MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
OCTOBER 17, 2011

INTRODUCTORY
The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, October 17, 2011, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID and SCHMIDT were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES
The minutes of the regular meeting of October 3, 2011 were approved unanimously by voice vote on a motion by Mr. Thornhill and a second by Mr. Dudley.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA
The agenda was approved unanimously by voice vote on a motion by Mr. Thornhill and a second by Mr. Dudley.

SPECIAL ITEMS
None.

APPOINTMENTS TO BOARDS AND COMMISSIONS
Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions.

BUILDING CONSTRUCTION CODES COMMISSION
Rose, Mike, 11101 W. Highway 40, Boone County, Term to expire August 1, 2012

CITIZENS POLICE REVIEW BOARD
Alexander, Stephen, 2414 Lynnwood Drive, Ward 5, Term to expire November 1, 2014
Dowis, Roger, 3102 Carmello Rock Drive, Ward 2, Term to expire November 1, 2014
Kennett, Jerry, 4614 Copperstone Court, Ward 5, Term to expire November 1, 2014
Richards, Mitchell, 409 Turner Avenue, Apt. 201, Ward 1, Term to expire November 1, 2012

COLUMBIA COMMUNITY DEVELOPMENT COMMISSION
Forbes, Pamela, 707 Donnelly Avenue, Ward 1, Term to expire November 1, 2014

COMMISSION ON CULTURAL AFFAIRS
Krawitz, Aaron, 901 Edgewood Avenue, Ward 4, Term to expire October 31, 2014
Marcks, Melody, 3020 Wildflower Court, Boone County, Term to expire October 31, 2014
Myers, Addison, 504 Lathrop Road, Ward 4, Term to expire October 31, 2014
Shults, Kevin, 6860 Nelson Drive, Boone County, Term to expire October 31, 2014
HISTORIC PRESERVATION COMMISSION
Prevo, Paul, 15451 N. Tucker School Road, Boone County, Term to expire September 1, 2013

INTERNET CITIZENS ADVISORY GROUP
Nichols, Julie, 4007 Faurot Drive, Ward 4, Term to expire October 15, 2014

SUBSTANCE ABUSE ADVISORY COMMISSION
Erdel, Robert, 2605 Vistaview Terrace, Ward 5, Term to expire October 31, 2014
Hawf, Christopher, 2000 E. Broadway, Suite 275, Ward 4, Term to expire October 31, 2014

SCHEDULED PUBLIC COMMENT
None.

PUBLIC HEARINGS

B276-11 Authorizing the construction of improvements to Rainbow Softball Center; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.
Mayor McDavid opened the public hearing.
There being no comment, Mayor McDavid closed the public hearing.
B276-11 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Consider the environmental impact of the construction of the North Grindstone Sewer Extension Phase II project.

Item A was read by the Clerk.
Ms. Hoppe understood there were substantial problems with the company used in the previous phase of this project. Mr. Matthes explained the City had not yet hired a company for construction of this project.
Mayor McDavid opened the public hearing.
Sid Sullivan, 2980 Maple Bluff, stated he believed the environmental impact study was incomplete because people would connect to the sewer creating an environmental impact. In addition, there was a looming problem in northeast Columbia in terms of the School District constructing a high school and elementary school in the area with the expectation that other taxing districts address roads, infrastructure, etc. He pointed out there a plan for the fiscal creation of roads did not exist and believed putting the sewer in before an overall plan was developed was premature. He described the issues involving the lack of road in the area and asked the Council to consider tabling this issue until there was a plan, which included funding, for the development of the entire area.
There being no further comment, Mayor McDavid closed the public hearing.
Ms. Anthony commented that although she did not feel this sewer issue needed to be tabled, she thought Mr. Sullivan had a good point in that the City needed to get ahead in terms of planning in the area.
Mr. Matthes understood the environmental impact statement was positive in the sense that some of the sewage from the Boone County Regional Sewer District was entering the creek and this new sewer pipe would reduce the amount of bacteria in the creek. Mr. Glascock stated that was correct and pointed out the new high school was dependent on the sewer.

Mr. Dudley made a motion to proceed with the project. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

R185-11 Approving the FY 2012 Housing and Community Development Action Plan.

The resolution was read by the Clerk.

Mayor McDavid provided a staff report.

Ms. Hoppe understood the City was in its third year of a five year plan and asked how the City was doing in terms of achieving its housing goals for the homeless and in providing affordable housing. Her assessment was that the City was behind in achieving these goals. Mr. Teddy stated it depended on the specific program as some were on track and some were behind. He thought they were behind with regard to homeownership assistance, down payment assistant for first time homebuyers and some of the action items from the Affordable Housing Policy Task Force, but were on track in other areas. Ms. Hoppe understood the goal for objective #14 was to have 40 transitional housing units by 2014 in an effort to make decent housing accessible to homeless populations, and that 8 units were proposed for 2012. She wondered how many had been completed in the previous year. She commented that although they were making progress, she did not believe they were progressing as much as they wanted as there were still a lot of needs in terms of the homelessness and low income housing. Mr. Teddy commented that the City would need to evaluate the areas it was not meeting the output measures set a couple years ago. Mr. Matthes pointed out this program had been cut significantly, which did not help with meeting these goals.

Mayor McDavid opened the public hearing.

Jim Loveless of Job Point, 2116 Nelwood, explained Job Point was an employment center that assisted those with developmental and other disabilities as well as those with disadvantages in finding competitive work within the community, and funding in this Plan had been allocated to Job Point for the training of certified nurse assistants and in the construction of highway and heavy construction projects. He noted these were job programs that all levels of government wanted to promote and he hoped the City would adopt the Plan.

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

The vote on R185-11 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY. ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

B264-11 Rezoning property located on the northwest corner of Nifong Boulevard and Ponderosa Street from RHM (Residential Manufactured Home) to PUD 9-5 (Planned Unit Development); approving the PUD Development Plan for Aspen Heights.

The bill was given second reading by the Clerk.
Mr. Matthes provided a staff report.

Mr. Thornhill made a motion to amend B264-11 per the amendment sheet. The motion was seconded by Mr. Dudley.

Ms. Anthony stated she did not believe adequate time had been provided to discuss or vet the amendment sheet.

Ms. Anthony made a motion to table the vote on amending B264-11 per the amendment sheet to the November 21, 2011 Council Meeting. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Schmidt made a motion to table B264-11 to the November 21, 2011 Council Meeting. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

Shari Korthuis, 2987 Running Deer Court, stated she resided approximately two miles from the Regency Trailer Court and explained the Planning and Zoning Commission had voted against this rezoning due to its density at 9.5 units per acre, traffic issues, emotional issues, sewage, the placement of 1,000 people where only 200 currently resided, the fact the developer poorly maintained the property, the health, safety and welfare of those displaced, stormwater drainage, the fact the developer resided in Colorado, etc. She noted the management of Regency had approached the Office of Neighborhood Services in March to help clean up the area because the City had cited 200 violations, which included trash, abandoned vehicles and deteriorating mobile home conditions. They held an event involving those living at Columbia Regency whereby they worked together to remove trash and oversized items to help make it a better place to live. The event built neighborhood pride and strengthened personal relationships. She asked the Council to vote against this rezoning.

Mary Dana, 1315 St. Christopher, commented that the Council just voted on a community plan for those that were low income or had a limited income, and asked the Council to think about the people that were choosing to live in this area when they voted. They chose not to live in apartments or other institutions with others. She understood the City wanted to add low income housing in the center and other parts of the City, but this type of housing already existed here and she believed those living there should be helped.

Eugene Elkin, 3406 Range Line, thanked Ms. Hoppe and Ms. Anthony for going to the mobile home park and pointed out the Planning and Zoning Commission was 100 percent opposed to this development. He did not believe there was a need for large housing complexes for students due to the economy. He read comments made by others to him regarding this development, which included an increased cost to the City in terms of police, street repairs, etc. He thought the true cost of annexation and expansion needed to be considered and felt decisions needed to be made on those who lived in Columbia year round versus those that did not pay taxes. He explained someone had suggested a one year notice instead of 180 days and thought that should be considered to provide time to determine where they might put 200 homeless people and how the abandoned mobile homes would be removed. He understood mobile homes were hauled to Callaway County when Crestfield closed and thought it was wrong for Columbia/Boone County to throw its trash in another county. He noted many current student housing developments were not built well and had
problems. If the City did not have quality built structures, he wondered how the landfill would be affected in 10 years.

Curtis Edwards, 3601 West Broadway, stated he had been a student at the University for over seven years and had seen enrollment increase from 27,000 to 33,000 students. As a result, he understood why there was a perception for the need for student housing, but believed there was plenty of housing available in Columbia. He felt the motivation behind these developments was not the needs of students and was instead profit oriented. He hoped the Council kept in mind the many places students already had to live when considering this development and that the student segment of the population was not assisted at the expense of this segment of the population as they were all Columbia residents. He noted the students would be okay regardless of this development and believed this was the wrong project at the wrong time.

Kam Phillips, 3700 Village Park Drive, commented that this was not something asked for by the students as they were not asking for housing at a cost of $600 per bedroom. She did not believe the City or student population could support this development. She felt Columbia needed to mitigate homelessness and work to create solutions and resources so there was less homelessness. She believed Columbia embraced change and unity and that this development would divide the community. She stated she, as a student, did not support it, and noted her appreciation for the Council’s understanding and willingness to consider the concerns of the public.

B265-11 Approving the Final Plat of Aspen Heights located on the northwest corner of Nifong Boulevard and Ponderosa Street; authorizing a performance contract; granting a variance from the Subdivision Regulations regarding construction of a cul-de-sac bulb.

The bill was given second reading by the Clerk.

Ms. Anthony made a motion to table B265-11 to the November 21, 2011 Council Meeting. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

B268-11 Amending Chapter 29 of the City Code as it relates to wind energy conversion systems.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe understood the Environment and Energy Commission was concerned about the 45 foot height limitation as it would not be functional where there were mature trees that were 100 feet tall. Mr. Teddy explained they felt taller structures were more intrusive regardless of the good service they might be performing, especially in a residential area, and noted they could go before the Board of Adjustment. Ms. Hoppe understood taller systems could be considered by the Board of Adjustment. Mr. Teddy stated that was correct as the intent was to allow for a second stage of review, and not to exclude it altogether.

Rachel Brekhus, 703 Hilltop Drive, stated she would personally approve structures as tall as necessary in her neighborhood so there was more wind energy.
Roy Hartley, 110 Russell Boulevard, commented that he found it strange that the City would want to exclude windmills from the one part of the City where electricity could be generated because the aesthetics of that area would be marred. He asked the Council to reconsider the ban on wind turbines in the downtown as he did not see a host of giant turbines in Columbia. One had created a few problems because it was next to the person’s place of business, but he did not believe it was any uglier than any other structure in town. He thought the City was trying to solve a problem that did not exist and suggested they obtain more information prior to voting on this bill. He did not want this legislation to stop people from experimenting with small wind turbines as it would limit the renewable energy needed. He felt wind energy should be encouraged and not impeded with unnecessary rules and regulations.

Alyce Turner, 1204 Fieldcrest, asked Council to not exclude the downtown and to remove that restriction.

Mr. Schmidt asked if this ordinance allowed anything that was not already allowed or if it was a pure restriction. Mr. Teddy replied the height limits were increased for wind energy and conversion systems in a lot of cases depending on the zoning district. He noted staff viewed this as an enabling ordinance.

Ms. Hoppe explained the City did not currently have an ordinance allowing wind turbines and this legislation would allow it. This was enabling legislation and she viewed it as a positive step. If they had a lot of people going to the Board of Adjustment requesting an increase in the height of the turbines, Council could then revisit the ordinance language. She understood the Downtown Community Improvement District (CID) had asked for these turbines to not be allowed in the downtown, and if the Downtown CID changed its mind, the Council could revise the ordinance.

Mr. Schmidt asked if any downtown business owner could go to Board of Adjustment. Mr. Teddy replied yes. He explained they could go before the Board for a conditional use or request the ordinance be amended.

Mayor McDavid stated he agreed with Ms. Hoppe in that this was enabling ordinance. He did not believe the intent was to limit wind energy. As technology evolved, it might be desirable to have a 120 foot tall tower, which would require an ordinance change. He viewed this as a dynamic ordinance that provided permission to those that wanted to initiate wind energy.

B268-11 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B270-11 Amending Chapter 14 of the City Code to prohibit parking on a portion of the north side of Smiley Lane west of the intersection of Derby Ridge Road.

The bill was given second reading by the Clerk.

B270-11 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. Bill declared enacted, reading as follows:
B273-11 Appropriating funds for the restroom improvement project at the Columbia Regional Airport.

The bill was given second reading by the Clerk.

Mr. Kespohl asked if the retained earnings were from the airport fund or the transportation fund as a whole. Mr. Matthes replied he believed this had been included in the Airport – CIP last year and those earnings had been retained and carried over to this year.

Ms. Hoppe understood this project would cost $138,500 and asked if the improvements would remain even if there were other improvements to the Airport in the future. She did not want to make improvements now that might be torn out in five years. Mr. Glascock replied it would stay as it was.

B273-11 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B284-11 Amending Chapter 8 of the City Code to establish new ward boundaries - Trial A.
B285-11 Amending Chapter 8 of the City Code to establish new ward boundaries - Trial B.
B286-11 Amending Chapter 8 of the City Code to establish new ward boundaries - Trial D.
B287-11 Amending Chapter 8 of the City Code to establish new ward boundaries - Trial E.
B288-11 Amending Chapter 8 of the City Code to establish new ward boundaries - Trial D Amended.

The bills were given second reading by the Clerk.

Mr. Teddy provided a staff report.

Kip Kendrick, 1601 Windsor Street, noted he was the President of the Benton Stephens Neighborhood Association and stated he did not believe there was any legitimate non-political reason to make changes to the Ward 3 as they were already within reach of the target population. It was the only ward that did not need to be balanced. He felt it was clear Trial A and Trial D would change the political landscape of Ward 3 and Ward 4 for the next ten years favoring one political ideology over the other. Segregating wards based on voting patterns would lead to stronger and more pronounced divisions on the City Council and pit wards against each other and believed those trials would divide the community for years. In addition, he did not believe one political ideology should be favored over another in the ward reapportionment process. Trial E was favored by the community and the Ward Reapportionment Committee. It was a straight forward solution to reapportionment and moved populations to balance wards numerically without benefiting one political ideology over the other. Trial E was supported by neighborhood associations throughout the City. He asked the neighborhood association leaders in attendance in support of Trial E to step forward and approximately 13 leaders came forward. Mr. Kendrick urged the Council to vote in favor of Trial E and read a statement from Terry Baker, the President of the Park De Ville Neighborhood Association, which was a neighborhood that would move into Ward 1 from Ward 2 based on Trial E, that indicated she had not received any negative feedback with regard to Trial E. She herself supported Trial E because it was less controversial and accomplished the goal of reapportionment. Mr. Kendrick also noted that Al Tacker, the
President of the College Park Neighborhood Association, and Nancy Burnett, the President of the East Walnut Neighborhood Association, supported Trial E. Those representing neighborhood associations in favor of Trial E stated their names and the neighborhood they represented as well.

Rex Campbell provided a handout and explained he had been involved with two redistrictings in the past. The pie shape version of redistricting had been in effect for 40 years, and in 1990, the Council decided there was a need for a central ward as well since the downtown was under threat due to the mall and other large stores being built and because the traditional black housing area did not feel it was receiving enough attention. He believed this new philosophy had worked successfully. In 2000, the City only pushed out the boundaries toward the south through the University, so they did not have to worry about any neighborhood associations. He commented that he had been in Columbia for almost 60 years and had never seen or heard of any gerrymandering until this year. He explained he had used Columbia as an ideal example of a democracy in action as people were serving the community regardless of their political parties or ideologies, and he hoped he could continue to use it in that manner. He noted Trial E had some problems, but believed it was the best alternative from what was available for Council to vote on tonight.

Daniel Cass, 605 West Broadway, stated he was in Ward 1 and was representing the Historic West Broadway Neighborhood Association. He showed the Council a powerpoint presentation and provided some ward density and square mileage data. Ward 1 had a population density of 4,000 people per square mile and had a 3.03 square mile geographical footprint. Ward 4 had the second smallest footprint with a little over 7 square miles. Ward 3 was the only ward that did not need a population adjustment as it was within the statistical variance. Ward 1 was down about 24-25 percent and needed to gain about 4,500 people. He explained precincts 4F and 4I were projected to be included in Ward 1 for Trial D Amended, and Mr. Dudley received 12.48 percent of the overall vote in those areas in 2010. In addition, precinct 3D had the lowest statistical turnout for Mr. Kespohl in the 2010 election. Trial D Amended required the moving of six different boundaries within the entire City. He noted he supported Trial E and showed the boundary changes required for it. It only added 1.48 square miles to Ward 1 and remained twice as compact as the next most compact ward. Trial D Amended added 1.74 square miles to Ward 1 from Wards 3 and 4. If compactness was the Council’s goal, he believed Trial E was the most geographically compact choice. He provided the definition of gerrymandering and felt Trial D Amended was gerrymandering.

Kurt Albert, 1512 Windsor, thanked the Ward Reapportionment Committee for its work as it had produced excellent results and noted he was in favor of Trial E. He understood it was the most favored trial per a survey conducted by Mike Martin and minimized political pushing and pulling per an article by Hank Waters III. He stated Trial E preserved Ward 3, which was the only ward that did not need to be changed as it met the numerical mandate.

Dan Cullimore, 715 Lyon Street, stated he was speaking on behalf of the North Central Columbia Neighborhood Association and they supported Trial E. They opposed Trials A, D and D Amended. The reason for their unconditional support of Trial E was because it met the principles of R66-11 with the least disruption to the other wards. It brought a numerical balance to the wards, had a high level of support within Ward 1 and throughout the
community and best served the needs of existing neighborhoods, business districts and other recognizable features. Trial E was also the plan that garnered the largest majority vote of the Ward Reapportionment Committee. It was compact and contiguous and the most readily understood. He commented that a vote for Trial E would reinforce or restore the integrity and public confidence in the non-partisan process by which the City reapportioned its population. He asked the Council to respect the work of the Committee and citizen associations by voting for Trial E. He asked those in favor of Trial E to stand. The majority of those in the Council Chamber stood.

Mr. Kespolh asked Mr. Cullimore for his definition of contiguous. Mr. Cullimore replied he believed it meant to remain together.

Mary Dana, 1315 St. Christopher, stated she attended the meeting at the Library on Thursday and was confused with regard to the different trials, and as a result went through the neighborhood to talk to her neighbors, many of which did not know what was going on. She felt the public became upset because the process had been confusing and suggested it be clearer in the future. She believed less and less young people were getting involved in civic activities due to this confusion as well. She also did not believe this vote was in favor or against a particular person.

Steve Calloway, 3900 Sherman Court, stated he was a resident of Ward 5 and was representing the Minority Men’s Network, and thanked the Council for adding minority representation to the Ward Reapportionment Committee. He believed the process in developing and reviewing trials had been credible and the Committee’s most favorable plan was Trial E. He urged the Council to vote in favor of Trial E and noted he was excited about the process they had observed tonight and over the last several months in terms of people participating in democracy. He noted his friend, Tyree Byndom, had worked to reinvigorate the Douglass Park Neighborhood Association in Ward 1. He stated the Minority Men’s Network, which was made up of men that resided in all of the wards throughout Columbia, supported Trial E because it did the most while being the least damaging in terms of competitiveness, fairness and equity and because it created the best opportunity for all of Columbia to move forward.

Margie Sable, 228 East Parkway Drive, stated she was a member of the Park Hill Neighborhood Association in Ward 4 and echoed Mr. Calloway in terms of the Ward Reapportionment Committee being an excellent committee. She understood the Committee voted 5-3 in support of Trial E and asked for the point of having committees of this nature if the Council was not going to listen to them. She did not know why anyone would volunteer to be on a committee for the City if they knew their hard work was not appreciated. She suggested the Council take the recommendation of the Ward Reapportionment Committee and vote for Trial E.

Alyce Turner, 1204 Fieldcrest, commented that she lived in the Old College Park Neighborhood in Ward 4 and had not seen this type of support for what the Ward Reapportionment Committee supported in her 30 years in the Columbia area. Many people had stopped her on the street to sign the petition, and when she stopped people on the street, they were aware of the issue. Very few people refused to sign the petition during the five hours she was collecting signatures. She noted she had canvassed the community on
other issues, such as the ARC and the smoke-free issue, and had not seen this type of support. She urged the Council to support Trial E.

Jeremy Root, 2417 Beachview Drive, stated he had lived in Columbia since 2006 as his wife, who had grown up here, brought him to Columbia from Chicago. He explained he had always liked Columbia because it had an engaged citizenry and a non-partisan City government that rose above a lot of the rank or partisanship that was seen throughout the Country, and he did not want to see that in Columbia since it upset many people. He understood the Council was giving serious consideration to only two plans, and those were Trial D Amended created by Mr. Dudley and Trial E created through the Ward Reapportionment Committee process. He commented that the original Trial D had been radical and had blown up his understanding of Columbia’s wards. It took the Old Southwest and cut it in half. It also took Ward 3, which was an exciting and dynamic ward and removed some of the opposition. When reviewing those areas for partisan electoral behavior, they were the three highest democratic performing precincts outside of Ward 1, and as a result, it appeared to be gerrymandering, which was not good for the community or civic participation and increased the number of wasted votes. He noted Trial D Amended was very divisive and pointed out he had been engaged in the efforts against it and its champion, Mr. Dudley, by collecting hundreds of signatures over the weekend. He asked Mr. Dudley to respect those signatures as they were his constituents and asked the Council to support Trial E for a unified Columbia.

Mr. Kespohl asked Mr. Root if he agreed that the rules needed to be followed. Mr. Root replied yes.

Jeannette Jackson-Thompson, 106 East Parkway Drive, stated she was the Vice President of the Park Hill Improvement Association (PHIA) and noted she was speaking on behalf of the Association, which was the oldest neighborhood association in Columbia, founded in the early 1930’s. She asked those in support of Trial D to stand and only one person stood. She explained she initiated the petition although she was not a political activist. The last time she had appeared before the City was in 2000 when they built an addition to the house, and prior to that, it was 30 years ago when she came in support of saving Old Stewart Road. It was said the petition to recall Mr. Dudley was initiated by sore losers, progressives, democrats, etc. that were going after a good man and that they should wait until the next election. She pointed out they would not have a next election if Trial D Amended passed as they would no longer be in Ward 4. They had initiated the petition to preserve their rights as residents of Ward 4. She applauded Mr. Dudley for attending the meeting on October 7 at the Library with his constituents and asked the Council to vote in favor of Trial E. Trial D Amended would be in affect for ten years if selected, and what happened then would carry over to the next decade. In addition, it would destroy 80 years of history. She noted she and her husband had been planning for retirement for over 20 years, and although they did not know what Trial D Amended would do in terms of their plans, they had fears. She explained they were not opposed to change and were actually in favor of it when there was a benefit.

Rachel Brekhus, 703 Hilltop Drive, stated her support for Trial E and explained her opposition to Trials A, D and D Amended was due to her support of competitive and diverse
districts. When moving to Columbia with her husband in 1999, she found the local politics here a refreshing change from the one party or one constituency rule she had seen in other places she had lived. She believed a diverse district made the constituencies work harder and smarter to make a good case for they wanted. In her experience, one party or one constituency districts often led to machine politics, corruption, arrogance and voter apathy. She did not want that for Columbia, but believed that was the direction Trials A and D were taking the City. She preferred Trial E over Trial B because the Ward 1 representative of the Ward Reapportionment Committee created it and because it had found so much popular support. The East Campus Neighborhood Association had in-person and on-line discussions of the different plans, and wanted one that accomplished the goal of an even reapportionment and did not pigeonhole the inner-city vote into a single district. She noted the East Campus Neighborhood Association President could not attend, but had sent a letter to the Mayor expressing their support of Trial E.

Tyree Byndom, 501 North Providence Road, explained he had invested 40 hours to this issue through the conversations with different people and commented that he tried to keep abreast of what was happening in the community since he hosted two talk shows on KOPN, but did not know about this until he was asked. He noted he had talked to the elderly and they did not know about this process even when asked today. In addition, the youth did not care. He pointed out the City did not use YouTube, a billboard, Facebook, etc. to notify citizens of this process. He suggested this type of information be included in the utility bill and explained citizens were disenfranchised from the process because they were not informed and because they felt their votes, thoughts and ideas did not count.

John Clark, 403 N. Ninth Street, commented that in the last 20 years, Columbia had grown by 38,500 people, which was a huge number on a base of 70,000, and noted he supported Trial D Amended. The crucial political issue in Columbia was the political imbalance between issues of growth on the fringe and the maintenance of the built environment in the central city, and he believed addressing that imbalance was important to the future of Columbia. He also believed addressing it required a more compact and more homogenous central city ward with more political clout. He agreed Trial D Amended was not perfect, but felt Trial E made this imbalance even worse. This imbalance was accentuated in 1972 when they went to each ward having a little of the inner City and a little of the edge of the City. The Council tried to address the problem in 1991 and 2001, but created a politically weak central city ward. He felt it was time to create a politically strong central city ward. It would allow its council member to directly represent the interest of the central city instead of those in the central city and those on the edges of town. He recommended Trial D Amended as it went a long way in having those people faced with the same issues in the same ward represented by someone on the Council. He also suggested an increase in the number of wards in the future. He reiterated he believed Trial D Amended was the best for the City for the next 5-10 years.

Bob Swope, 1401 Windsor, stated his support for Trial E and pointed out no one other than the previous speaker had supported anything other than Trial E. He explained the Occupy Wall Street Movement was about not being heard and decisions being made that did not reflect what the people wanted. Trials A, B and D were illogical and Trial E was the most
organic as Ward 1 was elongated and Ward 3 remained the same. He believed Trial D Amended was gerrymandering and illegal. He also did not think they should consider a map that was discussed ten years ago since another map was chosen at that time. He felt Trial E made the most sense.

Catherine Doyle stated she was speaking on behalf of the Westmount Neighborhood Association in Ward 4 and noted she agreed with so much that had been already been said in support of Trial E. She pointed out the Westmount Neighborhood Association was in strong support of Trial E and absolutely opposed Trial D.

Matthew Struckhoff, 113 Park Hill Avenue, stated his support for Trial E and his outright opposition to Trial D and Trial D Amended. There was an overwhelming support for Trial E from neighborhood associations and individual citizens. He had spoken to 50 people in his neighborhood, and of those that had an opinion, all supported Trial E and did not support Trial D or Trial D Amended. The backers of Trial D Amended failed to provide good arguments for their support of Trial D and their non-support of Trial E. The backers of Trial D Amended had indicated they wanted to provide better representation for Ward 1 residents, but the additions suggested would dilute the vote of the existing residents of Ward 1. In addition, he believed it would reduce the likelihood of fewer council members that typically supported Ward 1 issues, which would reduce their representation on the City Council. He commented that he did not believe Mr. Dudley should be trying to look out for the interests of Ward 1 at the expense of his current constituents. He noted Trial E best achieved the compactness desired. He agreed there was an issue in terms of the fringe versus the central city and felt Trial E better maintained representation on the Council with regard to those core issues. He reiterated his support for Trial E.

Dee Dokken, 804 Again Street, commented that she was a Ward 1 resident and an active member of the West Ash Neighborhood Association, and noted her support for Trial E.

Cathy Rosenholtz, 103 Longfellow Lane, stated she supported Trial E because she believed it was best for the future of Columbia, but pointed out she did not base her support of that particular trial based upon how it affected her personally. She hoped the Council would vote for what was best for Columbia and in support of a trial and the future of Columbia and not in support of a person.

Charles Dudley, 1201 Paquin Street, commented that he lived in Ward 1 and had been watching this process from the beginning, and noted he did not like any of the proposed trials as he did not feel any were fair to the City as a whole. Some were claiming political gerrymandering was illegal, but it was legal as it was done in every state. Ward 1 was blocked and segregated from all of the other wards, and was not inclusive. He understood two plans were not presented to the Council because the Ward Reapportionment Committee did not like them. One of those would have eliminated the current Ward 1 and created pie shapes and the other used the Police Department’s patrol districts as possible ward boundaries with population adjustments. He believed those plans should have been included. He also felt this should go to the vote of the people to decide as that would provide the fairest outcome. He reiterated he did not like any of the plans and noted he felt they were all based on political gerrymandering.
Hank Ottinger, 511 Westwood, stated he was the Chair of the Historical Southwest Neighborhood Association and noted he did not find any support in his neighborhood for Trial D Amended. Everyone was supportive of Trial E. He commented that he had lived in Columbia for about 50 years and had been engaged in civic affairs since he was a student, and explained he felt cooperation, conciliation, compromise, etc. worked in getting things done. He agreed Trial D was divisive and Trial E was non-partisan, the most benign, less disruptive, the least damaging, etc. He did not believe Columbia could afford to have a poisoned political atmosphere at this time. He thought they needed to work together and cooperate in order to solve problems. He urged the Council to support Trial E as it had been recommended by the Ward Reapportionment Committee and most of those speaking tonight.

Elizabeth Gill, 500 Westmount, stated this was the most continuous issue she had seen in Columbia during the 53 years she had been here. She explained she strongly supported Trial E as did virtually everyone in the room. She agreed with Mr. Clark in that the central city was a special place and was landlocked, and believed the problem was that there were only seven representatives on Council. She suggested the City look toward a larger Council for better representation in the future. She urged the Council to vote in favor of Trial E.

Elizabeth Hornbeck, 606 Medavista Drive, stated she was a resident of Ward 4 and noted she and her husband lived in the Old Southwest. She explained neighborhood identity meant a lot to them and believed splitting the Old Southwest between two wards would politically sever important neighborhood and community ties. She commented that the population growth of Columbia was a testament to its appeal and felt people wanted to live here due to its spirit of diversity and the respectful co-existence of many different people and points of view. She believed a vote for Trial D Amended was a slap in the face to participatory government and to the work of the Ward Reapportionment Committee as they endorsed Trial E. She felt Trial D Amended was divisive and injected a negative tone into local politics. She was disappointed that Mr. Dudley advocated for a plan that many of his Ward 4 constituents opposed.

Ms. Anthony commented that she had hoped this would not have been so partisan and explained the Council had created a Ward Reapportionment Committee to assist with that issue. She described the process utilized by the Committee and noted neighborhood associations in Wards 3 and 4 had spoken in opposition of Trials A and D. In addition, there was some opposition to Trial B as well. Other maps were created, and again there was opposition to Trials A and D while Trial E received favorable comments. The Committee voted on September 7, and Trials A and B only received two favorable votes while Trial D resulted in a 4-4 tie and Trial E received five favorable votes out of eight total votes. She appreciated the work of the Committee and suggested the Council support Trial E. It accomplished the goal of equalizing the populations, moved the least number of boundaries, did not disrupt any neighborhood associations and had overwhelming support. She also stated there was no evidence of gerrymandering in Trial D. She noted she agreed with Mr. Campbell in that Columbia was an excellent example of democracy and stated she was proud of the work done by the Council. She commented that a vote for any trial other than
Trial E would be divisive and hinder them as a Council and a City to do what was best for every Columbia citizen. She urged her fellow Council Members to vote for Trial E.

Mr. Kespolh commented that he had asked for the definition of contiguous because he understood the definition to be the same and had asked the questions about rules because he felt the Council needed to make this decision based upon the proper rules. The Ward Reapportionment Committee proposed Trials A, B, D and E to Council and Trial D was disqualified two meetings ago because it was deemed to not be contiguous. He understood it was not contiguous because the portion of Scott Boulevard that connected to Thornbrook was in the County. He noted he had asked how the City could annex a County road and was told the property owner owned the land to the centerline of every road. He agreed with this and noted the City purchased the rights-of-way for roads. He understood the MKT Trail connected Ward 5 with Ward 4 being north of the MKT Trail and the County being south of the MKT Trail. He also understood the MKT Trail was right-of-way and asked if it legally connected Ward 5 because that particular connection was on Trials A, B and E. He believed those Trials were all invalid as well if his assumptions were correct and suggested they start the process over from the beginning if they wanted it to be proper.

Mr. Schmidt understood Trial D had a proposed amendment that corrected the issue with the original Trial D, and felt those other trials would have had proposed amendments as well if there were issues.

Mr. Boeckmann explained the ordinance involving the MKT Trail authorized the acquisition of it in fee simple. He noted they did not have records involving one of the tracts as it was handled by outside counsel and went to the Court of Appeals. The recollection of the outside counsel was that all were acquired in fee simple, so the City actually owned the MKT Trail land.

Mr. Kespolh asked for the ward in which the MKT Trail was located. Mr. Boeckmann replied it would be in Ward 5 per the map and joined the main body of Ward 5 to the other section of Ward 5. Mr. Kespolh asked what placed it in Ward 5. Mr. Boeckmann replied it was in Ward 5 due to the way the map was drawn. Mr. Schmidt understood that was not visible at the level the map was being shown now, and felt that since there was vast support for Trial E, they would have likely amended it to make it legal had there been an issue.

Ms. Hoppe commented that there was not much public participation at council meetings, except for a standard few, for most issues because they were on the right path. When Council was on the wrong path or was doing things that were not straight forward or were illogical, people spoke up. The Ward Reapportionment Committee voted in favor Trial E by a vote of 5-3 and those that attended the meetings as well as the neighborhood associations were overwhelmingly supportive of Trial E. She stated it was straight forward and simple as it added people from Ward 2 to Ward 1 and least disturbed the neighborhoods and wards. She noted she could not recall an issue that threatened to be as divisive as this or made this many people feel the least represented than this issue, and stated she would represent the people.

Mr. Thornhill commented that in looking at the precincts that would be removed in Trial E, he would not have been elected. He noted he did not agree with those that suggested the Council did not value the recommendation of the Ward Reapportionment Committee and
pointed out Trial E had a 5-3 vote and Trial D had a 4-4 vote regardless of it being controversial, and as a result, he believed they owed it consideration. He explained the Committee’s opinion was valued as was the opinion of the Council boards and commissions as boards and commissions offered educated opinions and recommendations for the Council to use in its decision making, but like a controversial Planning and Zoning Commission issue that passed with approval from the Commission, the public might lobby the Council to not approve it. As a result, he believed they had to consider all angles. He commented that he believed this recall petition was nonsensical and unrelated to the actual ward reapportionment issue. He noted a recall petition was a mechanism typically reserved for office holders who had shown a malfeasance in their performance of official duties or conviction of a serious crime during the term of office. He felt this recall movement was a misguided personal affront on Mr. Dudley fueled by emotions and not logical thought. They had heard a lot of logical thought and logical arguments tonight, most of which could not be argued, but the recall petition could and he was arguing against it. He noted he had received an unreasonable e-mail from a resident of Ward 4 promising a boycott of the real estate company he co-owned, which he did not believe was reasonable, logical or did anyone any good. He explained Mr. Dudley had remained open to public comment and maintained decorum throughout the process, and both were valuable and necessary components to representation on Council that needed to be considered.

Mr. Dudley thanked the Ward Reapportionment Committee for its hard work and explained that due to the 5-3 vote for Trial E and the 4-4 vote for Trial D, he believed both were under consideration. After the Council was told Trial D was not legal because it was not contiguous, he attempted to make it legal by moving the boundaries. He felt ward reapportionment should be done by geography and population and politics should not be a factor. He pointed out he was not looking at Trial D Amended as a political move. He had only looked at it in terms of a geographical and population move. He appreciated the discussions for and against these trials fully and noted he had talked to hundreds of people that told him to stand strong as they trusted him. He understood some people did not agree with him and stated that was why they had multiple candidates and could vote for who they wanted. He thanked everyone for providing input as it had been good for the community and for him. He noted he would continue being the Council Member for Ward 4 and would continue to listen and talk to them regardless of the vote tonight.

Mayor McDavid commented that he would vote for Trial E this morning on the radio and planned to stand by that decision. He noted this had been a deep and robust process involving eight volunteers that had spent a lot of time on the issue and in collecting public input. He stated he respected the overwhelming support of the engaged citizens involved in this and would support Trial E.

B284-11 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL. VOTING NO: THORNHILL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. Bill declared defeated.

B285-11 was given third reading with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. Bill declared defeated.
B286-11 was given third reading with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. Bill declared defeated.

B287-11 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: DUDLEY. Bill declared enacted, reading as follows:

B288-11 was given third reading with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY. VOTING NO: THORNHILL, ANTHONY, HOPPE, MCDAVID, SCHMIDT. Bill declared defeated.

CONSENT AGENDA

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

B266-11 Approving the Final Plat of Hickman’s Addition, Plat No. 1-A located at the northwest corner of Short Street and East Broadway; granting variances from the Subdivision Regulations regarding dedication of street right-of-way.

B267-11 Approving the Final Plat of Orscheln F & H, Plat No. 1 located at the west end of Buttonwood Drive, east of Providence Road.

B269-11 Authorizing construction of intersection improvements at Providence Road and Business Loop 70 and sidewalk improvements along Providence Road from Wilkes Boulevard to Vandiver Drive; calling for bids through the Purchasing Division.

B271-11 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant for a street tree inventory of the Old Southwest neighborhoods and to prepare an i-Tree Streets analysis of the data; appropriating funds.

B272-11 Appropriating funds for rehabilitation of Taxiway A at the Columbia Regional Airport.

B274-11 Accepting conveyances for sewer, drainage, storm water facilities and access and temporary construction purposes.

B275-11 Accepting Stormwater Management/BMP Facilities Covenants.

B277-11 Accepting a donation of land located between Godas Circle and Kassem Drive; providing that the land shall be used for parks, trails and greenbelt purposes.

B278-11 Granting an easement for sewer purposes to Boone County Regional Sewer District.

B279-11 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant for forestry training for Parks and Recreation employees; appropriating funds.

B280-11 Accepting conveyances for utility purposes.

B281-11 Authorizing an agreement with the Missouri Highways and Transportation Commission for the Statewide Transportation Improvement Program titled “On Call Work Zone Enforcement Program”; appropriating funds.
B282-11 Authorizing a grant agreement with the Missouri Department of Transportation – Traffic and Highway Safety Division for sobriety checkpoints and saturation patrols; appropriating funds.

B283-11 Authorizing a grant agreement with the Missouri Department of Transportation – Traffic and Highway Safety Division to conduct special traffic enforcement of hazardous moving violations; appropriating funds.

R178-11 Setting a public hearing: special assessments against property specially benefited by and abutting street improvements constructed along Chapel Hill Road from Scott Boulevard to Gillespie Bridge Road.

R179-11 Setting a public hearing: voluntary annexation of property located on the west side of Scott Boulevard, immediately north of Thornbrook Subdivision.

R180-11 Authorizing a service agreement with the Columbia Housing Authority for implementation of The Missouri Foundation for Health Tobacco Prevention and Cessation Initiative.

R181-11 Authorizing a school resource officer agreement with the Columbia School District.

R182-11 Authorizing a single site license agreement with MCC Missouri, LLC for access to an existing antenna tower located at 3800 Clark Lane to improve radio coverage for Public Safety Joint Communications.

R183-11 Authorizing an agreement with First Night Columbia, Inc. for support of the New Year’s Eve Celebration; authorizing the City Manager to provide City support services.

R184-11 Authorizing a performance contract with Fairway Meadows Corporation in connection with the Final Plat of Vintage Falls, Plat 2.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID. VOTING NO: NO ONE. ABSENT: SCHMIDT. (Mr. Schmidt stepped out and did not return until after the official vote was taken.) Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

None.

INTRODUCTION AND FIRST READING

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

B289-11 Approving the C-P Development Plan of Liberty Plaza located on the northwest corner of East Broadway and Broadway Bluffs Drive; approving less stringent parking requirements.

B290-11 Vacating a sanitary sewer easement across Lots 1 and 2 within Westwood Estates located on the southwest corner of West Stewart Road and Westwood Avenue.

B291-11 Vacating excess street right-of-way on property located at 47 East Broadway.
B292-11 Amending Chapter 13 of the City Code as it relates to eviction notices for certain tenants of manufactured or mobile home land lease communities.

B293-11 Amending Chapters 13 and 22 of the City Code relating to sewage service utility rates.

B294-11 Amending Chapter 14 of the City Code to establish an all-way stop at the intersections of Rolling Hills Road and Grace Lane and Richland Road.

B295-11 Amending Chapter 14 of the City Code to provide reserved parking for police vehicles along a portion of the north side of Parkade Boulevard.

B296-11 Accepting a grant from the U.S. Fish & Wildlife Service for the 3M Urban Ecological Restoration Project located along Hinkson Creek and adjacent to the MKT Trail; appropriating funds.

B297-11 Appropriating funds from the State of Missouri, Department of Social Services for the 2011 Emergency Shelter Grant Program; authorizing agreements with various human service agencies.

B298-11 Accepting a grant from The Missouri Foundation for Health for Health Literacy Programming; authorizing a grant agreement with The Missouri Foundation for Health and Centro Latino de Salúd y Educación; appropriating funds.

B299-11 Authorizing a sub-recipient monitoring agreement with Boone County, Missouri relating to acceptance of the U.S. Department of Justice 2011 Edward Byrne Memorial Justice Assistance Grant to purchase training bulletin and policy manual services for the Police Department; appropriating funds.

REPORTS AND PETITIONS


Mr. Matthes provided a staff report.

Mr. Schmidt asked staff to bring forward an ordinance for Council consideration as he believed this was an example of where less government was more effective since it was less complicated to define skateboarders and other users of non-motorized transportation as bicyclists. This would allow them to have the same responsibilities and rights as bicyclists. He explained he was impressed with the elegance and simplicity of this language recommended by the Bicycle and Pedestrian Commission.

REP177-11 Review of Demolition Ordinance Issues and Recommendations by the Historic Preservation Commission.

Mr. Matthes and Mr. Teddy provided a staff report.

Mr. Schmidt stated he would like to see this issue pursued.

Mr. Kespohl asked what reason there would be for the denial of demolition. Mr. Teddy replied currently the City would only deny a demolition permit if it was in a historic district. In addition, the demolition could be delayed if it was a property thought to be eligible for historic district status to allow the Historic Preservation Commission time to study whether it should be placed in a historic district. Mr. Kespohl asked if the City was stepping on individual property rights when this was done. Mr. Teddy replied he thought there would be concerns about that going forward.
Mayor McDavid understood Mr. Schmidt wanted an ordinance to be brought forward for consideration and the Council could defeat it if they were not satisfied. Mr. Teddy explained they would research the issue with the Historic Preservation Commission and draft an ordinance or conceptual ordinance for Council review.

Mr. Schmidt made a motion directing staff to work with the Historic Preservation Commission to initiate demolition ordinance revisions. The motion was seconded by Ms. Hoppe.

Mr. Schmidt commented that he was not sure about the 30 day limitation as it was not a long time for someone who might see value in a property to find the necessary resources.

Mayor McDavid stated he would vote in favor of this motion, but noted he was concerned about potential property rights issues.

Mr. Kespohl asked if the 30 days was to provide the Historic Preservation Commission a chance to meet. Ms. Hoppe replied yes. Mr. Schmidt noted this might not be enough time if they did not meet monthly or lacked a quorum. Mayor McDavid understood the ordinance that would come forward would include a suggested time limit and the Council could then amend it.

Ms. Hoppe understood staff would work on the four recommendations that came from the Historic Preservation Commission. Mr. Teddy stated staff would present their research to the Historic Preservation Commission to help develop recommendations.

The motion made by Mr. Schmidt and seconded by Ms. Hoppe directing staff to work with the Historic Preservation Commission to initiate demolition ordinance revisions was approved unanimously by voice vote.


Mr. Matthes explained this report was provided for informational purposes.

REP179-11 K9 Fano.

Mr. Matthes provided a staff report.

Ms. Anthony understood the issue of not separating the ongoing personnel action with the request for the dog, but wondered when the process would be complete. Mr. Boeckmann replied it was hard to provide an exact answer because part of the process was a hearing before the Personnel Advisory Board, and based on past experience, getting a quorum of the group together in a timely fashion was not easy. He understood an appeal had been filed, but was not sure of where it was in the process. He thought it was reasonable to suspect it might be a number of months. The appeal went to the Personnel Advisory Board for a recommendation to the City Manager, the City Manager would then make a decision based upon the record of the Board and the issue could then also be appealed to Circuit Court. Ms. Anthony commented that she wanted to readdress this issue if Officer Sanders was successful in his appeal.

Mr. Kespohl commented that he was concerned about the liability to the City with regard to this dog as it was an aggressive dog. He noted a $1 million liability policy could be purchased naming the City as a second insured to address the issue. He understood the family wanted the dog as they considered it a family pet. He thought they could address the
liability issue if the family was willing to supply the City with a liability policy. If they were willing to pay for the liability policy and the training of a new dog, he thought they should consider providing the dog to them. He also suggested the dog be neutered as it would be less aggressive then. A direct policy had a premium of about $1,500 per year, but if they added it to their homeowner’s policy, it would be cheaper. He suggested they offer that to the family.

Mayor McDavid stated he felt the problem with that suggestion was that someone would have to arbitrate whether the insurance was being paid.

Mayor McDavid made a motion to accept the recommendation of the City Manager. The motion was second by Mr. Schmidt.

Mr. Schmidt commented that he did not believe Council should involve itself with personnel policies. Columbia was a City Manager form of government and the Council was being asked to get involved in both a personnel matter and a personal matter, and he did not believe they should be involved. He understood the Ms. Sanders concern for the dog, but was not happy with her negative comments about the City and Police Department. The Council was being asked to be compassionate with regard to the dog, but he wondered where the compassion was for the individual on the video. He stated he represented 14,000 people and about 5,000 of them would run when seeing a police officer. He expected some kind of acknowledgement, such as an apology, from rank and file police, but had only heard about $10,800, which was upsetting to him. He reiterated he did not believe Council should be involved with what was essentially a staff decision.

The motion made by Mayor McDavid and seconded by Mr. Schmidt to accept the recommendation of the City Manager was approved by voice vote with only Ms. Anthony voting against it.

REE180-11  Intra-Departmental Transfer of Funds Request.

Mr. Matthes noted this report had been provided for informational purposes.

Ms. Hoppe referred to the $7,317.33 transfer as she understood this was something the TDD was supposed to pay for and asked when the TDD would reimburse the City. Mr. Thornhill understood there was nothing there at this time. Ms. Hoppe asked who would ensure this money was reimbursed when money was collected by the TDD. Mr. Matthes replied the Finance Department would track it.

Mr. Thornhill commented that it appeared the cost of the sidewalk was about $42.00 per foot and he did not believe this amount was collected when the City accepted payments in lieu of sidewalk construction, so he assumed they were not collecting enough. He asked for a report regarding this issue as he thought the City collected about $35.00 per foot instead.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mary Dana, 1315 St. Christopher, commented that she had seen demonstrations involving canine dogs as a member of the Cosmo Club since it provided funding for the dogs and stated she felt more canine dogs were needed. She noted the dogs were very helpful and good in terms of policing, and they were beyond aggressive as that was what they were
trained to do. They were also pets and she suggested the City develop a policy for the future in terms of what Mr. Kesphol suggested. This would allow it to not become a personnel issue.

Amy Sanders provided a handout which included a report she had received from Mr. Matthes on Friday and noted she was bothered by it. She explained she had been around police canines in terms of how they were trained, chosen and incorporated in a Police Department and family. Aggression was not a quality any handler she was able to speak with over the weekend looked for or desired. She noted the handout included information from four master trainers with regard to what they looked for in a dog, which differed from the opinions of Mr. Matthes, and asked the Council to review that information. She understood her husband was fired for excessive force by Chief Burton, but the Internal Affairs Division had found him to be proper by the policies and procedures enacted at that time. She agreed it appeared to be non-compassionate on the video, but there were things that person had done that were not compassionate either. She commented that the dog was not aggressive and neither Chief Burton nor Mr. Matthes had met the dog, and those that had worked with the dog had not been contacted. The report indicated Officer Sanders had been bitten, but he had never been bitten. She also did not believe there was a liability issue to the City due to state law. She noted she would be willing purchase liability insurance as they already had it for their Rottweiler and would be willing to neuter the dog. She commented that she was concerned that the City felt the dog was aggressive, but was still willing to return it to the streets. She believed the dog was not aggressive and could be trained to a new handler, but the dog would sit in its kennel until March at the earliest, which created issues and was detrimental to the dog. If the City had the ability to provide a new capable handler for Fano in terms of money, a trainer, etc., it would be a different issue, but that was not the case. She was also concerned about a criminal being potentially bit by Fano claiming the City knew the dog was aggressive. She agreed there was a fiscal loss, but felt it would cost at least $6,000 more to keep Fano. She suggested the City sell Fano to her for the amount that was suggested by Risk Management. There would be no liability, financial loss, further investment loss, etc. for the City. She could not come up with a logical reason for the City to not sell Fano except for the personnel issue, which she believed was punitive. She asked the Council to read the information provided and reconsider its ruling.

David Thomas provided a handout and stated he and his wife, Beverly Thomas, would like the Council to consider this information with regard to the firing of Officer Rob Sanders and the purchase of Fano. He provided examples of the use of canine dogs, their relationships with their handlers and incidents where officers were killed. He also provided statistics of the number of officers killed in the line of duty and noted 135 police officers had been killed this year, which this was a five percent increase from 2010. He noted his daughter, Columbia Police Officer Molly Bowden, had been killed in the line of duty as well, and that Officer Rob Sanders and his wife, Amy, had supported them. He provided various examples of their support to include providing a travel trailer for them to stay in at the hospital. He noted Officer Rob Sanders had brought Fano to a Missouri Concerns of Police Survivors picnic at Cosmo Park and after a demonstration of how Fano could be used for
police work, children were able to pet Fano. He was not a threat to anyone. He explained
there was a loyalty factor of a canine dog with its training officer, and when that bond was
suddenly stripped away, the emotional stress was devastating to both. He felt Fano was as
confused as Officer Rob Sanders was by suddenly being fired by Chief Burton. He asked if
that was any way to treat Fano or Officer Rob Sanders, as they had put their lives on the line
for the City, or if it was an efficient use of taxpayer money by not allowing these officers to be
on the street when there was a lot of crime in Columbia. He commented that he and his wife
were concerned about the Columbia Police Department and the City of Columbia, and asked
the Council to consider reinstating Officer Rob Sanders and his canine dog, Fano, and to
allow for the purchase of Fano.

Debbie Johnson stated she was the widow of retired 25 year veteran of the Boone
County Sheriff's Department, who had been a canine officer for 20 of those years, and she
and her daughters as well as other family and friends had shared those 20 years with his
canine dogs. They shared their home with five different police dogs and each was a part of
the family. She understood they were police dogs as they went to work almost everyday with
her husband, but when they came home, they knew they were home and loved. She pointed
out that not every dog was suited to work as a police dog and that they had to go through a
thorough evaluation process. Sometimes, even after an evaluation process, something could
be found that would prohibit a dog from further training as a police dog, but those that made it
through the process had the ability and stability to handle being a police dog. The dogs were
trained to understand when they were working and when they were able to be just a dog.
This was further enhanced when a dog was matched with a police officer. Not any police
officer could be a canine handler as they had to bond with the dog and devote many hours to
keeping the dog trained. It made her angry and sad to hear the dogs being called vicious
animals and naturally aggressive because she knew how hard her husband worked to show
the community what a police dog was really like. They were not vicious and were safer to be
around than the average pet dog. They bonded with their handler and trusted them to
instruct them on what to do and when to do it. As a result, she wondered why the City would
not let the Sanders family purchase Fano. She noted the dog was the one suffering as he
bonded with an officer and trusted that officer to fullest. The dog did not understand why he
was gone, which was the real issue, as the dog just wanted to know when he was going
home.

Ashley Cuttle stated she was the Executive Director of Columbia Police Officer's
Association (CPOA) and noted she represented 141 of the approximately 163 police officers
at the Columbia Police Department. She understood the police officers were not allowed to
contact the Council directly, so she was in the unique position of trying to explain how
passionate they were about this issue. She commented that Columbia had a good Police
Department. She agreed it was not perfect, but believed it was a good Police Department
with good people working there. She also felt it was unfortunate no one seemed to recognize
that. From a fiscal point of view, it would cost $2,700 for storage and $6,200 to retrain Fano
to a new handler, and there was no guarantee it would be successful since these dogs were
specifically picked for a specific officer. As a result, the City might spend $8,900 for this
without it working. The cost of purchasing a new canine for a new handler was $12,500 with an almost 100 percent success rate. If the City subtracted the $10,800 purchase price of Fano, the City would only be responsible for $1,700. In addition, the City would not have to pay for kennel fees. She believed selling Fano to the Sanders was the right decision financially. She also understood liability belonged to the owner or possessor of the dog, so if the City sold Fano to the Sanders, the Sanders were responsible for the liability. She reiterated comments made previously in that trainers did not look for aggressive dogs, Fano was not aggressive and how people in the community had strived to show canine dogs were not aggressive. She recommended the City reconsider its decision to not sell Fano as it seemed to be in the best interest of everyone involved.

Rick Gurley, 1304 Dawn Ridge Road, commented that he agreed with the City with regard to the sale of Fano and noted there was a liability issue. He believed selling the dog to the Sanders was tortuous because the City had sold a dog that had bit someone to an officer that had been fired for using excessive force and was aware of those facts. He also believed there was a judgment issue. In viewing the video, he saw a man in a holding cell that was not able to harm an officer regardless of what he did prior to being there. He noted the philosophy was for officers to make the arrests and for the courts to set the punishment, but he saw a man being punished for the crime of being belligerent in the video, which he did not believe was a crime. He felt the City had made the right decision and hoped they would let logic be the guide and stay this position.

Janna Tarbox stated she would still like to help the Sanders purchase the dog and pointed out the report provided by Amy Sanders was factual. She referred to that report and the statement made by Gary White, the President of the Missouri Police Canine Association, which indicated while it might be true that Fano was a young dog that could be placed with another handler, it did not always work and would cost the City to find out if it would work. She noted Mr. White thought the City would be better served to take the $10,800 offer to purchase a new canine that could be matched to a new handler. She asked the City to stick to the facts and reconsider its position as she did not feel the City would be liable.

Charles Dudley, Jr., 1201 Paquin Street, commented that whenever he had been terminated from a job, he was never allowed to take anything home as a memento. He also thought it was commendable to allow the City Manager to do his job and for the Council to stay out of the personnel issue. He noted he was shocked by the video as the person was clearly already in the holding cell. This was why some citizens in the community were afraid of the police. He commended the Council on its decision to stay out of this personnel matter.

Paul Allaire, 1004 N. Eighth Street, stated he did not care what the City decided to do with the dog, but referred to SWAT operations and a past video where a dog was shot. He thought this discussion was ridiculous.

Mayor McDavid made a motion for the City Council to go into a closed session at 6:00 p.m. on Monday, November 7, 2011 in Conference Room 1A/1B, City Hall, 701 E. Broadway,
Columbia, Missouri to discuss personnel matters as authorized by Section 610.021 (3) and (13) of the Revised Statutes of Missouri. The motion was seconded by Mr. Kespohl.

The vote was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT. VOTING NO: NO ONE.

Mr. Dudley stated he received a complaint regarding a very dirty trash can located at the old Delta Chi Fraternity at 111 E. Stewart. He understood the neighbors had discussed the issue with the Fraternity, but nothing was being done. He asked if anything could be done and suggested the Office of Neighborhood Services get involved to determine if anything could be done to resolve this issue.

Mr. Dudley commented there was a flooding problem at Rothwell and Broadway when it rained and the Missouri Department of Transportation (MoDOT) actually filled in the drainage pipe with dirt when it was fixed. He asked for this issue to be addressed.

Ms. Hoppe noted the residents of the Columbia Regency Trailer Park had not received notice of the interested parties meeting, which was the first meeting where the public was informed of the rezoning, and asked for an ordinance to be prepared to ensure notice to tenants as well as property owners within the identified area, which she thought was 200 feet.

Ms. Hoppe commented that if the rezoning of the Columbia Regency Trailer Park was approved, there would be 125 homes/families that would need to move, and she wanted a report from staff indicating where those people could relocate or if they would be homeless. She understood some people would not be accepted into other mobile home parks. In addition, Section 8 housing had a three year waiting list.

Mr. Kespohl asked for clarification regarding their discussion the parking garage at the October 3, 2011 Council Meeting. He did not believe they could build a $9 million structure that included 410 parking spaces, so he thought that needed to be clarified.

Mayor McDavid understood they needed to know how much it would cost and thought that was part of the process. He assumed staff would come back to Council with an estimated cost.

Mr. Kespohl noted a motion had been passed directing staff to proceed with final plans, specifications and construction of the Short Street Garage with 410 spaces, and that could not be built for $9 million. He stated it was inconsistent and clarification was needed.

Ms. Anthony commented that the signage directing people to the Airport was appalling. She understood they had a new detour and had heard the reason they could not install signs was due to the land belonging to Ashland. She thought that was ludicrous and asked for staff to address the issue.

Ms. Anthony stated she believed the signs regarding Saturday parking were inconsistent. It was not clear as to whether metered parking or garage parking was free. She thought they needed to provide signage to make it clearer.
Ms. Anthony noted she was contacted by a Missouri resident that wanted the Council to show its support by initiating a resolution indicating the City of Columbia would adhere to the 2010 Missouri Benefits and Resource Guide for Veterans, and they were specifically asking for veterans displaying a Congressional Medal of Honor, Prisoner of War, Silver Heart or Purple Heart specialty license plate to be allowed to park his/her motor vehicle without charge at a metered space.

Mr. Thornhill stated he had already requested this report and thought it would be provided at their next meeting. Mr. Matthes explained they were researching the impact, etc.

Ms. Anthony commented that she was surprised there was not a report on tonight’s agenda regarding the status of the Osco Drug property. Mr. Matthes stated it was almost complete.

Ms. Anthony asked if the meet and confer process involving the Council could begin earlier this coming year as they had not had the opportunity to discuss it. Mr. Matthes pointed out the Council recently changed Chapter 19 so the process started earlier. He thought it would be helpful to discuss the Council’s goals at a policy level for the upcoming meet and confer process. He stated he would schedule it for a work session or pre-council meeting.

Ms. Hoppe commented that a speaker indicated that Fano would not be trained until March and asked why it would take so long. She wondered if the process could be sped up. Mr. Matthes replied he did not know as that statement did not come from him.

The meeting adjourned at 10:58 p.m.

Respectfully submitted,

Sheela Amin
City Clerk