

**MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
AUGUST 16, 2010**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 6:00 p.m. on Monday, August 16, 2010, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID and STURTZ 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 August 2, 2010 were unanimously approved by voice vote on a motion by Mr. Dudley and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

The agenda was unanimously approved by voice vote on a motion by Ms. Nauser 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.

BOARD OF HEALTH

Phillips, Lynelle, 2515 Meadow Lark Lane, Ward 6, Term to expire August 31, 2013
Stearley, Harold, 2070 E. Northwood Drive, County, Term to expire August 31, 2013

COMPREHENSIVE PLAN TASK FORCE

Leeper, Alice, 2015 Ivy Way, Ward 4

DOWNTOWN COLUMBIA LEADERSHIP COUNCIL

Bourne, Bonnie, 1503 University Avenue, Ward 6, Term to expire May 1, 2012
Gerding, Rosalie, 101 South Fifth Street, Apt. #1, Ward 1, Term to expire May 1, 2011
Rootes, Linda, 402 N. Eighth Street, Ward 1, Term to expire May 1, 2013

HISTORIC PRESERVATION COMMISSION

Earney, Patrick, 113 West Boulevard North, Ward 1, Term to expire September 1, 2013
Stolz, William, 1805 Parkade, Ward 2, Term to expire September 1, 2013
Treece, Brian, 2301 Bluff Pointe, Ward 6, Term to expire September 1, 2013

INTERNET CITIZENS ADVISORY COMMISSION

Erkhembayar, Jagdagdorj, 3505 Bray Avenue, Ward 4, Term to expire October 15, 2012

SOURCE WATER PROTECTION PLAN TASK FORCE

Lauzier, Stephan, 2000 W. Business Loop 70, #218, Ward 2

SUBSTANCE ABUSE ADVISORY COMMISSION

Hawf, Chris, 1104 Hulen Drive, Ward 4, Term to expire October 31, 2011

TAX INCREMENT FINANCING COMMISSION

Erdel, Stephen, 2605 Vistaview Terrace, Ward 5, Term to expire September 1, 2014

Walker, Bruce, 6013 Dornaugh Court, Ward 5, Term to expire September 1, 2014

SCHEDULED PUBLIC COMMENT

Spencer Pearson: Citizens Police Review Board.

Spencer Pearson stated he was the Vice President of MU-NORMAL and believed the Citizens Police Review Board (CPRB) had made great efforts to involve citizens in their process. The CPRB had also recommended the Council permanently adopt the policy changes recently put in place by Chief Burton, which he hoped would be done soon. He noted he was disappointed with the CPRB in terms of the process used two weeks ago when hearing the appeal of Ed Rosenthal and Angela Bakka as the CPRB chose not to allow them to speak. He did not feel that was fair and noted the spirit of the establishment of the CPRB was to provide a forum citizens could trust with regard to complaints. He thought the complainants deserved to be able to speak and asked the Council to require the CPRB to allot some time for a complainant to state his case through an ordinance change.

PUBLIC HEARINGS

B193-10 Setting property tax rates for 2010.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid opened the public hearing.

Don Wolf stated he was representing Kraft Foods, and explained that as a large industrial user of water and sewer, he was concerned about the proposed rate increases because it would hurt their internal and external advantages with Kraft. They budgeted for a five percent increase, but were not aware of the additional five percent increase in water. In addition, they budgeted for a twelve percent increase in sewer, but not the additional three percent. The proposed rate increases meant \$160,000 and a portion of it had not been budgeted. He wondered if increased rates were something they could expect in years to come. Mayor McDavid explained there would only be a first reading on utility rate increases tonight. The public hearing on those issues would be held at the September 7, 2010 Council Meeting.

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

B193-10 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B194-10 Setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2010.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report and pointed out an amendment sheet had been prepared as the rate should be 47.88 cents instead of 47.59 cents.

Mr. Dudley made a motion to amend B194-10 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.

B194-10, as amended, was given third reading with the vote recorded as follows:

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

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

B195-10 Adopting the FY 2011 Budget for the Special Business District.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid continued the public hearing to the September 7, 2010 Council Meeting.

B196-10 Adopting the FY 2011 Budget.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report and noted this was the City Manager's budget, but the Council would soon be making the budget its own. In addition to the public hearings, the Council would hold work sessions on August 28 and August 30. The goal was to have a list of possible budget amendments prior to the September 7 public hearing. He described some of the highlights of the budget and noted the City had \$166,404,198 in cash reserves per the last independent audit. It consisted of general fund cash reserves of about \$23.5 million, special revenues funds of about \$10 million, which included designated taxes such as county road taxes, \$1 million in debt service funds, \$64 million in capital projects funds, which were mostly appropriated to complete projects already approved by the Council, \$56 million in enterprise funds, which involved electric, water, sewer, trash, etc., \$8 million in internal services funds, which included funds for insurance as the City was self insured, and a significant amount in the fiduciary funds, which were the trust and agency funds and included pension funds. He pointed out this was about \$15 million less than they had in the audit in the previous year. He explained much of the City's budget was designated by law or voter-mandated and provided examples. He commented that he believed the FY 2012 budget would be significantly more difficult and much of the FY 2011 budget was focused on making the reductions necessary to get through FY 2012 without requiring drastic cuts and layoffs.

Ms. Hoppe asked how much of the reserves were used last year. Ms. Fleming replied the budgeted amount for FY 2010 was \$3.6 million. It was over \$5 million the year before.

She pointed out the departments did not necessarily spend all of their money, so she did not believe they would spend the entire \$3.6 million.

Mr. Sturtz asked for the basis of the FY 2012 projections. Mr. Watkins replied it was based upon a few things to include the comparison of expenditure increases to revenue increases. There had been a reduction in revenues two years ago, and since then, the revenues had remained flat. In addition, sales taxes and property taxes were flat and expected to continue to be flat or less. Expenditures, however, continued to increase. He was concerned they would not have enough sales tax to continue funding some items, such as the bus system and airport, at their current levels in FY 2012. If they wanted to continue to subsidize them at their current levels, it would require money from the general fund.

Mr. Sturtz asked if FY 2012 would be the lowest point. Mr. Watkins replied he thought it was, but noted FY 2013 could be problematic as well because he was uncertain the sales tax would increase much. He hoped the impacts of Linen King and IBM would be seen in FY 2012 and FY 2013.

Mr. Thornhill asked for an explanation as to the restrictions on the use of enterprise funds. Mr. Watkins replied bond covenants were one reason for the restriction as they pledged payment of bonds used for certain utilities to come from those specific utility revenues. The City's bond rating could be impacted if those funds were diverted. In addition, the Charter essentially stated the general fund could not take funds from the water and light utilities, and by extension, he thought that was true of the other utilities as well.

Mayor McDavid understood the City received a payment in lieu of taxes from the water and light utilities, which was almost 20 percent of the general fund budget. Mr. Watkins stated that was correct.

Mr. Kespohl distributed copies of an exhibit of the audit, which showed the cash balances referred to by Mr. Watkins earlier.

Cathy Thorpe, 5007 Chesapeake Lane, stated she was the Chair of the Community Services Advisory Commission and explained the Commission was charged with making annual funding recommendations to the Columbia City Council and the Boone County Commission regarding the purchase of social services in the community. She noted the process had been revised in order to better target limited resources, and they would not be making contract recommendations to the Council until December now. She explained the changes in the process and how this funding assisted the community. The change allowed them to obtain more timely and accurate information regarding community needs and proposed program services, and provided more time to watch and assess the impact of City funding. She pointed out this social service funding helped to address some of the community's toughest social issues by treating the symptoms and working to break the cycle of poverty. One in three people in Boone County lived in poverty and the unemployment rate had increased by 200 percent in the last decade. While the funding provided by the City was not adequate to fully address the issue of poverty, the Commission believed the City needed to continue to invest in social services as they helped reduce the cost of local government in other areas, could be used to leverage other funds and created private sector jobs in the community. She noted social service funding had increased by less than one percent since 2007, while the City's general revenue budget had increased by over 13 percent. The current

social services funding also represented less than one-quarter of one percent of the City's overall budget. She urged the Council to continue to support social services in the community and to provide at least level funding for social services in the FY 2011 budget.

Ms. Nauser commended the Commission for the changes to ensure the money was being allocated to the appropriate agencies in an effort to get the most for the dollars invested.

Mitch Ritter, 805 Sandy Court, stated he was Chair of the Community Development Commission and described the funding process and the recommendations made by the Commission in comparison to recommendations of the City Manager. The requests totaled \$1.187 million and the FY 2011 funds awarded equaled \$925,000.

Mayor McDavid asked Mr. Watkins to explain the differences in his recommendation versus the Commission's recommendation. Mr. Watkins replied there were primarily three areas, and explained the reasons for the differences. He believed the Central Latino project could be funded over two years and agreed with the staff recommendation regarding the appropriate level of funding in terms of the sidewalk project and the Reality House.

Mr. Sturtz noted the Council had received a document indicating the Federal Department of Prisons was initiating request for proposals for halfway house services that the Reality House had provided in the past, and asked if the Reality House would not be providing this service in the future. Mr. Watkins replied he did not detect any hesitation to continue the relationship with Reality House, but the government had to allow the opportunity for other people to make proposals every few years by law.

Ms. Hoppe asked how the Central Latino project would be impacted if they received the amount proposed by the City Manager instead of the Commission. Mr. Ritter replied the application indicated repairs to improve the building were being made now. Once the improvements were made, they wanted to purchase the building. The Commission recommended the full amount in case they were finished before the FY 2012 cycle began. Ms. Hoppe asked if a loan would be required for the balance in order to acquire the property if they did not have enough funding. Mr. Ritter replied he assumed they would have to find additional funding. Mr. Teddy explained the application included a proposed timeline of July 2011 as the target date for acquiring the building. They did not know the appraised value of the property, so the amount of CDBG funds to be used was dependent upon an appraisal. If it appraised higher than the amount awarded, there would be a funding gap, but there might also be block grant money available to reprogram toward the project. Another option would be for Central Latino to raise funds to close the gap or postpone acquisition until additional block grant funding became available. Mr. Ritter pointed out this was the highest rated project in the Public Improvements category, which was why the Commission recommended a higher amount of funds to be allocated towards it.

Ms. Nauser understood the Homeownership Assistance category had a fund balance of \$191,000 that would address approximately 38 homes and the City Manager had recommended an additional \$37,500. She asked about the foreclosure rate on the homes that had received assistance over the past few years, and if there were foreclosure projections in terms of these 38 homes due to the economic climate. Mr. Ritter replied he understood there had been one foreclosure thus far. In terms of volume, there had been a

spike since the federal down payment assistance program that had been in place earlier this year was no longer in place.

Katie Harris, 2400 Topaz Drive, stated she was the Chair of the Cultural Affairs Commission and described the City's annual arts funding process and requirements for FY 2011. They had received 18 applications and approved award amounts assuming level funding from the current fiscal year to FY 2011. She explained the \$99,000 included \$86,777 from the general fund, and \$12,223 from the Cultural Affairs restricted fund. The restricted fund existed as a result of the move of the Office of Cultural Affairs to the City's general fund in FY 2007, and the subsequent elimination of a departmental fund balance. The previous Council protected the fund balance by making it a restricted fund to be used to increase the amount budgeted annually for arts contracts. She noted there were many studies that proved the arts were a sound investment for increasing tourism, contributing to community livability, enhancing education and encouraging economic activity. City arts funding helped satisfy several main goals of the visioning effort by addressing the needs for arts funding and expanding the arts program options available to the public. City funding also helped leverage other funding sources bringing additional dollars into the community. The funding represented .13 percent of the City's general fund budget and .03 percent of the City's overall budget. She commended the Council for recognizing the overall importance of actively supporting the arts locally.

Ms. Nauser commented that she had recently traveled to Minnesota and talked to people from the Columbia area that indicated the cultural aspects had drawn them to Columbia.

Ewell Lawson, 109 Gondolier Drive, stated he was the Chair of the Public Communications Resource Advisory Committee and described the Committee's FY 2011 funding recommendations and process. Five applications had been received and four had been recommended to be funded. The City Manager had proposed a \$50,000 budget, but the Committee had planned to only allocate about \$25,000. The remaining funds would be encumbered for future projects as the number of applications received varied from year to year.

Mr. Sturtz asked why the number of applications received was so low this year and wondered if it was due to a lack of publicity. Mr. Lawson replied he was not sure why the number of applications had decreased from last year.

Mayor McDavid opened the public hearing.

Tom Seagraves, 111 Sondra Avenue, commented that he and his wife had volunteered over 600 hours in the community and that social service funding was very important to the community. In addition, the social service organizations the City worked with brought a high level of accountability. He described the interaction he had with a child due to the Big Brother/Big Sister organization and hoped the Council would accept the recommended social services funding level.

Jim Loveless stated he was representing Job Point with offices at 2116 Nelwood Drive and noted Job Point was a recipient of City social service funds. In 2009, those clients that had received Job Point services in the past had paid over \$385,000 in employment taxes. He believed social service funds were a wise investment as those funds stayed in Columbia.

They circulated within the local economy and multiplied themselves several times from their initial investment. In addition, these funds were often used to leverage additional funds through federal matching programs. He pointed out the \$900,000 in the social service budget represented just under one-quarter of one percent of the City budget. He reiterated that besides the positive impact it had on clients served and the negative impact on jobs lost if funding was cut, its value was returned to Columbia's economy through the investment.

Phil Steinhaus stated he was the CEO of the Columbia Housing Authority with offices at 201 Switzler Street and noted his support for continued funding for health and human services in the community. He understood the Council was faced with difficult choices this year, but as economic times worsened, the need for health and human services increased. Columbia had a long history of effective funding as it was a good process that was focused on outcomes and the effective use of the funds within the community. The approach used was very proactive and preventative, and therefore, prevented issues for the police and other agencies. He believed it was a quality of life issue and commended the City for its continued funding of these important and integrated programs that worked together to help those needing assistance. He thanked the City for its support for the CDBG funds to be used to create the Head Start Center in partnership with the Central Community Action Center. He also stated his support for the arts as he believed the arts increased the quality of life in Columbia.

Tim Rich, 2516 Meadow Lark Lane, stated he was the Executive Director of the Heart of Missouri United Way and encouraged the Council to support social service funding. He expressed his appreciation of their partnership with the City of Columbia in supporting its campaign and encouraging City employees to provide funds for the services that supported people in the community. In addition to meeting immediate needs, he believed they were on the cusp of being able to bring the community together to look at the underlying conditions in peoples' lives that created these needs. He thanked the Council for past support and asked for continued support of these programs.

Nathan Stephens, 5305 Carrituck Lane, explained he was raised in public housing with a mother who was on food stamps and had participated in many local social service programs, but was currently employed by the University of Missouri and was in the process of obtaining a PhD. He attributed some of his success to the support of the adults in the community, the programs offered, and past Councils that enabled his mother and others to provide the guidance and leadership he needed to be successful in spite of his home environment. He asked the Council to continue supporting social services in the community to provide the most at-risk citizens a chance at positive life.

Peggy Kirkpatrick stated she was the Executive Director of the Central Missouri Food Bank and encouraged the Council to continue funding social services. She explained they operated one of the largest food pantries in Missouri, and in July, the pantry served 4,202 Boone County families, of which 90 percent lived in Columbia. In addition, 188 new families were served. She explained there was generational poverty and situational poverty, and the influx was a result of situational poverty. She asked the Council to continue funding social services as human lives and human services were important.

Tootie Burns, 117 W. Burnam Road, stated she was proud of the events provided by the Office of Cultural Affairs and the Commission on Cultural Affairs. She appreciated past support and looked forward to continued support for the arts. Through her husband's medical practice and the Boone County Medical Alliance, she had recruited many interns, students and physicians to the area, and believed cultural events, such as Art in the Park, TRYPS and the Concert Series, were important in the recruitment process and had a ripple effect economically. She was confident the Council would continue to recognize the importance of funding the arts in Columbia.

Nia Imani, 213 West Worley, stated she was a product of the City's investment as she had grown up in the housing projects. She explained she had been involved in community service for over 30 years and a big part of her desire work with community services came from seeing other people involved in community services come to her neighborhood when she was growing up. She noted there were services available to her in terms of tutoring and learning about college, and was grateful for all of the opportunities she had been provided. She encouraged the Council to not cut services affecting people in desperate need.

Major Kendall Matthews stated he was the Regional Coordinator for the Salvation Army and noted the number of homeless people coming to the shelters had increased. He believed the work of human services was the work of the people, and those who were disenfranchised, poor, meek and of low means would be with them for a long time.

Benjamin Gakinya stated he was the Managing Director at the Parkade Center and a Board Member of the Columbia Art League and expressed his support for the Office of Cultural Affairs and its support for local art organizations to further their mission statements throughout the community. In retail development, he viewed art as a value-added component and hoped the Council would be favorable to funding the Office of Cultural Affairs in FY 2011.

Robert Wells, 707 Westport Drive, commented that he believed supporting the arts was good for the community as it improved the quality of life for its citizens. He noted the Vice President of IBM had stated a major factor for selecting Columbia for their facility was its quality of life and arts community. The President of REDI had also stated the importance of arts in terms of quality of life and bringing development to Columbia. He explained he worked with numerous arts organizations, and one in particular brought in performing artists from all over and caused the rental of 1,000 hotel rooms throughout the year. This helped the economy as they spent money and paid taxes, and per a survey done by the Missouri Arts Council, that organization generated over \$1.8 million in revenue in the community, although it received less than \$8,000 in funding from the City. He agreed with Mr. Watkins in that they needed to look for various ways to help support the community and generate revenue, and believed investing in the arts was a good way to do this.

Phil Peters, 2620 Westbrook Way, commented that in his two years as the Executive Director of First Chance for Children, he was able to see community services at work on a daily basis and noted the City played a crucial role in the safety net of the community. As a result, he encouraged the Council to continue funding social services. Those funds were leveraged to make this community a better and more humane place, and were provided based on outcomes. He understood the budget decisions would be difficult, but he urged the Council to preserve the budget for social services.

Cindy Mustard, 600 S. Greenwood, explained she was the Director of the Voluntary Action Center (VAC) and the Vice-Chair of the Public Communications Resource Advisory Committee (PCRAC) and stated her support for the social service funding and the funds allocated by the PCRAC. In addition, she previously served on the Cultural Affairs Commission and was supportive of funding for the arts as they did a lot for the City. She noted the VAC was a small agency that spent all of their money in Columbia and Boone County, and pointed out they worked with almost every other social services agency. She explained decreased funding for one agency would likely impact other agencies as well, as they all worked collaboratively. She also believed they needed to protect the most vulnerable people. She described how the VAC worked with other agencies and noted there was not waste in social services as they were diligent and mindful of the dollars received.

Megan White, 2606 Lloyd Drive, stated she was the Executive Director of Performing Arts in Children's Education (PACE) and noted the Office of Cultural Affairs funding meant funding future leaders to them. She commented that studies had shown that young people who consistently participated in comprehensive arts programs were more likely to be recognized for academic achievement, elected to class offices, participants in a math or science fair, recipients of attendance awards and winners of essay contests. She felt strongly that the arts were a great way to grow the economy and noted the arts attracted her and her husband to recently relocate to Columbia. She encouraged the Council to continue to fund the arts.

Amy Wehmeyer, 3803 Jungle Tree Drive, stated she was the Executive Director of Services for Independent Living, and noted that because she was born with a disability, she had always, in some way, been involved in social services. The transportation funding made possible through social services was very important to her and others with disabilities that could not drive as the key to independence was access to the community. Social service funding of \$15,000 provided 1,131 one-way rides for people with disabilities in Columbia to access medical appointments, community events, grocery stores, the food bank, etc. She pointed out substantial funding had already been lost at the state level and through Medicaid. In addition, they were already trying to do more with less money. She thanked the Council for past funding and hoped they would receive additional funding in the future.

Aneisa Sherrill-Mattox noted she was the Executive Director of Welcome Home and stated her support for the City's social services budget. Welcome Home helped homeless and disabled veterans to connect with the Veterans Administration (VA) Hospital. She cited statistics relating to the poverty levels and population of homeless and disabled veterans in the community and encouraged Council to support the veterans and other social service agencies that provided and met the basic needs of the people of the community.

Carol Denninghoff explained that as a realtor in Columbia, she sold and promoted Columbia to out of town people on a daily basis, and one of the things that set Columbia apart from other communities was the City's cultural events. She believed by supporting the arts, the Council would also be supporting the development and economic growth of the community.

Diana Moxon, 806 Leawood Terrace, stated she was the Executive Director of the Columbia Art League, one of the agencies that received funding through the Office of Cultural

Affairs and Commission on Cultural Affairs. In addition to providing a free public art gallery, the Art League also provided arts education services to children, as an adjunct to the local schools, adults and various organizations that targeted certain demographics in order to enrich lives through art. She noted \$200,000 to \$250,000 was spent at Art in the Park, which they hosted, and this generated sales taxes, hotel stays, etc. She urged the Council to continue to support the arts.

Eapen Thampy, 121 S. Tenth Street, stated he was with Americans for Forfeiture Reform and noted Missouri law indicated the proceeds of all fines and forfeitures vesting from the Missouri penal code go to a construction fund for schools, but the construction fund did not receive this money because law enforcement agencies like the Columbia Police Department and the Boone County Sheriff's Department diverted the forfeiture money through the Department of Justice in order to receive some of the funding for themselves. He encouraged the Council to use its statutory authority to appropriate incoming funds and to direct the proceeds from the Department of Justice's equitable sharing fund back to the construction fund for schools.

Jack Jensen stated he was the Executive Director of First Chance for Children and thanked the Council for its support of community services and its support of their application for a public service announcement through the Public Communications Resource Advisory Committee.

Michael Scott stated he was President of the Board of Directors of the Maplewood Barn Theatre and noted the Theatre had been in that location for about 38 years and that the Office of Cultural Affairs had funded their operating expenses for a majority of that time. In addition, the Office of Cultural Affairs had given them a special allotment of \$1,100 recently as an emergency fund since the Barn had been destroyed by a fire. He explained he was a psychologist for children, adolescents and their parents, and referred many of them to theater programs, such as TRYPS and PACE to develop confidence and social skills. He asked the Council to fund the arts at the recommended \$99,000 in FY 2011.

Peter Yronwode, 203 Orchard Court, stated he was representing the Mid-Missouri Traditional Dancers, which was a recipient of one of the small arts grants, and explained the organization encouraged local performances in traditional American dance and music. They had been funded for the past four years, and prior to that, they were unable to find an affordable venue in Columbia and had to hold their events in Jefferson City. He noted they routinely had people from other states participating in their annual event. He did not believe arts funding was frivolous as it brought prosperity and interesting people to the community. He urged the Council to support the full funding request for the arts.

Valerie Livingston, 15 Bogie Hills Drive, stated she was the Executive Director of the Boys and Girls Club, which provided after-school programs for at-risk youth in the community. Although approximately 150 youths were served this year, they still had a waiting list of 200 additional youths. She noted everyone's budget was tight and growing tighter everyday, and the non-profit organizations were feeling the impact of diminished grants. She pointed out the only steady funding they could rely on was City funding and United Way funding. She thanked the Council for its support.

There being no further comment, Mayor McDavid continued the public hearing September 7, 2010 Council Meeting.

OLD BUSINESS

B185-10 Amending Chapter 14 of the City Code to prohibit parking along a portion of North Cedar Lake Drive.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Wes Bolton of All State Consultants, 3312 Lemone Industrial Boulevard, stated he was representing the Columbia Performing Arts Center and noted the facility had a lot of cut through traffic at high rates of speed, which was a concern since young children visited the facility. They felt the people that parked along North Cedar were the ones that were primarily cutting through the Arts Center parking lot in order to go west. Parking would shift to the west, but another less dangerous path would be used when turning around.

Chad Sayre, 7401 Fall Creek Drive, stated he also worked with All State Consultants and wanted to thank staff for working with them in finding a solution for the safety problem at the site.

B185-10 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

R166-10 Specifying how the City Council intends to use funds that would be generated by the proposed extension of the one-eighth of one percent local parks sales tax.

B190-10 Calling a special election on the extension of the one-eighth of one percent local parks sales tax.

The resolution was read and the bill was given second reading by the Clerk.

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

Sutu Forte, 627 Bluff Dale, commented that a passion of hers was to preserve nature and she was thrilled some of these funds would be used to save greenspaces as they were disappearing fast. She was looking forward to nature that was not a sports park or paved with concrete, but a greenspace that allowed animals and plants to continue to thrive. She asked the Council to move forward with the park sales tax ballot.

Dee Dokken, 804 Again, stated land preservation and preservation of greenspaces had been mentioned several times in the Vision goals, and listed those goals where those topics had been mentioned. As a result, she believed designating a certain amount of money for preservation of wildlife corridors, greenspace, etc. was important. She felt the previous amendments made it a stronger proposal as a large percentage of the citizens of Columbia wanted it. She also thought more money could be put toward it based on the survey results. This was only one tool in the bigger effort to protect important areas to the community in terms of greenspaces, natural areas, good agricultural land and historical land.

Karl Skala, 5201 Gasconade Drive, stated he was the Vice Chair of the Environment and Energy Commission (EEC) and the Chair of the Subcommittee involved with providing feedback regarding the parks sales tax and land preservation. He noted a report would be

provided to the EEC on August 24, which would then come to Council, and explained they were encouraging the emphasis of land preservation.

Hank Ottinger, 511 Westwood, stated the Sierra Club was in support of having the parks sales tax extension on the ballot and noted they were also pleased with the changes made to provide more funding for greenspace acquisition. He commented that one of the joys of living in this community was the many greenspaces they were able to enjoy, and that was due to the ability to look ahead beyond one generation. He hoped the Council kept this in mind as this issue moved forward.

Paul Love, 100 Sondra, commented that he hoped the City would spend more in developing parks than in acquiring greenspaces because more greenspaces encouraged wildlife to move through the neighborhood. He felt wildlife could sometimes be a nuisance and gave eating the flowers from flower beds and damaging a vehicle as examples. He pointed out there were many state parks and conservation reserve areas within five minutes of Columbia and listed nature oriented parks nearby. He thought they should focus efforts on ensuring the kids in Columbia had safe parks to visit.

Barbara Wren, 615 Bluff Dale Drive, stated a lot of good was done with the previous parks sales tax money in terms of park development, but she was also excited about the potential to acquire areas that would be kept green. She noted they needed areas that would remain floodplains because development in those areas would cost the City when flooding occurred. In addition, wildlife areas were needed as some species were diminishing due to development. She believed the proposed uses for the potential parks sales tax extension was a good balance.

The vote on R166-10 was recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

B190-10 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B191-10 Amending Chapter 16 of the City Code to add a new section pertaining to tasers and other conducted electrical devices.

B192-10 Calling a special election to consider an initiative to enact an ordinance making it unlawful to use or threaten to use a taser or other conducted electrical device against any person.

The bills were given second reading by the Clerk.

Mr. Watkins provided a staff report.

Ken Green, 206 Anderson, stated he was speaking for Taser Free Columbia and explained they hoped to restore some measure of respect and trust to the police that had been compromised by the use of tasers in Columbia. If passed tonight or in November, the initiative would ban the use or the threatened of use of tasers and other conducted electrical devices in Columbia. He asked those in support of the petition to stand, and approximately 20 people stood. While collecting signatures, they learned from hundreds of the outrage, increased resentment, growing suspicion and mistrust of the police due to taser use. A friend, who was a former police officer, had stated tasers tempted and enabled officers to

discard their broader force continuum responsibilities, and the taser was used instead of conflict resolution and less dangerous conventional forms of defusing a situation. Taser Free Columbia felt the proper use of a taser was impossible. He noted many taser cases described serious injury, and hundreds of deaths had occurred as well. He listed some communities that did not allow the use of tasers and listed litigation and the results of litigation in Columbia and other Mid-Missouri communities. Federal courts had described the excruciating pain caused by tasers to be excessive force and were reviewing whether an officer's qualified immunity to lawsuits in taser cases should be dropped. This ruling would open the door to additional lawsuits against taser use. He believed the citizens had the final say in the weapons used by the police and that the Council had the responsibility to ensure the weapons were used properly. This was not about neutering the officer's use of an effective force continuum. It was about helping the police get back a safer force continuum and the respect of the community. He asked the Council to vote in favor to the taser free initiative.

Bryan Vanderhoof, 402 Rock Hill Road, stated he believed this was a violation of the second amendment to the U.S. Constitution as a taser would not be able to be used by anyone for self defense. He agreed anyone using a taser improperly should be punished, but did not believe tasers should be banned.

Patricia Pendleton Coats commented that her daughter, who was a paranoid schizophrenia, had been tased by a police officer with 50 watts of electricity twice because she would not put all of her money in the bank. She did not believe people with disabilities should be treated this way. She gave another example of a police incident involving her daughter and explained her daughter was in Boone County jail for no reason. She noted she was afraid of calling the police for any assistance now and thought the police should just shoot people because that was how they were using tasers. She provided the Council a letter from her granddaughter as well.

Edward Berg, 1215 S. Fairview, stated he supported the ban being proposed and hoped the Council would adopt it instead of requiring it to go to an election. He noted he was not a member of Taser Free Columbia. Tasers were first used in Columbia in 2005, and the public was told the taser was a non-lethal substitute of a firearm and would be used in situations of imminent danger. Police officers, however, were not using tasers as a substitute for a gun or in imminent danger situations. The courts had classified the taser as an intermediate or medium force weapon due to the pain and how it affected people, and a person that had been tased had a claim for damages just for being tased. He noted the second amendment only applied to firearms as tasers were propelled by a gaseous mix and not by gunpowder.

Bill Easley, 705 Cook, commented that police officers often threatened the use of a taser without much reason, and he thought the use of tasers was cruel as they had more power than an electric fence. He felt police officers were mean and disrespectful and gave instances of their disrespectfulness.

Catherine Parke, 413 Thilly Avenue, asked the Council to vote in favor of making it unlawful to use and threaten to use tasers and all conducted electrical devices within Columbia. The amendment to Chapter 16 of the City Code did not pertain to the ownership

of conducted electrical devices, but did apply to everyone, and not just law enforcement personnel. She believed this was essential to the safety of citizens and law enforcement personnel as conducted electrical devices were uncertain, unreliable and unpredictable in their effect. She explained the company that manufactured tasers issued an advisory warning in 2009 to not shoot into the chest area, and since the company was still determining the effects of conducted electrical devices, she did not believe they should be used. She felt the Council was charged with the well-being and safety of the community and urged the Council to vote in favor of the ban on the use and threat of use of tasers and other conducted electrical devices.

Kathleen, Weinschenk, 1504 Sylvan Lane, asked the Council to consider what Jesus would do in making their decision.

Eric Dearmont stated he was representing the Columbia Police Officers Association and noted his organization comprised of 140 members of the Columbia Police Department. He explained these members were diverse in shape and size, but there was always someone bigger, stronger, taller and faster out in the community, and for this reason the officers viewed tasers as a necessary tool in certain circumstances.

Eugene Elkin, 3406 Range Line Street, explained Moberly had lost a citizen from the use of a taser in 2008 and Moberly no longer allowed the use of tasers due to this incident. He felt education was needed in terms of tasers, and initially thought tasers were a good substitute for a gun. After the Moberly incident and the incident in Columbia involving I-70, he felt they were an element of destruction of society and placed the police in more danger.

Eapen Thampy, 121 S. Tenth Street, commented that he believed the Columbia Police Officers Association was the single biggest impediment to reasonable law enforcement reforms and practices in the community. He did not feel they were interested in customer service and the rights and safety of Columbia citizens. He stated he was not taking a position on the taser ordinance itself as he agreed there were pertinent second amendment issues involved in terms of citizens. He suggested an intermediate step of a temporary stoppage of the use of tasers by the Columbia Police Department while the issue was studied.

Karl Skala, 5201 Gasconade, noted his daughter was a police officer in Columbus, Ohio, who really needed this tool to protect herself and perform her duties. He agreed mistakes had been made with regard to the use of tasers by the Columbia Police Department, but believed the way to get at this issue was through training and policy. He suggested this issue go to the vote of the people for the community to decide.

Paul Love, 100 Sondra, stated he believed tasers were a tool to be used by police officers in Columbia. Without tasers, the use of night sticks would increase. He agreed there were people in town who were afraid to call the police and there were times when tasers were misused, but thought that should be addressed with training. He also did not like the fact this initiative would affect all Columbia citizens and not just police officers because it would for a young lady to walk the street without any safety mechanism or by carrying a gun through the conceal and carry law. He suggested this issue go to the vote of the people.

Sutu Forte, 627 Bluff Dale, commented that violence begot violence and thought they should try to find respectful ways to resolve conflict.

Joan Sullivan, 2980 Maple Bluff, commented that at one point in her social work career, she was the supervisor of maximum crime juvenile detention. She had replaced a Marine that was over six feet tall and could not maintain order because he had not been well-trained. Once everyone had been trained in crisis intervention, the place was calmer. There were ways to bring down a person that was highly motivated to hurt someone without the using a taser or beating them. She felt the police officers just needed to be well trained.

Pam Forbes, 707 Donnelly Avenue, stated she felt the issue was the unreliability of tasers as hundreds had died, and they just wanted to get out in front of the issue in Columbia.

Greg Ahrens, 1504 Sylvan Lane, commented that police had not had tasers for centuries, and he did not believe they were necessary. The Constitution allowed for a trial before punishment and prohibited cruel and unusual punishment. He believed tasers were unreliable in terms of someone's life. If the police wanted to kill people, he suggested a gun be used, and if there was a concern regarding the size and speed of a person, he suggested a change in the standard for police officers.

Sid Sullivan, 2980 Maple Bluff, stated he was in favor of the amendment to ban the use and threat of use of the taser, but agreed they might want to allow this to go to the vote of the people as there was a lot of information. He thought they needed to understand how the weapon was being used as it had been used three times on a 14 year old kid who was running away from incident involving a fight. He did not feel that kid should have been tased. He explained he had attended the Citizens Police Review Board training session on the use of tasers and one-third of the training involved excited delirium. He thought this was appalling because excited delirium was used as a defense if someone died due to a taser. He felt this was foreknowledge of dealing with a very risky weapon. The police had a tremendous amount of power for which citizens needed to accept in terms of responsibility and liability, and the decision regarding the use of tasers would be involved.

Ms. Hoppe understood a lot of changes in terms of restrictions and standards had been made since tasers were first approved for use and asked for a summary of those changes. Chief Burton replied the Police Executive Research Forum (PERF) standards had been adopted, which included 52 guidelines. He noted he was recently in Philadelphia to discuss the five year old PERF standards and the length of time a taser would remain activated when the trigger was pulled was a topic of discussion. The police chiefs had asked the taser manufacturer to limit the amount of time the taser would remain active in case the officer froze with his hand on the trigger as a result of a stressful situation. They also discussed whether a person who was running away should be tased as it was designed as a defense mechanism, and not to catch someone. In addition, encouraging officers to handcuff under power while the person was incapacitated had been discussed as this would minimize the number of times people were tased.

Mayor McDavid understood the Police Department released a quarterly report on the use of tasers. Chief Burton stated that was correct, and noted the policy had been placed on the internet as well. He noted officers used the taser without deploying it a large number of times and that it was seldomly deployed.

Ms. Nauser understood a mental health or crisis intervention unit had been instituted for stressful situations as well. Chief Burton stated his goal was for all Columbia police

officers to participate in the crisis intervention training class. He noted this was a full week of training and approximately 60 of the 160 officers had been trained. Ms. Hoppe understood some officers equipped with tasers had not yet been trained. Chief Burton explained they would have gone through the taser training, but not the crisis intervention training.

Mr. Kespohl provided a handout and noted he understood it would be illegal for any Columbia police officer or assisting law enforcement personnel or any other individual to threaten to use or fire or activate any conducted electrical device. He pointed out a medical defibrillator was considered a conducted electrical device, so they might be passing an ordinance that made it a misdemeanor to use a medical defibrillator.

Mr. Sturtz commented that regardless of whether he agreed or did not agree with the group that brought forward this initiative, he thought they should be commended for their organized effort.

Mayor McDavid stated he agreed with Mr. Sturtz as he also respected the passion and how well the group had articulated its argument, but noted he would not support the ordinance banning the use of tasers as he believed officers needed it as a tool to protect themselves.

Ms. Nauser commented that she believed the police should have the ability to arm themselves with the tools necessary to safely and effectively carry out their sworn duty to the citizens of the community. She noted positive changes had been made since the tool was first implemented in Columbia. She also felt citizens should be allowed to protect themselves with tasers. She agreed mistakes would be made, but believed police officers would use tasers in a safe and effective manner with proper training. She stated she would not support the ordinance banning the use of tasers, but agreed it should go to the vote of the people of Columbia.

Ms. Hoppe agreed there had been a misuse of tasers in the past, but efforts had been made to make it a safer and less used tool. She thought this should go to the vote of the people since so many felt strongly about the issue, and noted she would support that effort.

B191-10 was given third reading with the vote recorded as follows: VOTING YES: NO ONE. VOTING NO: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. Bill declared defeated.

B192-10 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B197-10 Amending Chapter 21 of the City Code as it relates to filing complaints alleging police misconduct.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Thornhill asked if there should be a provision for a friend in case someone did not have a family. Mayor McDavid replied he understood a complaint could be filed by any resident of Columbia.

Holly Henry, 410 Hirth, commented that she did not have any objection on the limit on standing, but cautioned the Council on making changes. She noted members of the Citizens

Police Review Board (CPRB) were scheduled to attend NACOLE training and she believed other changes might be necessary. She explained that with regard to the recent case, the police investigation was not in response to a complaint. It was police procedure since a shooting incident occurred. When the complaint was brought forward, the CPRB limited coverage of the complaint to the actual investigation, which was limited by police procedure to the shooting incident. She understood other questions had been raised by the various complaints, complainants and the community, and the CPRB needed the ability to go beyond the police procedures the Police Department implemented. She explained someone might have an issue with the investigation leading up to the shooting, and a complaint of that nature should not be outside the scope of the CPRB. There was an issue with regard to whether the CPRB was adequately funded and trained and whether they had the resources to carry on an investigation. In this situation, they limited themselves to the information received by the Police Department, which was one-sided. There was also a question as to the order of cases and why an outside person's complaint was taken when there were some local complainants as well. She reiterated she did not believe standing was the only issue needing to be addressed.

Donald Warren, 2194 E. Bearfield Subdivision, noted many of those in Columbia did not necessarily live within the Columbia city limits and asked the Council to not forget about those people as they should be able to file a complaint as well.

Eapen Thampy, 121 S. Tenth Street, wondered how a complaint could be filed in a situation by an orphan from another community that was in Columbia for school and without friends that would speak for him due to fear of reprisal. He did not believe standing should be restricted as there were not enough checks on the police in terms of ruining lives and hurting people.

Karl Skala, 5201 Gasconade Drive, stated he was in opposition to these changes because the CPRB was established with the understanding the Board would be allowed to operate for a while prior to the Council making changes that might be necessary. The first case just happened to have drawn a lot of attention. He agreed they did not want the CPRB wasting its time on frivolous or unnecessary cases, but it was within the Board's purview to make those choices, and they did not have to accept those choices either. He referred to a Missouriian article indicating the issue of standing had been handled differently by other police review boards, but a study of the polices governing members of NACOLE showed a decision to limit eligibility in the appeals process could put the Columbia CPRB in the minority. He noted the CPRB was established to protect Columbia citizens and Columbia police officers, and wondered what might happen if a police officer moved to another locality. He suggested the Council wait to make changes.

John Schultz, 1301 W. Colchester, commented that this amendment was proposed after one out of state request and believed the change was premature at this time. He also felt the suggested list of those who could file a complaint was artificially narrow. He wondered why County residents would not be allowed to file a complaint. He asked why they would allow a family member who had heard about the incident file a complaint, but would not allow friends or acquaintances who had seen the incident to file a complaint. He questioned whether a victim's lawyer who might not reside within the City should be allowed to file a

complaint. He asked the Council to table this proposed amendment until they had further data and more experience with the complaint system.

Eric Dearmont stated he was representing the Columbia Police Officers Association and thanked the Council for taking a proactive step in addressing this problem. He explained they were support of items (1), (2) and (3), but viewed item (4), which would allow any resident to make a complaint, to be expansive. He thought it should be limited to any individual, resident or otherwise, that had some interest greater than that of the general public, and asked the Council to take that into consideration.

Greg Ahrens, 1504 Sylvan Lane, stated he opposed the proposed changes at this time. Columbia hosted people from all over the world to shop, attend sporting events, etc., and he believed they should have the same standing as anyone else. He pointed out complaints were reviewed by the Police Department, so frivolous complaints were not passed on to the CPRB. He believed all other cases should be heard.

Paul Love, 100 Sondra, commented that he thought it was unfortunate the first complaint was from someone out of state who was not filing the complaint because they objected to how the situation was handled, but was filing the complaint to bring attention to an attempt to legalize marijuana. He suggested the Council wait a while before limiting who could file a complaint. He thought they should allow situations to be brought to the public even when the person affected might be afraid. If they had a lot more issues in terms of standing, he agreed they should then implement limits. He thought they should be cautious at this time.

Mayor McDavid understood the CPRB recommended this change by a 5-2 vote. Mr. Boeckmann stated that was correct.

Mr. Thornhill agreed this was a proactive attempt to fix a flaw in the ordinance, but suggested an opportunity for a County resident, an attorney or a friend to file a complaint as well if this were to move forward.

Mr. Thornhill made a motion to amend B197-10 by changing item (2) to “Any family member, friend or attorney of an alleged victim of misconduct of a police officer; or” and by changing item (4) to “Any resident of Boone County.”

Chief Burton asked if they were assuming the alleged victim could not make a complaint on their own, and if that was the case, he wondered why they would accept a complaint from an uninvolved party. He suggested an advocate be allowed to represent an alleged victim if the alleged victim was unable to file a complaint.

The motion made by Mr. Thornhill to amend B197-10 by changing item (2) to “Any family member, friend or attorney of an alleged victim of misconduct of a police officer; or” and by changing item (4) to “Any resident of Boone County” was seconded by Ms. Nauser.

Mayor McDavid commented that the ultimate recourse of a victim was through the civil courts and most attorneys would not want their client to testify prior to the civil trial. He explained this was a first step. The situation that had occurred had trivialized and marginalized the CPRB, and they were also asking for a clarification regarding standing. He thought Mr. Thornhill’s suggestion was a prudent way to slightly broaden it. He did not believe this would be the last change made.

Ms. Nauser recalled an advocate being involved when the CPRB was originally discussed. Mr. Boeckmann explained the advocate was available after a complaint had been filed.

The motion made by Mr. Thornhill and seconded by Ms. Nauser to amend B197-10 by changing item (2) to “Any family member, friend or attorney of an alleged victim of misconduct of a police officer; or” and by changing item (4) to “Any resident of Boone County” was approved unanimously by voice vote.

Ms. Hoppe believed any reasonable situation would be covered with the amendment.

B197-10, as amended, was given third reading with the vote recorded as follows:
VOTING YES: THORNHILL, KESPOHL, DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ.
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.

- B183-10 Approving amendments to the FY 2008 Action Plan; appropriating CDBG funds.
- B184-10 Vacating utility and access easements located adjacent to Lot 8 and Lot 11 within Hilton Plat No. 5 Subdivision on the west side of Fairview Road, north of Bernadette Drive.
- B186-10 Accepting conveyances for utility purposes.
- B187-10 Authorizing a Release of Restrictive Covenants burdening property at 1805 East Walnut Street in favor of Stephens Lake Park Property.
- B188-10 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for the WIC Supplemental Food Program; appropriating funds.
- B189-10 Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- R158-10 Setting a public hearing: construction of a water main serving Magnolia Falls Subdivision.
- R159-10 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for the Show Me Healthy Women Program.
- R160-10 Authorizing an affiliation agreement with The Curators of the University of Missouri on behalf of the School of Medicine, Office of Medical Education and University of Missouri Hospital and Clinics to provide students educational experience in sexually transmitted disease clinical services.
- R161-10 Authorizing an agreement with the Howard County Public Health Department for emergency planning, preparedness and epidemiology services.
- R162-10 Accepting an emergency shelter grant program contract with the State of Missouri, Family Support Division; authorizing agreements with various human service agencies.

- R163-10** **Authorizing an agreement with Missouri River Communities Network for development and implementation of the Missouri Clean Water AmeriCorps Program.**
- R164-10** **Appointing William S. McKenzie, John T. Clark and Jack H. Morgan as associate municipal judges.**

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

NEW BUSINESS

- R165-10** **Authorizing an operations agreement with Thumper Productions, LLC for the 2010 Roots 'N Blues 'N BBQ Festival.**

Upon her request, Mayor McDavid made a motion that Ms. Nauser be allowed to abstain from voting on R165-10 due to a conflict of interest. Ms. Nauser noted on the Disclosure of Interest form that her husband was in alcohol sales. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

The resolution was read by the Clerk.

Mr. Watkins provided a staff report and pointed out the only unresolved issue was what was fair in terms of compensation for the City's out of pocket costs. The City believed the out of pocket additional cost was about \$20,000. Thumper had proposed \$17,500 or a portion of each ticket price.

Mr. Sturtz asked about the precedent for charging the \$20,000 for the additional safety personnel. Mr. Watkins replied they generally tried to support festivals within the community, but this was the largest and required the most City out of pocket costs. The City felt \$20,000 was a fair amount.

Ms. Hoppe asked if less safety personnel would be used if attendance was lower. Mr. Watkins replied yes. Last year, they accepted a portion of the ticket price and received about \$14,500. Ms. Hoppe understood if there were higher ticket sales, more safety personnel would be needed. Mr. Watkins stated they needed to have a general level of personnel.

Richard King stated he was representing Thumper Productions and replied the flat fee suggested by Mr. Watkins was acceptable to them. He thought they might want to consider percentage of ticket sales in case tickets sales were higher than last year.

Ms. Hoppe understood he would be okay with the \$20,000 instead of the \$17,500. Mr. King replied they anticipated an increase in ticket sales this year, and although they came up with \$17,500, he understood why staff was suggesting \$20,000.

Mr. Thornhill asked when the tickets went on sale. Mr. King replied tickets were already on sale.

Besty Farris, 4307 Glen Eagle Drive, stated she was also representing Thumper Productions and thanked the Council for its support of the festival. She explained a percentage of the ticket sales would provide an opportunity for the City to generate in excess of \$20,000. They anticipated the festival growing and she believed it had a wonderful economic impact for the City.

Paul Love, 100 Sondra, stated he thought this was a fabulous event and a great public/private partnership.

Mr. Kespohl stated he wanted the festival to continue and believed the City should support it.

Mr. Kespohl made a motion to amend the agreement to require a guaranteed \$17,500 for the out of pocket cost of safety personnel.

Mayor McDavid commented that he would prefer \$20,000 and believed this event would be highly successful.

The motion made by Mr. Kespohl to amend the agreement to require a guaranteed \$17,500 for the out of pocket cost of safety personnel was seconded by Mr. Dudley and defeated by voice vote with only Mr. Kespohl, Mr. Dudley and Ms. Hoppe voting yes and Ms. Nauser abstaining.

Mayor McDavid made a motion to amend the agreement to require a guaranteed \$20,000 for the out of pocket cost of safety personnel. The motion was seconded by Mr. Sturtz and approved by voice vote with Ms. Nauser abstaining.

The vote on R165-10, as amended, was recorded as follows VOTING YES: THORNHILL, KESPOHL, DUDLEY, HOPPE, MCDAVID, STURTZ. VOTING NO: NO ONE. ABSTAINING: NAUSER. 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.

- B198-10** **Renaming Maryland Avenue between Conley Road and Kentucky Avenue to Tiger Avenue.**
- B199-10** **Approving the Final Plat of Hunter’s Landing, Plat No. 1 located on the southeast corner of Blue Ridge Road and Garth Avenue.**
- B200-10** **Approving the Final Plat of The Village at Wyndham Ridge, Plat No. 1 located on the southeast corner of Thornbrook Terrace and Scott Boulevard.**
- B201-10** **Appropriating funds for the Columbia Regional Wastewater Treatment Facility Improvement Project and the Landfill Gas Power Plant Heat Recovery Project.**
- B202-10** **Appropriating funds for the purchase of three transit buses and two Paratransit vans.**
- B203-10** **Accepting conveyances for sewer, utility, drainage, access to storm water facilities and street purposes.**
- B204-10** **Accepting Stormwater Management/BMP Facilities Covenants.**
- B205-10** **Authorizing the acquisition of land and easements for construction of non-motorized intersection improvements at Providence Road and Business Loop 70.**
- B206-10** **Authorizing the acquisition of easements and land for construction of the Hominy Branch Outfall Relief Sewer, Phase I.**

- B207-10 Authorizing construction of the Hominy Trail Phase I (from Broadway to Woodridge Drive) project; calling for bids through the Purchasing Division.
- B208-10 Authorizing the acquisition of easements for construction of the Hominy Trail Phase I (from Broadway to Woodridge Drive) project.
- B209-10 Authorizing construction of a water main serving Magnolia Falls Subdivision; providing for payment of differential costs.
- B210-10 Accepting conveyance; authorizing payment of differential costs for construction of a water main serving Lots 4301, 4305 and 4307 within McMickle Ridge Subdivision; approving the Engineer’s Final Report.
- B211-10 Accepting conveyance; authorizing payment of differential costs for construction of a water main serving The Villages at Arbor Pointe, Plat 3; approving the Engineer’s Final Report.
- B212-10 Approving a settlement agreement with T-Mobile.
- B213-10 Transferring balances and appropriating funds from Capital Projects funds.
- B214-10 Amending Chapters 13 and 22 of the City Code to increase sewage service utility rates.
- B215-10 Amending Chapter 22 of the City Code to increase residential service solid waste utility rates.
- B216-10 Amending Chapter 27 of the City Code to increase electric rates.
- B217-10 Amending Chapter 27 of the City Code to increase water rates.

REPORTS AND PETITIONS

REP77-10 Intra-Departmental Transfer of Funds Requests.

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

REP78-10 National Biker Roundup 2010.

Mr. Watkins provided a staff report and noted this was provided for informational purposes. He explained the economic impact was estimated to be over \$6 million.

Ms. Hoppe asked if the bus service was used and if there were any numbers associated with it. Mr. Watkins replied he did not have that information, but could obtain it.

Ms. Nauser asked how many people had come to town. Mr. Watkins replied the estimates were 20,000-22,000 people on Friday and Saturday, and 8,000 people on Thursday. Ms. Steiner stated they were waiting to hear from the National Biker Roundup regarding the number of wrist bands sold. With regard to the buses, they were about half full on Friday night, but on Saturday night, they had people waiting 80 deep to use the buses because the fairground parking had filled up.

REP79-10 Cosmo-Bethel Park Trout Fishing Program.

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

Mr. Dudley stated he understood Trout Unlimited was interested in pursuing a partnership and he would talk to them and get back to staff. Mayor McDavid understood

there was a possibility this would be funded by an outside entity. Mr. Dudley explained Trout Unlimited would be willing to share in the cost of the program with the City.

Mr. Hood explained that when the program was first initiated, the Department of Conservation funded 50 percent of the cost, and the City and Trout Unlimited each funded 25 percent of the cost. The total cost of the program was about \$5,000 per year. Over the years, the City absorbed 50 percent of the cost with the Department of Conservation absorbing the other 50 percent of the cost. If Trout Unlimited was willing to raise money in support, they would be willing to pursue the program again.

REP80-10 Maplewood Barn Construction Update.

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

Ms. Hoppe suggested the barn be situated in a location where the highway noise would be less than it was previously. Mr. Hood stated they were aware of the issue and were trying to address it as well.

REP81-10 Art at the Airport.

Mr. Watkins and Ms. Hunter provided a staff report.

Ms. Hoppe commented that she requested the report so the Commission on Cultural Affairs would start thinking about the issue. She thanked staff for the report.

REP82-10 Request for R-3 Zoning Text Amendment.

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

Mayor McDavid made a motion directing staff to proceed with the preparation of a zoning text amendment to the R-3 district, hold a public hearing and forward a recommendation to Council for final consideration. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

REP83-10 REDI Additional Funding Request - \$20,000.

Mr. Watkins provided a staff report.

Mayor McDavid made a motion directing staff to prepare legislation appropriating \$20,000 from the Council Reserve account for Council consideration. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Eapen Thampy, 121 S. Tenth Street, noted he had provided a thumb drive with information gathered by Rick Gurley, a private investigator, regarding the David Riley incident. He stated a young man was brutally beaten for no reason and that the Columbia Police Officers Association was not being truthful in its releases. His organization would be conducting a fundraiser for Mr. Riley's family. He asked the Council to take this issue seriously and to do what it took to end the influence of the Columbia Police Officers Association in setting law enforcement protocols and in stymieing effects of the democratic process that protected citizens and their rights.

Rick Gurley, 1304 Dawn Ridge, commented that he was not sure it was appropriate to bring this information to the Council, but was asked to do so by Mr. Thampy. He only wanted awareness brought to this issue and thought the Council should view the information on the thumb drive. He noted this started as an alcohol compliancy check that involved a juvenile and he summarized the situation and its associated problems.

Mayor McDavid asked if a complaint had been filed with the Citizens Police Review Board. Mr. Gurley replied a complaint had been filed with the Police Department as an internal investigation.

Mr. Kespohl asked when this incident had occurred. Mr. Gurley replied September 29, 2009 at approximately 11:30 p.m.

John Schultz, 1301 W. Colchester, stated he was surprised with the design of the bicycle boulevard at Windsor Avenue as right turns from northbound College on Windsor would not be allowed per a *Missourian* article.

Mr. Sturtz thought that might be a misprint. Mr. Schultz understood there was a misprint in the memo from City staff, not in the article in the *Missourian*. Mr. Sturtz understood a left turn from southbound College would not be allowed. Mr. Schultz stated the right turn was restricted as well. He noted this was different than what had been presented to Council from City staff in October. He wondered what could be done to ensure the information to Council that the public relied upon was correct.

Ms. Hoppe stated she was surprised when she saw this as well as this was not her understanding either. Mr. Sturtz asked how that could be limited. Ms. Hoppe replied there was no way to cross with the bollards that had been placed there. Mr. Schultz explained he had not gone out there to investigate and was only addressing the Council based upon the *Missourian* article.

Mayor McDavid asked staff to provide a report explaining the situation with regard to what was approved and any possible remedy at the next Council Meeting.

Eric Dearmont stated he was representing the Columbia Police Officers Association and provided the Council with a media release on behalf of the Association with regard to the Riley incident.

Abhi Sivasailam, 3517 La Mesa, thought the Riley incident needed to be looked at in more detail. With regard to the Citizens Police Review Board, he believed there were concerns regarding the level of objectivity they could expect. He explained Susan Smith worked at Columbia College and was likely the instructor for several current and former police officers, and asked the Council to look into that issue as well.

Ms. Hoppe reminded the public that trash was supposed to be placed at the curb at 4:00 p.m. at the earliest the night before trash pick up day. This weekend there were large amounts of trash in front of many homes in the East Campus neighborhood. In addition, the large dumpsters were overloaded with 5-6 times more trash than it could hold. She suggested additional trash out early pick ups in an effort to enforce City ordinances, and understood that was done Saturday morning and would be done again next weekend. She

noted she had photos she would share. She asked the public to follow the ordinances and pointed out there would be a \$50 fine for those that did not in terms of trash out early pick up.

Ms. Hoppe asked staff to consider requiring all outside trash to be in hard containers until it was placed at the curb for trash pick up. She suggested the Office of Neighborhood Services look into the issue. Currently, people were placing large amounts of trash bags outside of their homes, but not at the curb. Animals were getting into them and they smelled. She asked for a report with a recommendation to be provided.

Mayor McDavid asked for a report regarding the feasibility and legality of a gross receipts tax on the parking utility.

Mr. Sturtz noted the meeting with the Columbia Public Schools, City staff and neighbors on North Sixth Street regarding the proposed Jefferson Junior High parking lot would be held on August 30. Some neighbors on North Sixth Street had drafted a list of questions, which he would e-mail to staff for a response prior to the meeting on August 30.

Ms. Nauser asked for a report from staff regarding the utility billing situation at 1206 Vintage Drive.

Ms. Hoppe understood a mobile rotating message billboard had been parked at the lot on the northeast corner of Providence and Broadway without a driver. She thought this might violate the City's ordinance in terms of advertising and billboards. She asked for a report from staff indicating whether this was a violation or not.

Mr. Thornhill understood this was a truck. He wondered if the driver had just stopped for a few minutes as he did not believe they left those parked in places. Ms. Hoppe explained she did not personally see it. She understood this was being done to get around the ordinance.

Mr. Boeckmann thought they were already looking into the situation as they had received an e-mail regarding the issue earlier today.

The meeting adjourned at 10:57 p.m.

Respectfully submitted,

Sheela Amin
City Clerk