Providence Road Trail South Project from Green Meadows Road to Rock Bridge Elementary School; calling for bids through the Purchasing Division.**
- B364-08 Accepting conveyances for utility purposes.**
- B365-08 Appropriating additional funds relating to the Walton Building remodeling project.**
- B366-08 Appropriating funds to reflect "in-kind" donations of vaccine from the Missouri Department of Health and Senior Services to the Health Department.**
- B367-08 Appropriating funds from The Missouri Foundation for Health grant relating to the 2008 Eliminating Tobacco-Related Disparities – Assessment and Planning Program.**
- B368-08 Appropriating funds for Share the Light Program.**
- R280-08 Setting a public hearing: voluntary annexation of property located on the southwest side of Strawn Road (State Route ZZ) south of I-70.**
- R281-08 Setting a public hearing: voluntary annexation of property located on the south side of Richland Road, approximately 250 feet east of the St. Charles Road and Richland Road intersection.**

- R282-08 Setting a public hearing: construction of sanitary sewers in Sewer District No. 159 (South Route K).
- R283-08 Setting a public hearing: construction of sanitary sewers in Sewer District No. 162 (Valley View Road).
- R285-08 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for HIV prevention activities.
- R286-08 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for HIV prevention activities.
- R287-08 Authorizing a lease of mobile home site with Deana Volle for property located at the Columbia Regional Airport.
- R288-08 Authorizing Amendment No. 1 to the agreement with TREKK Design Group, Inc. for engineering services relating to an inflow and infiltration study of the sewer collection system.
- R289-08 Authorizing Change Order No. 1 to the agreement with Modjeski and Masters, Inc. for engineering services for the design of the Columbia Terminal Railroad (COLT) bridge over U.S. Highway 63.
- R290-08 Authorizing an agreement with HDR Engineering, Inc. for engineering services relating to a conceptual alternatives study for infrastructure improvements along the Providence Road corridor, between Stadium Boulevard and Turner Avenue.
- R291-08 Adopting the City of Columbia Identity Theft Prevention Program.
- R292-08 Authorizing first amendment to the agreement with Ameresco Jefferson City LLC for the purchase of electricity from a landfill gas plant.

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

NEW BUSINESS

- R284-08 Setting a public hearing: considering acquisition of land in downtown Columbia for an historical museum and research facility.

The resolution was read by the Clerk.

Mr. Watkins explained this resolution would set a public hearing with regard to whether the City wished to acquire a half-square block area in the downtown for the use of the new Missouri State Historical Society complex by negotiation and, if necessary, by condemnation. This legislation would take no action other than setting the public hearing.

Mr. Wade made the motion to amend R284-08 so the public hearing would be set for February 2, 2009 instead of January 5, 2009. The motion was seconded by Mayor Hindman.

Mark Farnen, 103 E. Brandon, stated he was representing Fifth Street Investments, who owned one of the parcels of property mentioned with this resolution, and explained they were initially informed of this on Thursday night. Since then, they had made every attempt to gain additional information on how this would affect them. There was an assumption made that all of the property owners in the area had been contacted, but that was not the case. They initiated contact this weekend and believed, at that time, their only relief was to ask

Council to not move forward because it might artificially and potentially impose the threat of eminent domain against what might be willing sellers. They knew they would not have sufficient time to respond to and discuss this with a potential vote on this issue on January 5, 2009 and sent letters to each of the Council Members and the City Manager. In addition, they met with Tony St. Romaine and were given additional information, so they now had a better understanding of this project and the desire to move fast. About a half hour ago, they had also met with a representative of the Historical Society and expressed to them their dismay that they were not contacted by any official or non-official source until they were contacted by a reporter. The Historical Society representative understood their dismay and gave them some level of assurance they would begin the process of talking with them. They had also agreed to request a delay of about 30 days. They had assured them that if, during that period of time, it was the same as it was for the first 30 days with them not having any information or answers, they would join them in asking for an additional delay. He noted they could not speak on behalf of any other property owner or on behalf of the Historical Society, except to repeat what they had indicated. He stated they were willing to talk with them because they were not necessarily opposed to the project. They just did not like the process and the way it had unfolded. He asked the Council to either defeat the issue or set it for sometime in the future with the option of asking for another extension. He understood this would not make other problems related to the use of eminent domain go away and would continue to be a hot issue from a policy and procedural point of view for a lot of people in the community.

John Schultz, 1301 W. Colchester Road, commented that 217 years to the day, the Bill of Rights was ratified, and included was the Fifth Amendment, which read in part “nor shall private property be taken for public use without just compensation.” Clearly the constitution allowed for the taking via eminent domain, but the moral rightness of any such condemnation remained the right and responsibility of elected representatives. He did not think the forced acquisition of Bengals and adjoining parcels rose to the proper level of justification. He suggested Council reject the assistance requested of the State Historical Society with the end goal being for the Society to find a landowner willing to voluntarily sell a single piece of land for their museum. He recommended the block east of Bengals, containing the Heinkel Building.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, stated he was present on behalf of Jack and Julie Rader and explained they had not had the opportunity to discuss this acquisition with anybody either and would welcome at least thirty days or longer to consider it. He noted B377-08 was scheduled to be read under Introduction and First Reading and asked for the effect of this resolution on that bill. He wondered if they would still take that item up.

Mr. Boeckmann suggested B377-08 be removed from Introduction and First Reading, if the Council deferred the public hearing or withdrew or defeated the resolution.

Mr. Van Matre thought there should be more than 30 days before a public hearing because he felt it would be difficult to obtain appraisals and discuss the complexities of this issue in that time frame. Unless there was some time crunch or deadline that needed to be met that had not been explained, he felt 60 days would be more appropriate for his clients to

have ample opportunity to consider the issues. Mr. Janku noted they had to table it do a date certain, but could extend it if necessary. Mr. Van Matre stated if everyone was moving forward in good faith that time frame might be fine, but felt 30 days was a short period of time.

Gary Kramer stated he was the Executive Director of the State Historical Society at 1020 Lowry Street on the University of Missouri-Columbia campus and noted he was in support of delaying the discussion until February. He understood there had been a lot of misinformation and confusion and stated he had learned of the hearing from a reporter on Friday. He explained the State Historical Society of Missouri was a publicly supported institution. Although it was housed on the University of Missouri-Columbia campus, it was a separate entity and had a world class art collection that was in danger. The reason the Legislature and Governor supported planning money for a new building was because less than one-half of one percent of this art collection could be put on display at any given time and because they resided in conditions that were placing the collection in danger. They also had a world class collection of manuscripts and held the papers of many historically prominent individuals. They currently employed approximately 40 people with a payroll of roughly \$2 million. There had been talk of moving them to Jefferson City, but they wanted to stay in Columbia and near the University campus, so Missouri history and culture classes could be taught in a building where the historical records were housed. He thought there was confusion regarding the size of building needed. A previous speaker suggested they consider the Heinkel lot. There had also been discussion about the Flat Branch lot. He pointed out they needed a full City block. The building they were contemplating would be 160,000-170,000 square feet, which was significantly larger than the public library and Cornell Hall. He noted they were driven largely by the Sasaki Plan and stated they were told the buildings being discussed tonight were not on the street in the Sasaki drawings. They were gone per the implementation of the Sasaki Plan. He pointed out they were not seeking the use of eminent domain. They were seeking to buy property from willing sellers. The only time the issue had come up, his Board voted to avoid eminent domain if possible. He noted the University was contemplating moving its two Red Campus museums onto the south Heinkel site, so it was not available to them. In addition, they needed the entire block. He pointed out they thought all of the owners had been contacted. He apologized to those who were not. He commented that he was not suggesting they would be able to persuade Mr. Farnen and his clients their project was the right one, but believed they owed them the opportunity to explain what they intended to do. He reiterated he supported the motion to delay the hearing until the first meeting in February.

Mr. Sturtz understood the project required a full City block and noted the Sasaki Plan encouraged the idea of going up in a much more dense fashion of five- and six-story buildings. He understood this would be a three-story building. Mr. Kramer stated it would be a four-story building and noted there had been discussion this week about the possibility of adding another level to accommodate some storage area for artifacts from the Missouri State Museum in Jefferson City. Mr. Sturtz asked if there would be a possibility of going even higher. He understood most of the display space would need to be on the first floor. Mr. Kramer replied there was actually no way to get all of the manuscripts and art on the same floor. He explained they had employed a designer who had Missouri roots but lived in the

Maine and had made six trips to the site. Part of the challenge was laying out the building in ways it would work. There were multiple reference collections, to include a newspaper collection, art collection and manuscript collection, and a significant amount of storage. They currently stored 17,000-20,000 linear feet of material off-site, which they hoped to bring into the facility. More items were stored in caves and they wanted to bring that to the facility as well. When the legislation authorizing the expenditure of the \$600,000 was passed last spring, the original bill stated the new building would be built in Columbia on the University of Missouri campus. That line was deleted by members of the Senate who wanted to move it to Jefferson City. He felt that would be a real tragedy for the economy and culture of Columbia.

Ms. Hoppe understood that although they had plans for a lower building, it was possible to revise those plans to go up. She thought it might be workable economically if they did not have to buy the whole block. Mr. Kramer stated anything was possible, but their planner indicated the building they envisioned could not work on a half-City block. Ms. Hoppe asked if parking was contemplated on the City block. Mr. Kramer replied no. The vision being planned for now would include 100 spaces of parking being built under the building. He stated they had been told the current City lot, directly north and west of this was pretty full and that there was an intent to build a second parking garage on the vacant lot that moved toward Flat Branch. He stated they were trying to make the building and the parking as self contained as possible. A challenge, in addition to not having enough space, was that one could not get there from here. Mr. Janku understood he was talking about the present location. Mr. Kramer explained that as the University campus had become more pedestrian oriented and as clientele had become more septuagenarian and octogenarian, it was very difficult to get there. He noted they had about 40 researches doing research at the State Historical Society on any given day. He expected this to be a destination point for tourists and researchers.

Ms. Nauser asked when the legislation was passed. Mr. Kramer replied the planning money was provided this past session. The money was available to them on July 1 and they immediately hired a consultant to begin the planning process. He pointed out this was only planning money. It was not architectural design money. Ms. Nauser wondered how they made it here today when it seemed as though several of the stakeholders, to include himself, were unaware of the meeting this evening and the process. She asked if there was a site selection committee. Mr. Kramer replied they had a planning committee. Ms. Nauser asked if they had contacted the property owners after that decision was made. Mr. Kramer replied they had been told by one owner they had absolutely no interest in selling, but it was clear that Mr. Farnen and the people he represented were not contacted. He thought they had been contacted. He noted they believed they had paid someone to contact them. He commented that if he was Mr. Farnen and his associates, he would have been very annoyed and frustrated as well. He explained that part of the urgency was due to seeking Legislative approval at the next session for land purchase assistance. They were not ready to build a building and it was not a good time to look for public support for a new building, but they were at a stage where they needed to nail down and acquire a site.

Terry Rolan, 2012 Shale Ridge Court, stated he did not own property at this location and did not represent either side. The first he heard about this was in the Sunday paper. He

noted he was shocked and outraged that governmental power would be used to take private property from a citizen. He did not have any objection to someone selling the property or building the museum, but felt people had certain inalienable rights, to include property rights, and governments were instituted to secure those rights. He understood the Council was contemplating the use of eminent domain and believed that was wrong. He did not care if they went forward with the project, but strongly urged the Council strike any consideration of eminent domain use from the project.

Mr. Wade commented that this was an important issue that needed to be addressed, but there was a lot of information that needed a chance to come out so the process would work. He hoped delaying the public hearing would give time for discussion of process. He believed this was a classic example of the horrors of vacuum. When a vacuum existed, people created information and it was almost always the worst possible information. He thought they needed to get clear information and look at the issues in order to make a better decision with everyone involved.

Mr. Skala stated he was under the impression from the work session involving this issue that many of them thought retaining the Historical Society was a good idea, but they had not discussed the details of land acquisition. He assumed, at that time, they were talking about property for sale. The vacuum referred to by Mr. Wade had been filled by terms like eminent domain and urban renewal. He noted Section 20-57 of the Code dealt with urban renewal and the land clearance for redevelopment authority. He understood that section still existed and was used for urban renewal in the 1950's and 1960's and asked if it was still in effect. If it was, it specified the process was to go through the Planning and Zoning Commission for a recommendation. Mr. Boeckmann replied the ordinance was still in effect, but noted it applied to the land clearance for redevelopment authority, which was not at issue here. The proposal was not to declare the property blighted. It was to authorize acquisition by eminent domain, if necessary, for a public purpose. Mr. Skala commented that he thought it still might not be a bad process to get the Planning and Zoning Commission involved for an opinion and recommendation.

Mr. Wade stated he had received comments from a lot of people saying they should let it go to Jefferson City and that was of great concern to him. This was exactly the kind of business they had focused their economic development efforts on and were looking to bring to the downtown. They were talking about keeping one that was already here and integrated into the economy with a very substantial employment and salary base. He noted this was tied to an effort that was very congenial with where they had moved their economic development philosophy, which was quality of jobs and information and intelligence based businesses.

Ms. Nauser stated she was having a difficult time with the acquisition of land through eminent domain for a museum. She was in favor of this process moving forward and hoped the parties could get together and come to an agreement or a workable solution. She looked forward to the discussion at a future Council meeting, but wanted to voice her concern.

Mr. Sturtz stated he concurred with Ms. Nauser. He thought they could all agree this was a fantastic project which they wanted for a cultural district in the downtown, but the way they did it was just as important. He felt it involved how they defined a public improvement

for condemnation. If they went back to the land clearance for redevelopment authority's definition of condemnation or eminent domain, it should be used for health and safety. He understood Mr. Boeckmann indicated it did not have to reach that threshold. Mr. Boeckmann explained there were two separate issues. One was whether they wanted to declare the area blighted under the statute. The ordinance before the Council did not propose that. It was like any other condemnation of the City. If it was for a public purpose, the City could exercise that power without blighting property. Mr. Sturtz understood public improvement was a pretty broad term and could encompass any kind of public use. Mr. Boeckmann stated there was plenty of room to argue over the meaning of that term.

Mr. Janku pointed out they were only scheduling a public hearing tonight and thought they would get a better and fuller discussion at the actual hearing. He noted this was similar to an ordinance passed prior to the acquisition of the Blind Boone Home and the property adjacent to a parking structure that was planned for the Health Adventure Center before the Federal Building was determined as the site. He understood negotiated purchases under a threat of condemnation had benefits under the federal tax law, which might benefit some people. He thought the land clearance for redevelopment authority issue went to the Planning and Zoning Commission because the authority could act in the area with some degree of independence. This was a specific property in a specific location. Mr. Skala explained he brought it up because he thought the Planning and Zoning Commission had the capacity to provide an informed recommendation. He thought they could use the advice of an advisory body for a specific project as well.

Ms. Hoppe stated she agreed it would be great to keep the State Historical Museum in Columbia and thought they wanted to do everything they could to help achieve that goal, but she also agreed with Ms. Nauser. She had contemplated a willing seller and willing buyer. The use of eminent domain was of great concern to her. She suggested they define public improvement as a body. Since the parties were willing to defer the hearing, she was as well.

Mayor Hindman noted the discussion had gone quite a bit beyond the issue before them, which was whether or not to hold a public hearing on February 2, 2009. It was apparent that a tremendous amount of information needed to be provided.

The motion made by Mr. Wade and seconded by Mayor Hindman to amend R284-08 so the public hearing would be set for February 2, 2009 instead of January 5, 2009 was approved unanimously by voice vote.

The vote on R284-08, as amended, was recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU, SKALA. VOTING NO: NO ONE.

Resolution declared adopted, reading as follows:

Mr. Wade made a motion to remove B377-08 from the Introduction and First Reading section of the agenda. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

R293-08 Authorizing the City Manager to rescind the contract with LaserCraft, Inc. for red light photo enforcement; authorizing the Purchasing Agent to initiate a Request for Proposals process and enter into a contract for the installation, operation and administration of a red light camera system.

The resolution was read by the Clerk.

Mr. Watkins commented that despite several obstacles impacting this project during 2008, it had been staff's goal to have the first two approaches up and running by the end of this year. Recent communications with LaserCraft, with whom the City had a contractual arrangement, indicated they would be delayed a number of more months. After a number of conversations between Mr. St. Romaine and Mr. Boeckmann and members of LaserCraft, they mutually agreed they should part ways as both parties had spent a considerable amount of staff time.

Mr. St. Romaine stated this project had been very frustrating for staff as well as Council in getting it implemented. The agreement had been signed last year and they had worked with LaserCraft since November, 2007. They had worked with two different executive management teams and at least two project implementation teams. As a result, a lot of the information and history provided to LaserCraft had been lost or misplaced. In addition, there had been a lot of misconceptions on the part of LaserCraft as to how this program was to be implemented. The tone of the letter written by LaserCraft's attorney on December 2, 2008 indicated they were willing to rescind the contract and were not willing to expend anymore unanticipated costs without some revisions to the agreement. Verbally, they had agreed it was in their best interest to walk away and not worry about the expenses they had incurred. They would just rescind the agreement. The other part of the resolution was to seek additional RFP's in the next month or two and begin a new program with a new vendor in early spring.

Ms. Hoppe understood the City was asking for the driver to be photographed, but only for the cars that had triggered the red light violation. It would not be for everyone going through the light. Mr. St. Romaine stated the cameras were only triggered upon a red light violation.

John Schultz, 1301 W. Colchester Road, stated he was educated on the topic and was surprised when Mr. St. Romaine indicated points would be assessed for convictions in June, 2008. He wondered if he had missed something or if that was assumed under the underlying ordinance for red lights cameras. Since it was a surprise to him, he thought it would be a surprise to other people in the community as well. The vote on R293-08 was recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU, SKALA. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R294-08 Approving the by-laws of the Brookside Square Neighborhood Association and recognizing it as the official neighborhood organization for the area described in the by-laws of the Association.

The resolution was read by the Clerk.

Mr. Watkins explained the Brookside Square Neighborhood Association (BSNA), which was in north Columbia, was requesting to be officially recognized by the Council as the neighborhood association for that territory. He noted this was normally something the Council would see on the Consent Agenda, but staff felt there were some extenuating circumstances, so they elected to put it under New Business instead.

Ms. Messina stated they traditionally saw a homeowners association itself come forward and ask to be the neighborhood association. This did not appear to be the case in

this situation. The neighborhood organization policy did not address some of the things that raised questions for staff, so they wanted Council to know there were areas they might want to seek clarity before making a decision on the issue.

Ewell Lawson, 109 Gondelier Drive, stated he supported the BSNA and was happy to answer questions.

Mr. Janku understood they initially did not communicate with the homeowners association and representatives of the developers in the area, but had done so since that time. Mr. Lawson stated he understood they had notified the management company for the two homeowners associations. He noted they were members of the homeowners association as well, although they were not represented on the board. They encouraged them to not proceed with the new association for reasons he did not understand. He reiterated he understood they were notified they were planning to organize. He discussed the issue with the proposed secretary and had since made contact to ensure they wanted the two major developers included. The by-laws outlined they wanted to include all of the property owners in the area.

Mark Thomas, 4402 Celebrant Court, commented that like Mr. Lawson, he was also a member of the homeowners association, but felt it really did not represent them. It represented the developers as it was set up to ensure the homes that were built conformed to a high standard. He noted it was a nice neighborhood built on the Cherry Hill model and they loved it. They wanted, however, to have a dialogue with the City about issues the developers and homeowners associations were not interested in. They were concerned about being serviced by the new fire station being built about a mile away, so they did not have to rely on County support, which was further away. He noted he could see Jesse Hall from his house, yet he was represented in the State Legislature, by someone who lived in Monroe City and wanted to talk to the City about this later down the road when the lines were redrawn. They also wanted a neighborhood watch and were concerned about traffic issues, crime in the neighborhood, etc. Those were issues they needed a neighborhood association for versus a homeowners association.

Ms. Hoppe asked how many homes were presently occupied. Mr. Thomas replied approximately 20. Ms. Hoppe asked how many homes and lots there were in total. Mr. Thomas replied probably 100-200. He noted it was in the early stages of development. Mr. Sturtz understood there were 110 or better.

Mr. Wade understood the boundaries included the single-family homes, but not the multi-family homes. Mr. Thomas stated it included everything in Brookside Square, which included single-family homes, town homes and cottages. He noted they had included representatives of a rental property in the neighborhood association meetings, which was not represented by the homeowners association. He noted an ACT home was on his block.

Mr. Janku stated he supported the formation of the neighborhood association and thought the miscommunication was unfortunate, but did not consider it a major problem. As they moved forward, he believed it was important for them all to work together. In his mind, the groups had two different responsibilities. The homeowners association played a role in making sure development complied with the covenants and the neighborhood association was set up to dialogue with the City. He believed it was to their credit that they were coming

forward early in the process. Too often with a rezoning request or planned development, someone from the neighborhood appeared indicating they had not received notice. Although it was not built out as much as the neighbors and developer would have liked, he believed it would be great for it to be in place to deal with issues as time moved forward. He thought they could look at how the homeowners association and neighborhood association could function together in the future, but under the present guidelines, this neighborhood association met the requirements and he supported it.

Mr. Skala commented that he supported this neighborhood association. In 1998, he was involved in the formation the Hominy Branch Neighborhood Association and it virtually had nothing to do with the two existing homeowners associations within its boundaries, so he was puzzled by the fact staff had flagged this as being different from what was normally the case. He thought it was normal for the responsibilities of the neighborhood association to go beyond that of a homeowners association, especially when there was a shift from developers being involved in the homeowners association to the residents. He did not see an issue with this type of overlap.

The vote on R294-08 was recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU, SKALA. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

- B370-08** **Approving the Final Plat of Centerstate Plat 12 located on the northwest side of Woodard Drive, south of Mexico Gravel Road; authorizing a performance contract.**
- B371-08** **Authorizing construction of sewers in Sewer District No. 148 (South Garth Avenue); calling for bids through the Purchasing Division.**
- B372-08** **Amending Chapter 14 of the City Code to establish an all-way stop at the intersection of Nifong Boulevard and Bearfield Road and to set the speed limit along Bearfield Road.**
- B373-08** **Amending Chapter 14 of the City Code to prohibit parking along a section of Providence Road.**
- B374-08** **Accepting conveyances for street, utility, drainage and sewer purposes.**
- B375-08** **Appropriating funds for the purchase of furniture and fixtures for the Police Training Facility.**
- B376-08** **Authorizing an agreement with the Missouri Highways and Transportation Commission for the Blueprint for Safer Roadways Program; appropriating funds.**
- B378-08** **Amending Chapter 2 of the City Code as it relates to the Columbia Vision Commission.**

REPORTS AND PETITIONS

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

Mayor Hindman noted this report was provided for informational purposes.

(B) Rangeline Improvements – Pedestrian Crossings.

Mayor Hindman asked if crosswalk stripes would be painted. He noted the picture did not show them and thought they were significant. Mr. Glascock replied that if there were countdown timers, there would be striped crosswalks as well.

(C) Adjustment to the City Major Roadway Plan – Harvester Road.

Mr. Teddy explained Council had given staff direction that Harvester Road, as a planned future collector, needed to be on the north side of what was becoming Auburn Hills Park. In planning the park, Council adopted a resolution indicating its preference for the “east alignment” which meant the roadway north of the park and Derby Ridge Road extended on the east side. In 2005, the Council acted to move Harvester Road to the south and staff interpreted that action as meaning they wanted Derby Ridge to align with Harvester on the south boundary of the park. In reading the record of that meeting, the Council clearly stated it wanted to retain the alignment of Harvester on the west of Derby Ridge Road and on the north side of the park. This was a report to re-assure Council that staff would update all City documents, to include the City’s Major Roadway Plan and the CATSO Major Roadway Plan to show Harvester extending across the north boundary and Derby Ridge along the east boundary of Auburn Hills Park. They would also eliminate any reference to the planned neighborhood collector through the south boundary of the park.

Mr. Janku thanked Council and staff for their support in getting this done as he believed it was a positive for the park and the neighborhood.

(D) Department of Conservation Land Use Agreement.

Mr. Watkins commented that about a year and a half ago, during a work session, they notified the Council of discussions with Denise Brown, who was the a senior official with the Department of Conservation, about their interest in working with the City to build a new regional office and educational facility in Columbia, which would replace offices on the Waters tract and some of the offices at the tract at Stadium Boulevard and College. At that time, Council indicated an interest and asked staff to proceed with an agreement. At the December 1, 2008 Council meeting, staff provided a draft report outlining what was being proposed. He noted he had received some questions from property owners and believed there was a misunderstanding that this would be a highly developed park. He stated it would not. The Waters tract would not change except for the usage. The City would use the maintenance facility and a few of the offices, but they did not anticipate or plan on doing anything more. He pointed out a good part of the park was restricted to remain as a natural area. They were requesting the Council provide direction with regard to bringing back a final agreement. They were still working on the survey of land descriptions. The Department of Conservation had a board meeting scheduled for later this month and wanted to take up the agreement as long as there was some indication this was something the Council looked favorably upon.

Mayor Hindman stated he believed this was an extraordinary opportunity for the City. It had almost everything, depending upon one's interest. It amounted to an extension of the Grindstone Nature Area. By going underneath the roadway, they could have the trail system. The undeveloped Grindstone Nature Area could be extended over to the east side. The City would receive some buildings that met the needs of the Parks and Recreation Department and would allow them to save some money. The Department of Conservation would be building a structure on the Crane tract that did not disturb the tract. Although it would not be a nature center, it would be a very attractive feature for Columbia and would keep jobs and the Department in Columbia. It also provided the potential for connecting Rock Bridge State Park, the Crane property and the Philips Park by trail.

Mr. Skala agreed this was a win-win situation and stated he believed it was also a demonstration of governmental entities being cooperate in order to get something accomplished.

Ms. Hoppe also agreed this was a win-win situation. She noted one neighborhood had some concerns because they had not been made aware of this in advance and did not know what kind of intensive development might happen in the natural area. She understood that while the ownership would change, the use would not change much. He noted lights and ball fields were not being anticipated, so she did not see it affecting the neighborhood much. She walked the land with some neighbors over the weekend and it was a delightful area. She thanked Mr. Watkins for reassuring the neighbors they were not anticipating any intensive development in the area. She also understood there was no anticipation of making an entrance from the East Pointe Neighborhood to this property. The access would be off of Old 63. Mr. Watkins stated that was correct. She thought any changes would be minimal and that there would be a public hearing process for those changes at which time the neighborhood could participate. She thanked Mr. Loveless for spearheading and seeing this forward as a retired member of the Department of Conservation.

Ms. Hoppe made a motion directing staff to prepare an ordinance authorizing the lease agreement and memorandum of understanding. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Hindman pointed out they had received numerous applications for the Columbia Vision Commission and the ordinance called for the appointment of seven regular members and up to five resource members. He anticipated they would modify the ordinance so membership would change to nine members and the resource members would not be appointed by the Council, but by members of the Commission. Normally, they voted by calling the roll. Since they had to appoint nine people, they decided to vote by paper ballot. It was still a public vote and anyone would be allowed to inspect the ballots as they would be identified by Council member. The votes would be tabulated while they made the other appointments.

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

COMMUNITY SERVICES ADVISORY COMMISSION

Cole, Randall, 1006 W. Broadway, Ward 4, Term to expire December 31, 2011
Fletcher, Michael, 4810 Shale Oaks Avenue, Ward 5, Term to expire December 31, 2011
Pafford, Elizabeth, 11 B Broadway Village Drive, Ward 6, Term to expire December 31, 2011

FINANCE ADVISORY AND AUDIT COMMITTEE

Swoboda, Dale, 910 W. Broadway, Ward 4, Term to expire December 31, 2011
Tarwater, Douglas, 1701 Oak Cliff Drive, Ward 4, Term to expire December 31, 2011

HUMAN RIGHTS COMMISSION

Jackson, Negar, 3501 Ridgeview Drive, Ward 5, Term to expire March 1, 2010

MAYOR'S COMMITTEE ON PHYSICAL FITNESS

Tesar, Timothy, 5511 Hunley Court, Ward 3, Term to expire November 30, 2009

POLICE RETIREMENT BOARD

Harper, Milt, 1004 LaGrange Court, Ward 5, Term to expire December 31, 2010

PUBLIC COMMUNICATIONS RESOURCE ADVISORY COMMITTEE

Mustard, Cindy, 600 S. Greenwood, Ward 4, Term to expire December 31, 2010
Waddell, Nathan, 2504 Bellingham Drive, Ward 5, Term to expire December 31, 2010

SPECIAL BUSINESS DISTRICT BOARD

Lockhart, Leigh, 406 W. Walnut, Ward 1, Term to expire January 1, 2012
Moore, Allan, 550 S. Rangeline Road, County, Term to expire January 1, 2012
Vangel, Michael, 3511 I-70 Drive SW, Ward 2, Term to expire January 1, 2012

VISION COMMISSION

Drainer, M. Dianne, 5351 Hayes Road, County, Term to expire December 15, 2013
Goldstein, Daniel, 604 Redbud Lane, Ward 4, Term to expire December 15, 2012
Greever-Rice, Tracy, 602 Redbud Lane, Ward 4, Term to expire December 15, 2011
Lawson, Lorenzo, 2301 Shamrock Drive, Ward 3, Term to expire December 15, 2010
Lindner, Jay, 1400 Forum Boulevard, Ward 5, Term to expire December 15, 2011
Lorio, Julio, 1405 Waterford Drive, County, Term to expire December 15, 2012
Peters, Jr., Philip, 2620 Westbrook Way, Ward 5, Term to expire December 15, 2010
Weaver, Jan, 412 ½ W. Walnut, Ward 1, Term to expire December 15, 2013
Williams, Jeffrey, 401 Pyrenees, Ward 4, Term to expire December 15, 2013

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Patrice Albert, 400 E. Highpoint Lane, read a letter she provided to the Council and commented that they were forced by duty to their living and innocent family members to ask again for help. She felt the Council needed to decide if Columbia would have a policy of punishing free political speech and the innocent descendants of deceased speakers. She felt they were victims in this matter and would be forced against their will to seek this in the courts. The restoration of the family name to the parks on October 6, 2008 was appreciated,

but the healing words and respect were carved away. She asked the Council to help them heal and to prevent this in the future with policies and laws. She asked the Council to direct staff to tell the truth, reveal documents and negotiate in closed session with them and the Parks and Recreation Commission. She stated she was hoping for some comment by the Council as previous correspondence had not been acknowledged.

Mayor Hindman commented that the City had memorialized the Albert family name in connection with Albert-Oakland Park. Many issues, which were subject to extraordinary debate, were contained in the proposed resolution, so he was not comfortable with voting in favor of it. He thought they had done what needed to be done and was sorry the family felt slighted. He pointed out many families had contributed in many ways to the community without a park being named for them. He stated they were dealing with historical issues and the views of the family were not necessarily shared by other members of the community. He believed they had done a nice thing by officially naming the whole park Albert-Oakland Park. He thought that was quite an honor and one many families would strive toward. He thanked them for their services and the positive contributions of the family to the community.

Kurt Albert, 400 E. Highpoint Lane, stated at a minimum, they expected the City to fulfill the three covenants in the written contract. In addition, he believed it would be nice if they would fulfill the verbal agreement with his mother. He noted this was a violation of a written contract and he believed records were being hidden. After speaking with Mr. Boeckmann earlier this evening, he understood he had the right to ask for records. Early on, his requests were off of the mark, so he had tailored them. He asked only for laws, policies, ordinances, resolutions, codes and specific requests. He did not need Mr. Boeckmann to practice law in his favor. Because Mr. Boeckmann was the custodian of records in his department, he asked him for these things. The Sunshine Law gave him three business days to respond, but it had been over 30 days. He stated repair started with the truth, the truth started with records and the records had been barred. He asked the Council to direct staff to fulfill his request.

Mayor Hindman commented that he had seen many of the e-mails with regard to these requests and agreed with Mr. Boeckmann's interpretation. As far as he knew, they had revealed all of the specific documents requested and the Code was available to everyone. Mr. Albert stated he had asked for the laws, policies, ordinances, resolutions and codes he was aware of. Mr. Boeckmann explained what was requested was for legal research to be done on his behalf. He was not asking for a specific record. The laws, ordinances and resolutions were available to him anytime he wanted to come in and examine them. He stated it took him a long time to even respond to Council requests and he and his staff had spent an enormous amount of time with his many requests. Although he thought they were records request, he was asking for opinions and other things. He did not have the time to do legal research for any citizen. Mr. Albert commented that the City had legal obligations and requirements under City laws and State laws. Mr. Boeckmann agreed, but pointed out they did not include answering every question that was asked. He understood Mr. Albert believed there were records that were being denied to him, but in his opinion, he had everything that the City had. He understood Mr. Albert had spent hours going through the Parks and

Recreation Department records. He did not believe anyone was hiding anything. Mr. Albert stated the Law Department had laws, ordinances, resolutions and codes which had been denied.

Mayor Hindman suggested that if Mr. Albert honestly felt the City was not complying with the Sunshine Law, he should obtain counsel or go to the Attorney General. Mr. Albert stated he had done that already. Mayor Hindman stated, as a lawyer, he agreed with the position of the City Counselor. Mr. Albert commented that Mayor Hindman was the one who had sliced the healing portion of a resolution he had written. He understood that was his choice. Mayor Hindman pointed out it was done at an open Council meeting. Mr. Albert stated that was an insult to his family. Mayor Hindman apologized and stated he honestly thought they were doing a very nice honor. Mr. Albert commented that given the history, it left a little to be desired, and he thought the community saw that.

Ann Peters, 3808 Berrywood Drive, explained that coming before the Council were two other sizable tracts on Richland Road that were very close to the tract that had been before Council tonight. She understood the Planning and Zoning Commission had asked for guidance with regard to the sub-area plan for the Stadium corridor. They wanted clarification and guidance regarding how big the area to be studied should be and wanted to let the Council know other tracts in the same area would be coming. It was growing by leaps and bounds with regard to the amount of acreage along that road.

Ms. Hoppe asked how big of an area the Planning and Zoning Commission thought they could handle. Ms. Peters replied she did not know whether it should come from the Council or the Commission. She thought it should be looked at logistically to determine what should be tied together.

Mr. Skala commented that there was now a proposed alignment with an eventual connection to the Lake of the Woods and St. Charles area. The entire area was without a firm alignment. He thought discussion needed to take place with regard to how it would fit and work together. He felt guidance from the Commission with regard to potential solutions for potential problems would be appreciated.

Mr. Janku understood Ms. Peters was looking for clarification from the Council to define what they had been asked to do. Ms. Peters explained the high school sub-area plan was from Oakland to I-70 and Route Z to Lake of the Woods. Everything coming up now was below I-70, but it all tied in together. They were looking for clarity and the understanding Council wanted them to allow public input as was done for the high school sub-area plan. She noted it would take some involvement, but they were getting better at it.

Mr. Janku suggested they ask staff to define the area and provide issues, timelines, how it could be accomplished, etc. because they would have a better feel. The Council could then review and endorse it. He asked if that would help. Ms. Peters replied yes, and explained she and several other commissioners would talk to Chairman Barrow of the Planning and Zoning Commission and ask to pull together what was needed. He could send a memo or speak to the Council.

Mayor Hindman stated if they were going to do sub-area planning to determine how it would work, this was a perfect place since developers were coming in ahead of them. A complaint they heard was that they did not receive these ahead of time.

Mr. Wade thought staff in conjunction with the Planning and Zoning Commission had the best idea of what the sub-area plan should entail, so they should lay it out and make a proposal to move forward. Ms. Hoppe stated she agreed.

Mr. Skala commented that it was appreciated that some of the developers were coming forward early, but believed it was a double-edged sword because coming in before some of the alignments were established meant the economy could change over that period of time. He noted that happened on north 763/Rangeline when the industrial area shifted to residential areas. He reiterated he appreciated this coming in early, but pointed out it also caused problems because they did not know what to expect 5-7 years from now.

Mayor Hindman asked if a motion was needed. Mr. Wade understood they had already asked for a report and this was a clarification of what that meant. He was not sure anything else was needed.

Ms. Nauser commented that last year she decided to focus on youth and crime issues and provided a handout which described items she wanted to work on for the coming year. They would all be under the umbrella of a safe communities initiative. Under each goal, she listed steps that needed to be taken and questions that would need to be answered. A curfew was one idea. Another was the development of a consequences manual, which she wanted to work on with staff and others, if Council was agreeable, as she felt it was important. She noted she wanted to work on truancy issues and reinstitute the Youth Advisory Commission, but make it a City/County commission. She wanted to be involved with that group as well. If these ideas came to fruition with the development of ordinances, she wanted them to be used as a way to find and direct children and families to appropriate services versus just an enforcement mechanism. If Council concurred, she wanted to focus on these issues in 2009.

Mr. Wade understood the City was hosting the next meeting with the County and School Board members and asked if that meeting could be organized to develop an action plan to move forward on each of these goals. Mr. Watkins replied the staffs for the City, County and School had met and had intended to provide a plan of how to proceed so it could be discussed at the April meeting. Mr. Wade asked if that was satisfactory to Ms. Nauser. Ms. Nauser replied it was. She noted she was not sure the School would need to be involved in the curfew issue. Mr. Wade thought they would want them involved in policy development.

Mayor Hindman stated he thought Ms. Nauser had done a wonderful job with this.

Mr. Skala commented that youth and particularly crime was a goal of his when he returned from the National League of Cities Conference. He brought back some resources and thought those resources should be made available to this discussion because he thought they needed to pursue this to improve the quality of life in the community. He stated he would support the effort in any way he could.

Ms. Nauser stated she would suggest this handout be used as a guide for the April meeting. She understood Commissioner Miller would be presenting it to the County Commission as well.

Ms. Hoppe commented that when the issue of curfews was discussed at the last joint meeting, she had raised some concerns and wanted to know what other University communities did since they had a young population. She asked if that information would be coming forth at the April meeting. Ms. Nauser replied she believed the goal of a curfew was to reach younger children. She thought most communities had adopted curfews involving children under 16 years of age. She noted most kids at the University were 18 years of age or older. She thought the focus would be on younger children that were out late at night. Mr. Skala believed these issues needed to be discussed with the School Board. He commented that he understood follow-up was important after intervening.

Ms. Hoppe thanked Ms. Nauser for identifying the problems. She noted she attended a variety of sessions involving the development of preventative and positive programs at the National League of Cities Conference and was in favor of those types of programs.

Ms. Hoppe stated at the request of the Albert's, she indicated she would put forth a motion for their proposed resolution for Council consideration.

Ms. Hoppe made a motion directing staff to put the Albert's proposed resolution on the next Council agenda for consideration. The motion was seconded by Mr. Skala.

Mayor Hindman stated he was against adopting the resolution. He believed many things stated as fact were opinions. In addition, there were a variety of opinions with respect to those opinions and some were not shared by a significant part of the community. In addition, a lot of the community was not familiar with the facts. The Albert's were arguing that their family was hurting, but there were other people who were hurting from their experiences where there was conflict as well. He thought they had done a nice thing by naming the park Albert-Oakland Park. It was not the City's tradition to pass legislation with respect to people from the past, except under extraordinary situations and he did not believe they had that here. He commented that there was enormous disagreement with respect to the facts and did not think they should adopt the resolution under those circumstances.

Mr. Skala commented that he agreed there were people who felt wronged on both sides. He was not sure the resolution as written needed to be adopted, but did not think it was unreasonable to go on the record of accepting or rejecting it. He had his own criticisms of some of what was contained in it. Other parts were legitimate. He stated he was happy with the decision the Council made of restoring the historical name of the park and swimming pool. He thought there might be some loose ends to mend some fences and noted the plaques on the original buildings had disappeared. In addition, Ms. Hoppe made mention previously of the exercise equipment being neglected. Mr. Janku stated he would take the blame for that as it was in his ward. Mr. Skala stated he was trying to solve some of the apparent pain of many people by at least bringing it before the Council.

Mr. Janku thought the resolution adopted officially naming the park was appropriate, but did not think this was.

Mr. Sturtz thought they needed to acknowledge there was a regrettable attempt to strip the park of its name over time, but was not comfortable with the resolution as it was written because it went beyond expressing that regret. He felt they went a long way in restoring the name a few weeks ago and thought that should be sufficient for now.

Ms. Hoppe commented that it was brought to her attention that the County Commission honored Mr. Albert when he was 90 years old by proclamation. She noted she would be willing to delete the paragraphs that might be controversial. She suggested they keep the first three whereas statements if acceptable and the last whereas on the first page. Mr. Boeckmann pointed out that Chapter 2 of the Code indicated resolutions needed to be approved as to form by the City Counselor and assigned a number by the City Manager's Office. He did not think it was a good procedure to discuss something neither he nor the City Manager had seen. He suggested they vote for it to be put on the next agenda and noted they could modify it, but pointed out the modifications did not work out well in terms of family acceptability the last time. Ms. Hoppe understood and noted her motion was to put it on the next Council meeting agenda.

Ms. Nauser asked if they had ever adopted a resolution, which declared a day as a notable date for an individual in a community. Mr. Janku did not think they had, but stated he could not be certain. Ms. Hoppe noted this would not be every year. It would only be the 100 year anniversary. Mr. Skala understood those were usually proclamations instead of resolutions.

The motion made by Ms. Hoppe and seconded by Mr. Skala directing staff to put the Albert's proposed resolution on the next Council agenda for consideration was defeated with only Mr. Skala, Mr. Wade and Ms. Hoppe voting in favor of it.

Mr. Sturtz commented that he had received inquiries of concern regarding the Providence overpass included in the GetAbout Columbia project.

Mr. Sturtz made a motion directing staff to provide a report regarding the status of the planning and engineering of Providence overpass included in the GetAbout Columbia project. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Janku commented that they had previously received a report regarding the project the Community Housing Options organization was interested in involving the property at Oakland Gravel Road. Since they had met with the neighbors, he was comfortable with them moving forward. Mr. Watkins understood they could start the process. Mr. Janku stated that was correct.

Mr. Janku stated he was pleased with the report and progress being made with regard to Rangeline. He asked if there was a connection planned on the west side between Bear Creek Boulevard and the shoulder south the creek that ran across the storage property. He noted there was no sidewalk there and if it was not included in the State project, he wanted it included on the annual sidewalk list. This was also where the Bear Creek Trail crossed under Rangeline, so he thought there should be a connection of the trail to that sidewalk area.

Mr. Janku made a motion directing staff to provide a report examining the possibility of a sidewalk on the west side between Bear Creek Boulevard and the shoulder south of the creek that ran across the storage property and to put it on the annual sidewalk list for this or next year's CIP, if needed. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku commented that when the new building was built for the BMW dealership on I-70 Drive, it did not include a sidewalk. Other new buildings along the frontage, such as Chevy's, had sidewalks in front of them. He was not sure why the BMW building was not required to have a sidewalk. He was concerned because a new building would be going in to the west of Clinkscales and felt they could get pieces put in as development occurred for an easier connection. Mr. Janku asked for an explanation as to why the BMW building on I-70 Drive did not have to put in a sidewalk.

Mr. Janku stated the car repair shop on Rangeline kept parking its cars on the shoulder. He understood the repair shop was putting patrons' cars on the shoulder. He felt at some point they had to tow them because the sidewalk connection would not work if people had to step onto Rangeline to avoid the cars. He was not sure if they needed an ordinance change or if they needed to step up enforcement. He did not want to continue burdening the Police Department if it was not necessary.

Mr. Janku made a motion directing staff to provide a report regarding what could be done to prevent the car repair shop on Rangeline from placing vehicles on the shoulder. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mayor Hindman thought there was a reasonable case that some of the taser use incidents had not been in accordance with standards. He understood some recommendations had been made and believed some were reasonable while others were unacceptable. He was not sure if this needed to be dealt with by the Citizens Review Board after being established or if they needed a staff to provide a critical response to the recommendations, but felt a forward step needed to be taken. Ms. Hoppe thought it needed to be detailed as well. Mayor Hindman believed a response to the recommendations was important, but was not sure a response was needed to specific instances.

Ms. Nauser understood these instances had been reviewed through protocol at the time they happened. In addition, the people that had been tased were not before the Council. The group before the Council did not have any police training or background. She felt staff had already looked at these issues and did not believe they should make it an assignment of the newly created Police Review Board. She thought they would have their hands full going forward and should not go backwards.

Mayor Hindman thought they should ask staff to provide a critical response to the suggestions. By critical, he commented that he meant an analysis.

Mr. Skala stated he had been asking for this for some time. There had been some legitimate suggestions made. He agreed they needed to deal with improvements in policy, training and oversight. Comparisons had been provided, but some items had fallen between the cracks. He understood they would be working with mental health experts to teach officers

how to intervene in situations where tasers might be useful. He thought it was disturbing for people to come before them with signs that were untrue. Mr. Skala thought the proper way to go was to obtain staff's analysis.

Mr. Wade commented that the data analyzed had gone back a number of years and three areas of problems had been identified. He hoped the report would highlight that a number of items had already been implemented or were in the process of being implemented as he thought that needed to be documented. Mr. Skala noted one example was the two new officers who were dedicated to the review of these situations.

Mayor Hindman made a motion directing staff to provide a report analyzing the suggestions provided. The motion was seconded by Mr. Skala and approved by voice vote with only Ms. Nauser voting no.

Mr. Skala commented that the pre-Council work session included the topic of streetlighting and discussion indicated it would be nice to get a report regarding possibly reducing the size for some of the bulb wattages with high pressure sodium, retiring mercury vapor lights and instituting a review of full-cutoff fixtures versus semi-cutoff fixtures.

Mr. Skala made a motion directing staff to provide a report regarding possibly reducing the size for some of the bulb wattages with high pressure sodium, retiring mercury vapor lights and instituting a review of full-cutoff fixtures versus semi-cutoff fixtures. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman made the motion for Council to hold a closed meeting on Monday, January 5, 2009 at 6:00 p.m. in the fourth floor conference room of the Daniel Boone Building, 701 E. Broadway, Columbia, Missouri, to discuss a personnel matter as authorized by Sections 610.021(3) and (13) of the Revised Statutes of Missouri (RSMo).

The motion was seconded by Mr. Janku with the vote recorded as follows: VOTING YES: WADE, NAUSER, HOPPE, HINDMAN, STURTZ, JANKU, SKALA. VOTING NO: NO ONE.

The meeting adjourned at 10:55 p.m.

Respectfully submitted,

Sheela Amin

City Clerk