

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JUNE 7, 2010

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, June 7, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL and KESPOHL 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 May 17, 2010 and the minutes of the special meeting of May 24, 2010 were approved unanimously by voice vote on a motion by Ms. Nauser and a second by Ms. Hoppe.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid made a motion to add R114-10 to the new business portion of the agenda. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

The agenda, as amended, was approved unanimously by voice vote on a motion by Mr. Sturtz and a second by Mr. Dudley.

SPECIAL ITEMS

R112-10 Authorizing Percent for Art agreements with Lampo Leong and Chris Morrey for interior projects on the Second and Third Floors of the new addition of the City Hall Building.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Nancy Burdick, 12 McBaine Avenue, stated she was a member of Standing Committee on Public Art and provided an explanation of the selection process for the artists and the funding mechanism for these projects. They had decided the interior art projects for the second and third floors would be open only to mid-Missouri artists that had previously applied and not selected for Percent for Art projects. She pointed out the general approach was to search for an artist and not a specific piece of artwork as the intent was for the artist to be involved in the design process so the artwork could truly be site specific. Ten artists had submitted applications and four finalists were interviewed at an open public meeting. The Committee chose Lampo Leong for the second floor and Chris Morrey for the third floor. She described the qualifications for the artists chosen and displayed some of their past art work. She explained the Commission on Cultural Affairs unanimously accepted the recommendations of the Committee, and if Council endorsed the recommendations, contracts would be authorized allowing both artists to begin design concepts. Once design concepts were submitted, the Standing Committee would initiate a review process similar to that for choosing the artists.

Mr. Sturtz asked why applications were only accepted from people who had applied before since it provided a pool of only ten artists. Ms. Burdick clarified they had received ten applications from a pool of 32 artists that were eligible to apply. Mr. Sturtz asked if she had been satisfied with the ten applications. Ms. Burdick replied she felt the pool was large enough. In addition, the Committee was happy to have an exclusive application process to offer local artist that had attempted to be a part of the program before. Mr. Sturtz asked if the requirement of local artists was unusual. Ms. Hunter replied this was the first time they used an invitational process, and noted it was partly done due to timing issues. She pointed out the projects for the fourth and fifth floors would be open to all mid-Missouri artists.

Mr. Sturtz commented that he thought it was great they were employing local artists for these projects and understood some people had wished that would have been done with the artwork outside of City Hall.

The vote on R112-10 was recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R113-10 Naming the proposed discovery garden planned for Stephens Lake Park the “Darwin and Axie Hindman Discovery Garden.”

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Chris Janku, 206 Whitetail Drive, asked the Council to support the recommended naming of the garden at Stephens Lake Park for Darwin and Axie Hindman. He felt both Darwin and Axie had made significant contributions to the betterment of the community over many years, and noted Darwin had received the Chamber of Commerce Citizen of the Year Award in 1989, which was six years before he began his record term of fifteen years as Mayor of Columbia. He pointed out the proposed garden also further implemented the Stephens Lake Park Master Plan and would be funded privately.

Ms. Hoppe asked how donations could be provided. Mr. Janku replied tax deductible donations could be made to the New Century Fund for this project. Ms. Hoppe understood donations could be made to the New Century Fund at www.newcenturyfund.org.

Ms. Hoppe stated she thought this was a great way to provide an asset to the park while honoring Darwin and Axie for all of their contributions to the City.

The vote on R113-10 was recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

SCHEDULED PUBLIC COMMENT

Brian Oitker: Columbia Police Department Issues.

Brian Oitker was not in attendance.

Donald Warren: Columbia Police Department Issues.

Donald Warren, 2194 E. Bearfield, stated he was speaking on behalf of CoMo Citizens, a group of citizens who were concerned with the SWAT raid incident in February

and inherently violent search warrants for non-violent crimes. They wanted to see meaningful policy changes that would ensure an incident like this would never occur again in the community. Before seeing the SWAT raid video for the first time, he thought SWAT teams were used for already escalated situations where the use of force was necessary, and believed most of the public had the same perception. He now understood SWAT teams were frequently used to execute search warrants for non-violent crimes and believed that policy allowed the Police Department to put the lives of innocent people in danger and threatened the safety of the officers as well since raids frequently caused situations to escalate out of control. He noted a white paper called “Overkill: The Rise of Paramilitary Police Raids in America,” which could be found at www.kato.org, explained the current situation involving excessive use of force by police due to certain policies. He asked that the policy changes suggested by Chief Burton be made permanent and binding and that the City enact a policy prohibiting the execution of search warrants for non-violent offenses.

PUBLIC HEARINGS

B110-10 Authorizing the construction of sidewalk and waterline improvements along the south side of Broadway, from Eighth Street to Ninth Street.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report. Mr. Glascock noted the City was discussing the texture of the sidewalk with the SBD, and that it would be bid as an alternate so they were aware of the cost.

Mr. Sturtz asked for the size and location of the tree grates. Mr. Glascock replied the grates would be the standard size and three trees would be planted. They would discuss the location of those trees with the property owners.

Mr. Sturtz noticed there were larger grates at City Hall Plaza than on Broadway and understood a factor in terms of a tree surviving in an urban environment was whether it had a big enough area to grow. He suggested the grates not be so small. Mr. Glascock explained they were limited in the size of the tree grate due to ADA and other requirements.

Ms. Nauser asked if this section of sidewalk had been identified for repair in the ADA study they had received a couple of years ago. Mr. Glascock replied he did not recall it being a part of that study.

Mr. Kesphl asked if the property owners shared in 50 percent of the cost of the street light cable, tree grates, etc. Mr. Glascock replied the property owners only shared in the cost of the sidewalk. Mr. Watkins explained the sidewalk cost was estimated at \$87,500 and the cost of the amenities was estimated at \$35,000.

Ms. Hoppe asked who was responsible for watering the trees. Mr. Glascock replied he thought the Parks and Recreation Department would water the trees.

Mr. Thornhill asked if the grate being used was typical for the downtown and if the success rate was high. Mr. Glascock replied yes. He noted that over the years, they had found the boxes deteriorated and the tree roots sometimes got into foundation, so they would try to get a better type of box.

Ms. Nauser made a motion to amend B110-10 per the amendment sheet. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mayor McDavid opened the public hearing.

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

Mr. Sturtz commended staff for recognizing the opportunity to repair a crumbling sidewalk while they were making the buildings on the south side of Broadway safer with a new water line for better sprinkler systems.

B110-10, as amended, was given third reading with the vote recorded as follows:

VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL.

VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located at 350 East Old Plank Road.

Item A was read by the Clerk.

Mr. Watkins provided a staff report.

Mr. Sturtz asked if the roadway would be overloaded. Mr. Teddy replied he thought it could handle the traffic generated by the residential class of uses.

Mayor McDavid opened the public hearing.

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

OLD BUSINESS

B107-10 Waiving the City's rights under a Declaration of Self Imposed Restrictions pertaining to College Park South Plats 1 and 3.

The bill was given second reading by the Clerk.

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

Ms. Hoppe understood a traffic study had been conducted and it indicated the additional 70 units would not substantially add to the problem that already existed and needed to be corrected. She asked for an explanation of what needed to be done. Mr. Teddy replied another access would need to be provided. Grading and the removal of vegetation might be required to provide the appropriate site distance. MoDOT reviewed the traffic study and might be interested in possibly restricting turning movements for the crossover between Carter and Old Route K across Providence.

Tim Reed stated he was with Engineering Surveys and Services and offered to answer any questions on behalf of the developer.

Ms. Hoppe commented that the existing developments were good, high quality developments, so she believed the new ones would be similar in quality.

Mr. Dudley hoped they would provide another way in and out because Campus View Drive could be a mess, especially in the winter with ice on the hills. Ms. Hoppe noted Campus View Drive was a first priority route for snow removal due to those issues.

B107-10 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B108-10 Authorizing agreements to commit Neighborhood Stabilization Program (NSP) funding.

The bill was given second reading by the Clerk.

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

Mayor McDavid asked how the sale price was determined if a house was purchased for \$40,000 and an additional \$20,000 was used to rehabilitate the structure. Mr. Lata replied the house could not be sold for more than the City had put into it, but it could be sold for less. They could sell it to someone at 120 percent of the median income instead of the usual HUD cap of 80 percent of median income. The idea was to have lower to moderate income persons purchase the homes in an effort to increase the value of the properties in the neighborhood.

Mayor McDavid asked about the status of the money if the home were to sell. Mr. Lata replied they did not plan to send the money back and would try to use the money for similar activities or to achieve some of the Visioning goals, such as creating a housing trust fund.

Mayor McDavid asked if the funds could be used to demolish homes. Mr. Lata replied no, but it was an eligible activity, so it was possible to use the money that was rolled over for demolition in the future. He just did not know yet.

Mr. Watkins noted part of the City's strategy was to spend all of this money as quickly as possible because they wanted a chance for more funding if money was pulled from other communities that were not able to spend all of the money they had received.

Ms. Hoppe understood this change would be for future years as well as this year. Mr. Watkins replied this was a specific program. Mr. Lata explained this only involved the \$600,000 allocation.

Mr. Watkins pointed out they were not using any form of eminent domain. The sales were all voluntary.

Ms. Hoppe wondered if there was any controversy in terms of executing the agreements. Mr. Lata replied the first three houses were HUD foreclosures that had been on the market for some time. The three lots at Garth and Sexton had been vacant for several years and had some legal issues that needed to be resolved. The property at 102 Sexton had been vacant for a year and the home had a number of issues. Mr. Teddy pointed out the 106-110 W. Sexton properties would be land banked and those rules allowed the City to retain the properties for up to 10 years.

Mr. Sturtz asked if there were opportunities to continue working on properties with title problems as there were a lot of abandoned properties with complicated title problems. Mr. Lata replied the idea was to obtain clear title to abandoned properties and create a neighborhood effect.

Mr. Dudley made a motion to amend B108-10 per the amendment sheet. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Jeanette Acton, 704 Hunt Avenue, suggested homes needing to be demolished be provided to the Fire Department so they could use it for practice. Mr. Watkins agreed that was a great idea, but pointed out the EPA no longer allowed homes to be burned within the City. He noted the Fire Department could train in them, but they would not be able to demolish them with fire.

Ms. Acton asked if these funds could be used to remove the apartments owned by REMI at W. Worley because they were devaluing the other property in the area. Mr. Watkins noted this program had some very specific requirements for eligibility.

Mr. Sturtz stated he was supportive of the City investing in the First Ward as it made a difference when people fixed up their homes.

B108-10, as amended, was given third reading with the vote recorded as follows:
VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B116-10 Authorizing the acquisition of property located at 413 North Fifth Street for park purposes.

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. Hood provided a staff report.

Mayor McDavid asked if the intent was to demolish the home. Mr. Hood replied yes.

Ms. Nauser asked if the Master Plan included the potential acquisition of the other three lots south of this one in the future. Mr. Hood replied yes.

Mr. Sturtz asked if it was premature to speculate what would happen in this area. Mr. Hood replied he thought they would want to review the Master Plan, but possibilities included a shelter, playground or community garden. He believed they would want to obtain input from the users of the park.

Mr. Sturtz commented that he had mixed feelings with regard to demolishing decent homes in neighborhoods, but thought this would be a positive project as it would expand a park that could be used by lots of people in the neighborhood.

B116-10 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. 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.

- B105-10 Rezoning property located northeast of the intersection of West Broadway and Fairview Road (2807 West Broadway) from R-3 to O-1.**
- B106-10 Rezoning property located at 1425 Hickory Street from M-1 to R-1.**
- B109-10 Amending Chapter 14 of the City Code to change the speed limit on Gillespie Bridge Road.**
- B111-10 Authorizing an agreement with Loomacres Wildlife Management for a wildlife hazard assessment at the Columbia Regional Airport; appropriating funds.**
- B112-10 Accepting certain streets for public use and maintenance.**
- B113-10 Authorizing the acquisition of easements for construction of sidewalks along the north side of Walnut Street from Ann Street to Old Highway 63.**
- B114-10 Granting a permanent drainage easement to the County of Boone for a drainage improvement project in Country Hill Subdivision.**

- B115-10 Confirming the names of certain park property located on Rollins Road, Brown Station Road and Waco Road, and Ash Street and Clinkscales Road.
- B117-10 Amending Ordinance No. 020483 as it relates to the appropriation of funds to the Law Department City Prosecutor Division and the Municipal Court.
- B118-10 Authorizing an agreement with the Consumer Product Safety Commission for swimming pool and spa compliance inspections.
- B119-10 Appropriating funds from the Columbia Values Diversity Celebration for future celebration activities.
- B120-10 Appropriating funds to be received from the Missouri Safety Center to conduct enforcement activities relating to hazardous and non-hazardous moving violations and seat belt usage; authorizing a participant agreement.
- B121-10 Appropriating funds received as part of the settlement agreement with MCC Missouri, LLC (Mediacom) and Falcon Telecable (Charter Communications) to fund public access television improvements at Stephens College; authorizing an agreement with Stephens College.
- R100-10 Setting a public hearing: authorizing the construction of the Rangeline Sewer and Streetscape Improvement Project along the east side of Rangeline Street between Wilkes Boulevard and Rogers Street.
- R101-10 Setting a public hearing: construction of a 24-inch water transmission main from the intersection of Nifong Boulevard and Ponderosa Street to the Hillsdale Pump Station.
- R102-10 Authorizing Amendment No. 3 to the agreement with the Missouri Department of Health and Senior Services for the Missouri Heart Disease and Stroke Prevention Program.
- R103-10 Authorizing an agreement with Planned Parenthood of Kansas and Mid-Missouri for Title X Family Planning Services.
- R104-10 Authorizing an agreement with The Curators of the University of Missouri regarding the Senior Games and the Show-Me State Games.
- R105-10 Authorizing an agreement with the Boone County Historical Society for caretaking services at Nifong Park.
- R106-10 Authorizing an agreement with the Boone County Historical Society for operating a museum and maintaining and making improvements to the Maplewood Home and other historic buildings in Nifong Park.
- R107-10 Approving the by-laws of the Spencer’s Crest Neighborhood Association.
- R108-10 Authorizing CDBG and HOME agreements with various community agencies.
- R109-10 Authorizing an agreement with Boone County relating to the maintenance of Gans Creek Road between the City Sewer Pump Station and East Gans Road.
- R110-10 Authorizing an internship agreement with Job Point to allow highway/heavy construction trainees and their instructor to work on Public Works projects.
- R111-10 Authorizing an agreement with Boone County relating to the 2010 Edward Byrne Memorial Justice Assistance Grant.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

R114-10 Transferring funds for the Citizens Police Review Board.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report.

Ms. Hoppe stated the Citizen Police Review Board (CPRB) had an important job and needed to be well trained and educated. She believed the previous Council had agreed and hoped this Council would as well.

Mayor McDavid commented that he planned to oppose this. He noted the CPRB was a good commission and their training, which included a three hour taser course, a situation simulator, presentations from the ACLU and prosecutor and a session on race relations, was substantial. He believed they only needed to send one person to the conference due to the City's tight budget.

Mr. Sturtz pointed out they would be moving \$1,400 from the Council food account. They were not asking for additional funding from the general fund. He thought this was an important investment for one of their most crucial commissions and was supportive since it would train the CPRB to be more judicious and aware of the resources available.

Ms. Nauser stated the CPRB, unlike many of the other boards and commissions, could impact the employment of a police officer. This conference would show them how other civilian review boards behaved and were formatted. It would not necessarily provide training on police procedures. Since the funding would come from money already appropriated and due to the seriousness of their charge, she felt it warranted the training of two people so more information could be collected. She recalled the Council telling the Police Department and the public that the CPRB would be adequately trained.

Ms. Hoppe commented that she believed it was important to send two people this time in order to build a foundation.

The vote on R114-10 was recorded as follows: VOTING YES: NAUSER, HOPPE, STURTZ, THORNHILL. VOTING NO: DUDLEY, MCDAVID, KESPOHL. 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.

B123-10 Voluntary annexation of property located at 350 East Old Plank Road; establishing permanent R-1 zoning.

B124-10 Vacating an undesignated easement along a portion of the south side of Cliff Drive.

- B125-10 Amending Chapter 22 of the Code of Ordinances to establish sanitary sewer extension permit requirements.
- B126-10 Amending Chapter 24 of the Code of Ordinances as it relates to downtown sidewalk and street closure permits.
- B127-10 Approving the Engineer’s Final Report for the Sanitary Sewer District No. 159 (State Route K) sewer construction project; levying special assessments.
- B128-10 Accepting conveyances for sidewalk, access to storm water facilities and sewer purposes.
- B129-10 Accepting Stormwater Management/BMP Facilities Covenants.
- B130-10 Accepting conveyance; authorizing payment of differential costs for construction of a water main serving Wyndham Ridge, Plat 1; approving the Engineer’s Final Report.
- B131-10 Amending Chapter 12 of the City Code as it relates to the Human Rights Enhancement Program.
- B132-10 Accepting a donation from the Downtown Optimist Club of Columbia for the Parks and Recreation Department C.A.R.E. Program; appropriating funds.
- B133-10 Accepting a donation from the Sunrise Optimist Club for Police Cadet Program expenses; appropriating funds.
- B134-10 Appropriating Local Energy Assurance Planning Stimulus Recovery Grant Funds from the U.S. Department of Energy.
- B135-10 Accepting the FY 2009 Missouri Homeland Security Regional Response System Sustainment Grant; authorizing a grant agreement; appropriating funds.
- B136-10 Authorizing an amendment to the redevelopment agreement with Tiger Columns, L.L.C.

REPORTS AND PETITIONS

REP33-10 Intra-Departmental Transfer of Funds Requests.

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

REP34-10 Street Closure Requests.

Mr. Watkins provided a staff report.

Mr. Sturtz made a motion to approve the street closure as requested. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP35-10 Design of Crosswalk on Keene Street at Portland Street.

Mr. Watkins and Mr. Glascock provided a staff report.

Ms. Hoppe asked if Boone Landing had been approached about partnering with the City to share in some of the costs since it would serve their residents. Mr. Glascock replied that they had not.

Mayor McDavid asked if the request came from Boone Landing. Mr. Glascock replied this had been a Council request.

Mr. Watkins understood the cost for this project was estimated at about \$92,000. He explained that in order to ensure the City's liability was minimized, certain design standards needed to be met, and in this case that included flashing lights.

Mayor McDavid made a motion to accept the report, which meant no action would be required. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

REP36-10 Wi-Fi Trial on Transit Buses.

Mr. Watkins provided a staff report.

Mr. Sturtz commented that this was disappointing as the mission of the project was to diversify the appeal of the transit system to different audiences. He understood about two dozen cities around the U.S. had figured it out on a technical level and felt it could be more successful given some time. He asked if there was an opportunity to allow a longer period of time than 90 days as it was a fairly cheap program. Mr. Glascock stated it was, but noted every dollar made a difference when trying to expand bus routes.

Ms. Nauser asked if the increase in phones with internet access and the short duration someone was on a bus might have something to do with the minimal use of this feature. She wondered if other cities with this amenity had seen a decrease due to the other types of technology available. Mr. Glascock agreed people had less use for Wi-Fi due to handheld devices.

REP37-10 Truck Parking Ordinance Report.

Mr. Watkins provided a staff report.

Mayor McDavid asked who had requested this report. Mr. Watkins replied Jerry Wade, the former Fourth Ward Council Member.

Ms. Nauser understood the issue involved people blocking driveways or leaving diesel engines running for a lengthy time while parked in the street and asked if this could be addressed by the nuisance ordinance. Mr. Glascock replied they had addressed some issues with the noise ordinance, but he understood this was a parking issue in terms of semi-trucks parking in neighborhoods.

Ms. Hoppe understood the report indicated that Rockhill Road from Broadway to Fyfer Place had a restriction, and noted that portion of Rockhill Road had changed to Capri Road.

Ms. Hoppe made a motion to prepare legislation changing Rockhill Road to Capri Road in Section 14-302 of the Code. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

REP38-10 Improvement of Gravel Driveways along Gravel Roadways.

Mr. Watkins provided a staff report.

Ms. Hoppe stated she was interested in requesting an ordinance be prepared, but wanted to ensure it was clear that this would only apply to an individual house and not a large subdivision. Mr. Glascock replied it would be worded to address an existing driveway attached to a gravel road.

Ms. Hoppe made a motion directing staff to prepare an ordinance with a standard construction detail similar to that of Boone County. The motion was seconded by Mr. Thornhill.

Mayor McDavid asked what would happen if the road were paved at some point. He wondered if the owner would then be required to pave the driveway. Mr. Watkins replied the owner would not have to pave it, but the Council could ask for the ordinance to require the property owner to make the driveway dust-free within a certain time frame if the road was paved. Ms. Hoppe stated she thought that was a reasonable provision to add.

Ms. Nauser asked if the downtown and central portion of the City still had locations with gravel driveways on paved roads. Mr. Glascock replied there were gravel parking lots in the downtown. Ms. Nauser asked if they were required to make the driveway dust-free if they remodeled. Mr. Glascock replied he did not know if this applied to parking lots. Ms. Nauser asked how a shared driveway would be characterized. Mr. Glascock replied it would be considered a driveway.

Ms. Hoppe understood currently the property owner would be required to pave the driveway. Mr. Glascock replied yes.

Mr. Kespohl understood there were gravel private alleyways in the downtown and that those should be addressed as well.

Ms. Nauser stated she would support an ordinance to be drafted for discussion, but thought it should be broader in nature.

Mr. Glascock asked if a three year requirement for paving the driveway after a road was paved was reasonable. Ms. Hoppe replied she believed it was.

Ms. Nauser wondered if something would be a recorded so any potential new property owner would be aware of the three year requirement. She suggested the Legal Department be asked to determine if some sort of notification could be recorded for properties that might be subject to this requirement.

The motion made by Ms. Hoppe and seconded by Mr. Thornhill directing staff to prepare an ordinance with a standard construction detail similar to that of Boone County was approved unanimously by voice vote.

REP39-10 1000 Walnut Surface Lot Potential Redesignation and Long Term Lease.

Mr. Watkins noted staff wanted this report to be pulled so they could consider some changes that had been suggested.

REP40-10 Report on Search Warrant Policy.

Chief Burton provided a staff report to include a summary of the changes made to the service of narcotic search warrants. He noted the changes were immediate, and believed they addressed most, if not all, of the issues that had recently been raised.

Mayor McDavid understood Chief Burton was seeking national accreditation for the Columbia Police Department, and as part of that process, all of the Police Department's policies would be reviewed. Chief Burton stated that was correct. He explained the accreditation process required the Police Department to maintain a set of national standards that would ensure policies reflected best practices for agencies of a similar size. He noted

the commission on accreditation for law enforcement agencies did not tell agencies how to do things, but did provide the minimum standards for the best practices.

Mayor McDavid asked if dynamic entry would be part of the policy review. Chief Burton replied yes.

Mr. Sturtz commented that there had also been a concern about this case in terms of whether all narcotic cases were worthy of this kind of dynamic entry and asked if a marijuana case could be treated differently than a cocaine, meth or heroine case. Chief Burton replied no. The type of narcotic did not matter when a felony amount had been reached. He explained the ordinance recommended Columbia Police Department put misdemeanor amounts of marijuana as their lowest priority, but he was not sure how that could be accomplished. He was uncertain how to handle an encounter with someone that had a misdemeanor amount of marijuana. Mr. Sturtz understood there was no distinction between the different kinds of narcotics when it came to felony amounts or the perceived holding of felony amounts. Chief Burton stated that was correct. He noted it was not a decision he could make.

Mr. Thornhill asked how he would address concerns of the changes not being permanent and being able to be changed by another police chief. Chief Burton replied he believed any policy put in place by a police chief had the potential to be changed, but he also felt any incoming police chief would look at the policies and try to implement policies that reflected the expectations of the public. He noted he had put everything he could think of in place to ensure this incident did not happen again. He pointed out he would not say the Police Department would no longer run dynamic entry search warrants, but they would scrutinize the facts and circumstances of every case. He believed dynamic search warrants would become the exception instead of the rule.

Mayor McDavid made a motion directing staff to provide a report reflecting dynamic entry search warrants at the end of this calendar year.

Chief Burton explained the Police Department planned to make those records public on the City's website on a monthly basis, but noted he would still be happy to provide a year-end report. If the Council wanted more or refined information, he stated he could provide that as well.

The motion made by Mayor McDavid directing staff to provide a report reflecting dynamic entry search warrants at the end of this calendar year was seconded by Mr. Thornhill and approved unanimously by voice vote.

Ms. Hoppe asked if the Council and public would be notified of any additional policy changes. Chief Burton replied he would discuss policy changes similar to this with the Legal Department and the Citizens Police Review Board because he did not want to do something that would create issues.

Ms. Hoppe understood that the Citizens Police Review Board was reviewing the testimony they had received to potentially make additional suggestions to the policy changes that had already been made. Chief Burton stated he was making a presentation to the Board on Wednesday night regarding the use of force by police officers. He was also providing them the proposed changes with regard to how they ran warrants.

REP41-10 Report on Kinloch Court Search Warrant.

Chief Burton commented that there was a lot of detail in the report. He pointed out the officers were found to have acted properly based on training and the protocols at that time.

Ms. Hoppe noted there was a lot of concern with regard to the dogs being shot and asked if the Police Department was reviewing its policy in terms of dealing with animals so shooting an animal was not the first option. Chief Burton replied they were and they were reviewing policies of other departments nationwide. He pointed out he could not say another dog would not be shot because on those types of warrants, they could be a threat or a distraction to an officer. He hoped surveillance would indicate the presence of animals so they could prepare in advance. He explained a common misconception was that the officers were wearing armor, but many parts of the officers' bodies were exposed.

Ms. Hoppe asked how many dogs were shot annually in Columbia. Chief Burton replied he thought there had been 4-5 incidents in the past two years, but was not certain.

Ms. Nauser asked if it was fair to say that with better surveillance, the officers would be aware of the types of dogs in a home so they could plan accordingly. Chief Burton replied that was a fair assessment. Ms. Nauser understood many people engaged in the sale of narcotics had territorial and aggressive dogs as a weapon and thought that needed to be taken into account as well.

Ms. Nauser asked that future reports also indicate the types of animals that were injured in future incidents. Chief Burton replied that would be included.

REP42-10 Katy Place Trail Alternate Alignment.

Mr. Watkins provided a staff report. Mr. Hood noted the Parks and Recreation Commission had recommended the alternate alignment with the caveat that the engineers determine whether a gravel running shoulder could be added adjacent to the concrete trail.

Ms. Hoppe understood another concern was that the running trail not add to erosion issues or remove significant trees and asked if one of the options would look at a narrower paved area so a running trail could be added. Mr. Glascock replied it would be a paved main trail with aggregate shoulders on the side.

Mayor McDavid asked for the width of the path. Mr. Hood replied it would be an 8-foot wide concrete path with a possible 2-foot running shoulder.

Mayor McDavid understood a lot of trees would be removed. Mr. Hood stated the alternate removed very few trees, so the concern was that a large number of additional trees not be removed with the shoulder.

Ms. Hoppe made a motion to accept the recommendation from the Parks and Recreation Commission. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

REP43-10 Rockhill Park Renaming.

Mr. Watkins provided a staff report.

Ms. Hoppe made a motion directing staff to prepare a resolution to rename Rockhill Park to Clyde Wilson Memorial Park. The motion was seconded by Mr. Kespohl and approved unanimously by voice vote.

REP44-10 2010 Annual Development Report.

Mr. Watkins and Mr. Teddy provided a staff report. Mr. Teddy noted they welcomed comments from the public and Council.

Mr. Sturtz hoped the next report, or an interim report, would include a cost-benefit analysis detailing the cost of growth in terms of infrastructure, police protection, fire protection, utilities, etc. Mr. Teddy replied a cost of growth study was a very large undertaking, and if Council wanted an accounting of the costs and benefits of growth, a review of methodologies would be needed as there were different models. This report was a way to inform the on-going conversation about growth, whether it was good, bad or indifferent. He noted that growth was sometimes what one made of it. Mr. Sturtz stated he thought it was important for the City to know the cost of expanding outward, so he would be in favor of a more comprehensive report.

Mayor McDavid understood those studies were in the literature. Mr. Teddy stated studies had been done to try to quantify urban sprawl and formulate indices of sprawl. The issue involved the measures used. His preferred approach was to do an extensive review of literature to determine the range of approaches. Mr. Sturtz suggested they start this process.

Ms. Hoppe did not see anything indicating Columbia had overbuilt in terms of residential by six years prior to the economic downturn and felt that factor was important to consider. She noted Rob Wolverton had presented that information in a report he had done two years ago. Mr. Teddy explained Mr. Wolverton's report had been cited in this report. Ms. Hoppe thought it was important to note that some of the decline in subsequent years was from overbuilding in previous years. Mr. Teddy noted the report mentioned there was a surplus of supply.

Ms. Hoppe understood the Planning and Zoning Commission recommended the Comprehensive Plan Task Force receive a copy of the report and asked if it had been provided. Mr. Teddy replied the link to the report had been provided.

Ms. Nauser made a motion to accept the report. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

REP45-10 Update on Wilson's Total Fitness Center – Forum Alternate Designs.

Mr. Watkins provided a staff report. Mr. Glascock pointed out that if Council wanted to proceed, it should be brought forward as a public hearing. Mr. Watkins thought they might want to consider a new alternative. He suggested they delay this project and consider widening the bridge in front of Wilson's as it would need to be widened in the future. He was not sure it was acceptable to wait as they might end up waiting until the next ballot issue, but he also thought anything done with the trail would likely have to be torn out when the bridge was reconstructed.

Mayor McDavid commented that he was not sure the bridge would be used. When coming down the hill, no one wanted to lose momentum. In addition, the shoulder was not in great shape, so the real bikers would be on the pavement. The southward part of the road toward the left included guttering, which provided less room than the bridge. As a result, he thought this should be thought out and part of comprehensive widening.

Mr. Watkins stated he believed some pieces of the original proposal, particularly on the north end, could be done, but the actual bridge portion should be reconsidered.

Ms. Hoppe asked where the improvement of this bridge was in the CIP. Mr. Watkins replied it was way out there, but explained it could be high in priority in discussing the next set of capital improvement projects.

Ms. Nauser recalled the bridge project had been delayed due to the priority of other roads when tax increase did not pass. She agreed another public hearing would be beneficial due to the various issues involved with the road. She asked how much money had been allocated to this project. Mr. Glascock replied \$693,000.

Ms. Nauser suggested staff set a public hearing for this project and provide new alternatives to those already provided. Mr. Thornhill stated he did not believe option four should be considered.

Mayor McDavid understood this was informational and that Council would wait for staff to present more specific recommendations.

REP46-10 Changes to Membership & Duties proposed by the Downtown Leadership Council.

Mr. Watkins and Mr. St. Romaine provided a staff report.

Ms. Hoppe asked if the representatives of the neighborhood association could be from a neighborhood association that did not touch the downtown area. Mr. St. Romaine replied yes.

Ms. Hoppe asked if neighborhood representatives from the four existing associations were present during these discussions. Mr. St. Romaine replied Linda Rootes and Bonnie Bourne were in attendance and they were supportive of the recommendation. He noted they were also hopeful Council would appoint them.

Ms. Hoppe made a motion directing staff to prepare an ordinance to reflect recommendations of the Downtown Columbia Leadership Council. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Albert Prouty, 111 N. Stadium Building A, commented that with regard to the SWAT raid, he understood the officers did not know what was in the house and had to defend themselves while doing their job. If the dog attacked them, he thought they had the right to shoot it. He noted there could have been ten people in there with weapons. He believed it was the fault of the parents for the child being there and stated animal life should not be placed above human life.

Mr. Prouty noted he had wanted to discuss issues in conjunction with crossing Stadium, but could not get home after the meeting due to the bus system not being in operation. He explained he was in a powered wheelchair, and like others had to cross Stadium at Ash, Worley and Broadway. He suggested the yield light be removed, so a red light would come up after the green arrow. This would allow them to cross with traffic since

left turns would not be allowed. He understood the road would be redone, but thought something should be done sooner. They also needed a curb cut in the median islands so he could get to the middle for safety. He pointed out some sidewalk issues as well in term of height and the lack of sidewalks in certain areas.

Jeanette Acton, 704 Hunt Avenue, stated she agreed with the concerns raised by Mr. Prouty. She noted she was in attendance because she was trying to get a neighborhood association for her area, but no one would sign up for the neighborhood watch program because they were scared. She described some of the drug and other criminal activity in her neighborhood and wanted to compliment the Police Department as they had been proactive in communicating with people in her neighborhood. She commented that she did not agree that drugs did not equate to violence as many people had guns and anti-social and aggressive dogs. In addition, she felt the timing of drug raids was important because the product moved quickly. She stated she did not feel it was appropriate to tie the hands of those trying to serve and help the community, especially in light of being understaffed and overworked. She thanked the Police Department.

Holly Henry, 410 Hirth, stated she believed the policy changes proposed by Chief Burton were excellent and reflected everything she had asked for when she spoke at a previous meeting. She asked the Council to find a way to make those changes permanent.

Stephany Yoakum, Bethany Drive, stated she also appreciated the policy changes proposed by Chief Burton as she believed it was a huge step forward in terms of accountability. She understood eight cameras would be purchased for officers serving warrants and wondered if it would be mandatory for all warrants served to be recorded. In addition, she wondered if the videos would be provided with the other information the Chief indicated he would publish on a monthly basis or through an information request. Mayor McDavid understood it would be subject to the Freedom of Information Act. Mr. Boeckmann noted video information requests were not always open and explained the video from the Kinloch Court case had been a closed record until after the defendant pled guilty and there was a conviction.

Eapen Thampy, 121 S. Tenth Street, commented that he wanted to address forfeiture proceeds in Missouri and how State law was circumvented with the assistance of the federal government. Article 9, Section 8, of the Missouri Constitution as amended in 1945 dealt with education, but stated all proceeds of forfeitures and fines due to breaches in the State Penal Code went to an education fund. In 1990, the Odessa School District sued its County Commissioners for disbursing about \$1 million to local law enforcement. The Supreme Court of Missouri ruled in favor of the County in a 5-2 decision. He understood about 85 percent of forfeitures involved the aid of a federal agency. This was done through administrative powers and did not protect due process rights. The federal government disbursed about 80 percent of money back to local law enforcement. As a result hundreds of millions of dollars had been retained by federal and local law enforcement without civilian oversight or legislative stipulation at the expense of the Missouri Education Fund.

Ms. Hoppe asked if there was specific action he wanted the Council to take. Mr. Thampy replied the Department of Justice published a forfeiture manual which indicated legislatures or city councils could chose to reappropriate the money or remove funds from police departments once forfeiture money was given to law enforcement, and if done the Department of Justice would end the program of equitable sharing. He noted there was a lot of forfeiture money going to domestic law enforcement and no one knew how it was spent, so it would assist with oversight as well.

Mr. Sturtz commented that there was a telephone pole in the middle of a sidewalk on the north side of Ash near the Redwood and Ash Street crossing causing difficulties for those walking. He asked staff to provide a report indicating how they might make it a passable sidewalk.

Ms. Hoppe made a motion directing staff to refer the recommendations of the Downtown Safety Summit to the Special Business District Board and the Board of Health for their review and comments. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Ms. Hoppe noted there was discussion about an ordinance potentially exempting areas of an acre or less from the storm water ordinance and asked for that to be a topic for a future work session so they could be provided more information.

Mr. Watkins stated staff would provide a report and try to fit it in when there was time in terms of a work session.

Ms. Nauser stated she had requested an ordinance with regard to stockpiling dirt over a year ago and wanted to move on the issue.

Ms. Nauser made a motion directing staff to prepare an ordinance with regard to the issue of stockpiling dirt for public discussion by August, 2010. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Sturtz understood the Planning and Zoning Commission was preparing a report on the issue.

Mr. Boeckmann noted the Environment and Energy Commission had also reviewed it and they had suggested some changes, which he was working on so they could review and comment on it again.

Mr. Thornhill requested a report on the performance of the employee pension plans to include any available actuarial data or reports. He wanted a better understanding of how they were managed and performing.

Mr. Thornhill understood Chief Burton had made considerable changes to the SWAT policy and asked if there was a way to ensure some permanency to those changes. He asked for staff to provide a report on the issue.

Mr. Thornhill asked Council to continue working on their review of boards and commissions, so the continual reposting of vacancies could be avoided.

Mr. Kespohl understood the National Bike Rally was coming to Columbia in August and stated he was concerned about the fact there were no shoulders on Stark Lane, which would be traveled by the bikers quite a bit. He thought the City could have a liability issue for the portion within the City. He understood the County had already added shoulders on their portion of the road.

Mr. Kespohl asked staff to provide a report inventorying the gravel alleyways and parking areas in the downtown and to provide a recommendation as to how those could be paved.

Mr. Dudley made a motion directing staff to hold future retreats in Columbia. The motion was seconded by Mayor McDavid.

Ms. Nauser thought this should be discussed as part of the budget.

Ms. Hoppe commented that if future retreats were in Columbia, she would ask that staff stay for the same length of time as they would if it was out of town so the Council did not miss out on the valued formal and informal discussions with staff.

The motion made by Mr. Dudley and seconded by Mayor McDavid directing staff to hold future retreats in Columbia was approved unanimously by voice vote.

The meeting adjourned at 9:43 p.m.

Respectfully submitted,

Sheela Amin
City Clerk